

**International consultation**

**Good practices of Strategies to Eliminate Caste  
Discrimination-Worship**

**Topic**

**Discrimination against Dalit women in India  
With special context of Rajasthan State by P.L MIMROTH,  
Center for Dalit Rights, Jaipur (Rajasthan)**

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P.L. Mimroth, Advocate, Center for Dalit Rights, Jaipur(Raj)**

# INDIAN DALIT WOMEN AND MULTIPLE FORMS OF DISCRIMINATION WITH RAJASTHAN CONTEXT.

P. L. Mimroth, Advocate

Caste discrimination has a unique and specific impact on Dalit women who suffer multiple forms of discrimination. Dalit women are especially vulnerable to violence by the police and private actors. As the majority of landless laborers, Dalit women come into greater contact with landlords and enforcement agencies than “upper-caste” women, rendering them more susceptible to abuse.<sup>108</sup> Landlords use sexual abuse and other forms of violence and humiliation against Dalit women as tools to inflict “lessons” and crush dissent and labor movements within from Dalit communities,<sup>109</sup> Vulnerability to sexual violence also results from Dalit women’s lower economic and social status, leading many of them to turn to prostitution for survival.<sup>110</sup>

Dalit women have unequal access to services, employment opportunities, and justice mechanisms as compared to Dalit men.<sup>111</sup> In relation to employment opportunities, Dalit women are allotted some of the most menial and arduous tasks and experience greater discrimination in the payment of wages than Dalit men.<sup>112</sup> In relation to services, Dalit women have less access to education and health facilities,<sup>113</sup> ensuring that their literacy, nutrition, and health standards fall far below that of Dalit men and non-Dalit men and women.<sup>114</sup> The number of Dalit women in decision-making positions is also very low, and in some central services Dalit women are not represented at all.<sup>115</sup> Benefits of various development programs for Dalits, such as distribution of land and other productive assets, have essentially gone to Dalit males and have failed to improve the status of Dalit women.<sup>116</sup> Investment in projects targeted to the development of Dalit women is also far lower as compared to those for men.<sup>117</sup>

The practice of devadasi, in which a girls, usually before reaching the age of puberty, is ceremoniously dedicated or married to a deity or to a temple, continues in several southern Indian states including Andhra Pradesh and Karnataka.<sup>118</sup> Literally meaning “female servant of god,” devadasis usually belong to the Dalit community. Once dedicated, the girl is unable to marry, forced to become a prostitute for “upper-caste” community members, and eventually auctioned into an urban brothel.<sup>119</sup> The age-old practice continues to legitimize the sexual violence and discrimination that have come to characterize the intersection between caste and gender.<sup>120</sup>

108 BROKEN PEOPLE, supra note 21, at 166.

109 Id

110 NAT’L HUM. RIGHTS COMM’N, REPORT ON PREVENTION OF ATROCITIES AGAINST SCHEDULED CASTE AND SCHEDULED TRIBES 161(2004) [hereinafter NHRC REPORT].

111 See Thorat, supra note 19, at 35 (“The women who belong to marginalized groups suffer from tribe deprivations arising out of lack of access to economic resources, as well as caste and gender discrimination. The [Scheduled Caste] and [Scheduled Tribe] women are perhaps the most economically deprived sections of Indian society

112 SHAH, ET AL. supra note 102, at 117-18. The employment opportunities of professional Dalit women of a customer or patient base. Id . at 117-18)

113 NHRC Report, supra note 110, at 160

114 National Campaign ON DALIT HUMAN RIGHTS, RESPONSE TO THE SEPECIAL RAPORTEUR’S QUESTIONNAIRE ON WORK AND DESCENT BASED DISCRIMINATION 15 (2006) [hereinafter NCDHR RESPONSE](on file with author).

115 NHRC REPORT, supra note 110, at 161.

116 Id at 161-62

117 Id . at 162. The Government of India has recognized that “the incidence of poverty amongst SC’s [Scheduled Caste]still continues to be very high with 36.62 per cent respectively, in respect of total population in 1999-2000.” See U.N Comm. on the Elimination of Discrimination against Women [CEDAW], Consideration of reports submitted by State parties under article 18 of the Convention on the Elimination of All forms of Discrimination Against Women. Combined second and third periodic reports: India. U.N. Doc. CEDAW/C/IND-2-3 (Oct. 19. 2005), available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/5f3lce8d9622114cc1257245003346bd? Open document](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/5f3lce8d9622114cc1257245003346bd?OpenDocument).

118 BROKEN PEOPLE, supra note 21, at 150.

119 Id.

120 Id. See also Sundaram & Tendulkar, supra note 100, at 37

Violence against women remains rife across all communities but Dalit Women are worst affected despite very stringent laws and constitutional safeguards. Justice cannot be ensured to Dalit women without a change in mindset of those who make up the criminal justice system. Dalit women are often wrongly accused of misusing legal provisions that address atrocities and sexual violence towards them-both mental and physical. In addition there is also a knowledge deficit about women rights. They are labelled as being 'fast' or 'unreachable' and often aspersions are cast upon their character by opposing counsel. There is often pressure upon Dalit women complainants to compromise or conciliate in the interest of protecting the family because the integrity of the home is deemed to be more important than their dignity of the women. In cases of complaints of rape and sexual molestation, Dalit women often find themselves being objectified and treated with disdain. Instead of being treated with consideration and sensitivity, they are sometimes blamed-even by the court-for having contributed to commission of the offence. This, coupled with the low rate of conviction in crimes against women leaves a large majority of Dalit women unable to secure effective protection from the criminal justice system.

In addition to the trauma of rape itself, Dalit victims have to suffer further agony during legal proceedings as complaints are handled roughly; victims are more often than not humiliated by the police; and the experience of giving evidence in court is so distressing that it puts severe psychological stress on them.

### **Multiple Marginalisation of Dalit Women in Rajasthan**

The Situation of Dalit women in Rajasthan is characterised by multiple marginality. Their situation is marked by oppression as a result of being women in a patriarchal order and because they are Dalit. In the rural areas, prejudices concerning Dalit Women are still predominant and they torched everyday life of women into a daily survival struggle.

Dalit women face the triple discrimination of caste, class and gender. They are vulnerable to punitive violence when they assert their rights and dignity over resources, public spaces or cultural space.

Right assertion by Dalit women especially by elected representatives of Panchayats and local bodies are seen as an affront to the dominant caste, class and gender status and honour. In other words, the process of Dalit women's empowerment is perceived as a challenge to caste and patriarchal structure and allegedly provides "legitimate" grounds for punitive violence committed by dominant castes. Women are facing the discrimination in addition because of the woman category. Dalit women are easily accessible for rape, gang rape, sexually harassment and kidnapping. Plenty of the rape cases occurred every month in the Rajasthan. But the conviction rate is very minimal and low around less than 3% in the State. Most of the cases are related with Dalit women. Even the Dalit women are discriminated by the women of upper caste. They are physically beaten, abused sexually and in the name of caste, And when the Dalit victim go to the police station for the complain they are humiliated, refused to lodge the FIR, threatened, misguided and sometimes the Dalit women are mentally, sexually harassed by the police personal. In mass attack, the Dalit women are the targets of the mob and the upper class people. Study of 500 Dalit women's cases of violence conducted by

Center for Dalit Rights revealed that the overwhelming majority of cases are not spoken out in the public by the women themselves, or not reported by the media, or not registered by the law enforcement authorities, or hidden by the women's family, relatives and communities, or forced to suppress by the perpetrators or his caste/ communities.

### **Atrocities perpetrated against Dalit Women in Rajasthan**

Sl. No	Forms of Atrocities	Cases Registered in the Month of Dec.			+/-		Percentace	
		2005	2006	2007	2005 to 2007	2006 to 2007	2005 to 2007	2006 to 2007
1.	Murder	56	60	53	-3	-7	-5.36	-11.67
2.	Severe Attack	69	75	55	-14	-20	-20.29	-26.67
3.	Rape	136	132	153	17	21	12.50	15.91
4.	Destruction	32	39	36	4	-3	12.50	-7.69
5.	PCR Act	1	0	0	-1	0	-100.00	0.00
6.	Other Crimes (I.P.C)	3402	3485	3775	373	290	10.96	8.32
7.	3 Sc/St Act	99	119	102	3	-17	3.03	-14.29
8.	<b>Total</b>	<b>3795</b>	<b>3910</b>	<b>4174</b>	<b>379</b>	<b>264</b>	<b>9.99</b>	<b>6.75</b>

Despite being planned development schemes, most of the Dalit women are engaged in manual scavenging for their livelihood even today in the districts of Karoli, Sawimadhopur, Tonk, Dholpur, etc. This clearly states that Dalit women are deliberately ignored even in the developmental schemes because even today, Dalit men are not given priority in this line

In the light of drastic policy changes in the field of education it is important to examine the educational status of the Dalits in Rajasthan. In a highly inegalitarian society, stratified and differentiated by class and most importantly by caste, education is the only surest key to Dalit progress. The school dropout rate is also much more among the lower caste students when seen in comparison to the higher caste. The reasons are easy to see, higher caste teachers to consider Scheduled Caste children as 'uneducable', refuse to touch them, make them feel unintelligent and inferior, target them for physical and verbal abuse and use them to do menial chores (PROBE, 1999; Sainath, 2001). Nambissan (2001), in her study on social disparities in schooling in rural Rajasthan, notes that teachers appear to have definite views of children coming from these castes and communities. Teachers regard Dalit children as having inherently poor scholastic abilities because of their caste status and their parents as lacking interest in their education. Although teachers deny discriminating against different pupils, but Dalit children say that they are not allowed to drink water from the common water pitchers.

The evils of caste prejudice and the treatment of women as mere keepers of the family honour surface once again in rural Rajasthan, where a young upper caste girl who dared to marry a dalit boy was killed by her own family. On September 22, members of the Gujjar community in Rajasthan's Dausa district called a 'maha panchayat' (special meeting of caste elders) to protest the arrest of the killers of a young Gujjar girl who had been murdered, allegedly to protect her family's 'honour'. Fifteen-year-old Neelam's father, uncle and grandfather are alleged to have murdered the teenager to avenge their honour by the girl's elopement with a dalit (lower caste) boy. The Gujjars belong to the category 'other backward castes' (OBC), which is higher in the country's caste hierarchy than the Bairwa caste to which her dalit husband belonged.

Although members of Neelam's family reportedly confessed, during police interrogation, that it had been an "honour killing", the community panchayat says they will launch an agitation against the arrests. Indeed, in the teenager's village of Shahadpur there is widespread condemnation of the arrests and anger against women's rights groups that have protested against the girl's killing. "This panchayat has been called because the FIR" (first information report) was filed under pressure. Without concrete proof two innocent people have been arrested and women's organisations are behind it," says Gajendra Singh Khatana, convenor of the Gujjar panchayat. Meanwhile, women's organisation in the state blame the government for allowing the crime to be politicised along caste lines. And, while no political party has taken an official stand on the issue, many prominent politicians, including members of the State legislature, are known to have attended the caste panchayat meeting. "We have seen it earlier in Rajasthan. We have seen it on the sati matter, in the Roop Kanwar case, in the Bhanwari Devi case, and we have seen it even otherwise where caste panchayats are used against women to put pressure on the government," says Kavita Srivastava, a women's rights activist. A week after the incident, women's groups met Rajasthan's chief minister Vasundhara Raje to urge government action against the killers. Representatives from the People's Union for Civil Liberties, the National Federation of Indian Women's Documentation and Resource Centre and the Rajasthan University Women's Association, among others, were taken aback to find that Raje had not even been properly briefed about the incident. Meanwhile, the case has heightened caste tension in Shahadpur, with Dalits fearing reprisals from the Gujjars and fleeing their homes despite the strong police presence in the village. "When those two ran away there was a great sense of fear among us" Now that the girl is dead we are even more afraid," says Gulab Barwa.

Source: The Hindu, September 28, 2004

### **Participation of Dalit women in local self government (Panchayats) is a radical step**

Direct political participation of Dalit communities began with statutory reservation accorded them in the Panchayat Raj Institutions proportional to their population. Local governance has however gone a step ahead in making provisions for 33% reservation for Dalit women and other women in the rural and urban governance structures with the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional amendments and Acts in 1993. This is a critical provision for direct political participation of Dalit women and providing them opportunities to make decisions on issues that matter to them as well as have their voices heard on larger societal issues.

Have Dalit women really been able to exercise their right to political participation at grass root level? what are the acceptance and most importantly their knowledge base. Their knowledge vis a vis their power as an elected representative, access to legal systems, budgetary allocations and implementation of developmental schemes. A number of studies on Dalit leadership at Panchayati level have highlighted that the political participation has been nominal or by proxy. They are not

allowed to carry out their mandate. Their efficacy was always under scrutiny, the dominant castes, male elected representatives and Government officials doubted their potential to govern, as they were by and large being ignorant of administrative proceedings and Government agencies often do not co-operate and protect them.

The Dalit women Sarpanches (head of the village panchayat), are mostly wife or daughter in law of the old Sarpanches who is made to sign papers ,while the husband of the father-in-law is defecto control. In case of reservations for the SC/STs, it is the boneded laborers of the Sarpanch who becomes a proxy for his rule. In exceptional cases, where Dalit Sarpanches have dared to exercise their powers in the public interest, the dominant castes have unleashed terror against them and face harassment and torcher.

This is the least the State must do if it really means what it professes about Panchayati Raj. Otherwise, atrocities against Dalit Sarpanches will continue to provide stark validation of what Ambedkar said as under decades ago.

{ **What is the village but a sink of localism, a den of ignorance,  
narrow-mindedness, and communalism and castesim.** }

**Dr. Ambedkar**

### **Good practices adopted by Centre for Dalit Rights, Jaipur (Raj.)**

Center for Dalit Rights has been one of the major strategic intervention and Resource Center in Rajasthan to empower the Dalit communities and Dalit groups with special focus on Dalit women so that they can emerge as pressure group and assert their rights for social justice in Rajasthan. The Center for Dalit Rights has also promoted Dalit Mahila Manch as a front organisation of Dalit women to mobilise , train and struggle for equity and social justice. The Center for Dalit Rights provide a platform for planning, designing interventions, management of the movement, monitoring and furthering the ongoing Dalit Rights activities in Rajasthan. The initiative is moving in the direction to strengthen the capacities of Centre for Dalit Rights in planning, taking strategic actions, monitoring and coordinating the Dalit Rights struggle. In their everyday life, Dalit men and women have been facing discrimination and other forms of injustices. Government has also enacted special laws to end discrimination and caste based atrocities. Center for Dalit Rights and Dalit Mahila Manch are supporting victims of discrimination, atrocity and land encroachment in their fight for justice. The support is provide in terms of follow up action, legal aid, legal intervention and advocacy with police and administration for speedy justices, relief and protection.

Efforts have been undertaken for linkages with various stakeholders including Government and Administration. Center for Dalit Right and Dalit Mahila Manch have also developed good linkages relationship with various stakeholders. There are some elected representatives who are part of the

CDR and DMM at district level activities. Panchayats are responsible for social justice at various levels and Center for Dalit Right and Dalit Mahila Manch are sensitizing Panchayats on development issues of Dalits. At the same time, Panchayat are also a vehicle for most of the Government schemes and programmers at village level.

Apart from the above initiative, the Center for Dalit Rights have been periodically organising Round Tables with dominant caste people in all region to motivate them to end caste based discrimination and atrocities against Dalits and promote communal harmony and defuse the tension. Not much but some little tangible impact was noticed and we hope to make more efforts to seek change in their mind sets.

Besides, Center for Dalit Rights also organised regular inter Dalit community meetings and dialogues from time to time to sink their differences between various Dalit Sub-Caste so that strong cohesive Dalit group emerged in the region. Because of the efforts of CDR in this regard, many sub group caste of Dalit communities are coming closer and nearer and in some places they have started dinning and marrying.

## Case study -1

### Dalit was murdered by a sitting Judge (UP)

One Mr. Jagdish Prasad Singh, Add. /Dist. & Sessions Judges, Varanasi, went to his native place Lahra village, Gazipur dist. (UP) on the Holy festival on 3.3.99.

When a local Dalit Lal Ji Chaudry came to greet him, the Judge got offended and short dead Lal Ji Chaudry. The FIR No.44/99/was lodge under section- 147,148,149,302,323 & 506 IPC. On the same day, the Station Officer (SO) in charge of Gahmar P.S. conducted the investigation. He inspected the spot, prepared a site plan, conducted a Panchanma, and then submitted a report about the attack on the village.

By the fifth day of the investigation, just as arrest procedures were completing their course, the main accused, Jagdiswar Prasad Singh succeeded in exerting his social and political influence over the DIG for Varanasi Range, Varanasi, who then stayed the arrest of all the accused in the case. In a letter dated 7.3.99 the Supt. of Police ordered the SO not to proceed with the arrest of the accused as per the order of the DIG. The final nail in the coffin of the investigation was hammered in on 8.3.99 when the DIG ordered that the investigation be transferred to Kotwali Varanasi P.S. and assigned to SHO Shankar Dutt Shukla (D.O. letter No.C-B- O-6-Crime99 Reader-5260, dt. 8.3.99.). On 11.3.99 the Supt. of Police Gazipur wrote to the Station Officer Police station Gahmar, ordering him to hand over the entire records concerning case to Sankar Dutt. Sukula. Under the influence of accused Jagdiswar Prasad Singh, the new investigating officer has shielded all the accused from arrest.

The accused judge Jagdiswar Prasad Singh is a very powerful judge and by his effective influence, he succeeds in getting final report. Subsequently CBI probe ordered and accused judge was suspended but Hon'ble Judge V.K. Rathi J. recalled probing order without hearing victim. Meanwhile Local Chief Judicial Magistrate unlawfully accepted Final Report. The judgment /order of the CJM, was challenged in Allahabad High Court, vide Case No 428 number 7327/2000. Twelve years passed but till date the High Court has not yet disposed off the appeal and passed final order on it Government Layers are heavily influenced by the accused Judges. During preceding 12yr. more than Eleven High Court judges heard Reheard but all Justices shielded, the murderer judge and co-accused. High Court order sheet maintained since 2001, pending 482, status as on exists. Complete one year pendency with Mr. R. K. Dash J upto Jan. 2004, released. There after next one year till Sept.04 with Mr. A. Mateen J, Mr. D. P. Gupta J, Mr. V. S. Bajpayee J. There after pendency till Jan. 2005 with Mr. Amar Saran J and till Jan. 2006 with Mr. K. N. Ojha J, Mr. K. N. Sinha J, Mr. Amar Saran J, Now Jan 06 till July 2009, 4 year with Mr. Ravindra Singh J, and the same matter is still pending in the Allahabad High Court. The family of deceased Lal Ji Chaudry and his widow Rinku Chaudry was forced to migrate from the village and still the disparately waiting for justice.

Is it not a case of complete denial of justice to a helpless and poor Dalit family of Lal Ji Chaudhry?

## Case Study -2

### **Minor Dalit gang- rape victim Jailed for two months instead of justice**

A Dalit minor girl Kumari Lata Koli (changed name), resident of 200 feet, Devanand nagar, Alwar, (Rajasthan) was gang raped on 18 February 2003, by hardcore criminals belonging to dominant muslim community. FIR no. 62/03 was lodged and medical examination was conducted, statement of the victim under Section 164 of Cr. PC was also recorded by the Megistrate. Thereafter, police submitted Challan in the court and trial in this case was started in the Special SC/ST Court, Alwar.

Soon after filing the complaint to police the perpetrators and their family members started harassing, beating and threatening the victim and her parents and pressurized to withdraw the case or else not to make any statement against the accused in the court. The victim and her family members keep on making complaints about the victimization and threatening to the police administration and also to the court time and again but no action was taken.

The statement of the victim was to be recorded in the court on 23 July 2003, but the victim and her parents were kidnapped by the goons of perpetrators on 21 July 2003 and forced them to make statement in favour of the rapist in the court and again kept them in their control till 29th July 2003 after release the victim and her family members submitted an affidavit on 30th July 2003 in the Special Court bringing all the facts and circumstances under which they were kidnapped and forced to make statement in their favour under duress.

It is also mention here that accused are noted criminals and allegedly in large number of criminal cases in Alwar District but honorable Court without going into all the facts and circumstances acquitted the accused.

Besides acquittal of the accused the Honorable Court also awarded a sentence of two month punishment to the victim for making false statement in Court.

Perhaps, this is the first ever case in the Country where a Dalit victim of gang rape is punished with imprisonment instead of ensuring justice, relief and rehabilitation because of faulty justice delivery system.

P.L.Mimroth, Advocate  
Centre for Dalit Rights, Jaipur  
Email: [cdrjaipur@gmail.com](mailto:cdrjaipur@gmail.com)  
Cell- 09351317611

