

Laws & Policies

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Below are legal documents dealing with religious freedoms, caste practices, and equality for Dalit-Bahujans. This includes anti-conversion laws from various states in India, United Nations policies which India has ratified, and more. Please contact us if you find an error, broken links, or want us to add other documents. Please note that many independent reports from both Western and Indian non-government organisations are available on the Other Info & Links page. All documents are provided as PDF files for download, but we can provide Microsoft Word versions upon request. If you do not have Acrobat Reader software for viewing PDF files, download it for free from <http://www.adobe.com/products/acrobat/readstep2.html>. For definitions of unfamiliar terms, see the list maintained by the Dalit Freedom Network.

- Key Legislation in India
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Key legislation in India Constitution of India (79 KB)

Several articles relating to freedoms of religion and the rights of Scheduled Castes (Dalits) are included here. For example, Article 14 provides for "equality before the law" for all citizens. Article 15(1) refers to non-discrimination on the basis of caste and gender. Article 17 bans untouchability, a symptom of caste, but not the caste system itself. Article 25 guarantees that every Indian citizen can "profess, practise and propagate religion". Article 46 relates to the protection of Dalits from "social injustice and all forms of exploitation".

Indian Penal Code (153 KB)

Many sections are used to deal with the violation of rights of minority faiths and oppressed castes. We have also listed a few of the codes that can be used when filing FIRs after an attack occurs. For example, if someone has stopped a vehicle and beaten a Christian literature team, they could possibly file a case under section 283. Or if a Hindutva group interrupts a prayer meeting by invading the church, the pastor could file a case under section 296.

Code of Criminal Procedure (126 KB)

This law gives detailed directions on how police, judges, and courts are to conduct themselves. We have selected a few codes that apply to situations often faced during and after incidents of religious or caste violence.

India laws dealing with religious freedoms

- Anti-Conversion or "Freedom of Religion" Laws

Note that both conversion activities and willful trespass by missionaries upon the sacred spaces of other faiths can be prosecuted under Section 295A of the Indian Penal Code, so many experts believe there is no need for anti-conversion laws by individual states and they should be repealed. Others note several of the laws mention Scheduled Castes and Scheduled Tribes and discriminate by attempting to limit the freedom of conscience for members of those groups. For an excellent analysis on the current status of each law or a compiled collection of the laws below, visit "resources" at Christian Solidarity Worldwide.

- Arunachal Pradesh Freedom of Religion Act, 1978, No. 4 (34 KB)
- Chhattisgarh Freedom of Religion Amendment, 2006, No. 18 (36 KB) -- Note: Because Chhattisgarh was bifurcated from Madhya Pradesh in 2000, it shares the same act and rules.
- Gujarat Freedom of Religion Act, 2003, No. 24 (56 KB)
- Gujarat Freedom of Religion Rules, 2008 (83 KB)
- Gujarat Freedom of Religion Amendment, 2006, No. 30 (38 KB) -- Note: The government dismissed this act on March 10, 2008 after repeated rejection by the governor.
- Himachal Pradesh Freedom of Religion Act, 2006, No. 31 (45 KB)
- Himachal Pradesh Freedom of Religion Rules, 2007 (72 KB)
- Madhya Pradesh Freedom of Religion Act, 1968, No. 27 (35 KB)
- Madhya Pradesh Freedom of Religion Rules, 1969 (45 KB)
- Madhya Pradesh Freedom of Religion Amendment, 2006, No. 15 (38 KB)
- Orissa Freedom of Religion Act, 1967, No. 21 of 1968 (30 KB)
- Orissa Freedom of Religion Rules, 1989, No. 8 (51 KB)
- Rajasthan Freedom of Religion Act, 2006, No. 12 (34 KB) -- Note: after repeated refusals by the governor to sign this act, the assembly passed the 2008 law to replace it.
- Rajasthan Freedom of Religion Bill, 2008, No. 18 (40 KB)
- Tamil Nadu Freedom of Religion Ordinance, 2002, No. 9 (37 KB)
- Tamil Nadu Freedom of Religion repeal, 2006, No. 10 (29 KB)

- Andhra Pradesh Propagation of Other Religions in Places of Worship or Prayer (Prohibition) Ordinance, 2007 (34 KB)

- Andhra Pradesh Propagation (Prohibition) Ordinance, 2007, Notified List (28 KB) Although not technically an anti-conversion law, this law forbids the distribution of literature or other propagation of one religion within the vicinity of designated places of worship of a different religion. Although the law could 'protect' worship places of any religion, the government's approved list only includes worship places from the Hindu religion. Note that an act modeled on this ordinance was passed on July 23, 2007 by the Andhra Pradesh assembly and received the assent of the Governor on August 13, 2007.

- Union (Federal) Acts, Bills, and Orders

- Charitable and Religious Trusts Act, 1920, No. 14 (44 KB)
- Foreigners Act, 1946, No. 31 (71 KB)
- Foreigners Amendment Act, 2004, No. 16 (29 KB)
- Foreign Contribution (Regulation) Act, 1976, No. 49 (95 KB)
- Foreign Contribution (Regulation) Bill, 2006, No. 112 (118 KB) This is a draft which hasn't been passed by the Indian Parliament. For a critique by a human rights group, see <http://www.hrdc.net/sahrdc/hrfeatures/HRF156.htm> or for analysis by a policy group, see http://www.prsindia.org/legis_page.php?bill_id=87.
- Hindu Marriage Act, 1955, No. 25 (118 KB)
- Hindu Succession Act, 1956, No. 30 (85 KB) This act says that if a spouse converts to a religion other than Hinduism, Jainism, Sikhism or Buddhism, that spouse may lose guardianship of their children, inheritance, and more.
- Indian Christian Marriage Act, 1872, No. 15 (187 KB)
- Indian Divorce Act, 1869, No. 4 (190 KB)
- Indian Divorce (Amendment) Act, 2001, No. 51 (48 KB)
- Indian Succession Act, 1925, No. 39 (679 KB)
- Indian Succession (Amendment) Act, 2002, No. 26 (22 KB)
- Indian Trusts Act, 1882, No. 2 (191 KB)
- Marriage Laws (Amendment) Act, 2001, No. 49 (32 KB)
- National Commission for Minorities Act, 1992, No. 19 (50 KB) This Commission investigates and protects the rights of religious minorities in India.
- National Commission for Minority Educational Institutions Act, 2004, No. 2 of 2005 (57 KB)
- National Commission for Minority Educational Institutions (Amendment) Act, 2006, No. 18 (54 KB)
- Places of Worship (Special Provisions) Act, 1991, No. 42 (36 KB) Prohibits the conversion of any place of worship into a place of worship of a different religion.
- Religious Institutions (Prevention of Misuse) Act, 1988, No. 41 (Download from Ministry of Home Affairs website, 36 KB) Prohibits the use of any religious institution for any action that might promote disharmony or hatred between different religious, racial, language or regional groups.
- Representation of the People Act, 1951, No. 43 (496 KB) Prohibits the use of religion or religious symbols to promote one's political candidacy or to harm the election efforts of another candidate. For example, see sections 123 and 125.
- Representation of the People (Second Amendment) Act, 2003, No. 2 of 2004 (25 KB)
- Societies Registration Act, 1860, No. 21 (64 KB)
- Unlawful Activities (Prevention) Act, 1967, No. 37 (81 KB)
- Unlawful Activities (Prevention) Amendment Act, 2004, No. 29 (104 KB)

India laws dealing with caste and untouchability

- Caste Disabilities Removal Act 1850, No. 21 (29 KB)
- Constitution (Scheduled Castes) Order, 1950 (88 KB) Also called the 1950 Presidential Order, this law included a clause that restricted government benefits for Scheduled Castes (also called Dalits) to people from the Hindu faith. It was later amended to include Buddhists and Sikhs. See below for the amendments.
- Constitution (Scheduled Castes) Order (Amendment) Act, 1990, No. 15 (334 KB) This granted Dalit Buddhists their rights to government benefits.
- Protection of Civil Rights Act, 1955, No. 22 (99 KB) This was originally called the Untouchability (Offences) Act 1955.
- Protection of Civil Right Rules, 1977 (45 KB)
- Protection of Human Rights Act, 1993, No. 10 of 1994 (151 KB) This established the National Human Rights Commission of India. To see complete brochure including act and amendment, go to <http://nhrc.nic.in/Publications/HRAct.pdf> (110 KB).
- Protection of Human Rights Act, amendment 2006, No. 43 (53 KB)
- National Commission for Backward Classes Act, 1993, No. 27 (49 KB)
- National Commission for Scheduled Castes Rules, 2004 (40 KB) The National Commission for Scheduled Castes and Scheduled Tribes existed for many years but became a body with Constitutional authority when India passed the Constitution (Sixty Fifth Amendment) Act, 1990, which modified article 338 of the Constitution of India. In 2004, as a result of the Constitution (Eighty-Ninth Amendment) Act, 2003, article 338 was amended and the Commission was split into The National Commission for Scheduled Castes and a separate National Commission for Scheduled Tribes.
- Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956, No. 63 (120 KB) This granted Dalit Sikhs their rights to government benefits. This amendment was upheld by the Supreme Court in a verdict on Oct. 1, 1985 in the "Soosai Case".
- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, No. 33 (105 KB)
- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (90 KB)

India laws dealing with specific forms of exploitation

- Bonded Labour System (Abolition) Act, 1976, No. 19 (78 KB)
- Child Labour (Prohibition and Regulation) Act, 1986, No. 61 (63 KB)
- Child Labour (Prohibition and Regulation) Rules, 1988 (65 KB)
- Children Pledging of Labour Act, 1933, No. 2 (28 KB)
- Commission of Sati (Prevention) Act, 1987, No. 3 of 1988 (57 KB)
- Commission of Sati (Prevention) Rules, 1988 (32 KB)
- Commissions for Protection of Child Rights Act, 2005, No. 4 of 2006 (84 KB)
- Commissions for Protection of Child Rights (Amendment) Act, 2006, No. 4 of 2007 (23 KB)
- Dowry Prohibition Act, 1961, No. 28 (49 KB)
- Dowry Prohibition Rules, 1985 (28 KB)
- Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, No. 46 (73 KB) Manual scavenging is an occupation primarily of Dalits and involves cleaning human excrement from dry toilets, usually with bare hands or minimal tools.
- Juvenile Justice (Care and Protection of Children) Act, 2000, No. 56 (145 KB)
- Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, No. 33 (58 KB)
- National Commission for Protection of Child Rights Rules, 2006 (Download from Ministry of Women & Child Development website, 919 KB)
- National Commission for Safai Karamcharis Act, 1993, No. 64 (49 KB) This act established a government commission to supervise the care and rehabilitation of manual scavengers. Manual scavenging was banned under the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, listed above.
- National Commission for Safai Karamcharis (Amendment) Act, 2001, No. 55 (23 KB)
- National Commission for Women Act, 1990, No. 20 (Download from the Ministry of Women & Child Development website, 1.96MB)
- Prohibition of Child Marriage Act, 2006, No. 6 of 2007 (54 KB)
- Protection of Women from Domestic Violence Act, 2005, No. 43 (90 KB)
- Protection of Women from Domestic Violence Rules, 2005 (81 KB)
- Suppression of Immoral Traffic in Women & Girls, 1956, No. 104 (106 KB) This is sometimes referred to as the Immoral Traffic (Prevention) Act, 1956.

India Policies

National Commission on Linguistic & Religious Minorities report excerpts, May 2007

Also known as the Justice Misra Commission, after two years of investigation the panel delivered a report to the Indian Government which concluded that caste permeates all Dalit communities. They recommended that affirmative action (reservations) should be given to Christian, Muslim and other Dalits. The Constitution (Schedule Castes) Order 1950 only grants these benefits to Hindu, Sikh, and Buddhist Dalits. Download full report as a PDF file in Hindi or English: <http://minorityaffairs.gov.in/newsite/nclrm/nclrm.asp>

Election Commission of India Moral Code of Conduct, 2007 (Download from EC website, 456 KB)

This document from the powerful Election Commission guides political parties and candidates on appropriate actions. The first point (1.1) outlaws activities which would increase tensions or hatred between castes or religious communities, and 1.3 says places of worship can't be used for election propaganda.

Press Council of India Norms of Journalistic Conduct, 2005 (76 KB)

The principles in this document require reporters to write responsibly about religious or caste issues so that conflicts are not increased. Principle 22 specifically addresses this, but other principles also warn against biased or unbalanced reporting. And editors are required to take complaints from citizens who feel treated unfairly. This Council was established by Press Council Act, 1978, and is governed by the Press Council (Procedure for Inquiry) Regulations, 1979.

International Treaties and Documents

UN Universal Declaration of Human Rights, 1948

Website version | Download PDF (50 KB)

Articles 6, 7, and 26 deal with common problems faced by Dalits. Articles 2 and 18 are especially relevant to religious freedom struggles.

UN International Covenant on Economic, Social and Cultural Rights, 1966

Website version | Download PDF (50 KB)

India acceded on July 10, 1979.

UN CESCR, Concluding Observations: India, 2008

Download Doc from UN website (200 KB)

The UN Committee on Economic, Social and Cultural Rights during the 40th session detailed many challenges for human rights in India and specifically noted "widespread and often socially accepted discrimination, harassment and/or

violence persist" against Dalits and others. It also commented on manual scavenging, sati, the devadasi tradition, trafficking, child labour, and other practices which victimise Dalits.

UN International Covenant on Civil and Political Rights, 1966

Website version | [Download PDF \(104 KB\)](#)

India acceded on July 10, 1979. Grants right to freedom of thought, conscience, and religion.

UN Convention on the Elimination of All Forms of Discrimination Against Women, 1979

Website version | [Download PDF \(90 KB\)](#)

India ratified in August 8, 1993. Many Dalit women face the problems discussed in this document.

UN CEDAW, Concluding Observations: India, 2007

[Download from UN Website](#)

The UN Committee on the Elimination of Discrimination Against Women voiced many concerns during the 37th session for the welfare of Dalit women and instructed the Indian government to take action in specific areas.

UN Convention on the Elimination of All Forms of Racial Discrimination, 1965

Website version | [Download PDF \(92 KB\)](#)

India ratified in January 4, 1969. Sections especially relevant include Article 4 which says India must prevent and eliminate discrimination on the grounds of religion or belief, make all efforts to enact or rescind legislation where necessary, and combat intolerance on the grounds of religion or other beliefs.

UN CERD, Concluding Observations: India, 2007

[Download Doc from UN website \(120 KB\)](#)

The UN Committee on Elimination of Racial Discrimination heard testimony from India during their 70th Session and recommended specific corrective actions to deal with the challenge of caste discrimination.

UN CERD, Recommendation on Descent-Based Discrimination, 2002

[Download PDF \(61 KB\)](#)

The UN Committee on Elimination of Racial Discrimination (CERD) decided that descent-based discrimination (i.e. of Dalits) was within their authority and needed action.

UN SCPHR, Proposed Appointment of Investigators on Work & Descent-Based Discrimination, 2004

[Download PDF \(42 KB\)](#)

The UN Sub-Commission on the Promotion and Protection of Human Rights (SCPPHR) appointed two rapporteurs to investigate and report on work & descent-based discrimination (i.e. Dalits). This edited version of the decision shows it was a historic recognition that there was a problem in countries practicing this type of discrimination in the 21st century.

UN CHR, Appointment of Investigators on Work & Descent-Based Discrimination, 2005

[Download PDF \(38 KB\)](#)

The UN Commission on Human Rights approved the proposal (from 2004) to appoint rapporteurs to investigate this type of discrimination (i.e. against Dalits).

UN Convention on the Rights of the Child, 1989

Website version | [Download PDF \(131 KB\)](#)

India acceded on January 11, 1993.

UN Committee on the Rights of the Child, Concluding Observations: India, 2004

[Download from UN website](#)

The UN recommended that India take specific action to protect children from trafficking, forced labour and other problems after a hearing in the Committee's 35th Session.

United Kingdom Foreign and Commonwealth Office Statement, "Contemporary Slavery: Caste Discrimination and Bonded Labour", March 30, 2007

[Website version](#)

On the 200th anniversary of the passing of the Abolition of the Slave Trade Act, Foreign Office Minister Ian McCartney highlighted the challenges for Dalits and lower castes, particularly in South Asia. He said the British government is committed to tackling these issues and would actively help Dalits and bonded labourers.

European Parliament Resolution, 2007

[Website version](#)

The European Union expressed its view of untouchability and the discrimination against Dalits in this resolution which was passed on Feb. 1, 2007.

United States House of Representatives Resolution, 2007

Website version

This resolution (officially titled, House Concurrent Resolution 139) was passed on July 23, 2007 and expresses the commitment of US lawmakers to address the treatment of Dalits and Tribals. The resolution is awaiting the approval of the US Senate.

Policies for Multinational Corporations & the Private Sector

CII Code of Conduct for Affirmative Action, 2007

Website version | [Download PDF \(16.2 KB\)](#)

The Confederation of Indian Industry (CII), India's premier business association, urges its members to sign and implement this policy which was approved on July 20, 2007. It talks about "socially disadvantaged sections of society" but doesn't mention Dalits specifically.

The Ambedkar Principles, 2005

Website version | [Download PDF \(59 KB\)](#)

These principles are modeled on similar documents used in countries where large-scale discrimination has occurred. The International Dalit Solidarity Network continues to urge multinational companies with operations in India to sign this document.

The Global Sullivan Principles, 1999

Website version | [Download PDF \(43 KB\)](#)

These principles helped the international corporate community deal with apartheid in South Africa.

The MacBride Principles, 1984

Website version | [Download PDF \(52 KB\)](#)

These principles helped the international corporate community deal with the Catholic-Protestant conflict in Northern Ireland.