



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

List of issues prior to submission of the twentieth and twenty-first combined periodic reports of India*

General information

1. Please provide information on any significant developments of a legislative or institutional nature or in terms of policy that have taken place in the State party since the previous review and through which human rights, in particular those covered by the Convention, are promoted and protected.
2. Please provide disaggregated data on the composition of the State party's population, including on national and ethnic minorities, scheduled castes and scheduled and other tribes, and non-citizens such as asylum seekers, refugees, stateless persons and migrants, taking into account the Committee's general recommendations No. 8 (1990) and No. 24 (1999), and paragraphs 10 and 12 of its revised reporting guidelines. Please provide statistical information on the economic situation of ethnic minorities and on their enjoyment of the rights protected under article 5 of the Convention, disaggregated by, inter alia, gender and age.
3. Please provide information on the status of the Convention in the domestic legal order and indicate, providing examples, whether it has been or can be directly invoked in domestic courts.

Article 1

4. With reference to its previous concluding observations,¹ the Committee reiterates its position expressed in its general recommendation No. 29 (2002) that discrimination based on "descent" includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights. The Committee thus reaffirms that discrimination based on the ground of caste is fully covered by article 1 of the Convention. Please provide information that shows the extent to which the legal order of the State party, at both the constitutional and statutory levels, provides for a prohibition of racial discrimination that is in line with the definition of that term contained in article 1 of the Convention.
5. Please provide information on measures taken to formally recognize all tribal peoples in the State party as distinct groups entitled to special protection under national and international law and the Convention, including those who have allegedly been displaced and work on plantations in Assam. Please also provide information on the criteria used for determining the membership of scheduled and other tribes, as well as information on the National Tribal Policy.

* Adopted by the Committee at its 104th session (9–25 August 2021).

¹ CERD/C/IND/CO/19.



Article 2

6. Please provide information on the enjoyment in practice by members of scheduled castes and scheduled and other tribes of the rights guaranteed by the Convention. Please also provide information on measures taken to implement existing anti-discrimination and affirmative action legislation, and the concrete impact of such measures, disaggregated by caste, tribe, gender, State/district and rural/urban population. Furthermore, please provide disaggregated data on the percentages of the Union, state and district budgets allocated for that purpose and on the effects of those measures on the enjoyment by members of scheduled castes and scheduled and other tribes of the rights guaranteed by the Convention.

7. Please provide details on the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Taking into account intersectionality, please provide information on steps taken to ensure that Dalit Muslims and Dalit Christians and all members of scheduled castes and scheduled tribes who have converted to another religion are eligible to benefit from affirmative action benefits and from the provisions of that Act.

8. Please provide information on measures taken to repeal the Habitual Offenders Act and effectively rehabilitate the denotified and nomadic tribes concerned. Please also provide information on steps taken towards implementing the recommendations of the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes.

9. Please provide information on measures taken to repeal the Armed Forces (Special Powers) Act.

10. Please provide information on measures taken to ensure that the National Human Rights Commission of India has adequate human and financial resources to carry out its mandate fully. Please also provide information on whether the Commission has a mandate to receive and consider complaints of acts of racial discrimination. Furthermore, please provide information on the activities of the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes and on all other State human rights institutions involved in protecting and promoting rights under the Convention.

11. Please provide information on measures taken to ensure that the State party's decision to end the special status of Jammu and Kashmir and enact new laws will not lead to discrimination against any minorities on the grounds of race, colour, descent or national or ethnic origin, including with regard to employment and land ownership.

Article 3

12. Please provide information on measures taken to intensify efforts to enforce the Protection of Civil Rights Act, 1955, especially in rural areas, including by effectively punishing acts of "untouchability". Please also provide information on effective measures taken to eradicate segregation in all schools and residential segregation, and to ensure equal access for Dalits to places of worship, hospitals and all other places or services intended for use by the general public.

Article 4

13. Please provide information on the legal provisions taken by the State party, including in the Constitution and the Penal Code, and other measures taken that give effect to article 4 of the Convention. Please also provide information on how these provisions have been and are currently applied regarding concrete allegations of racist hate speech and racially motivated attacks against groups, including the Rohingya Muslim community, Africans, members of communities from the North Eastern Region of India and members of scheduled castes and scheduled and other tribes. Furthermore, please provide information on measures taken to follow up on the Committee's letters regarding the racially motivated attacks against African students that the Committee sent in August 2018 under its early warning and urgent action procedure.

14. Please provide information on whether racist motives, including for caste and tribe based crimes, are considered an aggravating circumstance under domestic penal legislation.

Article 5

15. Please provide information on steps taken to:

(a) Prevent and investigate allegations of arbitrary arrests, enforced disappearances, torture, extrajudicial killings, including “fake encounters”, and sexual and other violence against members of scheduled castes and scheduled and other tribes by members of the police, the military and other State security forces;

(b) Take disciplinary or criminal law measures against police and other law enforcement officers who violate their duty of protection and/or investigation in relation to crimes against scheduled castes and scheduled and other tribes;

(c) Ensure that the enforcement of lockdown restrictions by the police in the context of the coronavirus disease (COVID-19) pandemic do not discriminate against persons belonging to marginalized communities, such as members of scheduled castes and scheduled and other tribes.

16. Please provide information on measures taken to effectively prevent acts of violence, including sexual violence and exploitation of Dalit and tribal women, children and girls, often perpetrated by men from dominant castes, both in public and private settings. Please include information on:

(a) Measures taken to effectively prosecute and punish perpetrators of such acts of violence and to sanction anyone preventing or discouraging victims from reporting such incidents, including police and other law enforcement officers;

(b) Measures taken to provide victims with legal, medical and psychological assistance, as well as compensation.

17. Please provide information on measures taken to:

(a) Ensure that women belonging to marginalized groups, including irregular migrants, domestic workers, scheduled castes and tribes and “backward castes” are registered as citizens and have identification cards;

(b) Remove barriers, including due to limited knowledge of birth registration procedures, bureaucratic obstacles and financial barriers, which prevent Dalit women and women from scheduled and other tribes from registering the births of and obtaining birth certificates for their children;

(c) Effectively enforce the prohibition of child marriage, the Dowry Prohibition Act, 1961 and State laws prohibiting the practice of devadasi, which mostly affects Dalit women and girls. Please provide information on steps taken to punish such acts and acts of discrimination or violence against inter-caste couples, and on steps taken to rehabilitate victims.

18. In light of the reservation policy, please provide information on measures taken to ensure the rights of members of scheduled castes and scheduled and other tribes to freely and safely vote and stand for election and to fully exercise their mandate, if elected to their reserved seats. Please also provide information on steps taken to apply the reservation policy to all categories of public service posts, including the highest, to extend it to the judiciary and the private sector and to ensure adequate representation of scheduled castes, scheduled and other tribes and ethnic minorities in Union, state and local governments and legislatures. Please further provide updated statistical data on such representation.

19. Please provide information on measures taken to ensure that the process of updating the National Register of Citizens in Assam does not lead to statelessness, detention or arbitrary deprivation of citizenship, on the implications for the individuals who are excluded from the final National Register of Citizens and on remedies available to them to contest such exclusion. Please also provide information on measures taken to ensure that members of ethnic or linguistic minorities are not discriminated against in the framework of the National Register of Citizens update and with regard to the right to nationality. Furthermore, please provide disaggregated data on the ethnicity and religion of individuals who have been excluded from the National Register of Citizens, of individuals who have been placed in

detention on the basis of this process, and of individuals who have been declared foreigners by Foreigners' Tribunals.

20. Please provide information on measures taken to protect the rights and fundamental freedoms of human rights defenders working on the rights of Dalits and tribal communities. Please also provide information on measures taken to ensure that prompt, thorough and impartial investigations on violations committed against human rights defenders are carried out, that perpetrators are prosecuted on a systematic basis, and that fair and effective remedies are available to victims, including in order to obtain reparation, including compensation.

21. Please provide information on measures taken to fully respect and implement the right of ownership, collective or individual, of members of tribal communities over the lands traditionally occupied by them in the State party, including with respect to amendments to the National Forest Policy. Please ensure that adequate safeguards against the acquisition of tribal lands are included in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and other relevant legislation. Please also ensure that the free, prior and informed consent of tribal communities is ensured regarding decisions that affect their lives, including on the use of their lands, territories or natural resources, such as construction of dams, coal mining and other large conservation, infrastructure and industrial projects.

22. Please provide information on steps taken to tackle and prevent discrimination against Dalits in all development and disaster recovery actions and programming, and to prevent caste-based discrimination from being replicated in humanitarian response actions.

23. Please provide information on steps taken to prevent and prohibit the exploitative labour arrangements to which Dalits are subjected, and on measures taken to:

(a) Effectively implement the Bonded Labour System (Abolition) Act, 1976 and ensure that the amended Child Labour Act of 2016 does not lead to increased school dropout rates of Dalit children;

(b) Ensure that all domestic workers belonging to scheduled castes and scheduled and other tribes are fully protected under labour laws and address abuse, exploitation, trafficking and forced labour faced by domestic workers in the State party;

(c) Effectively implement the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and prevent the employment of manual scavengers by state and local governments and municipalities.

24. Please provide information on measures taken to address discrimination against scheduled castes and scheduled and other tribes in relation to:

(a) Housing and access to adequate and affordable land;

(b) Access to water and sanitation, including safe drinking water and access to shared wells and public taps;

(c) Access to ration shops, adequate health-care facilities and reproductive health services.

25. Please provide information on measures taken to ensure that children from scheduled castes and scheduled tribes enjoy their right to education without discrimination, including information on steps taken to:

(a) Reduce dropout and increase enrolment rates among Dalit children at all levels of schooling, including by providing scholarships or other financial subsidies and by sensitizing parents to the importance of education;

(b) Tackle discrimination against Dalit pupils by teachers and fellow students, including classroom segregation, the use of derogatory terms for their caste, forcing them to perform manual work such as cleaning toilets and picking up garbage, and discrimination with regard to access to drinking water and midday meals;

(c) Ensure the effectiveness of affirmative action to secure the inclusion of children from marginalized groups in public and private educational institutions.

26. Please provide information on measures taken to:

(a) Adopt and implement national refugee and statelessness legislation that is consistent with international standards, ensure protection of all refugees, asylum seekers and stateless persons, including finding suitable durable solutions;

(b) End the systematic use of alleged indefinite detention of members of the Rohingya community in the State party, and fully comply with the obligation of non-refoulement, in particular in the context of deportations of Rohingya;

(c) Prevent statelessness and the risk of statelessness in the State party, including for the group of Sri Lankan refugees living in Tamil Nadu, referred to as Hill Tamils, for children born to refugees and asylum seekers, and for children born in villages situated in border areas between the State party and Pakistan.

Article 6

27. Please provide information on the number and nature of complaints received by the police, and cases brought to courts, tribunals and other administrative bodies, relating to racial discrimination, including under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Please also provide information on the convictions and sentences imposed on perpetrators and on the remedies and assistance provided to victims of such acts.

28. Please provide information on measures taken to:

(a) Ensure that members of scheduled castes and scheduled and other tribes who are victims of acts of racially based violence and racial discrimination have access to effective remedies and, to that effect, encourage victims and witnesses to report such acts, remove the barriers that exist for them at every stage of the legal process when attempting to report a crime, and protect them from acts of retaliation and discrimination;

(b) Ensure that complaints under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and other criminal law provisions are properly registered and investigated, perpetrators prosecuted and sentenced, and victims compensated and rehabilitated.

Article 7

29. Please provide information on measures taken to eradicate the social acceptance of caste-based discrimination and racial and ethnic prejudice. Please include information on steps taken to intensify relevant public education and awareness-raising campaigns and to incorporate educational objectives of inter-caste tolerance and respect for other ethnicities, as well as instruction on the culture of scheduled castes and scheduled and other tribes, in the national curriculum.

30. Please provide information on human rights education, including in relation to the rights contained in the Convention, provided in school curricula, but also for the population in general.
