

Dalit Women in India –A Case Study of Their Violence and Existence

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Abstract : In India and other countries in South Asia, people have been systematically discriminated against on the basis of their work and descent for centuries. Over 200 million people are Dalits, also known as untouchables or outcasts. They experience violence, discrimination, and social exclusion on a daily basis. Economic growth in India has been strong over the past decade. However, the caste disparities are increasing.

The Government of India has an obligation to take all measures, including policy and budgetary measures, to make sure that women can fulfil their rights. It also has an obligation to punish those who engage in caste-based violence and discrimination. The government of India, as a modern country with a growing economy, has the means to fulfil its obligations.

1. INTRODUCTION

The situation of Dalit women in India needs special attention. They are one of the largest socially segregated groups anywhere in the world, and make up 2% of the world's total population. Dalit women are discriminated against three times over: they are poor, they are women, and they are Dalits. Dalit women constitute half of the ca. 200 million Dalit population, and 16.3 of the total Indian female population. The traditional taboos are the same for Dalit men and Dalit women. However, Dalit women have to deal with them more often. Dalit women are discriminated against not only by people of higher castes, but also within their own communities. Men are dominant in Dalit communities. Dalit women also have less power within the Dalit movement itself. Women are active in large numbers in the movement but most leadership positions in the organisations, local bodies and associations have until now been held by men.

2. HUMAN RIGHTS OF DALIT WOMEN

India is a democracy and is a Party to most of the major human rights treaties. These treaties provide the same rights for men and for women. Because India is also a Party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Government has an extra obligation to make sure that women can realise their rights. It is generally accepted in international law that governments have to do more than just pass legislation to protect human rights.

3. CIVIL AND POLITICAL RIGHTS

India is a Party to the International Covenant on Civil and Political Rights. Based on this treaty, the Government of India has an obligation to make sure that Dalit women can enjoy a whole range of human rights, such as the right to life, freedom from torture or cruel, inhuman or degrading treatment or punishment, freedom from slavery, the right to be equal before the court, the right to recognition as a person before the law, the right to privacy, the right to marry only with free and full consent, and the right to take part in public affairs. The life and dignity of Dalit women depends on the realisation of these human rights. However, they are breached systematically.

An essential precondition for the realisation of civil and political rights of Dalit women is registration. Article 24 (2) of the Covenant provides that every child shall be registered immediately after birth. In India, 46 % of all children are not registered. There is also no system of registration of marriages. This is not only a barrier for the realisation of civil and political rights; it also prevents the protection of Dalit girls from sexual exploitation and trafficking, child labour and forced and early marriages.

4. ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

India is also a Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). This treaty not only identifies a range of economic, social and cultural rights, but it also

requires that all people have these rights, without discrimination. The treaty also discusses the ways in which states must work to realise the rights. The rights outlined in the ICESCR include the right to work and to just and favourable conditions of work, and to form trade unions, the right to social security, protection of the family, the right to an adequate standard of living, including food, housing and clothing, and the right to health. Dalit women hardly enjoy any of these human rights.

Introduction Vulnerably positioned at the bottom of India's caste, class and gender hierarchies, Dalit women experience endemic gender-and-caste discrimination and violence as the outcome of severely imbalanced social, economic and political power equations. Their socio-economic vulnerability and lack of political voice, when combined with the dominant risk factors of being Dalit and female, increase their exposure to potentially violent situations while simultaneously reducing their ability to escape. Violence against Dalit women presents clear evidence of widespread exploitation and discrimination against these women subordinated in terms of power relations to men in a patriarchal society, as also against their communities based on caste. As the National Commission for Women has commented, "in the commission of offences against... scheduled caste [Dalit] women the offenders try to establish their authority and humiliate the community by subjecting their women to indecent and inhuman treatment, including sexual assault, parading naked, using filthy language, etc."ⁱ Hence, violence, which serves as a crucial social mechanism to maintain Dalit women's subordinate position in society, is the core outcome of gender-based inequalities shaped and intensified by the caste system.

This situation exists in India today despite constitutional guarantees of non-discrimination on the basis of caste and gender (Article 15(1)), the right to life and security of life (Article 21) and the constitutional directive to specifically protect Dalits from social injustice and all forms of exploitation (Article 46). Moreover, the Indian State has enacted a series of laws protecting the rights of Dalits and women, acknowledging the prevalence of discrimination and violence against these sections of society. A key law in this regard is the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act 1989. The presence of laws, however, without concomitant implementation to ensure personal security to Dalit women, and without concerted efforts to emancipate the Dalit community and eradicate entrenched gender-and-caste biased notions of (in)equality and (in)justice, is not enough. The Indian government has itself acknowledged that the institutional forces – caste,

class, community and family – arraigned against women's equal rights are powerful and shape people's mindsets to accept pervasive gender inequality.ⁱⁱ If human rights are the legitimization of human needs, then the needs of Dalit women for personal security, socio-economic development and social justice are priority areas for intervention.

In order to understand, therefore, the reality of Indian society in general, and the Dalit community and Dalit women in particular, an analysis of caste-class-gender dynamics is imperative. It is only by adopting this three-fold lens focusing on the cultural and material dimensions of the intersection of gender and caste discrimination that a true comprehension of key social relations and social inequalities in India emerges.ⁱⁱⁱ This analytical lens, grounded in Dalit women's subjective experiences, highlights how these women become instruments through which the social system replicates itself and systemic inequality is maintained: violence against Dalit women is systematically utilised to deny them opportunities, choices and freedoms at multiple levels, undermining not only Dalit women's dignity and self-respect, but also their right to development. An intersectional caste-class-gender analysis also fulfils the need to make Dalit women visible to the public eye through 3 exposing their reality of violence and disempowerment intrinsically related to their social position, in recognition of their selfhood and human dignity.

Moreover, analysing these social relations which convert "difference" into systemic oppression and violence enables not only policy makers, but also women's movements and Dalit movements, to better strategise and implement policies and programmes towards the protection of Dalit women's rights: that is, programmes that facilitate wider processes of change, that ensure the comprehensive eradication of caste and gender discrimination and violence, and enable Dalit women to be mainstreamed into the planned development process in India. At the international level, examining patterns of violence against Dalit women can contribute towards an enhanced human rights understanding of racial and gender discrimination, as interacting factors perpetuating violence against racialised and often marginalised women.

And yet, very little information or government data exists today as regards the specific situation of Dalit women in the country. A study was initiated in 2004, therefore, to examine the forms and manifestations, frequency, caste and social status of perpetrators, causes, effects and responses to violence against Dalit women over the period 1999

to 2004. A total of 500 Dalit women were selected, based on information supplied by knowledgeable persons or organisations working with the Dalit community, from a sample of 32 panchayat unions/mandals/blocks falling within 17 districts of the states of Andhra Pradesh, Bihar, Tamil Nadu/Pondicherry and Uttar Pradesh. These were women who were willing to speak out about their experiences of violence in either or both the general community and in the family, without serious repercussions for their personal security such as threats and further violence from the perpetrators, or renewed caste tensions in the village.

The wide-ranging experiences shared by the Dalit women in this study, when analysed, reveal the multiple layers of violence that pervade their lives. Dalit women endure violence in both the general community and in the family, from state and non-state actors of different genders, castes and socio-economic groupings. An overview of the forms, frequency and locations of violence, perpetrators and causal factors for violence highlights the incongruence between Dalit women's reality and the universal right of women to freedom from any gender-based violence that results in physical, sexual or psychological harm. This data, therefore, serves as an indictment of both the Indian state and Indian society for failing to respect, protect and fulfil Dalit women's rights.

As an initial comment, it must be noted that the overwhelming majority of the 500 Dalit women's case narratives were never reported in the media. Given that these cases were selected, in collaboration with those working with the Dalit community, from a small sample, it is likely that many more unrecorded instances of violence exist. The reasons for this "silence" when it comes to violence against Dalit women are that cases are not spoken out in public by the women themselves, or not reported in the media, or not registered by law enforcement authorities, or hidden by the Dalit women's families, relatives and community, or suppressed by the diktat of the perpetrators and/or the perpetrators' caste community. The effect is the creation and maintenance of a culture of violence, silence and impunity when it comes to violence against Dalit women. This further exacerbates the denial of their rights to security of life and basic human dignity.

5. REMEDIAL ACTION FOR JUSTICE

The Indian Government has an obligation under international human rights law to act with due

diligence to prevent, investigate and punish acts of violence against Dalit women in both the general community and in the family, at the hands of state or non-state actors.^{vi} Any case of violence against a Dalit woman has to pass through the hands of the local police and the judiciary in order for the woman to receive justice under the law. Safeguarding the impartiality of this process, the Indian Constitution stipulates in Article 14 that all Indian citizens have the right to equality before the law. However, deeply ingrained normative values of appropriate gender and caste roles and behaviour patterns influence government officials, police and even judges who have the power to interpret and actualise rights. These socio-culturally-religiously rooted biases enforce the discriminatory status quo to the detriment of Dalit women's right to justice where violence takes place. As the United Nations Special Rapporteur on Violence against Women has noted with regard to the situation in India, "constitutional and legislative provisions that have been enacted to protect women from discrimination have not proved to be an effective deterrent."

Moreover, the Indian government's consistent inaction in protecting, promoting and fulfilling rights for its Dalit women citizens – evidenced in official data indicating the increasing rates of crimes against women and Scheduled Castes, its failure to resist many cases of violence against Dalit women, and low disposal rates of Scheduled Caste atrocity cases combined with low conviction rates – all points to structural injustice being perpetuated and the Indian state's failure to comply with its international human rights obligations. These conclusions are substantiated by the justice-seeking efforts of the Dalit women in this study.

Hence, the long process to obtain justice for Dalit women victim-survivors of violence is too often effectively stymied by different actors – the perpetrators, their caste community, police, the traditional village panchayats or formal elected panchayats. The brahminical patriarchal discourse of "honour" and fear of further dominant caste reprisals, moreover, influences Dalit women, their families and their communities, not to seek justice where violence takes place. Impunity for violence, therefore, is an intrinsic factor in the maintenance of the caste system and caste-and-gender based norms circumscribing Dalit women's fundamental rights and freedoms. The overall performance of the Indian State, therefore, comes into serious question when measured against the standard of due diligence to prevent violence against Dalit women. This is true for violence at the hands of both non-state actors, as well as state actors themselves. Giving effect to Dalit women's rights requires not only building structures of protection -

including investigation, prosecution, fair punishment and compensation for violence – but also rigorously implementing laws and policies designed to facilitate the enjoyment of equal citizenship rights for the 80 million Dalit women in the country today.

6. MILLENNIUM DEVELOPMENT GOALS AND DALIT WOMEN

In 2000, 189 countries accepted the Millennium Declaration and agreed to take the necessary action in order to attain eight specific goals: the Millennium Development Goals (MDGs). The realisation of human rights of Dalit women will have a major positive effect on the realisation of the MDGs. Dalit women are extremely poor, and make up 2% of the world's population. In India, 60 million children do not attend primary school; the majority of these children are Dalit girls. India's child mortality rate is one of the highest in the world and with its vast population and a rate of 540 maternal deaths per 100,000 live births, India accounts for more than 20 % of all global maternal deaths. A greater availability and accessibility of healthcare for women, including Dalit women, is needed.

7. VIOLENCE AGAINST DALIT WOMEN – IMPUNITY

Certain kinds of violence are traditionally reserved for Dalit women: extreme filthy verbal abuse and sexual epithets, naked parading, dismemberment, being forced to drink urine and eat faeces, branding, pulling out of teeth, tongue and nails, and violence including murder after proclaiming witchcraft, are only experienced by Dalit women. Dalit women are threatened by rape as part of collective violence by the higher castes. However, sexual assault and rape of Dalit women and girls also occur within their own communities. For Dalit men, the suppression and rape of women could be a way to compensate for their own lack of power in society. The Devadasi system of temple prostitution is the most extreme form of exploitation of Dalit women. Dalit girl children are forced to prostitution. The majority of cases of violence against Dalit women are not registered. The lack of law enforcement leaves many Dalit women unable to approach the legal system to seek redress. Women are often also unaware of the laws and their ignorance is exploited by their opponents, by the police, and by the judiciary system. Even when cases are registered, the lack of appropriate investigation, or the judge's own caste and gender biases, can lead to acquittal.

8. ACTION BY DALIT WOMEN

Dalit women have been active throughout history, though often this has not been recorded. They were actively involved in the anti-caste and anti-untouchability movements in the 1920s. Today they are the strongholds of the Dalit movements in thousands of Indian villages. They continue to play a critical role in the movements for land rights. They are making their mark as independent thinkers and writers in the literary world and visionary leaders in the Panchayati Raj institutions. However, they are unable to put an end to the structural discrimination and exclusion. Violence and impunity are used to keep them in their place.

Since the late 1980s, therefore, Dalit women have increasingly felt and articulated the need for a separate platform – created, developed and controlled by themselves – through which they could forge their own identity, fight for their rights and find solutions to their particular problems as Dalits and as women. Conscious that the call for a separate platform could be interpreted as a divisive move by both Dalit men and non-Dalit women, the proponents of such a special forum emphasise that their initiative must not be mistaken for a separatist movement. Rather they assert that there is need for strong alliances between the Dalit movement, the women's movement and the Dalit women's movement if their common vision of social, economic and political equality and justice for all is to be realised.

The National Federation of Dalit Women (NFDW) was launched by Dalit women themselves and committed itself to undertake several tasks to bring about positive changes in the lives of Dalit women, such as legal action against caste based atrocities, political empowerment of Dalit women, economic empowerment against growing pauperisation, building self-confidence and leadership.

9. ACTION PLAN FOR FUTURE

The Indian Government has identified in its 10th Five-Year Plan 2002-2007 the empowerment of socially disadvantaged groups such as Dalits and women as priority strategies for development of the nation. Complementing this development priority is the elimination of discrimination and all forms of violence against women and the girl child, which is a central objective of the National Policy for the Empowerment of Women 2001 in attempting to bridge the gap between de jure equal status and de facto pervasive gender inequality. As the National Policy states,

“All form of violence against women, physical and mental, whether at domestic or societal levels, including those arising from customs, traditions or accepted practices, shall be dealt with effectively with a view to eliminate its incidence. Institutions and mechanisms/schemes for assistance will be created and strengthened for prevention of such violence, including sexual harassment at workplace and customs like dowry; for the rehabilitation of the victims of violence and for taking effective action against the perpetrators of such violence. A special emphasis will also be laid on programmes and measures to deal with trafficking in women and girls”

Similarly, the National Human Rights Commission has summed up recommendations from the National Commission for Scheduled Castes and Scheduled Tribes, national conferences and various non-state organisations such as the National Campaign on Dalit Human Rights vis-à-vis protection of Dalits’ rights to life and security of life: sincere and effective implementation of the law to protect Dalits against “untouchability” practices and atrocities; capacity building within government to protect and promote Dalit human rights; capacity building of statutory watchdog bodies; strict enforcement of Supreme Court guidelines on treatment of persons in custody; convergence of regulatory and development programmes; information for social change in civil society; code of conduct for state agencies; overcoming procedural handicaps to Special Courts taking cognisance of atrocity cases without prior committal by Magistrates; right of separate settlement for Dalits; enhanced central share in schemes for Dalits; and the setting up of independent, non-official monitoring agencies to review cases of atrocities against Dalits.

Attacking systemic violence against women demands that patriarchal structures and attitudes in India be contextualised by caste, the eradication of caste inequality being intrinsic to the solution of gender equality. It is the institutionalised inequality of the caste system that underpins and reinforces gender inequality in India, rendering marginalised Dalit women particularly vulnerable to violence with impunity. Therefore, an understanding of the intersection of gender and caste discrimination incorporated into government policies is vital to ensuring that Dalit women’s rights to life and security of life are respected and protected. This also throws open the challenge to Dalit and women’s movements, as for other social movements across the country, to incorporate a gender-and-caste perspective in their work, in recognition of the specific identity and

corresponding unique intensity of Dalit women’s subordination by gender and caste.

By fulfilling its national and international obligations to protect Dalit women from violence, complemented by adequate focus on improving the socio-economic conditions of Dalit women, the Indian State could contribute to enlarging the choices and agency of Dalit women. Increased Dalit women’s agency, in turn, would contribute to social change not only for their families and their communities, but also for the wider Indian society. As the National Federation of Dalit Women has stated in its Declaration of Dalit Women’s Rights 2002, Dalit women have the right to life and to freedom from oppression and violence, the right to expression, conscience and autonomy.^{xiii} It is only when support is extended to Dalit women across the country that these women will become empowered and enjoy these fundamental rights on par with the rest of the Indian citizenry.

Finally, but most importantly, it is the voices of women such as Rohini Devi from West Champaran district in Bihar that must be heard and respected: when asked if she would stand up publicly for her community and fight for justice through the legal system, Rohini Devi said, “Yes. I may lose my life in the process, but I want to live with dignity... Tell me, is there any Dalit family left in our village in which someone has not been raped [by the dominant castes]? We will no longer tolerate it!”

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