

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Is the Namasudra caste one of the scheduled castes? What institutions in West Bengal and in India operate to protect the rights of the scheduled castes?**
- 2. Please provide information on the aims and functions of Madhua Sammalan? Is it a large organisation and does it operate throughout West Bengal? Is there any evidence that members are targeted for harm?**
- 3. Is the Amal Bahini a terrorist group operating in West Bengal?**
- 4. Are there large Bengali populations living in Indian states outside West Bengal?**

RESPONSE

- 1. Is the Namasudra caste one of the scheduled castes? What institutions in West Bengal and in India operate to protect the rights of the scheduled castes?**

According to data from the 2001 Census of India, the Namasudra is one of the main scheduled castes in West Bengal, with a population of 3,212,393 people, or 17.4 percent of the Scheduled Caste population of West Bengal. It is second only to the Rajbanshi Scheduled Caste which has 3,386,617 people. Other information about the Namasudra which is featured in this report includes:

- It has the fourth-highest literacy rate of the West Bengal Scheduled Castes: 71.9 percent, or 80.6 percent for males and 62.8 for females. The caste with the highest rate of literacy in West Bengal has 82.5 overall, while the national literacy average for Scheduled Castes is 54.7 percent (Office of the Registrar General, India (undated), 'West Bengal Data Highlights: The Scheduled Castes', *Census of India 2001*)

http://www.censusindia.gov.in/Tables_Published/SCST/dh_sc_westbengal.pdf – Accessed 24 July 2007 – Attachment 1).

A 1998 paper on the history of politics in Bengal states that traditionally the Namasudra caste played an important part in the struggle to gain rights for scheduled castes after India became independent. Many migrated into West Bengal from the area which became East Pakistan (and later, Bangladesh):

The two most important communities which dominated Scheduled Caste politics in colonial Bengal were the Namasudras and the Rajbansis. The Namasudras, earlier known as the Chandals of Bengal, lived mainly in the eastern districts of Dacca, Bakarganj, Faridpur, Mymensingh, Jessore and Khulna. When these districts were ceded to East Pakistan, the inhabitants were forced to migrate across the new international boundary to the state of West Bengal in India. At the same time, a section of the Kochs of northern Bengal, living in the districts of Rangpur, Dinajpur, Jalpaiguri and the Princely state of Cooch Behar, came to be known as the Rajbansis from the late nineteenth century. Of those districts, Rangpur and parts of Dinajpur went to East Pakistan, while the rest remained in West Bengal. In other words, so far as the Namasudras and the Rajbansis were concerned, the international political boundary that came into existence in 1947 did not correspond by any means to ethnic boundaries, and resulted in the uprooting of these two groups of people from their territorial anchorage. Incidentally, according to the 1901 Census, the Rajbansis and the Namasudras were the second and third largest Hindu castes respectively in the colonial province of Bengal.

Both of these two groups were considered untouchables among the Hindus of Bengal. Although untouchability per se was not as limiting a problem in this as in other parts of India, the Namasudras and the Rajbansis suffered from a number of disabilities, which created a considerable social distance between them and the high caste Bengalis who dominated Hindu society. Hence, when as a result of land reclamations in eastern and northern Bengal in the late nineteenth century, these two groups of people both experienced some amount of vertical social mobility, they proposed creating their own distinctive community identities. Among the Rajbansis, a caste association was formed in 1891 to claim a Kshatriya (warrior) status for themselves. The Namasudras had their first organisation in 1902 and they demanded a Brahmin status. Eventually, in the early twentieth century, these social claims were transformed into political demands for separate representation in the legislature, reservation of jobs in public services and seats in educational institutions (Bandyopadhyay, Sekhar 1998, *Changing Borders, Shifting Loyalties: Religion, Caste and the Partition of Bengal in 1947*, Asian Studies Institute, Wellington <http://www.vuw.ac.nz/asianstudies/publications/working/02ChangingBorders.pdf> – Accessed 30 August 2007 – Attachment 2).

Various sources suggest that some of the occupations traditionally followed by the Namasudra caste are skilled basket weaving, farming, fishing and carpentry. Women are employed as midwives and servants. Married women wear iron bangles and conch shell bangles plus a nose stud and vermilion on the foreheads ('Namasudra people' 2005, Global Prayer Digest website, 31 March <http://www.global-prayer-digest.org/dailydata/getdaily.asp?which=chosenday&whichyear=2005&whichmonth=3&whichday=31> – Accessed 30 August 2007 – Attachment 3; 'Bamboo and cane products' 2002, Crafts Council West Bengal website <http://www.craftsbengal.org/basket.html> – 30 August 2007 – Attachment 4).

A map found on the website of the Joshua Project, a Christian evangelist group, shows the distribution of the Namasudra throughout India. It shows that the highest concentration is in West Bengal, with substantial populations in Bangladesh and the northeast Indian states.

There are also smaller populations throughout northern India ('Peoples of South Asia: Namasudra, Hindu' (undated), Joshua Project website <http://www.joshuaproject.net/peopctry.php?rog3=IN&rop3=113215> – Accessed 30 August 2007 – Attachment 5).

The following documents mention some of the institutions which protect the rights of scheduled castes.

A 2007 Human Rights Watch mentions India's National Human Rights Commission (NRHC) "a statutory body that the Indian government describes as the apex national institution to protect human rights and redress grievances" and the National Campaign on Dalit Human Rights (NCDHR), which have been critical of the Indian government and the security forces (p.4). The report mentions that there are several national laws which are supposed to protect the rights of Dalits, but they have been largely ineffective (p.12). The National Commission for Scheduled Castes and Scheduled Tribes is also mentioned (p.40). The report in general is highly critical of the treatment of Dalits in India, stating that:

...unless the government accepts responsibility to end the widespread prejudice, crimes against Dalits will continue. India has consistently cited its numerous legislations and government policies as a measure of compliance with its obligations to end caste-based discrimination, choosing to ignore its failure to implement these measures which has resulted in continued, and sometimes enhanced, brutalities against Dalits (Human Rights Watch 2007, *Hidden apartheid: Caste discrimination against India's "Untouchables"*, February <http://www.hrw.org/reports/2007/india0207/india0207web.pdf> – Accessed 14 February 2007 – Attachment 6).

Another recent Human Rights Watch contains relevant references to recent comments by the UN Committee on the Elimination of Racial Discrimination:

On March 9, the UN Committee on the Elimination of Racial Discrimination (CERD) issued its Concluding Observations regarding India's compliance with the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee's report found that "de facto segregation of Dalits persists" and highlighted systematic abuse against Dalits including torture and extrajudicial killings, an "alarming" extent of sexual violence against Dalit women, and caste discrimination in post-tsunami relief.

The Committee called for effective measures to implement laws on discrimination and affirmative action, and sought proper protection for Dalits and tribal communities against acts of "discrimination and violence." The Committee has given India a year to respond to four of its recommendations, including its recommendations on how India can end widespread impunity for violence against Dalits, and Dalit women in particular (Human Rights Watch 2007, *UN Finds Pervasive Abuse Against Dalits*, 12 March – Attachment 7).

A February 2007 news report discusses the formation of a new government committee to examine atrocities against Dalits:

Alarmed at the growing rate of atrocities against Dalits [so called untouchables] and high acquittal rates in such crimes, the centre has appointed a high-level committee for effective coordination to devise ways and means to curb such offences.

The committee headed by Union Minister for Social Justice and Empowerment would also see effective implementation of the Protection of Civil Rights Act, 1955 and SCs/STs (Prevention of Atrocities) Act, 1989, Ministry Sources told PTI.

The government is very keen to handle the atrocity cases under the Prevention of Crime Act, 1955, and SCs/STs (Prevention of Atrocities) Act, 1989 at the highest level in the Ministry of Social Justice and Empowerment and has held several meetings with representatives from different states to finalize an effective action plan in this regard.

The committee, which has already held three meetings, observed that a responsive police administration was essential to take care of its subjects and in the present context and that it was essential for prevention of atrocities that are inflicted upon the members of SCs/STs by “unscrupulous elements from the dominant sections of society”.

As many as 87,647 cases of atrocities against scheduled castes were pending by the end of year 2005, which also saw lower conviction rate of merely 29.77 per cent and high acquittals to the tune of over 70 per cent.

“There were 1,09,072 cases of atrocities against SCs registered during 2005. Of the total, 87,647 cases are still pending while merely 6,145 were convicted and 14,495 acquitted,” they said quoting records from the National Crime Bureau.

Expressing concern over the situation, the committee said the figures for conviction in respect of crimes against SCs are still considerably lower as compared to the all India figures for overall conviction percentage for all crimes in India.

While the percentage of conviction for crimes against SCs were 29.8 in the year 2005, conviction for Indian Penal Code crimes on all India basis was 42.4 per cent, they said.

Meanwhile, expressing serious concern over the overall situation as also role of “men in uniform” while dealing with atrocities against Dalits, National Commission for Scheduled Castes sought setting up of “exclusive” courts to deal with atrocities against Dalits (‘Committee formed to help curb atrocities against Dalits’ 2007, *Press Trust of India*, 15 February – Attachment 8).

Two recent research responses examine the situation of Scheduled Castes in India, and the various programs in different states:

- RRT Country Research 2007, *Research Response IND31565*, 4 April – Attachment 9.
- RRT Country Research 2007, *Research Response IND31787*, 25 May – Attachment 10.

Also attached is the May 2007 report of the concluding observations of the UN Committee on the Elimination of Racial Discrimination, which indicates that in the opinion of the Committee there is still widespread discrimination and mistreatment of Dalits, and there is a failure of the authorities to uphold the laws which are supposed to protect them (United Nations Committee on the Elimination of Racial Discrimination 2007, *Consideration of reports submitted by States Parties under Article 9 of the Convention – Concluding observations of the Committee on the Elimination of Racial Discrimination – India*, CERD/C/IND/CO/19, 5 May

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0a287107325678c5c12572ed004ac999/\\$FILE/G0741717.doc](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0a287107325678c5c12572ed004ac999/$FILE/G0741717.doc) - Accessed 13 June 2007 – Attachment 11).

2. Please provide information on the aims and functions of Madhua Sammalan? Is it a large organisation and does it operate throughout West Bengal? Is there any evidence that members are targeted for harm?

Alternative spellings for this group were found. Madhua, Mathua, Sammelon, Sammelan and Sammalan were searched in various combinations on ISYS, Google, Factiva and CISNET, as were other possible spellings of the words. No references to a group by this name were found. The word *sammelan* by itself means “conference”.

The word *sammelan* appears frequently in internet reports about different kinds of conferences. For instance, one website refers to a “North America Bengali Conference or Bango Sammelan”. Another refers to “the annual Sarva Dharma Sammelan (All Religious Convention)” (‘Changes for Annual Program’ 2001, *Prabasi Letter*, Prabasi website, 18 May <http://www.prabasi.org/CGI/letterdetails.cgi?letter=letter0029> – Accessed 28 August 2007 – Attachment 12; US Department of State 2004, *International Religious Freedom Report for 2004 – India*, 15 September – Attachment 13).

A Bangla (Bengali) speaker on the staff of the Refugee Review Tribunal was consulted, and he confirmed that *sammelan* means “conference”.

3. Is the Amal Bahini a terrorist group operating in West Bengal?

Among the sources consulted there were no reports that mentioned a terrorist group called Amal Bahini, or a terrorist named Amal Bose.

The reports below indicate that the word *bahini* means “force”. During the 1971 war of independence from Pakistan, there were many *bahinis* formed in Bangladesh (which borders West Bengal and shares the same language) to join the fighting. There are also recent reports of militant *bahinis* of different religious and political persuasions in West Bengal and neighbouring Assam.

An article from the Yahoo! Geocities website on the Bangladesh war of liberation mentions several *bahinis* that were formed at the time:

...The students, peasants, workers and political activists joined the Mukti Bahini with high spirit to liberate Bangladesh from the Pakistan army. The headquarters of the Bangladesh Forces was established at 8 Theatre Road, Calcutta which started functioning from 12 April 1971. Besides Mukti Bahini, many other bahinis were organised inside Bangladesh at different places to fight Pakistan Army. These Bahinis included Kader Bahini of Tangail, Latif Mirza Bahini of Sirajganj, Akbar Hossain Bahini of Jhainidah, Hemayet Bahini of Faridpur, Quddus Molla and Gafur Bahini of Barisal, Afsar Bahini of Mymensingh and Aftab Bahini of Mymensingh. Siraj Sikdar, leader of Sorbohara Party, also organised his force in Barisal. Mujib Bahini was trained at Dehradun. Mukti Bahini consisted of the regular and the irregular forces. The regulars were later called “Niomita Bahini” (regular force) and the irregulars were called “Gono Bahini” (people’s Force). The irregular forces, which after initial training joined different sectors, consisted of the students, peasants, workers and political activists (‘The War of Liberation and Independence of Bangladesh’ (undated),

Yahoo! Geocities website <http://www.geocities.com/languageranger/libwar.html> – Accessed 28 August 2007 – Attachment 14).

A 2005 report from *The Statesman* mentions a group of “Muslim youths” called the “Saddam Bahini” in Assam, which borders West Bengal (‘Covert attack’ 2005, *The Statesman*, 21 May – Attachment 15).

A 2001 report from *The Times of India* mentions a Hindu nationalist women’s group in West Bengal called the “Durga Bahini” (‘Bajrang Dal Durga Bahini organise camps’ 2001, *The Times of India*, 19 June – Attachment 16).

4. Are there large Bengali populations living in Indian states outside West Bengal?

Sources indicate that there are some substantial Bengali populations in Indian states outside of Bengal. Some of these communities consist of legal or illegal migrants from Bangladesh, and in certain states such as Assam and Tripura, Bengali speakers have been targeted by local populations who consider them to be foreigners.

The language tables from the 1991 census of India indicate that there were 70,771 Bengali speakers in Arunachal Pradesh; 2,523,040 in Assam; 144,261 in Meghalaya; 1,899,162 in Tripura; 59,092 in Mizoram; and 64,706 in the Andaman and Nicobar Islands (‘Table 26: Three Main Languages in every State, 1991’ (1997), Citation: ‘Table 26: Three Main Languages in every State, 1991’ 1997, Census India website <http://www.censusindia.net/cendat/datatable26.html> – Accessed 16 August 2006 – Attachment 17).

Another census was conducted in 2001, but the new language tables are not yet posted on the Census India website.

According to the 2005 edition of *Ethnologue: Languages of the World*, there were 70,561,000 speakers of Bengali in India in 1997. The language is spoken in “West Bengal; Jharkhand, Dhanbad, Manbhum, Singhbhum, Santal Parganas; Bihar; Assam, Goalpara District; Meghalaya, Garo Hills; Mizoram; Nagaland” (Gordon, Raymond G., Jr. (ed.) 2005, ‘Bengali’, *Ethnologue: Languages of the World, Fifteenth edition*, Dallas, http://www.ethnologue.com/show_language.asp?code=ben – Accessed 28 August 2007 – Attachment 18).

The May 2007 report on India by the Internal Displacement Monitoring Centre contains some relevant information on Bengali populations outside of West Bengal and Bangladesh. It states that “once sparsely populated, Northeast India’s population has swelled with the arrival of millions of ethnic Bengali Hindus and Muslims from Bangladesh and from India’s West Bengal State (p.79)”. However, the Bengalis are not always welcome in these areas. In Northern Tripura, for instance, they are “considered foreigners by the local tribal population [and] have increasingly become the target of local armed groups (p.13)”. Bengalis have also been targeted in Assam where they are accused of being illegal migrants from Bangladesh (pp.13,29,32) (India by the Internal Displacement Monitoring Centre 2007, *India: Large numbers of IDPs are unassisted and in need of protection*, 3 May – Attachment 19).

List of Sources Consulted

Internet Sources:

Census India website <http://censusindia.net/>

Asian Centre for Human Rights website <http://www.achrweb.org>

Human Rights Watch website

Google search engine

Factiva

Databases:

ISYS

CISNET

List of Attachments

1. Bandyopadhyay, Sekhar 1998, *Changing Borders, Shifting Loyalties: Religion, Caste and the Partition of Bengal in 1947*, Asian Studies Institute, Wellington
<http://www.vuw.ac.nz/asianstudies/publications/working/02ChangingBorders.pdf> – Accessed 30 August 2007.
2. ‘Changes for Annual Program’ 2001, *Prabasi Letter*, Prabasi website, 18 May
<http://www.prabasi.org/CGI/letterdetails.cgi?letter=letter0029> – Accessed 28 August 2007.
3. ‘Namasudra people’ 2005, Global Prayer Digest website, 31 March
<http://www.global-prayer-digest.org/dailydata/getdaily.asp?which=chosenday&whichyear=2005&whichmonth=3&whichday=31> – Accessed 30 August 2007.
4. ‘Peoples of South Asia: Namasudra, Hindu’ (undated), Joshua Project website
<http://www.joshuaproject.net/peopctry.php?rog3=IN&rop3=113215> – Accessed 30 August 2007.
5. ‘Bamboo and cane products’ 2002, Crafts Council West Bengal website
<http://www.craftsbengal.org/basket.html> – 30 August 2007.
6. Human Rights Watch 2007, *Hidden apartheid: Caste discrimination against India’s “Untouchables”*, February
<http://www.hrw.org/reports/2007/india0207/india0207web.pdf> – Accessed 14 February 2007.
7. Human Rights Watch 2007, *UN Finds Pervasive Abuse Against Dalits*, 12 March. (CISNET India CX173431)
8. ‘Committee formed to help curb atrocities against Dalits’ 2007, *Press Trust of India*, 15 February, <http://www.bbcmonitoringonline>.
9. RRT Country Research 2007, *Research Response IND31565*, 4 April.
10. RRT Country Research 2007, *Research Response IND31787*, 25 May.

11. United Nations Committee on the Elimination of Racial Discrimination 2007, *Consideration of reports submitted by States Parties under Article 9 of the Convention – Concluding observations of the Committee on the Elimination of Racial Discrimination – India*, CERD/C/IND/CO/19, 5 May
[http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0a287107325678c5c12572ed004ac999/\\$FILE/G0741717.doc](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0a287107325678c5c12572ed004ac999/$FILE/G0741717.doc) - Accessed 13 June 2007.
12. ‘Changes for Annual Program’ 2001, *Prabasi Letter*, Prabasi website, 18 May
<http://www.prabasi.org/CGI/letterdetails.cgi?letter=letter0029> – Accessed 28 August 2007.
13. US Department of State 2004, International Religious Freedom Report for 2004 – India, 15 September. (CISNET India CX118795)
14. ‘The War of Liberation and Independence of Bangladesh’ (undated), Yahoo! Geocities website <http://www.geocities.com/languagechanger/libwar.html> – Accessed 28 August 2007.
15. ‘Covert attack’ 2005, *The Statesman*, 21 May. (FACTIVA)
16. ‘Bajrang Dal Durga Bahini organise camps’ 2001, *The Times of India*, 19 June. (FACTIVA)
17. ‘Table 26: Three Main Languages in every State, 1991’ (1997), Citation: ‘Table 26: Three Main Languages in every State, 1991’ 1997, Census India website
<http://www.censusindia.net/cendat/datatable26.html> – Accessed 16 August 2006.
18. Gordon, Raymond G., Jr. (ed.) 2005, ‘Bengali’, *Ethnologue: Languages of the World, Fifteenth edition*, Dallas, http://www.ethnologue.com/show_language.asp?code=ben – Accessed 28 August 2007.
19. India by the Internal Displacement Monitoring Centre 2007, *India: Large numbers of IDPs are unassisted and in need of protection*, 3 May.