



COI QUERY

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COI QUERY RESPONSE – India

Chamar and Chimbe castes in Punjab

1. The Chamar caste in Punjab state

1.1. Legal status of people belonging to the Chamar caste

Chamar (also called Jatia Chamar, Rehgar, Raigar, Ramdasia or Ravidasiais) is officially listed by the Indian government among the Scheduled Castes and Scheduled Tribes (SCSTs) in the state of Punjab.¹ SCSTs are ‘among the most disadvantaged socio-economic groups in India’.² The official term ‘Scheduled Caste’ is used in place of the term ‘Dalits’, which was considered as ‘condescending’ and ‘offensive’, even though some political activists use this term.³ A media source, indicated that Dalit community ‘has chosen the term Dalit for itself, eschewing the official moniker of Scheduled Castes’.⁴ ‘Many different hereditary castes have been traditionally subsumed under the title *untouchable*, each of which subscribes to the social rule of endogamy (marriage exclusively within the caste community) that governs the caste system in general’.⁵ The term ‘Dalit’ means ‘untouchable’⁶, ‘oppressed’, ‘broken’ or ‘crushed’⁷ to the extent of losing original identity’.⁸ Dalits are among the ‘most vulnerable populations’ in India.⁹

The provisions regulating the status of people belonging to the SCSTs (and to castes in general) include:

1) Articles 341 and 342 of the Constitution of India, stating the following:

‘The President may with respect to any State or Union Territory and where it is a State after consultation with the Governor thereof, by public notification specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State. or Union Territory, as the case may be’.¹⁰

¹ India, PSCFC, Notified Scheduled Castes of Punjab State, 20 April 2017, [url](#)

² UN in India, About Scheduled Castes and Scheduled Tribes, n.d., [url](#)

³ Britannica, Untouchable, Social Class, India, 18 May 2020, [url](#)

⁴ NBC News, In India, Dalits still feel bottom of the caste ladder, 13 September 2020, [url](#)

⁵ Britannica, Untouchable, Social Class, India, 18 May 2020, [url](#)

⁶ Britannica, Untouchable, Social Class, India, 18 May 2020, [url](#)

⁷ Minority Rights, India, Dalits, n.d., [url](#); NBC News, In India, Dalits still feel bottom of the caste ladder, 13 September 2020, [url](#)

⁸ Minority Rights, India, Dalits, n.d., [url](#)

⁹ HRW, India Should Stop Using Abusive Foreign Funding Law, 18 January 2022, [url](#)

¹⁰ India, DOPT, Chapter XI, Special Representation in Services for SC/ST, Articles 341 & 342, n.d., [url](#)



2) Article 15 of the Constitution of India on 'Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth', stating the following:

- 1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them
- 2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to
 - a) access to shops, public restaurants, hotels and palaces of public entertainment; or
 - b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public [...].¹¹

3) Article 16 of the Constitution of India on 'Equality of opportunity in matters of public employment of the Indian Constitution', stating the following:

- 1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State
- 2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State [...].¹²

4) The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (and its amendments). As described in the introduction of this Act, the 1989 Act is:

'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 and the Exclusive 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'.¹³

5) The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 'provide for the prohibition of employment as manual scavengers, rehabilitation of manual scavengers and their families, and for matters connected therewith or incident thereto'.¹⁴ The Aim of this bill is to 'eliminate the inhuman practice of manual scavenging and rehabilitation of liberated manual scavengers, all of them who belong to the Scheduled Castes'.¹⁵

In addition to the aforementioned provisions, other Acts and measures have been launched by the Indian government to 'empower' the people belonging to the Scheduled Castes and Scheduled Tribes (SCSTs). According to the United Nations (UN) in India, the actions can be summarised as follows:

¹¹ India, Constitution of India 1949, available at [url](#), Art 15

¹² India, the Constitution of India 1949, n.d., available at [url](#), Art 16

¹³ India, NCSC, The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, [url](#), p. 2

¹⁴ India, The prohibition of employment as manual scavengers and their rehabilitation Act, 2013, No.25 of 2013, 18 September 2013, [url](#)

¹⁵ UN in India, About Scheduled Castes and Scheduled Tribes, n.d., [url](#)



- 1) the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA);
- 2) the Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996;
- 3) the Minor Forest Produce Act 2005;
- 4) the Tribal Sub-Plan Strategy (together with the Minor Forest Produce Act 2005 are focused on the socio-economic empowerment of STs);
- 5) the Land Acquisition Bill, which has been renamed as The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2012 has a separate Chapter to protect the interests of SCs and STs.¹⁶

2.2 Treatment of people belonging to the Chamar caste in Punjab state

In Punjab state, Dalits are the largest caste group, however it does not have a ‘monolithic’ character. ‘Different castes and groups in different regions have their own political preferences and should not be seen as one single bloc¹⁷ as ‘all of them are sharply divided across their respective distinctive cultural heritages, faiths and beliefs, and socio-religious background’.¹⁸

Although not specifically related to the treatment of Dalit communities in Punjab state, general information on the treatment of these castes at a national level is provided below.

The National Crimes Records Bureau reported 50 291 cases against Dalits during 2020.¹⁹

According to Amnesty International (AI), ‘casted-based discrimination’, ‘violence’ and ‘widespread abuses’ and ‘discrimination accessing public services’ against Dalits were recorded during 2021, while Dalits women ‘faced sexual violence by men from dominant classes’. Additionally, it is estimated that ‘more than 50,000 crimes against members of Scheduled Castes and 8,272 crimes against Scheduled Tribes were reported in 2020’.²⁰ Freedom House mentioned that ‘scheduled castes (Dalits), and scheduled tribes (Adivasis) remain economically and socially marginalized’.²¹ A 2022 report noted that the discrimination against Scheduled Tribes ‘has substantially worsened in recent years’ whereas Dalits ‘have been victims of mob attacks perpetrated by Hindu-nationalist groups’.²²

According to the United States Department of Labor (USDOL) 2021 report, children and girls belonging to the lower castes communities are the more vulnerable to ‘commercial sexual exploitation, forced labour, and child trafficking’.²³ France24 stated ‘on average, ten Dalit

¹⁶ UN in India, About Scheduled Castes and Scheduled Tribes, n.d., [url](#)

¹⁷ Wire (The), Punjab: Despite Strength in Numbers, Why Are Dalits Not Politically Empowered?, 21 June 2021, [url](#)

¹⁸ Outlook India, Why Consolidation Of Dalit Votes In Punjab Is Unrealistic, 19 February 2022, [url](#)

¹⁹ India, NCRB, Crime in India 202, Statistics- Volume I, September 2021, [url](#)

²⁰ AI, Amnesty International Report 2021/22; The State of the World’s Human Rights; India 2021, 29 March 2022, [url](#), p. 192

²¹ Freedom House, Freedom in the World 2022, India, 28 February 2022, [url](#)

²² BTI, India Country Report 2022, n.d., [url](#)

²³ USDOL, 2020 Findings on the Worst Forms of Child Labor: India, 29 September 2021, [url](#), p. 3



women are raped every day'.²⁴ The Australian Department of Foreign Affairs and Trade (DFAT) assessed that:

'Dalits and other people considered to be of a low caste face a high risk of official and societal discrimination, including social segregation, exclusion, compromised access to education and health care, and a higher risk of sexual assault in the case of women and girls'.²⁵

2. The Chimbe caste in Punjab state

2.1 Legal status of people belonging to the Chimbe caste in Punjab state

The Chimbe (also called Chimba, Chippi, Chhippi, Chimpa, Darzi, Tonk) caste is officially listed by the Indian government as 'Other Backward Caste' (OBC) of the Punjab State.²⁶ The Government of India uses the 'Other Backward Classes'²⁷ as the official term to classify the 'castes that are educationally or socially disadvantaged under the constitution, and do not fall under Scheduled Castes or Scheduled Tribes'.²⁸ BBC indicated that OBCs 'fall between the traditional upper castes and the lowest'.²⁹ 'Other Backward Classes' is 'a category for groups deemed to be socially and educationally disadvantaged'.³⁰

The exact number of populations belonging to OBCs is not clear as the latest OBC census took place in 1931, and included Pakistan. According to the latest available data, Other Backward Classes formed the 52 % of the population.³¹ The 2021, census did not enumerate OBCs.³²

Legal provisions regulating the OBCs are contained in the aforementioned Articles 15 and 16 as well as Articles 341 and 342 of the Indian Constitution.³³

²⁴ France 24, Women of India's Dalit caste overexposed to rape and other crimes, 19 January 2021, [url](#)

²⁵ Australia, DFAT, Country Information Report, India, 10 December 2020, [url](#), p. 46

²⁶ India, NCBC, Central List of OBCs, n.d., [url](#)

²⁷ Britannica, Caste of India, 6 April 2022, [url](#)

²⁸ Australia, DFAT, Country Information Report, India, 10 December 2020, [url](#), p. 8

²⁹ BBC, What is India's caste system?, 19 June 2019, [url](#)

³⁰ USDOS, 2019 Report on International Religious Freedom, India, 10 June 2022, [url](#), p. 9

³¹ Wire (The), OBCs Haven't Been Counted Since 1931 Census. In Maharashtra, Demand For Separate Column Grows, 1 March 2020, [url](#)

³² Time of India (The), No OBC information in 2021 census as 2011 unusable: Government, 24 September 2021, [url](#); Federal (The), Explained: Why caste-based census is not happening in India, 24 September 2021, [url](#)

³³ The articles are analysed in section 1, p. 2



2.2 Treatment of people belonging to the Chimbe caste in Punjab state

Among all sources consulted within the limited timeframe for producing this COI query response, scarce information could be found specifically on the treatment of the Chimbe caste in Punjab state.

According to an article by The Diplomat, 'the suffering of OBCs remain underreported'.³⁴ As noted by Freedom House, despite the existence of the legal provisions which criminalise any act of discrimination against people belonging to underprivileged groups such as SCSTs and OBCs, 'members of these populations face routine discrimination and violence, and the criminal justice system fails to provide equal protection to marginalized groups'.³⁵

³⁴ Diplomat (The), Not Just 'Dalits': Other-Caste Indians Suffer Discrimination Too, 27 August 2019, [url](#)

³⁵ Freedom House, Freedom in the World 2022, India, 28 February 2022, [url](#)

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