

# The Success of Resistance

How local NGOs contribute to the transformation of dominant power structures  
in Southern India



**Catherine Butler**  
3438716  
Utrecht University  
13 August 2010

A Thesis submitted to the Board of Examiners in partial fulfilment of the requirements of the  
degree of Master of Arts in Conflict Studies and Human Rights

**Professor Mario Fumerton**

13 August 2010

Internship (15 ECTS) and Research & Writing (15 ECTS)

Word Count: 13,612

## Acknowledgements

My field research would never have been possible without the incredible efforts and unbelievable assistance of a number of people in Canada, the Netherlands, the United Kingdom and India. I would like to extend my profound gratitude to the following people:

Mr Henri Tiphagne and his wife Mrs Cynthia Tiphagne, your encouragement, guidance and support greatly facilitated my research process. Thank you so much for your flexibility and patience, you made my time in India truly memorable. To Keith and Kala who took care of every detail for me. Thank you to Mr Sagi and Mr Louis for accepting me into your group. Working with both of you was a very rewarding experience. Mr Thiru, I grieve the loss of your weekly wisdom. And of course, I could never have survived without my network of fellow interns, Michaela, Dirk, Bharathi, Krishna, and, of course, Pia.

The entire staff of DalitReds, who accommodated me so graciously on such short notice, your hospitality was greatly appreciated. To Jyothi, the warmth of your spirit is inspiring. I will never forget your kindness or your words. Archana, you are the perfect hostess. Thank you for taking time out of your day to take me to Reddyhalli. Best of luck with your studies, although I doubt you need it. To the entire village of Reddyhalli, their warmth, their smiles and their kindness will not soon be forgotten.

Prof. Berma Klein-Goldewijk, for helping me at the beginning of this process and for putting me in touch with DalitReds. Your contribution to my research was invaluable. Thank you so much for all your positive encouragement. You are a gifted teacher.

Prof. Mario Fumerton, my teacher, my supervisor, and my anchor throughout this year. I could never have survived this year or this thesis without the dedication, insight and guidance I received from you. Thank you for everything!

To the ladies in London for being the most incredible support system I could ever ask for.

My parents, where would I be without you both? Thank you for everything you've done and continue to do. And Ainsley, who helps me and supports me more than I admit.

Finally, I must extend my deepest gratitude to Marc Fares for his constant encouragement, unrelenting support and monk-like patience. This incredible experience would never have been possible or manageable without you; for that I am forever grateful.

## Table of Contents

<b>Acknowledgements</b> .....	<b>i</b>
<b>Key Terms</b> .....	<b>iii</b>
<b>Introduction: The Dalit Struggle</b> .....	<b>1</b>
Analytic Frames and Methodology .....	1
Structures of Dominance .....	2
Process Generalization .....	3
<b>The Pervasiveness of Caste: India’s Structural Environment</b> .....	<b>6</b>
Historical Context of Caste .....	6
India’s Human Rights Obligations .....	7
<b>Dilemmas: The Constraints of Structure</b> .....	<b>10</b>
Tensions in the Protection of Civil Rights .....	13
<b>The Mechanics of Agency: Understanding the Duality of Structure</b> .....	<b>16</b>
Collateral Consequences.....	19
<b>Triggering Social Transformations</b> .....	<b>21</b>
Society as a Human Production .....	21
The Transformation of Psychological Attachments .....	22
Socially Constructed Boundaries.....	25
<b>Concluding Thoughts</b> .....	<b>28</b>
<b>Bibliography</b> .....	<b>30</b>
Secondary Sources .....	30
Primary Sources .....	32
Legal Documents .....	32
Interviews .....	33
<b>ANNEXE A</b> .....	<b>34</b>
<b>ANNEXE B</b> .....	<b>35</b>

## Key Terms

<b>CAT</b>	Convention against Torture; signed by India in October 1997, though has not yet been ratified.
<b>CCPR</b>	Covenant on Civil and Political Rights of 1966; ratified by India in April 1979.
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women of 1979; ratified by India in July 1980.
<b>CERD</b>	Convention on the Elimination of All Forms of Racial Discrimination of 1965; ratified by India in March 1967.
<b>CESCR</b>	Covenant on Economic, Social and Cultural Rights of 1966; ratified by India in April 1979.
<b>CRC</b>	Convention on the Rights of the Child of 1989; ratified by India in December 1992
<b>INTERNATIONAL BILL OF RIGHTS</b>	This is a group of UN documents that includes the 1948 Universal Declaration of Human Rights, as well as UDHR, CESCR, CCPR and its 1st Optional Protocol.

## Introduction: The Dalit Struggle

Along with its Independence in 1947, the government of India established a constitutional and institutional framework designed to protect human rights nationally. These domestic commitments pre-date the state's obligations that came with the ratification of international human rights conventions and treaties. Despite these provisions, nearly fifty years after Independence, in 1996, an article was published in the New York Times describing the state of affairs for Dalits living in the Indian subcontinent. This was the situation they described:

“Nearly a quarter of a billion human beings in Hindu-dominated South Asia - most of them in India and Nepal - are born and die as untouchables, inheritors of an ancient system that divided people according to tasks they performed: literate Brahmins for intellectual and ritual functions, Kshatriyas as warriors, Vaishyas to farm and conduct business and Shudras to swell the ranks of servants.

Outside all of this were, literally, the out-castes, the untouchables who still sweep the floors, wash the latrines and haul away buckets of human excrement. For a traditional Hindu of the upper castes, untouchables pollute everything they touch. Most live out their lives in terrible poverty and humiliation” (Anon. 1997).

However, fifteen years later this picture remains as vivid a reality as ever to many, if not to most of India's nearly 200 million Dalits. As Dalit-leader MC Raj explains, “There is no solidarity, there is nothing but subservience and bondage” (Raj 2007: 95). It is a paradox that given India's image as the ‘world's largest democracy’, practises of discrimination and oppression are still as rampant and pervasive. As India's economy has grown exponentially and its star on the world stage has risen, Dalits have seen their position being pushed increasingly to the margins of society. As Navi Pillay asserts, “Caste is the very negation of the human rights principles of equality and non-discrimination. It condemns individuals from birth and their communities to a life of exploitation, violence, social exclusion and segregation” (2010). In spite of the embeddedness of the casteist principles in the fabric of Indian society, changes are coming, albeit incrementally and gradually. Transformations at both the domestic and international levels are giving increasing impetus to the critical assertion of the socio-political consciousness of Dalits.

### Analytic Frames and Methodology

How do local NGOs contribute to the transformation of social structures of dominant power in their processes of local contention? The assumption underlying this question is that institutional, political and social structures are associated with the perpetuation of high levels of discrimination. Critically, this analysis will focus on how local NGOs in the southern Indian states of Karnataka and Tamil Nadu have sought, through their actions on the ground, to transform the dominant power

structures embodied in the caste system. Fundamental to this relationship, is the interconnectedness of agency and structure. In order to assess the impact of agency, the structural environment in which action is contained must be established. As a result, the mechanisms that perpetuate practises of caste-based discrimination can be understood. Notably, the cognitive and social effects that structures of dominance and reified relational properties have at the individual level will be explored.

## **Structures of Dominance**

Michael Foucault argues that power can have productive properties with significant social implications. He states, “What makes power hold good, what makes it accepted, is simply the fact that it doesn’t only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse” (Foucault 1990: 119). This is aligned with Johan Galtung’s description of structural violence. Effectively, he explains this as a spiritual death that awaits people for whom life has no meaning (Galtung 1985: 146). Structural violence is therefore a process whereby the reproduction of the social system in everyday encounters works slowly, through the persistence of deprivation, hunger and misery, to erode the spirit and eventually kill (Galtung 1985: 145). Otherwise stated, structural violence is systemic denial of fundamental human needs, which are effectively ontological desires for individual and communal survival and well-being (Azar 1990:7). Galtung’s assessment is complemented by Paulo Friere’s conception of the ‘banking system’. The banking concept is effectively a process of unilateral knowledge transfer from an informed ‘teacher’ to an ignorant ‘student’. The authority of this ‘teacher’ is thus legitimized by the student’s passive acceptance of his role in the hierarchical relationship (Cho and Lewis 2005: 314). The fundamental assumption of structural violence is advanced in Vivienne Jabri’s structurationist theory of conflict.

Structuration is the ontological account of the relationship between agency and structure. Accordingly, the role of social systems can be simultaneously understood as the medium for and the sum of agent-structure interactions (Jabri 1996:78). Decisively, manifestations of violence as a form of direct, physical violence must be differentiated from situations in which the material conditions of social life prohibit the development of human potential (Jabri 1996:58). Fundamental to this notion, is the idea that structures are the vehicles through which discrimination is propagated. As such, the aim of the structuration is to demonstrate how agency and structure are mutually constitutive insofar as action is only meaningful relative to its relationship with its structural environment. Structures are thus the result of human behaviour (1996:78). Anthony Giddens refers to the ‘duality of structure’ to draw attention to this mutually constitutive liaison.

These structural modes of dominance are reproduced by individuals and, as a result these behaviours become instrumentalized and normalized on the ground. As Jabri explains, “The structural properties of social systems may be so deeply embedded that actors’ knowledge of these systems, through both practical and discursive consciousness, may reify specific social relations so as to neutralise

historically contingent conditions; it is the production and reproduction of social systems whose structured properties are drawn upon by agents in interaction that define the continuities of social life” (1996: 82). Although structures are contingent on human action, political actors are constrained by the historicized effects of this structural context. It is against this background that the role of individual agency becomes increasingly apparent.

Galtung’s argument is further taken up by the concept of *conscienctizacao* (conscientization) asserted by Paulo Friere in the *Pedagogy of the Oppressed*. Effectively, this is the process whereby the oppression of the object or the individual as a result of the banking concept, is transformed through the assertion of critical consciousness (Cho and Lewis 2005:325). In other words, liberation comes as a result of the satisfaction of the basic human needs, namely the desire to belong and survive, as well as the actualization of self-worth. At the core of this argument is the assumption that dominant power has a psychological component that manifests itself unconsciously.

Additionally, Daniel Cho and Tyson Lewis maintain that there exists an asymmetric tension between the unconscious attachment one has to hierarchical modes of power and the transformative intentions of Freire’s liberationist pedagogy (Cho and Lewis 2005:316). Subsequently, an invisible and unacknowledged bond forms between the individual and the structure that perpetuates his oppression. Cho and Lewis explain that an irrational fear of freedom can develop as a result of a constant lack thereof. This deficiency is predicated on the continuation the object/subject dialectic that is prevalent within a hierarchical society and replicated throughout the banking process (2005: 321). It is precisely this psychological attachment that political actors must contend with in order to affect meaningful social transformations.

In his writing, Galtung underscores the need to transform the structures that perpetuate this latent violence. He states, “Social-political consciousness is to understand how the structure works, an important step in the transformation of such structures” (Galtung 1985:145). In order to understand how these changes are possible, the interaction between agents of contention and structures of dominance must be examined. Through this lens, the mechanics of agency will be dissected into their constituent components.

## **Process Generalization**

“Thevars [caste Hindus] treat Sikkaliars [Dalits] as slaves so they can utilize them as they wish. They exploit them sexually and make them dig graveyards for high-caste people’s burials...These are all unpaid services” (in Narula 1999:1). This quote, by a social activist from the Madurai district of southern Tamil Nadu, aptly summarizes the practise of ‘untouchability’ that is characteristic to the caste system. Dalits are a diverse and unique group, whose struggle for recognition and rights has been largely ignored by the outside world for most of history. Being a Dalit in contemporary India involves living in



a cycle of debt bondage that is passed from generation to generation (Narula 1999:23). Astoundingly there are currently 200 million Dalits in India (IDSN, no date). Given India's growing prominence on the world political stage, as well as its rising economic strength and its democratic framework, the persistence of caste discrimination is perplexing and remarkable. The state's inability or unwillingness to directly address the persistence of caste discrimination has given rise to an increasingly active and strong civil society in which nongovernmental organizations figure prominently. Accordingly, this analysis centers on how local NGOs work to counteract these state failures.

Having been granted the opportunity to conduct field research in southern India, it became increasingly apparent that Dalits, as well as the organizations that represent them are a diverse group with a varied array of concerns and interests. Dalits in India today are religiously mixed, regionally dispersed and internally fragmented. What is more, given the sub-divisions present within the broad caste category, not all Dalits see themselves as equals. Therefore, as Clifford Bob explains, "Given this diversity, viewing Untouchables as a single cohesive group is sociologically problematic" (2007:171). Additionally, my research was facilitated by my three month internship at People's Watch, a human rights NGO based in Madurai, Tamil Nadu.

This opportunity enabled me to gain practical knowledge of and insight into the inner-workings of organizations, how they interact with and operate within the contextual institutions and political structures, as well as how they connect with people on the ground. This internship allowed me to closely observe how contentious actions are locally organized and undertaken, as well as how strategies are shaped. I was also given the chance to interact with victims of caste atrocities, as well as engage in meaningful exchanges with members of multiple caste groups. In addition, I visited a Dalit village outside the Tumkur district of Karnataka, which permitted me to view first-hand how NGOs are impacting local conditions and altering inter-caste dynamics. This visit was organized by DalitREDS, a Tumkur-based organization that focuses exclusively on securing the civil rights of Dalits. Importantly, both People's Watch and DalitREDS were featured in a study of untouchability commissioned by Human Rights Watch and undertaken by Smita Narula.

The contentious activities of the above mentioned NGOs will constitute a sample upon which generalizations about the nature and shape of the Dalit movement can be made. Therefore, these actions will be analyzed in order to determine which mechanisms and processes affect positive social changes. As such, this analysis will yield generalizations about how structural violence can be transformed from the bottom-up.

In their studies of contentious politics, Sidney Tarrow and Charles Tilly outline a methodological framework that facilitates the study of social movements. They describe the mechanisms and processes that contribute to the potential for success or failure of a social movement. Whereas mechanisms are

understood as a set of delineated events that “alter relations among specified sets of elements in identical or closely similar ways over a number of situations”; processes can be considered the compounded effects of the sequences that produce transformations (Tarrow and Tilly 2007:29). Significantly, Tarrow and Tilly indicate that mechanisms and processes combine in accordance to the structural setting within which the contentious movement operates (2007:31). Moreover, they refer to transnational activist networks as a group of relevant actors working internationally on an issue, bound by shared values and a normative discourse (2007: 171). Included in this broad multinational network are nonstate actors, like NGOs and international NGOs, as well as activists. Political actors and social movements are navigating within an increasingly complex international political opportunity structure. Effectively, the tensions that arise from this relationship form the crux of the research puzzle. Critical to this analysis, is the impact that the dynamics of contention have at a local social level. As such, the methodological process involved in this analysis draws heavily on the mechanism-process approach to contention outlined by Tilly and Tarrow. In particular, this method will be combined with what they refer to as a *process generalization*.

Tilly and Tarrow provide the concepts and methods necessary to analyze social movements. As such, they outline the steps involved in the mechanism-process approach to explaining contention (Tilly and Tarrow 2007:207). In addition, they distinguish between four variants to this approach; however, this analysis will build on what they identify as a *process generalization*. Moreover, Tarrow and Tilly outline the eight fundamental steps to follow, which include (1) identify the sites of contention that are being studied; (2) describe the relevant conditions at these sites when the contention began; (3) identify and describe the *streams of contention*<sup>1</sup> at these sites; (4) specify the outcomes of *contentious episodes*;<sup>2</sup> (5) break up the streams into their episodes; (6) search episodes for their constituent *mechanisms*<sup>3</sup> that produce significant changes; (7) reconstruct the *processes*<sup>4</sup> into which the mechanisms are compounded; (8) present the analysis in comparisons to established models of contention (2007: 209-210). To adequately respond to the research question, the eighth step of the process instead posed the question; how has this contentious campaign affected the on-the-ground conditions with regards to caste? The broader transnational activist network was effectively an additional step that preceded Tilly and Tarrow’s outlined framework. Significantly, this account concentrates on the process of contention itself, as well as how it arises and what the social effects are (Tilly and Tarrow 2007:208). Ultimately, this methodology enables the analysis of how local NGOs contribute to the transformation of the structures that perpetuated discrimination based on caste.

---

<sup>1</sup> Tilly and Tarrow explain that “streams of contention contain connected moments of collective claim making that observers single out for explanation” (2007:204).

<sup>2</sup> Tilly and Tarrow describe ‘contentious episodes’ as bounded sequences of continuous interaction (2007:36).

<sup>3</sup> Tilly and Tarrow describe ‘mechanisms’ as delimited class of event that alter relations among specified sets of elements in identical or closely similar ways over a number of situations (2007:29).

<sup>4</sup> Tilly and Tarrow describe ‘processes’ as regular combinations and sequences of mechanisms that produce similar transformations of those elements (2007:29).

## The Pervasiveness of Caste: India's Structural Environment

The central purpose of this study is to qualitatively analyse how NGOs contend with the constraining and facilitating properties of the structures that shape their environment. To undertake this comprehensively, it is necessary to be positioned within the institutional, political and social frameworks that shape Indian society. First and foremost, it is imperative to understand the significance that institutional, political and social structures have at the individual level. By situating the individual within the normative structures that govern society, it becomes possible to discern the meaning of action. This relationship, identified by Giddens as the 'duality of structure', will be analysed in order to adequately recognize the implications of reproduced and reified social structures. Underlying Giddens' concept is an emphasis on the inherent interdependence of social agents and their structural environments (Jabri 1996:84). Agents and structures are therefore mutually constitutive and as such, applying the concept of 'duality of structure' to episodes of NGO caste-related contention highlights the significance of actions at the local level. Ultimately, the dilemmas that arise from the interaction of agency and structure will provide insight into where social transformations are coming from and how they are taking shape.

### Historical Context of Caste

From the perspective of the very poor, poverty is primarily a state of perpetual defencelessness and hopelessness that is compounded by their exclusion from social and commercial life. This logic asserts that people who fall within this category are barely able to provide basic household necessities, like food and water, due to the constant state of fear, ignorance and humiliation they face. Although this reflects the situation in Albania, these qualitative dimensions equally describe the conditions of extreme poverty, very much applicable to the situation of Dalits in India. The Indian caste system is considered to be the world's longest surviving systems of social hierarchy and as such, the nation's current structural landscape is one of intricate and unique complexity (Narula 1999:24). Therefore, understanding the nature and origin of the caste system is essential to deciphering the normative order of Indian society.

Intrinsically, caste is connected to the Brahminic doctrines of *Varnas* and constitutes a defining feature of Hindu society (Raj, no date, c). The *Varnas* are a historic system of social classification intimately entrenched in notions of ritual purity. This system effectively divides people into four basic hierarchical groups: *Brahmins* (priests and teachers), *Kshatriyas* (rulers and soldiers), *Vaishya* (merchants and traders) and *Shudras* (labourers and artisans). Within these four principle divisions, there exists thousands of smaller caste categories and sub-groups known as *jatis* (Narula 1999:25). Caste Hindus are thus those who fall within the main Varnastic groups; Dalits or Untouchables however, do not fall into any of these categories. They form a fifth group which has traditionally occupied a social position that is

considered too ritually polluting to merit inclusion into this Varnastic order (Narula1999:25).

Fundamentally, the concept of 'caste' hinges on the idea that some groups are inferior to others (Bob 2007:169). The caste system is a historically and politically produced structure that, over time, has reified certain relational dynamics.

This is particularly accurate with regard to the relationship between caste communities and Dalits. In other words, the perpetuation of the caste system through everyday interactions and through structures of dominance has instrumentalized local caste relations. Jabri elaborates on this by stating that, "Human conduct is situated historically so that conditions that define the contextual framework of action are drawn upon reflexively and reproduced by the process of interaction, either intentionally or unintentionally" (Jabri 1996:78). Accordingly, the caste system has become a normative structure that is embedded in the everyday fabric of society. Consequently, the individual no longer regards the structure as external; rather, it is perceived as an inherent element of existence (Jabri 1996:82). Effectively, the instrumentalization of dominant power resonates with Foucault's understanding of power as productive. The hierarchical nature of this social system has created a structure that promulgates the marginalization of a broad and populous social group.

## **India's Human Rights Obligations**

India's social framework is characterized by dominant power structures that have evolved and become instrumentalized over subsequent generations. This normative order has had profound effects on India's institutional and political structures. Building on their pre-existing democratic structure, the development of India's post-independence institutional infrastructure was greatly influenced by two prominent, yet conflicting ideals; namely those of liberalism and state sovereignty. The emergence of an Independent India was inaugurated with an eloquently drafted Constitution, steeped in liberalist ideals of universal equality, fraternity and liberty. Significantly, Article 17 officially abolishes the practice of 'Untouchability', while articles 330 to 340 outline a system of Reservations for Scheduled Castes, effectively measures of affirmative action, designed to uplift the lowest caste groups. These constitutional provisions have been reinforced by legislative measures aimed at expanding their legal basis. The Protection of Civil Rights Act of 1955 and the Prevention of Atrocities Act of 1989 are two acts which represent the political efforts of the state to address caste discrimination domestically (Narula 1999:182-183). Moreover, through the Protection of Human Rights Act of 1993, the government created nine national-level human rights commissions, including the National Commission for Scheduled Castes.<sup>5</sup> These provisions are further reinforced by the legal efforts to expand constitutional coverage.

Notably, this occurred when the Supreme Court extended constitutional Article 21, which guarantees the right to life and liberty, to include the right to dignity and integrity and to be free from

---

<sup>5</sup> See Annexe A for Relevant Constitutional Articles and Annexes B for the relevant sections of the parliamentary acts.

degrading treatment (Narula 1999:179). These institutional, legal and political provisions have enabled, at least formally, the critical assertion of Dalit socio-political consciousness. State imposed norms and provisions have largely been considered ineffective and insufficient to effect any significant changes to the local context. People's Watch published a study entitled *From Hope to Despair: The Complaints Handling Mechanism of the National Human Rights Commission of India*, which details the failures of the national human rights commissions (NHRC) to seek redress for abuses committed against lower caste groups. With the average pendency period for the NHRC's response to lower caste groups being nearly two years, the report argues that national-level institutions were only established as a means of deflecting international scrutiny (Tiphagne et al. 2010:23). Most critically, the report maintains that the government felt political pressure to create these institutions, though with no intention of promoting international human rights norms domestically (Tiphagne et al. 2010:2). The role of India's national human rights commissions was been widely criticized and discredited by several nonstate actors, including People's Watch.

In addition to the national commitments of the state, India is legally obliged to comply with the provisions of the international treaties it has ratified (Hathaway 2007:589). India has ratified nearly all of the major international human rights treaties including CERD, CESCR, CCRP, CEDAW and CRC; although CAT has not as of yet been ratified.<sup>6</sup> Therefore in addition to the liberalist principles of universality upheld by the Constitution and its legal system, India is also committed to the promotion of international human rights. The obligations have significant implications, insofar as treaties, as well as their supplementary optional protocols allow individuals to seek redress against the state. From this vantage point, India's structure is designed to enable the critical assertion of Dalit consciousness, at least from a legal and political point of view. It is apparent that top-down, state-driven measures are limited in their capacity to influence social change at the lowest echelons of society.

There is an overwhelming amount of evidence to demonstrate that, in spite of state-driven initiatives, caste discrimination is still systemic and widespread. Nearly 90% of the Dalit people in India are landless or marginal land holders, having been deprived of their land by upper castes. Effectively, this has pushed Dalits outside the boundaries of governance (Raj, no date, a). In Karnataka alone, the male literacy rate is only 1.2%, while for women it is zero. Not only are Dalits the single largest demographic group in this southern state, they are also the weakest economically, culturally, politically and socially (Raj, no date, a). Crucially, these ongoing abuses and discriminatory practises violate the spirit and letter of the Constitution of India. From a structurationist perspective, it is the production of social systems, whose structural properties are reproduced in everyday interactions that define the continuities of social life (Jabri 1996:82). Accordingly, caste discrimination is located within the social structure and it acts to constrain Dalit efforts to critically assert themselves (Narula1999:29).

---

<sup>6</sup> See Key Terms.

Conceptualizing caste as a historicized system of social classification necessarily involves understanding caste discrimination as embedded in social relations. Attempts to address this practise from political vantage points have proven to be insufficient to affect profound changes. Emilie Hafner-Burton and Kiyoteru Tsutsui highlight that top-down attempts at reform may be resisted by lower-level officials with vested interests in maintaining the status quo (Hafner-Burton and Tsutsui 2007:415). Further evidence of this is illustrated by Narula, who documents the patterns of caste discrimination across society. She emphasizes the correlation between the perseverance of caste discrimination and low-level corruption, specifically among the police force (Narula 1999:23). Caste discrimination is pervasive and intricately woven into the very fabric of society; it resides within the individual's inner consciousness. It is obvious that legal and political provisions have fallen short of impacting these structures because they have failed to address the fundamental causes of caste discrimination.

"The Constitution is not enough. We are achieving better human rights more effectively through our smaller-scale initiatives. We strongly believe in strengthening the Dalit culture in order to obtain our liberty."<sup>7</sup> This is reinforced by Yozo Yokota<sup>8</sup> and Asbjørn Eide, who assert that although extensive affirmative action measures have been applied in India, there is widespread doubt about their effectiveness to impact the structure of dominance (2004). Given the limited effect of state-driven measures to incite social changes, the actions of NGOs and, in particular, how they contend with structurally imposed dilemmas become critical in locating the ebbs and flows of social transformation. Top-down initiatives at social transformation have only skimmed the surface; they have not been profound enough to affect transformations to the social quo at the local level. Therefore, how NGOs manoeuvre the obstacles and opportunities that confront them is critical to ascertain the significance of action and in determining the where agents of change are located.

---

<sup>7</sup> Author's interview with Jyothi Raj, Executive Director and co-founder of DalitReds, in Tumkur, Karnataka on 13 May 2010.

<sup>8</sup> On 12 August 2004, Mr Yozo Yokota, along with Ms. Chin-Sung Chung were appointed by the Sub-Commission on the Promotion and Protection of Human Rights, through resolution 2004/17 to be the Special Rapporteurs on Discrimination based on Work and Decent.

### **Dilemmas: The Constraints of Structure**

Vivienne Jabri, in her attempt to reconcile social structure and action, points to Giddens' assertion that institutional practices and social continuities are reproduced across time and space (1996:54). Accordingly, the significance of action, or agency, can only be determined relative to its relationship with structure. Determining the prominence of social transformations therefore necessitates a close observation of how NGOs contend with dilemmas that arise from navigating their contextual structures. The constraints imposed on agents by the structural environments produce dilemmas which must be addressed in order to allow a movement to progress. An obvious obstacle to the critical assertion of Dalits is the official position taken by the state vis-à-vis the caste system. The government of India insists that caste is an institution unique to India and that as such, it cannot be compared to other forms of discrimination (Narula 1999:91). In identifying caste as an exclusively Indian institution, the state has effectively positioned it as a sovereign issue to be addressed internally. This official position has been defended by the state time and again, including after the international preparatory committee meetings for the 2001 World Conference against Racism (WCAR) in held in Durban, South Africa. India's Minister of State for External Affairs stated:

“In the run up to the world Conference, there has been propaganda, highly exaggerated and misleading, often based on anecdotal evidence, regarding caste-based discrimination in India. We in India have faced this evil squarely. We unequivocally condemn this and, indeed, any other form of discrimination. The issues has remained at the top of our national agenda...It is neither legitimate nor feasible nor practical for this World Conference or, for that matter, even the UN to legislate, let alone police, individual behaviour in our societies” (UN WCAR, 2001).

Despite this official position with regards to the presence of caste discrimination, it is clear that abuse is still prevalent and that little has been done to curb these injustices. Socio-economic factors such as illiteracy and extreme poverty have also contributed to the limited impact of state initiatives (Heyns and Viljoen 2001:518). The normative order is thus the materialization of the effects of reified power relations. Local NGOs are thus constrained by the institutional, political, as well as social structures.

NGOs have sought to address these dilemmas through a wide range of socially-driven initiatives. However, in order to ascertain the significance of their contentious episodes, the actions of NGOs cannot be examined in a vacuum. In actual fact, these actions are constitutive elements of a much broader, transnational social movement. As Tilly and Tarrow underline, these local actions are contained in transnational activist networks. The development and growth of a transnational network marked a critical turning point for local actors, especially given the states' official position on caste. By positioning the issue of caste as an internal matter, the state effectively forced Dalit activists and organizations to seek alliances beyond their national borders in order to gain legitimacy for their cause.

Clifford Bob has observed that, “Until the late 1990s, the daily violence, exclusion, and humiliation suffered by millions of people in low caste groups were not treated as human rights issues by United Nations organs or NGOs” (2007:168). Though it is arguable that caste discrimination is covered under the ambit of the International Bill of Rights, early Dalit activists considered this coverage insufficient and sought the international recognition of caste discrimination exclusively (Bob 2007:170). Effective internationalization of caste discrimination required linking the issue to other situations where similar discriminatory practises were ongoing and connecting previously disengaged groups to one another.

Participation in international human rights conferences throughout the 1980s and 1990s, such as the 1982 Osaka International Conference against Discrimination, the 1984 Nairobi World Conference on Religion and Peace, as well as the 1993 Vienna Conference on Human Rights, provided Dalit activists the opportunity to forge alliances with other nonstate actors and disseminate information globally. Attendance at these international forums permitted activists to create new links between previously unconnected sites, a mechanism that Tilly and Tarrow identify as *brokerage*. Brokering new ties allowed for the *diffusion* of information about caste discrimination from one site to another (Tilly and Tarrow 2007:31).

Mr Henri Tiphagne, Executive Director of People’s Watch, attended the Vienna Conference and as a result of his participation, the focus of PW’s action were expanded to include more comprehensive monitoring and reporting efforts, with particular emphasis on abuses committed against Dalits and other socially marginalized groups. Furthermore, this enabled PW to engage in meaningful exchanges of knowledge and information with other activists and NGO representatives from other countries.<sup>9</sup> In practise, these cross-cultural exchanges allowed for previously disconnected sites of discrimination to establish relationships. Ultimately, this fostered a setting conducive to the mutual cooperation of actors.

These coordinated actions were further reinforced by participation of INGOs such as the Dalit Liberation Education Trust, Volunteers in Service to India's Oppressed and Neglected (VISION), Minority Rights Group and Human Rights Watch. This effort was further compounded by the recognition of similar practises concentrated in Bangladesh, Nepal, Pakistan and Sri Lanka, as well as throughout the South Asian diaspora in East and West Africa, Europe and North America, and in Japan (Bob 2007:169). On a smaller scale, alliances were forged with other national minority groups that have been the targets of discriminatory practices. DalitREDS, in particular its co-executive directors M.C. Raj and Jyothi have taken many trips to study different forms of contention and acquired new organization skills, as well as to get training and to learn about different struggles. They have cultivated relationships with other marginalized social groups, including the Saami people of Norway, as well as

---

<sup>9</sup> Author’s conversation with People’s Watch Executive Director, Mr Henri Tiphagne on 6 April 2010.



the Maori of New Zealand and various internal tribes of India.<sup>10</sup> These bonds help to raise awareness, while simultaneously legitimating group struggle. Critically, these processes have worked to enable the coordination of multiple actors across the globe, effectively enabling the upward scale shift of the movement.

An upward scale shift is a process whereby contention is taken beyond the parameters of its origins and is expanded. Tarrow and Tilly assert that this course of action, “Touches on the interests and values of new actors, involves a shift of venue to sites where contention may be more or less successful, and threaten other actors or entire regimes” (2007:95). Effectively, an upward scale shift in the movement enabled Dalit activists and NGOs alike to internationalize caste discrimination. In other words, this process enabled caste discrimination to be brought into international focus. Internationalization is a critical phase insofar as it influences opportunity structures in two fundamental ways. According to Tarrow and Tilly, this occurs by increasing the horizontal density of relations among actors, as well as increasing the vertical linkages between these actors and international structures (2007:176). To this end, INGOs were successful in acquiring international acknowledgement of caste discrimination as a human rights issue.

In 1996, CERD’s Sub-Committee formally acknowledged in a report that caste discrimination was effectively covered under the ambit of Article 1 of the ICERD (Bob 2007:177).<sup>11</sup> This was notable because of India’s 1968 CERD ratification legally bound the state to uphold the principles espoused in the treaty. Bob maintains that the international recognition of rights is conducive to group mobilization and works to enhance communal power (2007: 171). The CERD Committee’s acknowledgement and identification of caste discrimination as a human rights issue served to certify the Dalit movement as a whole, while concurrently working to legitimize the actions of local NGOs.

Internationalizing caste discrimination was critical inasmuch as it highlighted India’s failure to comply with and commit to its international obligations. In 2000, the UN Human Rights Commission’s Sub-Committee for the Promotion and Protection of Human Rights declared that caste discrimination, as it occurs in India, is prohibited by international law. Moreover, the publication of the 2001 Goonesekere Report also noted that caste discrimination, or discrimination based on work and descent as it is understood in international legal terms, was a clear violation of human rights law (Bob 2007:182).<sup>12</sup> An additional effect of upward scale shift and internationalization came in 2005 with the appointment of two UN Special Rapporteurs to represent the issue of Discrimination based on Work

---

<sup>10</sup> Author’s interview with Jyothi Raj, Executive Director and co-founder of DalitReds, in Tumkur, Karnataka on 13 May 2010.

<sup>11</sup> Article 1 of CERD states, “In this Convention, the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life” (International Convention on the Elimination of All Forms of Racial Discrimination. Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) on 21 December 1965. Entry into force 4 January 1969.)

<sup>12</sup> The Goonesekere Report is working paper submitted to the UN Economic and Social Council by Mr Rajendra Kalida Wimala Goonesekere on the subject of discrimination based on work and descent.

and Descent (Thekaekara 2005:12). This has given increased impetus to the monitoring and reporting efforts of local NGOs. Through the publication of reports, both People's Watch and DalitREDS have worked to expose the extent and magnitude of India's failure to comply with its international obligations. The international recognition of caste discrimination as such provided a frame in which organizations on the ground could shape their claims. In addition, it established a platform upon which nonstate actors could more directly reproach the state for its shortcomings.

The existence of a broad transnational movement and a legitimizing international legal human rights framework has certified Dalit claims and local NGO contention. Furthermore, India's domestic structural context has provided opportunities upon which nonstate actors, primarily NGOs, can make collective claims. It clear however, that a major obstacle in overcoming caste discrimination on the ground lies in the relational dynamics of the caste system. Reified social properties thus constitute the most basic and pervasive problems that confronts NGOs navigating their structural environments. Critically, the strategies NGOs have developed to address them have had profound political implications at both the national and international levels.

## **Tensions in the Protection of Civil Rights**

The central purpose of the state is to safeguard the rights of its citizens. In the Indian context, the prevailing social structures are intricately tied to a hierarchical system that is reproduced institutionally and politically and, as such, linked to the notion of citizenship. With regards to Dalits in India, the state has continued to act as the primary obstacle to their critical assertion. The assumption is that some people are more deserving of rights than others is based on an exogenous, socially constructed category into which one is arbitrarily born. Fundamental to the caste system, is the idea that some people are morally and physically superior to others. The reification of this property enables the conceptualization of the state as both the arena in which action is defined and played out, as well as an actor with both an active and passive role. In effect, this reveals an inherent tension in the state's capacity to protect civil rights. It does so by exposing the intrinsic contradiction between the state's role as a political actor with interests, and its function as the site of political action.

The participation of nonstate political actors in the institutional and political structure provides social movements with opportunities to make claims based on their own interests. The manifestation of competing agents and their interests – in other words, pluralism, – is effectively the result of a liberalist state composition. Effectively, this clashes with the principles of neo-realism which perceives the state as a unitary actor (Neumayer 2005:926). The notion of the modern state as a unitary actor, in other words the right of the state, grew in tandem to the principles of human rights, including collective, as well as individual rights. The task of balancing these conflicting ideals has resulted in the creation of a complex and multidimensional structure that has served to both enable and constrain contentious activities (Alkopher 2007:22). Understanding the contentious actions of NGOs from this perspective accentuates

the paradox between the enabling, pluralist properties of a democratic framework and, the confining characteristics of the neo-realist, unitary notion of the state.

The Weberian notion of a modern-state as is manifested by the top-down approach to state administration, which effectively provides leaders the capacity to dictate national interests. Max Weber's conception of the state, which defines the state as an institution that has a monopoly of legitimate violence within a given territory, supports the notion of the state as a unitary actor (Raj 2007:8). Accordingly, Jabri maintains;

“Modern states are presented as highly administered social systems defined along Weberian lines, in terms of territoriality and violence. The concentration of allocative and authoritative resources within the state intersects all forms of social interaction including the communication of meaning and normative modes of sanctioning. The distinguishing feature of the state as political organization is that its "administrative power" is territorially bounded and consolidated through the control of the means of violence. The state is defined as the pre-eminent power container, a territorially bounded, administrative unity” (Jabri 1996:113).

The relational dynamics inherent to India's social system reflect this phenomenon, insofar as they have been reproduced in the domestic institutional and political structures. Ultimately, this has enabled upper-caste groups to monopolize the economic, political and social structures. Through the process of historicization these social properties have become instrumentalized and cemented in the daily interactions on the ground. This supports Weber's assessment of power, which posits that power enables the imposition of one's will upon the behaviours of others (Raj 2007:70).

This supposition is confronted by an alternate view of the state's role. The unitary version of the state is opposed by Jack Goldstone, who asserts that a democratic framework increases the socio-political participation and representation of state and nonstate actors (Tilly 2004:475). This expansion is made possible in India through the institutional and political structures that permit the engagement of multiple political actors, including NGOs. While a democratic framework enables the multiple agent participation, the modern concept of the state is unitary in nature. Basically, these views are at odds theoretically. In other words, the democratic framework which facilitates the manifestation of pluralism conflicts with the unitary model of the modern state.

Parallels can be drawn between these inherent ideological tensions and the contradiction in the international political order, namely the conflict between state sovereignty and the international responsibility to intervene in the face of widespread human rights abuses. Above all, human rights are universal and thus available to all. Through the processes of ratification, they are also internationally agreed upon (Alkopher 2007:19). However, within the realm of human rights, there are four fundamental rights which are to be considered above the rest. These are known as non-derogable rights and they include the right to life, to be free of torture, to be free from slavery and to have a free conscience (Akhavan 2008:26). It is evident that the very existence of the caste system and the

discrimination associated with it effectively denied these fundamental rights to Dalits. There is a latent contradiction in the competing notions of the state's role. Effectively, this forms the background against which collective claims are made. Accordingly, Galtung contends that inside every conflict lays a hidden contradiction (1996:70).

MC Raj, co-founder and Executive Director of DalitREDS advocates a participatory conception of power (Raj 2007:70). Central to this idea, is the concept of the Dalit Panchayat which is a system of internal communal governance. Ultimately, its function is to fight to protect the human rights of village Dalits. Moreover, Raj has put forth the idea of the Dalit Panchayat as a means to ensure that government allocations are properly implemented and as a method to enable Dalits to become more independent and self-sufficient. Underlying this notion is the concept of power as freedom; that is, the freedom to make a decision with a unbound from an exogenously imposed will.

The state's efforts are ineffective with regards to social change. Subsequently, NGOs have been tasked to compensate for these state failures through their episodes of caste-related contention. Accordingly, NGOs are directly addressing the inherent tensions between state rights and those of pluralism. NGOs contend with this dilemma through their processes of contention, which are activated by mechanisms they employ. In effect, NGOs are undertaking to transform the structures of dominant power from the bottom-up by challenging the causes of caste discrimination directly.

Galtung ascertains that there is no viable alternative to creative conflict transformation. Solutions and resolution will not solve a conflict; only transformation can adequately address the underlying source of conflict (Galtung 1996:71). Thus the analysis centers on observing how NGOs are contesting the failures of the India vis-à-vis their responsibility to protect civil rights. Ultimately, NGOs are being tasked with protecting those whose rights have been denied by the state. Raj asserts, "The Constitution is only an instrument - it is the implementation in favour of the marginalized people that reflects the true character of a nation" (Raj 2007:73). As it stands currently, India's true character is far from exemplary.

## **The Mechanics of Agency: Understanding the Duality of Structure**

Social conflicts can be seen as the by-products of institutionalized exploitation and inequality; effectively, these conflicts are the consequence of structural violence. This is echoed in Giddens' structurationist framework, which hinges on the ontological relationship between agents and structures and, on the implications this has on the reproduction of social practices (Jabri 1996:54). Political actors and specifically local NGOs are agents situated within this context. From the perspective of contentious politics this normative structure effectively constitutes the 'field of contention'. This refers to a set of socially constructed adversarial relationships, which are embedded in the institutional and legal systems that shape the strategic options available to political actors (McAdam and Tarrow 2000:149). In structurationist terms, the field of contention contains the 'rules' that both define the social structure and constitute the continuities of social life through institutions and dominant discourses of power (Jabri 1996:71). Intrinsically, there is a relationship between these normative rules and the caste discrimination. As such, the field of contention contains the rules that generate conflictual relational dynamics (Jabri 1996:71). Conceptualizing caste abuse as a product of socially constructed and perpetuated discourse places it within a wider discursive continuity and institutional framework (Jabri 1996:128). In a democratic state like India, agents interact within these prescribed and identifiable institutional channels. In effect, this produces what McAdam and Tarrow identify as a "chess-like quality," whereby each move constrains and shapes the response of the other (McAdam and Tarrow 2000:150). This resonated with what Giddens calls the 'duality of structure'. Concurrently, he recognizes that the structural properties of social systems are both the sum of agent-structure interactions, as well as the vehicle of their mutual dependence (Jabri 1996:78). This 'duality' is therefore shaped by the actions and reactions of political actors.

Approaching the analysis of local NGO caste-related contention from a structurationist perspective involves interpreting agency as the outcome of rational action. Locating agency within its structural context implies there is a continuous flow of reflexive activity. Political actors, such as NGOs, are therefore purposive agents which act in accordance to the principles of rationality. The decision-making process, which determines strategic choices, thus centers on achieving the desired outcomes (Jabri 1996:55). In other words, specific actions are undertaken in order to meet pre-set goals. Giddens maintains that individuals are knowledgeable agents that draw on their own experiences and interests in their contentious interactions (Jabri 1996:71). Therefore, the field of contention, characterized by the duality of structure, is composed of competing, rationally-driven actors who work to both sustain and transform the normative social structure.

This analysis is concerned with how NGOs on the ground contend with caste discrimination on a local level. However, in order to comprehend the implications of their engagement, their actions must

be seen as constitutive of a broader transnational social movement. Movements are thus shaped by the institutions and the regimes with which they interact. This is supported by Tarrow and Tilly's argument that social movements represent a particular historical form of contentious politics. They maintain that social movements effectively engage in sustained interactions of contention with socio-political power-holders (Tilly and Tarrow 2007:119). The Dalit movement, which includes state and nonstate actors, as well as INGOs and NGOs, has emulated this through its attempts to directly impact the underlying structure of dominance that characterizes the social system. Tarrow and Tilly highlight that the main distinction between a social movement and the actions of NGOs is reflected in their strategic choices. Social movements embark upon sustained campaigns of interaction with states and international institutions, while NGOs, in both their domestic and transnational configurations, engage in what they identify as routine transactions with these same actors, as well as national and international institutions. Moreover, domestic contention cannot be viewed in isolation from the broader context of contentious politics (Tilly and Tarrow 2007:119). In order to aptly analyse the dynamics of local contention, we must first understand how these actions have been enabled by the overarching movement.

Only by capitalizing upon the political opportunity structures can social movements advance their strategies. Taking advantage of political opportunities is absolutely imperative to the success of a social movement (Tilly and Tarrow 2007:72). Fundamental to this idea is the notion of the agent as a rational actor. As such, the ways in which the structures of political opportunity intersect with structures of historicized social properties produces substantially different patterns of contention (Tilly and Tarrow 2007:76). Tarrow and Tilly assert that this variety of patterns differs from country to country. However, it can also produce divergent patterns within the same country and even within the same social movement. This is evidenced by the broad range of tactics, strategies and goals of local NGOs. DalitREDS has focused the bulk of its action on community initiatives and, in particular, on capacity-building efforts aimed at enhancing the autonomy of villages. This includes training on what their rights are, what Dalits are entitled to legally, as well as education on practical matters such as health care and matters for the Dalit Panchayat. REDS asserts that there is a major difference between the issues of the poor and those of Dalits. As such, they view their role as an NGO as limited. As a result, they have fashioned themselves the facilitators to a self-sustained movement aimed at strengthening Dalit culture and increasing their ability to govern themselves.<sup>13</sup>

In contrast to the community-based approach of DalitREDS, People's Watch has taken a much more institutional approach to the protection of Dalit human rights. They are actively engaged in monitoring incidences of abuse throughout Tamil Nadu and regularly advocate and publish their findings. Moreover, they vigorously report abuses to the appropriate national institution, while keeping meticulous records of their ongoing cases. Equally, they offer rehabilitation services, complete with an educational component, to victims of abuse and discrimination. Although the approaches to the

---

<sup>13</sup> Author's interview with Jyothi Raj, Executive Director and co-founder of DalitReds, in Tumkur, Karnataka on 13 May 2010.

assertion and recognition of Dalit human rights differ, their relationship is symbiotic. Both approaches have significant, if invaluable impacts on conditions overall.

The participation of multiple actors assumes the representation of various interests and, as such, agents are motivated by these unique interests. It goes without saying that not all competing interests hold the same amount of sway in terms of their political bargaining power. Consequently, changes to the status quo on the ground are inconsistent and incremental. In order to determine how and where these social transformations emanate, it is critical to analyse the dynamics of contention, which is accomplished by looking at the mechanisms and processes that drive action (Tilly and Tarrow 2007:28). We must therefore observe which actions work to affect the dynamics of social relations and how these transformations are occurring. The successes of early Dalit activists only materialized in the 1990s with the United Nation's formal recognition of caste discrimination as a global human rights issue. We can therefore not understand the impact of local action without first understanding how the internationalization of caste discrimination provided the foundation upon which domestic contention could expand.

Internationalization can be conceptualized as the outcome of several mechanisms and processes which have resulted in the recognition of a specified issue at the global political level. Tarrow and Tilly consider it the summation of the mechanisms that link domestic political actors to transnational contentious politics (2007:176). International recognition of caste discrimination has served to certify local collective claims insofar as it has signalled the readiness of an external authority to support their claims. Actors on the ground are thus provided with a framework that can be adapted to their local context and, they are given the means and repertoires necessary to make collective claims (Tilly and Tarrow 2007: 36 and Tilly 2004:477). Therefore, we must look at how this social movement is enabling local contention and how it is shaping NGO actions on the ground. The constitutive mechanisms, namely brokerage, diffusion and coordinated action have briefly been outlined. Nonetheless, it is imperative to note that coordinated action is the mutual engagement of agents who signal their intention of making parallel claims on the same object. By forging transnational alliances, coordinated action enables upward scale shifts (Tilly and Tarrow 2007:31). Most instances of contentious politics begin locally and an upward scale shift increases the opportunities for contentious episodes to manifest themselves at higher levels of the polity.

The prevalence of untouchability practices were formally acknowledged by the UN Committee for the Elimination of Racial Discrimination in 1996 (Narula 1999:26). Moreover, the Committee of CERD, as well as the UN Human Rights Council, and the monitoring bodies under the CCPR Committee also expressed concern over the levels of social discrimination perpetuated against members of India's Dalits (Narula 1999:199). The formal recognition of caste discrimination as a human rights issue enabled the Dalit social movement as a whole to expand its scope. Moreover, the 1999 Human

Rights Watch (HRW) publication was the culmination of an extensive fact-finding study in which Smita Narula revealed the gravity and magnitude of caste discrimination throughout India. Significantly, both DalitREDS and People's Watch figured prominently in the research undertaken for HRW.

In her report, Narula recounts the details of countless examples of caste atrocities committed against Dalit communities by local upper-caste groups and meticulously outlines how these systemic practices directly violate India's national, as well as international obligations. Crucially, she emphasizes that the, "Persistence of caste-based prejudices and the denial of access to land, education, political power have contributed to an atmosphere of increasing intolerance" (Narula 1999: 41). This report was instrumental to the movement insofar as it provided a comprehensive, realistic and unbiased account of the pervasiveness and severity of caste discrimination. In conjunction with the release of the HRW study, Martin Macwan the president of the National Campaign for Dalit Human Rights, an Indian-based INGO, published his 'Black Paper' entitled *Broken People and Dalits Betrayed* in which he calls for a change in social practices rather than in the law (Bob 2007:179-181). Since the release of these commissioned reports and the UN's certification of caste discrimination, the engagement of NGOs at international human rights forums has steadily increased.

As previously mentioned, NGOs and individual activists alike were invited to participate at in the preparatory committee meeting that led up to the 2001 World Conference on Racism in Durban, South Africa. This forum was exceptional because it allowed local nonstate actors, including the Tamil Nadu-based NGO People's Watch, to contribute to the structure and overall tone of the conference agenda. Notably, the government of India blocked any efforts to have caste discrimination placed on the conference agenda. Nevertheless, local NGOs were given a platform upon which to address caste discrimination in August 2002 when CERD held special thematic sessions to discuss descent-based discrimination (Bob 2007:184). With the appointment in 2005 of two UN Special Rapporteurs to represent the issue of Discrimination based on Work and Descent, it is obvious that from a global perspective, the Dalit social movement has expanded in the recent past (Thekaekara 2005:12). Crucially, grassroots contention has also risen in tandem with these international developments.

## **Collateral Consequences**

For the purpose of this analysis, the achievements of INGOs must be considered relative to their impacts on the domestic social structure. Oona Hathaway suggests that international laws and norms shape what states do in two fundamental ways. First, this is accomplished with domestic internalization of norms through its legal institutions. Second, through the collateral consequences that arise when actors' behaviour towards the state is altered by the signature and ratification of human rights treaties. The second variable is contingent on the degree to which nonstate actor can enforce the state's international obligations (Hathaway 2007:590). As previously indicated, although India's institutional framework is rooted in liberalist principles, the state does little to enforce these measures on a local social



level. Hathaway further maintains that these effects arise from domestic and/or transnational reactions to state commitments and that as such, collateral consequences are not structured by the terms treaties. Rather, these are products of interactions that fall outside its boundaries. Likewise, she notes that these can be generated domestically when local actors behave differently than they would in the absence of an international treaty (Hathaway 2007:595). Collateral consequences can also be considered with regards to the effects and results of the internationalization of an issue and the upward scale shift of a social movement. The expansion of the Dalit movement, both internationally and locally, can therefore be construed as such.

Eric Neumayer upholds Hathaway's argument by maintaining that compliance dynamics are shaped by a strong and active civil society. Further, he contends that this is especially applicable in democratic states (Neumayer 2005:950). This assertion is supported by Hafner-Burton and Tsutsui who establish a link between civil society and compliance to international treaties. They stress the importance of civil society, namely nonstate actors including local NGOs, in initiating compliance dynamics. By perceiving episodes of contention as collateral consequences, it becomes evident that these actions initiate processes of capacity-building, learning and socialization that contribute to the growth of persuasive compliance dynamics. Civil society is shaped by the participation of lawyers, human rights activists, academics and NGOs. These groups are the most informed about international legal norms and treaties and as such, they most able to operationalize these norms on the ground (Heyns and Viljoen 2001:587-589). Through acculturation initiatives, civil society, specifically local NGOs, is working to effectively transform the structures of dominant power that have left the Dalits outside this normative social order.

## Triggering Social Transformations

The objective of this analysis is effectively to determine the extent to which local NGOs have an impact on structures that perpetuate social oppression. The previous chapters described how India's structural context has worked to perpetuate systems associated to high degrees of discrimination. It was also demonstrated that agency is both a constitutive and purposive social component located within this setting. This purposive element of agency is critical to social identity construction. Moreover, this productive quality gives credence to the notion of society as a human construct.

### Society as a Human Production

When we are working, they [the higher castes] ask us [Dalits] not to come near them. At tea canteens, they have separate tea tumblers and they make us clean them ourselves and make us put the dishes away ourselves. We cannot enter temples. We cannot use upper-caste water taps. We have to go one kilometre away to get water... When we ask for our rights from the government, the municipality officials threaten to fire us. So we don't say anything. This is what happens to people who demand their rights (Narula 1999:1).

This excerpt highlights the extent to which structures of dominance have become instrumentalized on the ground and reproduced through daily interactions. Effectively, this is the psychological effect of reified relational dynamics that is produced by the caste system. Socio-political consciousness is the manifestation of the inherent awareness of one's position within the hierarchy of power. As Galtung posits, this arises from understanding how structures function (Galtung 1985:145). This understanding requires knowledge of the normative rules that govern these structures. Norms can therefore be understood as the basis of conflict, as norms constitute the rules of behaviour (Jabri 1996:72). In turn, these normative rules shape how agents interact with each other, as well as how they navigate their structural context.

The perpetuation of systems of dominance through everyday interactions effectively underscores the extent to which the hierarchical nature of the caste system has become normalized. In holding political actors, including individuals and organizations, accountable to the rules of rationality, their role as purposeful agents who are both reproductive and transformative of society is apparent (Wendt 1987: 346 in Jabri 1996:76). Giddens elaborates upon this by explaining that social structures are influenced by human conduct, which effectively transforms the conditions of social existence. In turn, these transformations act as the motor for cultural development (Giddens 1987:15). It is apparent that society is the product of the relationship between agency and structure. In short, society is the result of human action. Therefore, human conduct can be understood as both constitutive and transformative of the normative structure, which in effect, renders interaction on the ground meaningful (Jabri 1996:73). This resonates with Galtung's argument that structural transformation is the only viable option to address social problems.

## The Transformation of Psychological Attachments

In order to understand the impact of agency at the level of the individual, it must be understood relative to the dominant power structures that dictate relational dynamics on the ground. Following Galtung's logic, no solution, resolution or dissolution will adequately address the underlying roots of this social conflict. Recall Michael Foucault's concept of power as productive that was touched upon earlier. The essence of this argument is that ultimately what gives power an intangible quality is its capacity to induce forms of discourse and knowledge (Foucault 1990:119). Utilized by power-holders as an instrument of socio-political control, this productive feature effectively crystallized caste-relations. Challenging this social monopoly is opposed by the activation of norms and symbolic mechanisms of controls that impel people to recognize and respect these rules (McAdam and Tarrow 2000:150). In other words, challenging the normative order is defended with force by dominant power-holders. Critically, it is these normative structures of monopolized power that must be targeted and transformed from the inside out.

These crystallised and instrumentalized relational dynamics have important effects at the level of the individual and accordingly their manifestations have critical psychological implications. From the Dalit vantage point, this requires understanding the psychological impact of the caste system from the perspective of the oppressed. Effectively, this builds on Paulo Friere's supposition which posits that liberation is achieved through the critical assertion of political consciousness (Cho and Lewis 2005:313). Underlying this pedagogy is a tension between an unconscious bond to hierarchical modes of power and the transformative intentions of liberation. Effectively, an attachment is subconsciously formed between the individual and the system that perpetuate his oppression. Consequently, this constitutes an unconscious obstacle to transformation and as such, must be overcome (Cho and Lewis 2005:323). Through the processes of historicization and instrumentalization, the power regime embodied in the caste system has worked to erode the dignity and self-worth of Dalits.

It is thus critical to understand how 'subjectivity' is imposed upon the individual and how it becomes manifested psychologically. Concurrent to what Foucault asserts, subjectivity is the historicized product of a certain regime of power and discourses, institutions and practices through which power is mobilised (Cho and Lewis 2005:316). In tandem to the development of the modern state, there emerged a need for a disciplinary regime to manage a submissive, yet industrious society (Cho and Lewis 2005:318). In India, this was accomplished by the perpetuation and reproduction of the hierarchical caste-system in institutional and political structures. The exertion of power through these covert and invisible channels established these structures as the conduits that regulate and sustain social power relations. These relational norms have become internalized and as a result, a normalized and self-regulating society based on dominant power has emerged (Cho and Lewis 2005:318.). In Frierian terms, this can be construed as the manifestation of the *banking concept*. According to Cho and Lewis, "Banking

does not simply destroy, dehumanize, or alienate, rather the system constructs a certain subject through the hierarchical set of power relations instituted by a banking procedure” (2005:319). Furthermore, they argue that the student significantly contributes to his role within the normative order by becoming invested in the social meaning of this position. In effect, they argue that every object existence has a subjective element (Cho and Lewis 2005:319). By investing oneself in the social properties that preserve the banking procedure, the individual becomes intimately connected to and emotionally involved with his objective existence, despite the oppressive nature of the system.

Throughout the banking procedure, subjectivity is constructed through the hierarchical modes of power which are institutionally and structurally reproduced. Therefore, there is a significant psychological bond that is created between the individual and the structures that pre-determine self-worth. Judith Butler explains how these *passionate attachments* can take root, specifically in regimes of dominance. She asserts, “This desire to desire is exploited in the process of social regulation, for if the terms by which we gain social recognition for ourselves are those by which we are regulated *and* gain social existence, then to affirm one’s existence is to capitulate to one’s subordination – a sorry bind” (Butler 1997:79). From this perspective, a passionate attachment is an effect of productive power. In other words, these are the manifestations of power’s psychic life (Cho and Lewis 2005:320). The counter-intuitive implication of this occurrence is that Dalits have become emotionally and psychologically invested in their position in the hierarchy.

Therefore, a fundamental obstacle to the transformation of reified social systems resides in the subconscious of the masses. As Butler explains, “In order to be, we must become recognizable, but to challenge the norms by which recognition is conferred is, in some ways, to risk one’s very being, to become questionable in one’s ontology, to risk one’s very recognisability as a subject” (Butler 1997:18). There is thus a sense of emotional, rather than material loss associated with the transformation of the normative order. Needless to say, counteracting this effect is an arduous and slow acting process. The internal subjectification that occurs within the psyche of the individual must be effectively countered by a conscious decision not to recognize and reproduce the normative logic. Critically, resistance to the normative order must be accomplished by questioning one’s subjective identity and by withdrawing from the unconscious passionate attachments. Effectively, this involved consciously opting not to recognize the logic of the standing order (Cho and Lewis 2005:322). However, this process necessarily risks the loss of one’s sense of self.

The success of this procedure is thus contingent on development of a new critical consciousness. Accordingly, the self must become detached to the normative order and subsequently become re-attached to a new identity group and a set values through which a new socio-political consciousness can be fostered (Cho and Lewis 2005:323). According to Jyothi, the social marginalization of Dalits has effectively erased their historical footprint. As such, Dalits have no scripture that has recorded their

history; most of this has been passed down orally. To remedy this, Raj and Jyothi published what they refer to as the Dalit Bible; a book known as *Dalitology*. This was a significant publication because it reinterprets and rewrites Dalit history and identity. *Dalitology* asserts that Dalits are Dalits, not Hindus, Muslims, Buddhists nor Jains. Crucially, it affirms the richness of Dalit culture and history (Raj, no date, b:3). The main purpose of this work is to effectively turn shame into pride by outlining a uniquely Dalit religion and normative order. In effect, this book offers an alternative discourse to Dalits which promotes, rather than stifles, their dignity and self-worth. In other words, this publication was aimed at raising the socio-political consciousness of this specific Dalit constituency.

Reports and publications of this ilk provide bases for local political actors to influence social preferences. Crucially, agents on the ground have sought to primarily affect the preferences for discriminative behaviour which prevails at the local level (Hafner-Burton and Tsutsui 2007:414).<sup>14</sup> Given the embeddedness of the prevailing social system, the adjustment of preferences is undertaken through symbolic and non-violent measures. The Dalit Panchayat Movement (DPM) initiated in the Tumkur district is evidence of this. Through its internal capacity-building efforts, this self-contained governance mechanisms is effectively educating Dalits about their rights. Moreover, the DPM is designed to promote the independence and well-being of Dalit villages through a community fund. With a growing financial safety net, Dalit villages involved with the DPM have greater freedom to look after themselves. As one young man recounted, it was this money that enabled him to seek medical treatment at a Bangalore hospital when he was gravely ill.<sup>15</sup> These types of efforts are directly confronting the negative-sum impacts of instrumentalized power relation by giving Dalit communities the confidence to preside over their own matters; a luxury formerly denied to them.

As a result of REDS' presence and the DPM, there have been notable improvements in inter-caste relations for the village of Reddyhalli. An elderly man recounted to me that within three years of the Dalit Panchayat being established, practices such as animal carcass removal and manual scavenging had either had either ceased or were being financially compensated. The best improvement he explained was that now tea was served to Dalits in cups; whereas prior to the arrival of Reds, tea was poured directly into the cupped hands of the thirsty Dalits.<sup>16</sup> It is therefore apparent that small-scale initiatives aimed at subtly disrupting the status quo can have profound social implications. The United Nations High Commissioner for Human Rights, Navi Pilly, asserts that educational programs are imperative to change deeply entrenched cultural, social and systemic prejudices rooted in the caste system. She argues that, "Above all, caste-affected communities must be given a voice and full participation in the development, implementation and evaluation of strategies aimed at empowering them" (2010).

---

<sup>14</sup> Preferences can be understood as values that have been transformed through reason, rather than imposition (Hafner-Burton and Tsutsui 2007:414).

<sup>15</sup> Author's group interview conducted at Reddyhalli village in Karnataka on 12 May 2010.

<sup>16</sup> Author's group interview conducted at Reddyhalli village in Karnataka on 12 May 2010.

## Socially Constructed Boundaries

By conceptualizing society as a product of human conduct, we can also see social categories as products of human action. James Fearon and David Laitin maintain that social categories, which are distinguished by their content, rules of membership and associated values are the outcomes of human action and speech and as a result, these boundaries are subject to change over time (2000:848). From this perspective, the transformative power of agency is increasingly apparent. Social categories are in effect groups or sets of people who have been assigned a specific label (Fearon and Laitin, 2000: 849.) Considering the performative role of language, it is clear that the actions of political actors, state and nonstate alike, have the capacity and potential to affect profound social changes. Jabri's underlying assumption is that language has a performative function and as such, it is intimately implicated in the construction of social life (1996:128). Therefore, the social structure which governs relational dynamics of the caste system is the product of human behaviour that has been reproduced over time.

With regards to the caste system, it is clear that these discursive formations have resulted in groups in opposition to one another (Fearon and Laitin 2000: 85). Critically, the issue of caste discrimination has grown alongside these exclusive social categories. Conflict is built around the construction of an exclusionary discourse that articulates a notion of separateness and with strict boundaries (Jabri 1996:131). These categories are thus defined by a dichotomous interpretation and representation of the self and the other that is embedded in the institutional practises and relational dynamics, which are articulated and reproduced on the ground (Jabri 1996:131). As a result, social categories have come to be considered elemental. This is what Fearon and Laitin term *everyday primordialism* (2000:855). With respect to the caste system, everyday primordialism is represented in the reified social properties that govern relational dynamics.

Andreas Wimmer argues that social identity boundaries, specifically those connected to structures of dominant power like the caste system can be associated with high levels of discrimination and exclusion (2008:1003). Moreover, these groups are situated at specific intersections of structural dominance and systems of legitimation, as well as the historically entrenched institutional and social continuities that render agency meaningful (Jabri 1996: 128). Critically, both Jabri and Wimmer assert that there is a reflexive component to the agency-structure relationship. This refers to the capacity of agents to affect the social systems, or to what Giddens identifies as the 'dialectic of control' (Giddens 1982:31). Notably, within the framework of contention, this capacity hinges of the ability of political actors to mobilize people. Given the pluralist character of transnational social movements, it is obvious that these networks contain multiple interests and groups that must be balanced. Consequently, there arises a problem of collective action, which Sidney Tarrow argues is social in nature. He asserts that coordination is complicated by the autonomous, dispersed and unorganized arrangement of

transnational movements. Ultimately, this can be overcome by responding to political opportunity structures.

Social transformations can be initiated through the use of modular modes of collective action that mobilize people within a specified social network in which they are connected by a shared cultural understanding (Tarrow 1994:9). Typically, these are exhibited as acts of symbolic participation and non-violence. With regards to the cultural assertion initiatives of DalitReds, these include the re-interpretation of Dalit history, as well as the reform of their identity boundary. By focusing on the self-actualization of Dalits themselves, they aim to mend the oppressor-oppressed relationship.<sup>17</sup> They have also emphasized the importance of celebrating and observing festivals as a means of further asserting the Dalit identity. Crucially, REDS maintains that these actions will pave the way for the emergence of a rational and tangible Dalit religion (Raj, no date, c). These strategies of symbolic nonviolence effectively work to erode the structures that govern relational dynamics. This form of resistance is undertaken without subverting the normative order or transgressing the socially agree-upon mores. Over time, these evolutionary alterations become moderated and internalized (Clarke 2001:284). In order for this process to be effective, it must be combined with the activation of a self-actualizing social boundary.

Sathianathan Clarke explains that in the case of Dalits, they contract themselves to a religious system that enables their self-assertion and self-respect (Clarke 2001:292). DalitReds has described the subjectification of Dalits in their prized work, *Dalitology*. They maintain:

Over many centuries and millennia the Dalit communities have lost the strong normative order and forms of internal governance. Brahminism worked like a slow poison threatening the Dalits here, co-opting them there, and cheating them treacherously here and so on. A dilution of their strong principles of internal governance handed over orally generation after generation have been lost because of the over imposing influence of Brahminism” (Raj, no date, b:1).

Further, they explain, “In this reassertion we give a clarion call to all our Dalit brothers to come back to Dalit religion established by our ancestors and elders and now revived through Dalitology” (Raj, no date, b:4). Through the teachings of this book, Dalits are provided an assertive normative framework. These are invaluable elements for Dalits in particular because these values have repeatedly been denied to them.

Anthony Giddens explains social positions involve the specification of an ‘identity’ group within a web of social relations. In this vein, ‘identity’ is a category characterized by a specific set of normative sanctions (Jabri 1996:130). These socially constructed identity categories constitute the foundations of social movements and even transnational social movements require a local social base. Failure to address the grievances of ordinary people, limits the capacity of a social movement to challenge the establish power structure (Tilly and Tarrow 2007:149). Identity therefore becomes a potent tool of

---

<sup>17</sup> Author’s interview with Jyothi Raj, Executive Director and co-founder of DalitReds, in Tumkur, Karnataka on 13 May 2010.

identity boundary construction. These boundaries are characterized by a personal sense of belonging which is based on shared beliefs and cultural practices, as well as a common history (Wimmer 2008:973). As such, the narrative of identity plays a central role in the construction of social categories, as well as the assertion of socio-political consciousness.

Socially constructed categories have directly impacted individual behaviours, specifically with regards to inter-caste relationships. The instrumentalized and normalized hierarchy of power that characterize the caste system has strict boundaries. As Weber argues, high degrees of social closure have implications on the ground, insofar as they enable dominant groups to monopolize socio-political power (Wimmer 2008:979). Weber's assertion is supported by Pierre Bourdieu, who contends that social closure, combined with high degrees of 'groupness' leads to increasing cultural differentiation as boundaries are reinforced through everyday interactions (Weber 1978:341-348; Bourdieu:1982 in Wimmer 2008:1002).<sup>18</sup> This highlights the cognitive and behavioural aspects of social identity construction. The creation of an alternative discourses enables individuals to mobilize under the banner of a shared history and common value system. The construction of social boundaries and the formation of identity categories give previously unrecognized groups a platform upon which their critical consciousness can be asserted.

Social identities fulfill a fundamental human desire to belong and survive. In other words, the assertion of socio-political consciousness requires that basic human needs to be met. Effectively, people are dependent on the satisfaction of these basic human needs and the deprivation thereof is rooted in the refusal to recognize or accept the communal identity of specific groups (Azar 1990:9). Therefore, boundary activation or the creation of social identity groups is a constructive act of social definition, which has significant social implication (Brubaker 2004:38). It is therefore exceedingly clear that the construction of identity groups is a key element in the process of social transformation. These boundaries provide groups the platform upon which critical assertion becomes possible.

Navi Pillay explains that, "Today caste-affected communities and civil society activists are hoping to tear down the much bigger invisible wall of discrimination by trying to promote new international standards of equality and non-discrimination" (2010). These communities are being enabled by civil society actors, in particular local NGOs. With respect to the issue of caste discrimination, it is quite evident that NGOs are indeed purposive agents whose local actions are socially constructive. In effect, they are actively working to counteract the normalization of caste relations that have contributed to the unrelenting marginalization of Dalits. Given the state's limitations to impart any meaningful or profound alterations to the status quo, NGOs are actively and successfully, albeit gradually, triggering powerful cascades of social transformation.

---

<sup>18</sup> Rogers Brubaker describes 'groupness' as "the tendency to treat ethnic groups, nations, and races as substantial entities to which interests and agency can be attributed. I mean the tendency to reify such groups" (2004:35).



## Concluding Thoughts

During my visit to Reddyhalli village in the southern Indian state of Karnataka, I asked a young boy of about 10 or 11 years what he wanted to be when he grew up and he told me that he wanted to become a police officer. I asked him why and he explained that often the upper-castes of their district abused Dalits, not because they are bad people, but simply because they do not know better. He told me that they needed to be taught that Dalits are not their slaves, but their compatriots.<sup>19</sup> His response was quite surprising to me because his ambition and optimism would have been impossible only ten ago. In this village however, all the children are currently in school. The most significant and remarkable fact was that most of the villagers under the age of 25, both men and women are literate. For a country whose overall female literacy rate is below 50%. Vivaly, this provides proof of the impact that small-scale initiatives can have at the local level. These advancements confirm that dominant power can be actively counteracted through simple measures.

As the previous chapters have demonstrated, local NGOs are undertaking initiatives which are critical to internalization of human rights norms and the transformation of dominant power structures on the ground. Small-scale actions, such as those inaugurated by DalitREDS in the Tumkur district, are yielding better and more comprehensive social results than government-sponsored initiatives. The actions of these local agents have had a momentous impact on the socio-political consciousness of Dalits. DalitREDS reinterpretation of culture, identity and history has been critical insofar as it has gradually instilled a sense of esteem and self-respect that has traditionally been denied to Dalits. In the sixty years since India's Independence, the state has failed to incite any meaningful transformations to the caste system that pervades Indian society. Since their inception in 1984 however, DalitREDS has managed to not only improve the standard of living in the Dalit village of Reddyhalli, but they have instilled a sense of confidence and self-worth amongst its residents that is being now being passed on from generation to generation. Similarly, People's Watch has been a key player in promoting human rights with their intervention, monitoring and rehabilitation initiatives. They have brought about more significant changes than government reforms, albeit on a narrower scale.

Marie Anne Slaughter explains that a major obstacle to effective social regulation, at least on a global level, is the inability of states, particularly in the developing world, to translate legally endorsed norms into tangible and measurable social changes. Governments must create an internal environment sympathetic to the compliance of principles articulated in international treaties (Slaughter 2004:4). Within the contemporary international political structure, the state is not the sole actor, although it is the most compelling (Slaughter 2004:18). This analysis demonstrated that despite the political clout enjoyed

---

<sup>19</sup> Author's group interview conducted at Reddyhalli village in Karnataka on 12 May 2010.

by states, transnational social movements and the NGOs contained within them, are increasingly wielding more power at a social level. Moreover, the agents located on the ground have transformative properties that are far more influential locally than state-imposed, top-down reform initiatives.

Tarrow and Tilly assert that transnational activism constitutes a new stratum of actors that support the collective claims of those beyond their national borders (2007:171). Effectively, the growth of transnational movements can effectively be seen as a product of a globalized order in which the volume and speed of flow of ideas, information, people and resources are increasingly connecting actors between countries. The effects of globalization are contributing towards a composite global regime that includes international institutions, non-state actors, as well as governments (Tilly and Tarrow 2007:175). Additionally, Slaughter argues that these agents are increasingly linking together in a “new world order” (Slaughter 2004 in Tilly/Tarrow 2007:176). Her concept of a new world order encompasses a system of global governance, in which cooperation is institutionalized and where conflicts are contained such that all nations and their citizens can attain a basic standard of human dignity and freedom (Slaughter 2004:15). Accordingly, local NGOs are contributing to this emergent global system through their purposeful actions on the ground.

Slaughter explains, “It has become commonplace to claim that the international institutions created in the late 1940s, after a very different war and facing a host of different threats from those we face today, are outdated and inadequate to meet contemporary challenges” (Slaughter 2004:8). It has been effectively demonstrated that NGOs are consistently working within the structural context, directly engaging with institutional, political, as well as social systems. Given the profound and transformative effects of the actions of NGOs, it is overwhelmingly evident that the nonstate agency is integral to undermining socially oppressive structures. As such, the nonstate actors should be granted increased political bargaining power, at the domestic level, as well as internationally. Accordingly, the state-centric international political order needs to expand its breadth of inclusion in order to effectively confront the systemic and pervasive problems facing countless marginalized social groups.

# Bibliography

## Secondary Sources

### ARTICLES

- Abebe, Allehone Mulugeta (2009) 'Shaming and Bargaining: African States and the Universal Periodic Review of the United Nations Human Rights Council,' *Human Rights Law Review* 9(1): 1-35.
- Akhavan, Payam (2008) 'Reconciling Crimes against Humanity with the Laws of War, Human Rights, Armed Conflict, and the Limits of Progressive Jurisprudence,' *Journal of International Criminal Justice* 6 (1): 21-37.
- Alkopher, Tal Singott (2007) 'The Role of Rights in the Social Construction of Wars: From the Crusades to Humanitarian Interventions,' *Millennium - Journal of International Studies* 36 (1): 1-27.
- Bob, Clifford, (2007) "Dalit Rights are Human Rights: Caste Discrimination, International Activism, and the Construction of a New Human Rights Issue," *Human Rights Quarterly* 29 167–193.
- Breen, Claire (2003) 'The Role of NGOs in the Formulation of and Compliance with the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict,' *Human Rights Quarterly* 25: 453-481.
- Cho, Daniel and Tyson Lewis (2005) "The Persistent Life of Oppression: The Unconscious, Power, and Subjectivity,' *Interchange* 36 (3): 313-329.
- Clarke, Sathianathan (2001) 'Dalits Overcoming Violation and Violence: A Contest between Overpowering and Empowering Identities in Changing India,' *Ecumenical Review* 54 (3) (July):278-295.
- Fearon, James D. and David D. Laitin (2003) 'Ethnicity, Insurgency and Civil War,' *American Political Science Review* 97 (1) (February): 845-877.
- Galtung, Johan (1985) 'Twenty-Five Years of Peace Research: Ten Challenges and Some Responses' *Journal of Peace Research* (22) 2 (Jun):141-158.
- Hathaway, Oona A. (2007) 'Why Do Countries Commit to Human Rights Treaties?' *Journal of Conflict Resolution* 51 (4): 588-621.
- Hafner-Burton, Emilie and Kiyoteru Tsutsui (2007) "Justice Lost! The Failure of International Human Rights Law to Matter Where Needed Most," *Journal of Peace Research* 44 (4): 407-425.
- Heyns, Christof and Frans Viljoen (2001) "The Impact of the United Nations Human Rights Treaties on the Domestic Level," *Human Rights Quarterly* (23): 483-535.
- McAdam, Doug and Sidney Tarrow (2000) 'Nonviolence as Contentious Interaction,' *Political Science and Politics* 33 (2): 149-154.
- Neumayer, Eric (2005) 'Do International Human Rights Treaties Improve Respect for Human Rights?' *Journal of Conflict Resolution* 49 (6): 925-953.
- Pillay, Navi, (2010) *Tearing down the wall of caste*. [online] United Nations Human Rights Office of the United Nations High Commissioner for Human Rights. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9540&LangID=E> > [Accessed on 29 March 2010].
- Scheffer, David (2008) 'Atrocity Crimes: Framing the Responsibility to Protect,' *Case Western Reserve Journal of International Law* 40 (1-2): 111-136.
- Tarrow, Sidney (1999) 'Paradigm Warriors: Regress and Progress in the Study of Contentious Politics,' *Sociological Forum* 40 (1): 71-79.

Thekaekara, Mari Marcel (2005) "Combating Caste," *New Internationalist* (July) (380): 9-12.

Tilly, Charles (2004) "Contentious Choices," *Theory and Society* (33): 473-481.

Wimmer, Andreas (2008) 'The Making and Unmaking of Ethnic Boundaries: A Multilevel Process Theory,' *American Journal of Sociology*, 113 (4): 970-1022.

## **BOOKS**

Azar, Edward, 1990, "Protracted Social Conflict: An Analytical Framework" in The Management of Protracted Social Conflict: Theory and Cases, Hampshire: Dartmouth, 5-17.

Brubaker, Rogers, 2004, 'Ethnicity without Groups' in Wimmer, Andreas et al (eds.), 2004, *Facing Ethnic Conflicts: Toward a New Realism*, Lanham: Rowman & Littlefield, pp. 1-20.

Foucault, M., 1990, *The History of Sexuality: Volume one*. New York: Vintage.

Friere, Paulo, 1970, *Pedagogy of the Oppressed*, New York: Continuum.

Galtung, Johan, 1996, "Conflict Theory: Conflict Formations" in *Peace by Peaceful Means; peace and conflict, development and civilization*, London: Sage, pp. 70-80.

Giddens, Anthony, 1976, *New Rules of Sociological Methods*, Stanford: Stanford University Press.

Giddens, Anthony, 1982, "Power, the dialectic of control and class structuration" in Giddens, Anthony and Gavin Mackenzie (eds), 1982, *Social Class and the Division of Labour*, New York: Cambridge University Press.

Jabri, Vivienne, 1996, *Discourses on violence: conflict analysis reconsidered*, Manchester and New York: Manchester University Press.

Narula, Smita, 1999, *Broken People: Caste Violence against India's "Untouchables,"* New York and London: Human Rights Watch.

Slaughter, Anne-Marie, 2004, *A New World Order*, Princeton University Press.

Tarrow, Sidney and Charles Tilly, 2007, *Contentious Politics*, Boulder: Paradigm Publishers.

Wendt, A.E. (1987) "The Agent-Structure Problem in International Relations Theory," *International Organisation* 41 (3): 335-370.

## **NEWSPAPER ARTICLES**

Anon. (1997) "India: Caste system under attack as human rights violation," *Women's International Network News* 23 (1) published in The New York Times as an Opinion Piece on 20 October 1996.

## **WEBSITES**

Abdullah , H.E. Mr Oman. 2001. WCAR, India: Statement (1 Sept. 2001) [online], Available at <http://www.un.org/WCAR/statements/indiaE.htm>. Accessed on 4 March 2010.

*Caste systems exist where?* [online] International Dalit Solidarity Network, Available at <<http://idsn.org/caste-discrimination/caste-exists-where/>> [Accessed on 26 March 2010].

REDS Rural Development Society [online] Available at < <http://www.dalitreds.org/>> Accessed on 15 January 2010.

People's Watch [online] Available at < <http://www.pwtn.org/>> Accessed on 4 January 2010.

## Primary Sources

M.C. Raj and Jyothi, 2007, *Dalitocracy: The Theory and Praxis of Dalit Politics*. Bangalore: Ambedkar Resource Centre.

M.C. Raj, *Government Responsibilities to the Dalit People*. [online] REDS Rural Education for Development Society. Available at <<http://www.dalitreds.org/articles.aspx>> [Accessed on 7 February 2010]. (a)

M.C. Raj, *Dalitology*. [online] REDS Rural Education for Development Society. Available at <<http://www.dalitreds.org/articles.aspx>> [Accessed on 7 February 2010]. (b)

M.C. Raj, *Strategies and Practices - Context of Casteism*. [online] REDS Rural Education for Development Society. Available at <<http://www.dalitreds.org/articles.aspx>> [Accessed on 7 February 2010]. (c)

Tiphagne, Henri et al., 2010, *A Guidebook for Human Rights Defenders*, Madurai: People's Watch.

## Legal Documents

### INDIA

Constitution of India of 6 November 1949. As modified on 1 December 2007. [online] Available at <<http://lawmin.nic.in/coi/coiason29july08.pdf>> Accessed on 12 January 2010.

The Protection of Civil Rights Act (Act No.22 OF 1955) 8 May 1955. [online] Available at <<http://tribal.gov.in/writereaddata/linkimages/pcract955E2701676142.pdf>> Accessed on 12 April 2010.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (No. 33 OF 1989) 11 September 1989. [online] Available at <[http://www.cwds.org/prevention\\_of\\_atrocities\\_act.pdf](http://www.cwds.org/prevention_of_atrocities_act.pdf)> Accessed on 7 April 2010.

The Protection of Human Rights Act, 8 January 1994. As amended by the Protection of Human Rights (Amendment) Act, (No. 43 of 2006) [online] Available at <[http://indianchristians.in/news/images/resources/pdf/protection\\_of\\_human\\_rights\\_act\\_amendment\\_2006.pdf](http://indianchristians.in/news/images/resources/pdf/protection_of_human_rights_act_amendment_2006.pdf)> Accessed on 14 April 2010.

### UNITED NATIONS

International Convention on the Elimination of All Forms of Racial Discrimination. Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) on 21 December 1965. Entry into force 4 January 1969.

United Nations Economic and Social Council Committee for Human Rights, Sub-Committee for the Promotion and Protection of Human Rights. 53<sup>rd</sup> Session. [Working paper by Mr. Rajendra Kalida Wimala Goonesekere on the topic on discrimination based on work and descent, submitted pursuant to the Sub-Commission resolution 2000/4], Provisional Agenda Item 5. (E/CN.4/Sub.2/2001/16) 2001.

United Nations Economic and Social Council 56<sup>th</sup> Session. *Commission on Human Rights Sub-Commission on the Promotion and Protection of Human Rights* [Prevention of Discrimination Expanded working paper by Mr. Asbjørn Eide and Mr. Yozo Yokota on the topic of discrimination based on work and descent] (E/CN.4/Sub.2/2004/31). 5 July 2004. Available at <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G04/147/91/PDF/G0414791.pdf?OpenElement>> [Accessed on 23 May 2010].

## **Interviews**

Henri Tiphagne, Executive Director People's Watch. 6 April 2010. Conversation took place at People's Watch office in Madurai, Tamil Nadu. [in English]

Group interview with the residents of Reddyhalli Village, Karnataka. 12 May 2010. Translated into English by Archana Raj.

Jyothi Raj, Executive Director and co-founder of DalitReds. 13 May 2010. Interview in Tumkur, Karnataka. [in English]

## ANNEXE A

### Relevant Constitutional Articles

**Article 17:** The Abolition of Untouchability.

“Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.

**Article 21:** Protection of life and personal liberty

No person shall be deprived of his life or personal liberty except according to procedure established by law.

**Article 330:** Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People

Seats shall be reserved in the House of the People for the Scheduled Castes.

**Article 332:** Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.

Seats shall be reserved for the Scheduled Castes and the Scheduled Tribe in the Legislative Assembly of every State.

**Article 335:** Claims of Scheduled Castes and Scheduled Tribes to services and posts

The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.

**Article 338:** National Commission for Scheduled Castes

There shall be a Commission for the Scheduled Castes to be known as the National Commission for the Scheduled Castes.

**Article 340:** Appointment of a Commission to investigate the conditions of backward classes

The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition and as to the grants that should be made for the purpose by the Union or any State and the conditions subject to which such grants should be made, and the order appointing such Commission shall define the procedure to be followed by the Commission.

## ANNEXE B

### The Protection of Human Rights Act, 1993

(Relevant Articles)

#### THE NATIONAL HUMAN RIGHTS COMMISSION

##### *Constitution of a National Human Rights Commission*

1. The Central Government shall constitute a body to be known as the National Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

#### STATE HUMAN RIGHTS COMMISSIONS

##### *Constitution of State Human Rights Commissions*

1. A State Government may constitute a body to be known as the Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to, a State Commission under this chapter.

### The Protection of Civil Rights Act, 1955

(Relevant Articles)

An Act to prescribe punishment for the <sup>1</sup>[preaching and practice of “Untouchability” for the enforcement of any disability arising there from for matters connected therewith.

- (1) This Act may be called <sup>2</sup>[the Protection of Civil Rights Act, 1955.
- (2) It extends to the whole of India.

**Article 1** In this Act, unless the context otherwise requires; (a) “civil rights” means any right accruing to a person by reason of the abolition of “untouchability” by article 17 of the Constitution;]

**Article 3** Whoever on the ground of “untouchability” prevents any person

- (a) from entering any place of public worship which is open to other persons professing the same religion any section thereof, as such person; or
- (b) from worshipping or offering prayers or performing any religious service in any place of public worship, or bathing in, or using the waters of, any sacred tank, well, spring or water-course, in the same manner and to the same extent as is permissible to the other persons professing the same religion any section thereof, as such person;

[shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

**Article 15A** Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for ensuring that the rights arising from the abolition of “untouchability”, and are availed of by, the persons subjected to any abolition of disability arising out of the “untouchability”.



## **The Scheduled Castes and the Scheduled Tribes (PREVENTION OF ATROCITIES) Act, 1989**

An Act to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.

**Article 1** This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

**Article 2** In this Act unless the context otherwise requires,-  
(a) "atrocitiy" means an offence punishable under section 3;  
(b) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);  
(c) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution

**Article 3** Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, for offences of Tribe,

- (i) forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance;
- (ii) acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste, or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;
- (iii) forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity;
- (iv) wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred;
- (v) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water;
- (vi) compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do 'begar' or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government;
- (vii) forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law;
- (viii) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe.
- (ix) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;
- (x) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;
- (xi) assaults or uses force to any woman belonging to a Scheduled

- Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty;
- (xii) (xii) being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually to which she would not have otherwise agreed;
  - (xiii) (xiii) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or a Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;
  - (xiv) (xiv) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to;
  - (xv) (xv) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence,
  - (xvi) (xvi) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death;
  - (xvii) (xvii) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine; shall be punishable with the punishment provided for that offence;