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In Critique of Draft Rohith Vemula Bill, UN Experts Urge Stronger Safeguards for SC, ST Students



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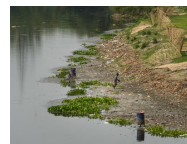


The special rapporteurs also pointed to the draft Bill's need for clearer legal definitions and its punitive provisions.



Representational image of a protest against caste discrimination. Photo: PTI

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New Delhi: Two United Nations special rapporteurs have issued a detailed statement raising concerns and offering recommendations on the draft Rohith Vemula (Prevention of Exclusion or Injustice) (Right to Education and Dignity) Bill proposed by the Karnataka government and urged the government to consider them.

Ashwini K.P., special rapporteur on contemporary forms of racism, and Nicolas Levrat, special rapporteur on minority issues, noted that while the Bill aims to combat caste-based discrimination in higher education, it lacks key human rights protections and clarity in legal definitions.

The **draft legislation** of the law, named after Rohith Vemula, seeks to criminalise discrimination against students from Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs) and religious minorities in educational institutions.

The special rapporteurs come under the purview of the ‘special procedures’ of the United Nations Human Rights Council (UNHRC); they are “independent human rights experts” who are mandated by the UN to report and advise on “human rights from a thematic or country-specific perspective”.

Under their special mandate from the UNHRC, they have highlighted “several human rights considerations that should be considered during the ongoing development of the legislation”.

UN concerns on the draft Bill

The special rapporteurs stated that the draft Bill does not mention “specific protection for Dalits and Adivasis against disproportionate discrimination in various areas” and urged the drafting committee to “explicitly” include provisions for their protection.

Ashwini K.P., replying to an email questionnaire by *The Wire*, said: “The current draft clubs OBCs, SC, ST and minority communities together. All of them face marginalisation, but it’s crucial to understand and recognise the heterogeneous nature of their experiences. The persistent and systematic forms of discrimination that Dalit and Adivasi students face require explicit acknowledgement.”

They also claimed that there is a lack of definition for “direct or indirect discrimination”, which could result in the law failing to provide “comprehensive protection” to those affected. It could also lead to misuse of the law and oppression of activities unrelated to the law, including those in the “defence of human rights”.

The draft includes provisions to imprison a person convicted of discriminating against SC, ST, OBC and minority students for up to one year or impose a fine of Rs 10,000.

Heads of higher education institutions will also be held liable, and the institutions may lose government aid or grants in case of such convictions.

The punitive nature of the draft law was also criticised. They warned that it may “undermine the promotion of understanding, tolerance and friendship among racial or ethnic groups”.

Focusing on addressing the social roots of caste-based discrimination, the rapporteurs recommended placing greater emphasis on effective “preventive measures” such as orientation programmes and educational awareness campaigns.

To ensure effective implementation, they also recommended setting up a grievance redressal mechanism, ensuring “protection for whistleblowers” and introducing “accountability measures” for educational institutions that fail to comply.

The special rapporteurs also claimed that the Bill’s drafting process has not been sufficiently deliberative and has not included the “voices of those who may experience caste-based discrimination and harassment, including Dalit and Adivasi students, scholars and activists”.

They called upon the committee to introduce provisions that make the process more transparent, consultative and

participatory.

Finally, the rapporteurs noted the need for diversity and proportional representation in the drafting committee itself and urged that there be “proportionate caste, gender and geographical representation from the state of Karnataka in the committee”.

The political equation

The move to draft this law comes after leader of opposition in the Lok Sabha, Rahul Gandhi, wrote a letter to the three Congress-led state governments in April urging them to enact the law that was promised in the party’s 2024 Lok Sabha election manifesto.

Following this, Karnataka chief minister Siddaramaiah instructed his legal adviser to prepare a draft of the Bill.

“The Union government brushed the incident under the carpet although it was clear that Rohith Vemula was targeted because of his [Dalit] caste,” said minister Priyank Kharge **confirming** that he provided inputs for drafting the Bill.

However, Ashwini claimed that the Indian government “has not approached the UNHRC or any other international bodies for recommendations”.

Meanwhile, the BJP’s leader of opposition in the Karnataka legislative council, Chalavadi Narayanaswamy, agreed that caste-based discrimination should be banned but questioned whether such discrimination can be addressed solely through legislation.

This is not the first time that such a demand has been raised. In 2019, Radhika Vemula and Abeda Tadvi – the mothers of Rohith Vemula and Payal Tadvi – filed a **petition in the Supreme Court** demanding that the government enforce the 2012 University Grants Commission (UGC) regulations that aim to protect vulnerable students from discrimination in educational institutions.

The UGC guidelines also have a specific definition of “discrimination” and various kinds of discriminatory behaviour, but in January 2025, after the case was heard only for the second time, the UGC released new draft regulations intended to replace the 2012 ones.

N. Sukumar, a professor at Delhi University, noted in an interview to **Scroll** that in the new draft, “these terms are loosely defined”. When the various aspects of the problem are not properly defined, “there is hardly any scope to address the issues of caste on the campus.”

Rohith Vemula and a legacy of institutional violence

Vemula, a PhD scholar belonging to Dalit community at the University of Hyderabad, was among five students suspended in September 2015 following a complaint filed by the Akhil Bharatiya Vidyarthi Parishad (ABVP), the student wing of the Rashtriya Swayamsevak Sangh, the BJP's ideological fountainhead.

His monthly research fellowship of Rs 25,000 was also discontinued, reportedly due to his activities in the Ambedkar Students' Association.

The ABVP's complaint was forwarded by then-Union minister Bandaru Dattatreya to then-human resource development minister Smriti Irani, who subsequently asked the university to take appropriate action.

Following their suspension and removal from university housing, the students began a relay hunger strike and stayed in a temporary tent on campus.

On January 17, 2016, Vemula died by suicide, leaving behind a note in which he expressed a deep sense of disillusionment and described his birth as a "fatal accident".

His death was one amongst numerous such incidents in the past two decades where a Dalit student was allegedly pushed over the edge and died by suicide. Activists consider these to be "**institutional murders**", since every part of the education institution – including the student body, the faculty and the administration – are said to work in tandem to make sure that caste hierarchies are upheld and no voices can be raised against it. This leaves the student completely cornered.

Some say that caste-based discrimination, humiliating abuse and alienation by peers have pushed students like Payal Tadvi, Darshan Solanki, **Ayush Ashna** and **Varad Sanjay Nerkar** over the edge. They were allegedly targeted for belonging to a certain caste and viewed as not fit to be in such institutions.

There are no avenues for redressal of complaints as well, since the administration too engages in suppressing their voices, activists say.

While a few of these cases received media attention, many others were recorded through an independent study by the Delhi-based Insight Foundation, led by educationist Anoop Kumar.

Path ahead

Ashwini claims that "currently there is no specific legislation in India which addresses caste-based discrimination in higher education for Dalit and Adivasi students. While some mechanisms such as grievance redressal cells exist in colleges and universities, there is no exclusive framework to

protect students from marginalised backgrounds in academic spaces.”

Therefore, although some critics believe that the draft Rohith Vemula (Prevention of Exclusion or Injustice) (Right to Education and Dignity) Bill is a politically motivated move by the Congress, Ashwini believes that “the intention behind the Rohith Vemula Act is to fill this gap and ensure a safe space for students coming from marginalised backgrounds”.

Such a law becomes crucial in an education system where, according to her, “student suicides among marginalised communities highlight the disproportionate discrimination faced by them”. She claims that there is a pattern of structural exclusion and systematic discrimination against Dalit and Adivasi students, and that this legislation is important to create a “safer academic environment” for them.

But critics also raise questions of political motivation and appropriation of the long-fought struggles of activists like Radhika Vemula and Abeda Tadvi in creating an equitable and safe educational space by Rahul Gandhi and the Congress.

According to the UNHRC special rapporteurs, the draft law has the potential to make effective changes – but this can only be realised if such expert criticism and recommendations are taken into account and the drafting process becomes more publicly participatory.

Tamoghna Chakraborty is an intern at The Wire.

*If you know someone – a friend or a family member – at risk of suicide, please reach out to them. The Suicide Prevention India Foundation **[maintains a list of telephone numbers](#)** they can call to speak in confidence. The TeleManas helpline, a government helpline, functions 24×7, its numbers are 1-800 891-4416 or 14416. You could also take them to the nearest hospital.*

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