

Dalit Women Speak Out

Violence against Dalit Women in India

Overview Report
of Study in Andhra Pradesh, Bihar,
Tamil Nadu/Pondicherry and Uttar Pradesh

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***“Women always face violence from men.
Equality is only preached, but not put into practice.
Dalit women face more violence every day,
and they will continue to do so until society changes and accepts them as equals.”***

Bharati, West Godavari district, Andhra Pradesh (who was beaten, verbally abused and forcibly incarcerated by dominant caste men of her village for contesting the panchayat elections in 1999)

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 legitimation 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

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.

Forms and Frequency of Violence

Twelve major forms of violence constitute the basis of this study, nine being violence in the general community – physical assault, verbal abuse, sexual harassment and assault, rape, sexual exploitation, forced prostitution, kidnapping and abduction, forced incarceration and medical negligence – and three being violence in the family – female foeticide and infanticide, child sexual

abuse and domestic violence from natal and marital family members. The majority of the 500 Dalit women have faced several forms of violence over the past five years, either in one incident, or in a series of incidents of violence, in either or both the general community and the family.

The more frequent forms of violence that are perpetrated against the majority of Dalit women are verbal abuse (62.4% of total women), physical assault (54.8%), sexual harassment and assault (46.8%), domestic violence (43.0%) and rape (23.2%), in descending order. Although the remaining forms of violence are faced by relatively fewer Dalit women (less than 10% of total women per form of violence), this does not discount their gravity, precisely because of the qualitative factor of force present in these forms of violence.

I. Violence in the General Community

Verbal abuse from members of the general community, experienced by 312 women in this study, includes derogatory usage of caste names and caste epithets arguably amounting to “hate speech”, as well as sexually explicit insults, gendered epithets and threats. One-third of these women have faced violence regularly, indicating the habitual nature of this form of violence. This verbal abuse also highlights the perpetrators’ worldview wherein Dalit women are seen as without any rights in the “natural” caste hierarchy, as devoid of any entitlement to resources or respect, and as always sexually available without any requirement for the women’s consent.

Saiamma, a 32-year-old Dalit woman who was elected as president of the local Mandal Praja Parishad in Chittoor district, Andhra Pradesh in 1999, was abused and intimidated by the dominant caste men who initially encouraged her to contest elections. They said, “You are a Mala woman; you are not eligible to be in this post... you cannot sit in the MPP seat in front of us. If you sit in that chair, it degrades us; you are eligible to sit only in a normal chair. Just sign wherever we say and apply for three months’ leave and go away! ...If you don’t listen to us, you cannot survive in this village.” She considered her options, and eventually resigned from the position, allowing the dominant caste Vice-President to take over the work.

Verbal abuse often accompanied *physical assault*, perpetrated against 274 women in the study. Over 500 incidents of physical assault on these women were recorded, with 30 women facing regular physical assaults. This combination of violence further links in many cases to a spectrum of sexual violence, from *sexual harassment and/or sexual assault* (234 women), to *rape or gang rape* (116 women). While many women had been raped in one or more incidents, when it came to sexual harassment and/or sexual assault, often the violence occurred several times or was regular, as was the case for 72 women. Where the male perpetrator has some social or economic hold over the woman, such as her employer, or simply belongs to a dominant caste^{iv}, then this violence sometimes developed into regular, coerced or induced sexual encounters or *sexual exploitation*. In the case of the 44 women who had been sexually exploited, this violence was most commonly perpetrated through false promises of marriage or lifelong economic maintenance, made to Dalit women in order to sexually exploit them for a period of time.

In April 2001 Ashamma, a 40-year-old Dalit Jogini from Mahabubnagar district, Andhra Pradesh was physically attacked and verbally abused after she entered into the village temple as part of the State Government’s anti-untouchability drive. The temple was initially washed with milk, and later destroyed due to her allegedly “polluting” the temple. The dominant castes then conducted an ‘exam’ inside the police station in an attempt to identify the writer of the police complaint over this incident, in order to punish him. Ashamma’s case is now pending trial. The perpetrators are out on bail. She received no government compensation, and the new temple remains barred to Dalits.

Kidnapping or abduction of Dalit women, as experienced by 24 women, often led to their forced incarceration and even rape or sexual exploitation. The targets are Dalit women from the time they attain puberty. Hence, parents' fear of their daughters being sexually assaulted and thereby becoming "unmarriageable" explains why, especially in northern states such as Bihar and Uttar Pradesh, Dalit women are getting married at ages as young as five years. At the extreme end of the sexual violence spectrum also lies ***forced prostitution***, experienced by 24 women across the four study states. Half of these women are Joginis, dedicated to temple goddesses from early ages in Andhra Pradesh and thereafter considered as religiously-sanctioned village prostitutes. Other women had been forced into prostitution after being sexually exploited by their dominant caste landlord-employers, or by their husbands, or in one case by the police.

Uma Kumari, a 24-year-old Dalit woman from Jammui district, Bihar was raped by a dominant caste man in 2003. The police assured her mother that they would arrest the accused that day itself. However, they did not take any action. Instead, hearing of the police case, the perpetrator and ten other men of his caste dragged Uma and her mother to a nearby ravine that night and then took turns to gang-rape both women for 18 hours. They were left with the threat of death if Uma Kumari took the matter further.

Incidents of ***forced incarceration*** have been endured by 23 Dalit women, involving for some women false cases leading to their detention, or arrest and imprisonment. The failure of the police to fulfil their duty to uphold law and order in these cases stemmed from police negligence or bias in initiating these cases against the women. Otherwise, half of these women had experienced being incarcerated in the perpetrator's home, or workplace, or in some isolated or rented building, bringing in the element of kidnapping and sexual violence from various non-state actors. When it comes to ***medical negligence***, doctors and nurses have also demonstrated failure in their professional duty of care towards 17 Dalit women, through careless or pressurised operations especially as regards family planning, or discrimination in turning away Dalit women in need of serious medical attention.

Five-months pregnant Suchitra Devi from Ghaziabad district in Uttar Pradesh miscarried in 2002 after being shoved, jeered at and humiliated by dominant castes while attempting to stand in the same queue to access the public distribution shop. She had been waiting for hours to receive her rations. The PDS shopkeeper furthered her humiliation by saying, "How many times have I told you, you don't even have to wait in the queue! Just come to my house at night and I'll give you all the 'ration' you want!" When she approached the traditional village panchayat for justice, they said that they could do nothing unless she knew who had pushed her. At this point Suchitra Devi realised "I will get no justice because I am a Bhangi".

II. Violence in the Family

Within the family, ***domestic violence*** is prevalent. A total of 215 Dalit women have recorded regular incidents of domestic violence that span several years of married life. This violence often manifests itself in verbal abuse of the woman, accompanied by physical assault, but also entails sexual abuse including marital rape. Several cases of inter-caste marriages ending in domestic violence reveal caste and gender discrimination against the Dalit wife leading to violence. In most cases where a Dalit husband is concerned, the violence takes on a strong patriarchal dimension: women are tortured within the home for not bringing enough dowry, for not bearing male children, for being supposedly ugly, or too beautiful, or allegedly unfaithful, for talking back to her husband, etc. Alcoholism among Dalit husbands is also a strong contributing factor to this domestic violence. Domestic violence resulted in some women being deserted by their husbands, or being forced to leave their marital home. For the majority of women, however, the social norms and pressures of married life and "duties" of wives to their husbands ensure that they continue to endure this violence.

Moreover, as this violence often commences when they are but children given in marriage, their ability to question and stand up to this violence is often severely diminished.

Thennarasi from Pondicherry Union Territory was married in 1991 at the age of 16 years to Gautham, a government employee. After three months of married life, Gautham, a habitual drinker, began to physically and verbally abuse her, questioning her fidelity and abusing her for allegedly not bringing enough dowry into their marriage. Gautham also gave very little money to Thennarasi to manage their family. He would also commit marital rape, forcing Thennarasi to have sex several times a day, and beat her or abuse her for allegedly having many lovers if she said no. Thennarasi has left Gautham and gone back to her natal home several times during her marriage due to the domestic violence, and in 2004 filed a complaint against her husband in the Women's Police Station. After this, the violence reduced a little as Gautham stopped drinking and started giving more money for their family.

Female foeticide and infanticide were not recorded as widespread among the Dalit women in this study, with only two women revealing the occurrence of this violence. By comparison, *child sexual abuse* in terms of particularly early child marriages and sexual relations with minor Dalit girls below the age of 16 years is more common. Otherwise, four cases of sexual violence from a brother, father-in-law, brother-in-law and fathers also emerged. While only 23 girls had experienced child sexual abuse within the past five years, this must be viewed in the light of the fact that 282 women, or 72.2% of the total women in this study, were married below the legal age of marriage of 18 years, of which 39.7% were married below the age of 15 years. These early marriages indicate that the majority of women participating in the study would probably have been legally minors at the age of their first sexual encounter with their husband.

Location of Violence

The sites where violence occurs reveal another aspect of Dalit women's vulnerability, in that Dalit women are seen to be accessible in both public and private spaces for any acts of violence. The result is that they are denied spaces in which they can enjoy their rights to privacy and security of life. The majority of Dalit women have faced violence in *public spaces* – streets, women's toilet areas, bus stands, fields, etc. – in and around their villages and towns. The open or public nature of violence committed against them indicates both their specific vulnerability outside of the home, as well as the element of combined individual and collective community punishment meted out through particularly public physical assaults and verbal abuse. Many Dalit women in the study pointed out the perceived additional humiliation of public violence they face from dominant castes, as compared to the generally more private nature of violence committed against dominant caste women.

The next most common place for violence is *within the home*. Aside from domestic violence, a number of women have faced physical assaults, verbal abuse, sexual harassment and sexual assaults in their very home from non-family members. This reveals a common pattern of infringements of their right to privacy where perpetrators of violence invade the women's homes in order to attack and abuse them.

Violence in the *workplace* ranks third in terms of common locations for violence. This relates to Dalit women's greater work participation rates as compared with other women. Their mostly informal sector, daily wage labour occupations, bereft of employment security and many other rights, provide fertile ground for violence. Moreover, given their economic dependence, Dalit women often do not report violence from employers in the workplace, instead keeping silent in order to retain their means of livelihood. In addition, as many Dalit women either work in the perpetrators' home, or have to go

there to receive their wages or ask for loans, etc., the *perpetrator's home* also becomes another site for violence perpetrated by general community members.

Finally, *government spaces* become grounds for violence particularly where medical negligence occurs in government hospitals, or where women are forcibly incarcerated, verbally abused, sexually harassed or raped in police stations. Otherwise, verbal abuse is the most common form of violence meted out in government spaces from a range of government actors including the police, district administration officials and doctors.

The multiple sites for violence against Dalit women indicate that while in the brahminical patriarchal system^v they have greater “space” in which to function as compared with dominant caste women, this space does not translate into greater “freedom”; in other words, while Dalit women are said to enjoy greater freedom of movement, interactions and work opportunities in the “public sphere” than dominant caste women, they do not necessarily enjoy freedom that is safe, secure, productive and progressive, and that ensures their right to choose and decide for themselves. This is due to limits imposed, restrictions mandated and obstructions placed on Dalit women’s movement in the gendered space of the “public sphere” which is mediated by caste; that is, public spaces where men, and particularly dominant caste men, predominantly operate. These public spaces are seized upon as opportune places for exercising power and authority over Dalit women as individuals and as a collective through violence.

Social Status of Perpetrators of Violence in the General Community

Within the wide range of identified perpetrators of violence against Dalit women in the general community, *dominant caste landlords* emerged as the most prominent group. Landlords are the feudal landed class owning over 10 acres of land, and it is their continuing socio-economic and political power and authority in rural agricultural regions, as well as their connection as employers of many Dalit women agricultural labourers, that provide them disproportionate scope for perpetrating caste violence against these women with impunity. The violence they mete out is physical, verbal and sexual, often in response to Dalit women asserting their economic rights, that is, challenging caste-class relations by demanding their right to wages or land, or their right to sexual integrity, that is, the right to choice in sexual relations.

Kamlesh Devi, a 40-year-old Dalit widow from Kanpur city, Uttar Pradesh was pushed off her land in 2003 by an encroaching Brahmin family. In September 2003 Krishna Babu and five family members broke into Kamlesh’s house and beat her with *lathis*, belts and *chappals*. She lost consciousness during the attack, and awoke with her sari removed. She was again attacked in December 2003, and finally made the police register a FIR. The main perpetrator Krishna Babu evaded arrest, and now the case is in court. However, Krishna Babu has managed to obtain a stay order on the disputed land, forcing Pushpa to retreat to a rented tin shack across the road while he forcibly occupies her land.

Police and forest officials, as well as *business people*, also emerge as key perpetrators of violence against Dalit women. Where police are not active perpetrators, they also act in a significant number of cases in collusion with the perpetrators by failing to enforce the law when violence against Dalit women takes place. *Goondas and thugs* also play a role in supporting other perpetrator categories in their acts of terrorising Dalit women with actual or threats of violence. Two other groups of perpetrators whose numbers are significant belong to the *professional category*, namely hospital nurses and doctors and teachers, and the *political category*, namely local political party leaders and elected panchayat members. In all these cases, except for *goondas* and thugs, these perpetrators hold positions of authority or positions entailing a duty of care and responsibility towards other people.

Hence, their presence as perpetrators indicates their gross misuse of the power and authority conferred on them by virtue of their professions.

Uma, a 33-year-old Dalit woman from Thirunelveli district, Tamil Nadu was sexually propositioned by a dominant caste Sub-Inspector of Police when she came to him with a complaint in June 2004. His reasoning was that as he had helped her out in a family land dispute, she should “spend a day with him like husband and wife.” When she refused him and threatened to file a complaint against him, the Sub-Inspector sexually assaulted her and then filed a false case against her. Uma was thereby forcibly incarcerated in jail until her husband was able to pay a lawyer to ensure her release out on bail. Eventually when she described her sexual harassment, sexual assault and forced incarceration to the Revenue Divisional Officer, the Sub-Inspector was reprimanded and transferred, though no legal charges were laid against him.

In addition, there are a large number of *“other dominant caste persons”* as perpetrators, for whom only their caste, and not other social status, has been identified by the woman victim-survivors. In other words, these are dominant caste men and women in the village whom the Dalit women have been unable to identify as having any specific social, occupational or political status in the village such as a landlord or teacher. Their significance lies in the fact that they are often ordinary community members who, by virtue of their “higher” caste status vis-à-vis the Dalit women, engage in violence against these women. Moreover, often this violence is committed by these perpetrators not only as individuals, but also as group violence involving people of the same status (for example, where landlords get together to attack a Dalit woman), or different status (for example, where dominant caste villagers join with panchayat or political party leaders to commit violence against a Dalit woman). The group nature of violence (particularly physical assaults, verbal abuse, sexual harassment and gang rapes) often against an individual Dalit woman highlights the particular vulnerability of these women where they are outnumbered by the perpetrators.

Ghajalamma, a 59-year old Dalit woman from Chittoor district, Andhra Pradesh was physically attacked and beaten, along with her son, by a dominant caste man who controlled water supply to the village in 2003. This attack was in response to her making a complaint to a visiting ex-MLA over the man’s hegemonic control over the water supply, and discrimination against the Dalits in terms of access to water. After the attack, Ghajalamma and other Dalits filed a complaint with the help of a local Dalit organisation. The perpetrator was arrested, but then released by the police. Later, the village elders pressurised Ghajalamma and her son into accepting a “compromise”, wherein she dropped the police case in return for fair distribution of water supply to the Dalits.

Finally, a number of *“other Dalit persons”* have been identified as either active perpetrators of violence against Dalit women, or colluders in the violence. While family members become perpetrators when it comes to dedication of their daughters as Joginis, Dalits often collude in violence when it comes to specific allegations against women of being “witches”, or “loose women”, or where Dalit women protest against the production and sale of liquor in the villages. Otherwise, their presence indicates both the inter-(sub) caste as well as intra-caste violence that exists within the Dalit community, albeit on a smaller scale to violence against Dalits by the dominant caste groups.

Although Lakshmina Devi from Jammui district, Bihar was lightly spoken of being a witch by her in-laws due to her alleged prediction of future happenings, the source of her image as a witch originated from allegations made by an economically prosperous Dalit elder Dharmendra Das, who suffered two deaths in the family. A pattern of illness and deaths of children in neighbouring families led to the spread of public opinion against Lakshmina Devi. In June 1999 at around 8:00 p.m., Dharmendra Das and his son Ishwar Das, together with dominant caste Laxman and two other Dalits, came to Lakshmina Devi’s hut, hurled sexually abusive words at her, threatened her with severe

beating to death and then forcibly entered her hut, seized hold of her and dragged her out onto the street. A hostile crowd of Dalit and dominant caste people then gathered and beat her severely. Her assailants also tried to pour human excrement into her mouth, Dharmendra Das beating her face with a broken brick when she tried to keep her mouth shut. She then became unconscious. After the attack, the assailants released her husband, whom they had locked up in a house earlier, and informed him of having fed his wife human excrement, saying that if she was a witch she would either die or go insane as a result of eating human waste and if not, she would recover and be fine. On hearing this, he rushed to the spot and took his still unconscious wife to a nearby private hospital where two doctors revived Lakshmina Devi and treated her for a week for her injuries. While a police complaint was filed, eventually the police came in 2005 and pressurised Lakshmina Devi into a “compromise” in which Lakshmina Devi would be allowed to live in the village in return for her dropping all charges against the perpetrators.

Caste Background of Perpetrators of Violence in the General Community

Caste-wise, both forward castes (FCs) and backward castes (BCs) are seen to engage in violence against Dalit women, either as individuals or as a group. Roughly equal numbers of women across the different forms of violence have faced violence at the hands of these two major caste categories.

Dalit perpetrators are also present in significant numbers, as mentioned above. Their concentration lies in four forms of violence, namely physical assaults, verbal abuse, sexual harassment and sexual assaults, and rapes. Together, however, they account for around 10% of all perpetrators of violence against Dalit women in the study.

While in some instances the perpetrators of violence belong to one homogenous dominant caste, there are instances where they cut across all dominant caste lines, that is, backward caste and forward caste. This is particularly so where the Dalit woman is seen to transgress established caste norms, for example, by asserting her rights in defiance of “untouchability” practices. The punishment meted out, therefore, takes on the form of collective punishment that is both expressive of caste outrage as well as instrumental in terms of teaching the woman and her community a lesson of “obedience” to caste norms. Otherwise, sexual violence against Dalit women often takes a collective caste aspect, in terms of gang rapes or forced prostitution.

There are also instances of violence wherein the dominant castes – whether forward caste or backward caste – draw in the Scheduled Castes (Dalits) to engage in violence. To be noted is that this tactic is increasingly utilised by dominant castes to thwart the applicability of the *SC/ST (Prevention of Atrocities) Act 1989*, which only applies to atrocities committed by persons not belonging to the Scheduled Caste or Scheduled Tribe community. Dominant caste and Dalit collaboration in violence is also often present in witchcraft cases, with the accusation of witchcraft targeted at the Dalit woman by her family, her community or the dominant caste community. Other traditions such as the Jogini system also yield multiple caste perpetrators of sexual exploitation against Jogini women, as do some gang rapes and some physical assaults where Dalits and dominant castes are engaged together in illegal activities such as logging or illicit liquor production and sales.

“Don’t you all have mothers and sisters? If you are so full of passion why don’t you go to your sister to fulfil your desires? All you high caste people think that the lower caste mothers and sisters don’t deserve any respect and that you can behave any way you want with them. How would you feel if my brother behaved like this with your sister? Then you’d kill us, wouldn’t you?”

Anita Kumari, Ghaziabad district, Uttar Pradesh (said to a dominant caste youth who was constantly sexually harassing her in 2003, and who kidnapped and raped her after she verbally confronted him)

Perpetrators of Violence in the Family

As far as violence in the family is concerned, husbands, the Dalit women's in-laws, her relatives and husbands' relatives are perpetrators of violence, in descending order. Pressures exerted from both natal and marital families lead to female foeticide and infanticide, while child sexual abuse takes the predominant form of child marriages (as per the law rape of a minor refers to girls below 16 years of age, though a legal anomaly reduces this age to below 15 years in the case of a husband raping his wife). Less commonly recorded forms of child abuse are incest (where fathers and brothers are perpetrators) and sexual abuse by other male relatives (by brother-in-laws and father-in-laws). Husbands are also the key perpetrators of domestic violence, followed by mothers-in-law, the women's other relatives, fathers-in-law and their husband's other relatives. Given that most of the Dalit women's natal and marital families are very poor, the day-to-day struggles for survival, caste oppression and gender oppression often translate into frequent violence against Dalit women within the home. In other words, the subjugation, and lack of power and authority in the general community for the women's husbands, marital and natal families, is often replicated in violence in the family, a phenomenon noted in many socially marginalised communities. This domestic violence is further bolstered by the internalised dominant caste ideology of wife fidelity (*pativrata*) and duty of chastity, placing premium on notions of women's "honour", "purity" and "obedience".

Causal Factors for Violence

I. Violence in the General Community

In most cases of violence in the general community where the perpetrator belongs to a dominant caste, the Dalit women clearly identified their gender-caste-class status as the overall or key cause for the violence. Clear examples were given not only in terms of the *jogini* system or violence related to untouchability norms, but also more generally in terms of the petty reasons that often triggered violence against the Dalit women by dominant caste men, women and children (for example, trying to cross a dominant caste's fields, asserting equal rights to access water from common taps, or asserting the right to own economic resources). These reasons fall broadly into two categories: reasons related to coercive violence utilised to maintain caste norms or caste-based gender norms, and reasons related to Dalit women's assertions of their rights by defying untouchability norms or asserting their rights to cultural, economic and political resources.

The verbal abuse that is integral to many women's experiences of violence also indicates the dominant caste perpetrators' worldview as regards Dalit women's 'inferior' caste, class and gender status, and consequent powerlessness and vulnerability. Built into the patriarchal caste system is the assumption that Dalit women are available for any form of exploitation and violence, as a consequence of their "low" and "impure" character, and hence the low character of their caste that does not deserve honour and respect. The impunity with which much of this violence is carried out reinforces the normality of this culture of violence. The gender-caste-class axis, therefore, provides the systemic base for violence against Dalit women; that is, this violence is an in-built component of the caste system.

As far as Dalit perpetrators are concerned, the majority being male, many assimilate and reproduce the gender inequality structured into the caste system by using patriarchal norms to commit violence against women of their own community. This is particularly manifested in terms of physical and sexual violence, where patriarchal norms of female subordinate status and submissiveness influence Dalit women's abilities to enjoy their sexual integrity, equality and dignity, freedom, life and physical security in particular.

Flowing from and interlinked with this systemic causal factor for violence (that is, being a Dalit and a woman), Dalit women identified four main discrete and overlapping categories of causal factors for violence against them in their recorded narratives. The primary identified factor for violence in the general community related to the issue of Dalit women's *sexual or bodily integrity*. Accompanying Dalit women's low caste status and the socio-economic and political power of the dominant castes is the latter's view of their superior caste and gender status and accordingly a perceived right over Dalit women's bodies. Dalit women are seen as sexually available as they move in gendered public spaces and engage in productive labour. Sexual violence is understood in caste ideology as ennobling 'lower' caste women; that is, dominant caste perpetrators of sexual violence against Dalit women expect their "victims" to be grateful for the sexual attention they are receiving from 'higher' caste men. Sexual violence is also a tool utilised by dominant caste men to reinforce the caste 'impurity' of both the Dalit woman and her community, given the hegemonic discourse of women symbolising the group identity and bearing the honour of their community. Hence, socially legitimised reasons for sexual violence and its accompanying physical and verbal assaults against Dalit women include:

- the women's perceived sexual availability;
- retaliation against women who rejected men's sexual advances;
- reaction against women who expressed a desire to leave prostitution work.

Keerthana, an 18-year-old Dalit woman from Coimbatore district, Tamil Nadu was married to Siva on 5 November 2002 and settled in his village. Two weeks later dominant caste Rakkamuthu came to her house and laid his hands on her in front of her in-laws. She bit him to escape, locked the door and he then shouted to her, "Hey, how many Chakkliar boys have you slept with? Don't play with me! If you don't like this, should I leave you alone? I tell you, in this village who has not slept with me?!" As her husband professed his inability to stand up to this dominant caste man who claims the 'right to rape' all Dalit women villagers, she decided to leave the village for her own safety. Her husband joined her soon thereafter.

A second frequent causal factor for violence in the general community directly links to *gender inequality and the 'natural' caste hierarchy* as often manifested in untouchability practices, and Dalit women's counter discourse of equality, rights, dignity and self-respect. As the caste system hinges on the power of the dominant castes to enforce caste-based rules, including those rules governing what Dalit women should and should not do as impure, low caste women, violence also serves a functional aspect. Thus another set of causes for violence – mostly physical assaults, verbal abuse and sexual harassment or assault – include:

- when women broke "customary" laws by trying to access places of worship, hotels or other public places on equal par with the dominant castes;
- when women allegedly disrespected the caste status of a dominant caste or the gender status of a Dalit male by speaking up, questioning, or raising their voices in protest or to assert their rights;
- when women tried to participate in religious or cultural life;
- when women tried to access water rights or the public distribution system (PDS) ration shop on equal par with dominant castes.

Almost as frequently identified a causal factor for violence in the general community lies in the area of Dalit women's *civil rights*. The violence is either a response to the Dalit women's alleged breach of caste norms by exercising their freedom of expression in speaking out on an issue, or seeking to protect her family or community, or as a means used to reinforce their submissiveness and voicelessness as demanded under the caste system. These issues include:

- revenge or retaliation to settle scores with either the woman, her family or her community;

- response to the women when they questioned the perpetrator/s for violent acts done to them, their children, their family members or other Dalit community members;
- response to the women when they questioned illicit arrack sales or corruption in government schemes meant for Dalit welfare;
- where a male member of the woman's household was wanted for questioning by the police;
- where a woman scolded dominant caste children for destroying the *anganwadi* garden;
- where women were involved in a road blockade protest;
- resort to supernatural beliefs to explain sudden illnesses, or family pressures, that led to girl's dedication as a Jogini;
- doctors' carelessness or negligence in treating or operating on women;
- insecurity faced as a widow, or a Jogini.

A fourth causal factor for violence in the general community, given the aspect of economic exploitation built into the caste system, related to *economic resources* – land, or other economic resources/capital such as wages, payment for services, etc. – and particularly Dalits asserting their rights to own or utilise resources. Violence also related to Dalit women's poverty levels or economic status, in terms of their landlessness combined with their dependence on dominant castes for their livelihood; that is, with regard to work, wages and loans. Causes for violence related specifically to land and common property resources, being key economic resources in the villages, include:

- women and their families asserted their rights to own land;
- women tried to access forests or other common property resources;
- women questioned dominant castes for destroying, or for their cattle destroying crops;
- in order to appropriate the land belonging to the Dalit women or their families;
- reaction against Dalit women and their families owning or leasing land;
- retaliation for women allowing water to flow onto the dominant caste perpetrator's land, or allegedly wrecking the dividing line between their two fields.

Economic development factors triggering violence against the Dalit women include:

- where women failed to repay debts;
- women asked for loans;
- women asserted their economic rights by asking for monetary payment for services performed or goods sold, or loans given out, or their pensions;
- women asserted their rights to access government relief schemes or housing schemes;
- woman asked for the return of her ration card given as surety for a loan she had repaid;
- women attained or tried to attain a higher economic status than allegedly befitted a Dalit, such as by trying to become quarry owners;
- women won a contract to cook school midday meals;
- poverty that led the women's family to dedicate their daughters as Joginis, or that led doctors to discriminate against the women in providing medical care or be negligent in their provision of medical care.

Similarly, causal factors related to Dalit women's labour and work include:

- women protested against forced or bonded labour;
- women challenged working conditions;
- women questioned the delay or part-payment or under-payment or non-payment of wages;
- women asked for workers' compensation following their husbands' deaths;
- women allegedly arrived late for work, or allegedly did not work properly, or slept during work, or did not come to work due to illness;

- woman refused to clean her dominant caste employer's muddy shoes;
- woman did 'polluted' work of burying unwanted corpses;
- where a Dalit man wanted to wrest a woman's job away from her;
- where a dominant caste man did not want a Dalit woman working with him.

Seen together, these four afore-mentioned broad categories of causal factors indicate the crucial areas of sustaining Dalit women's lives, their integrity and their identity. Hence, Dalit women are often attacked in these vulnerable areas in order to deprive them of an economic base and economic independence from the dominant castes, to deny them civil freedoms to express their rights, to damage their bodily and sexual integrity as means of attacking their dignity and identity, all of which are necessary to maintaining their gender-caste-class subordination.

Otherwise, other causal factors that provoked violence include those related to Dalit women's *basic livelihood* outside of economic issues:

- women asserted their rights to access or enjoy housing, or water, or the public distribution system (PDS), or education, or open spaces for defecation;
- women questioned the perpetrator for polluting their housing premises with rubbish or sewage water;
- women asked for immediate medical treatment due to being in intense pain;
- women did not come to hospital early enough, or were not able to pay for medical treatment due to poverty.

In the realm of *political rights*, several Dalit women spoke of their assertions of basic political rights as provoking violent dominant caste backlashes. The issues that led to violence included:

- woman canvassed for votes in the dominant caste section of the village;
- women exercised or attempted to exercise their right to an independent vote in elections;
- women contested panchayat elections;
- women exercised or attempted to exercise political authority as elected panchayat representatives.

Another category of causes for violence relates to *relationship issues*, including:

- women asserted their rights to equality and dignity in relationships, by protesting against violence, or demanding fidelity from man in the relationship, or questioning man for deserting her;
- women allegedly had illicit relationships with other men, or allegedly were prostitutes, or allegedly encouraged others to have illicit relationships;
- women asked the perpetrators of rape or sexual exploitation to marry them;
- women accused perpetrator's son of having raped them;
- reaction against Dalit woman whose son married a dominant caste woman;
- women questioned perpetrators for abandoning them after having sexual relationships with them.

This category is very much related to that of sexual integrity, in that the causes for violence expose the underlying ideology of Dalit women's availability for illicit relationships, though not marriage, and the stringent punishments proscribed for inter-caste marriages. Moreover, the Dalit men's and Dalit community's control over Dalit women's sexuality is seen in their violent responses to Dalit women asserting their rights in relationships, or in punishing women whose so-called immoral behaviour allegedly influences other women to have illicit relationships.

Two categories of causal factors are related, in dealing with the dominant caste discourse of *criminality* that claims Dalit women as inherently criminal, a consequence of, as well as reinforcement of, their alleged impurity and low caste status. This discourse pervades conflicts and consequent violence arising out of accusations of trespass, or criminal activity. Examples of accusations of criminal activity against Dalit women include:

- alleged to be witches or accomplices to witches;
- allegedly helped bomb a police station;
- allegedly gave false evidence to the police;
- allegedly took firewood, or mud, or grass from the perpetrators' fields
- alleged theft from perpetrator's house or fields;
- alleged misappropriation of money from Old Age Assistance Fund.

Similarly, examples of accusations of *trespass* include:

- women's animals strayed into the dominant castes' fields and sometimes ate or destroyed some of the crops;
- woman bathed in the perpetrator's pond;
- women simply passed by or crossed the dominant castes' fields;
- women's animals or children went to the toilet in the perpetrators' fields.

The issue of trespass in particular is worth considering in the context of the systemic denial of economic resources to Dalits under the caste system. Where Dalit women are so often excluded from ownership or enjoyment of land or common property resources, and lack basic livelihood amenities such as toilets in their homes, then it would seem unrealistic to draw a line between public and private resources in villages. Unless issues of land reforms and basic public amenity provisioning, for example, are implemented by the state on a priority basis, can one speak of trespass by persons who are kept systematically excluded from such resources or amenities?

Finally, violence also took place when Dalit women sought *justice and the protection of the law* for violence done to them, or to forestall such action, by any of the following acts:

- women filed or tried to file a police complaint;
- women brought or tried to bring incidents of violence to the traditional village panchayat for arbitration;
- women refused to accept compromises following acts of violence;
- to prevent women from telling anyone of the violence or filing a police complaint;
- to prevent women from being witnesses against the perpetrators in a court case.

This revisiting of violence upon Dalit women in order to forestall any efforts by them to seek justice, or to punish them further for daring to seek justice, functions to build, maintain and reproduce a culture of impunity for perpetrators and their colluders in violence.

II. Violence in the Family

Similarly, Dalit women faced violence in the family over a range of issues, suggesting the assimilation of the larger patriarchal caste system's norms by particularly Dalit men, with negative implications for Dalit women's personal lives and interactions in their community.. As previously mentioned, the internalised ideology of brahmanical patriarchy, with its notions of women's "honour", "purity" and "obedience", produces and influences the causal factors for violence in the family. Female foeticide and infanticide stemmed from gender discrimination, combined with poverty or a response to the child being born of an illicit relationship. By comparison, child sexual abuse was primarily seen as the result of husbands asserting their perceived right to sexual relations with their child brides.

When it comes to domestic violence, however, the causes for this violence are much more nuanced and varied. ***Gender inequality and norms of female subordination*** formed a major category of causal factors for violence meted out by natal and marital family members to Dalit women. Examples of causal factors falling within this category include:

- women allegedly failed to be dutiful wives;
- women asserted their rights;
- women were unable to bear children, or unable to bear sons;
- caste discrimination from dominant caste husbands and in-laws in inter-caste marriages, or reaction from dominant caste husbands on being ostracised from their dominant caste communities as a result of marrying Dalit women;
- dominant caste husbands did not want children from their Dalit wives, or did not want their children to visit their Dalit grandparents' house, or not wanting their children to marry a Dalit.

A second major category was ***economic*** causal factors for domestic violence, including:

- poverty;
- insufficient dowry;
- women earned more income than their husbands, or their natal families had a higher economic status than their marital families;
- women asked their husbands to account for money given from their earnings to the husbands, or refused to give their earnings to fund their husbands' drinking habits, or refused to mortgage jewellery to satisfy their husbands' spendthrift habits;
- to deny women their share of their deceased husbands' property, or to appropriate their dead father's pension.

A third prominent category of causal factors related to Dalit women's ***civil rights***, which include:

- women's insecurity due to their husband's unemployment or alcoholism;
- women's insecurity as widows, or orphans, or differently abled, or stepchildren.

Finally, two related categories of causal factors related to rights in ***family relationships*** and to ***sexual integrity***. Internalised brahmanical patriarchal norms entail strict control over Dalit women's sexuality. Hence, reasons for violence surrounding marital relations include:

- women allegedly having illicit relationships;
- women's alleged breaches of family honour, particularly in response to women surviving sexual or physical violence in the general community;
- women caught up in internal family power dynamics.

Evidence of the lack of similar norms applicable to male household members was seen in violence against Dalit wives arising from their husbands having illicit relationships with other women, or marrying again, or wanting to marry again.

In a similar manner Dalit women faced violence arising out of ***disregard for their sexual integrity***, including:

- when women did not want to have sexual relations with their husbands, or in one case with her husband's friends;
- either in furtherance of sexual relations, or retaliation for women having refused to have sexual relations with male relatives;
- negative or blaming responses from women's natal or marital family members after women were sexually assaulted or exploited.

Overall, much of the domestic violence arose out of a combination of factors such as internalised gender discrimination, poverty, dominant discourses of dowry, wifely fidelity and duties, and distrust of women to guard their own sexuality all leading to husbands' perceived rights over their wives, or their husbands' alcoholism. The message effectively sent home to Dalit women is that they must keep "in their place"; that is, they must remain submissive daughters or wives, and should not assert their rights against Dalit men and other dominant family members.

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."^{vii}

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 resister 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.

***"You think that only your mothers, sisters and daughters have any izzat [honour]?
Because we are lower caste women, you think we can be treated this way?
I will file a case against you and teach you a lesson!"***

Durgani Devi, Madhubani district, Bihar (after being beaten by a dominant caste man in 2001)

Considering all 500 Dalit women in the study, in 40.2% of instances of violence the **women have been unable to obtain legal or community remedies for the violence**. A culture of silence exists when it comes to especially sexual violence, due to the dominant discourse emphasising women's "honour" and the stigma attaching to sex outside of marriage, whether forced or by consent. Other reasons for not attempting to obtain justice include:

- fear of the perpetrators, arising from the perpetrator's threats of further violence to the women or their family members should they file police complaints, or to deny them work;
- fear of dishonour or further shame by publicising the violence;
- ignorance that the violence was an illegal act for which there are legal remedies;
- lack of money to approach the police, or pay the often requisite bribe in order for the police to take action, or to follow a police case through to the courts;
- lack of family or community support for the justice-seeking attempt.

The overall effect is to reinforce a culture of impunity for violence by the perpetrators and their colluders, further exacerbating the denial of Dalit women's rights to security of life and basic human dignity.

In 26.5% of instances of violence, the women attempt to obtain legal or community redress for the violence, but are *prevented from obtaining justice by the perpetrators and their supporters, and the community at large*. The existence of traditional village panchayats of caste elders/leaders that exists parallel to the formal panchayat system in most Indian villages, in particular, often systematically suppresses women's and Dalits' voices using patriarchal and dominant caste notions of social and moral justice. Reasons for these thwarted justice-seeking attempts include:

- perpetrators, or their families, or their caste community threatening or intimidating the victim-survivor into silence;
- perpetrators foisting false police cases against the victim-survivors to pressurise them to drop their legitimate cases;
- traditional village or caste panchayats, and in some cases formal elected panchayats, refusing to take up Dalit women's cases, or refusing to accuse dominant caste perpetrators, or portraying the affected woman as the wrongdoer instead of the perpetrator, or pressurising the affected woman to accept an informal "compromise";
- victim-survivor's family pressurising her to drop the case out of fear of family dishonour or dominant caste reprisals;
- dominant caste community pressurising the victim-survivor to accept informal "compromises" that involve no proper and adequate remedial or justice action.

In cases of panchayat rulings, justice may appear to be done to the Dalit women. Often, however, the perpetrators and supporting dominant caste members/groups contrive "compromises" by taking advantage of their socio-political power and status, instead of dispensing true justice.

Dominant caste landlords, in a land dispute with a Dalit family, beat up Chandrani Devi and destroyed her family home in Aurangabad district, Bihar. They then said to her mother-in-law, "We committed two murders and nothing happened to us. If we do something to you also, nothing will happen to us. We have got our people at every place – court, police station, and district office – and who have you got? Nobody!"

Of all the instances of violence, only in 1.6% are the Dalit women able to *obtain informal justice rulings in her favour*. In most of these 33 instances, traditional village panchayats or elected panchayats or local NGOs manage to broker informal justice rulings rewarding the victim-survivor with financial compensation and a public apology, while extracting from the perpetrator a fine and/or apology and promise for improved behaviour in the future.

Dominant caste perpetrators of a gang rape on 15-year-old Kiran Rani from Kanpur district, Uttar Pradesh in 2001, after the girl's family approached the police to file a complaint, said to Kiran Rani and her family, "The police station is an extension of our home. The police are our brothers-in-law. Do you think you can harm us by going to the police?" When the Dalit girl's family approached the police, the Station Officer said, "However much I try to help you people, the Thakurs of Tilakpur have made all this [gang rape] their business and habit. They will not be stopped."

A further 17.4% of all instances of violence reach the notice of the police, but the *justice attempts are blocked by the police* themselves. These include cases in which:

- police pressurise the woman victim-survivor to drop the case or to accept a “compromise”;
- police foist false cases against the victim-survivor or her supporters in order to force them to drop their legitimate case;
- police file victim-survivor’s complaints but neglect to take action;
- police accept bribes from the perpetrators to drop or scuttle the case;
- police simply refuse to file FIRs.

By rendering futile the women’s attempt to seek justice through the criminal justice system, the police collude to reinforce the culture of impunity for violence against Dalit women.

Kamma, a 30-year old Jogini from Nizamabad district, Andhra Pradesh was physically assaulted twice for opposing the sale of toddy by the dominant castes in her Dalit locality in 2000. While she was away in hospital, the police came to her village and threatened with a gun those villagers who had witnessed the attack, demanding to know why the Dalits wanted to pick a quarrel with the dominant castes. On hearing of this, Kamma confronted the Sub-Inspector and said, “You’re a Sub-Inspector and yet you’re running away from your responsibilities. I went for medical treatment to a doctor in Nizamabad... How much money have you taken so that I should not get justice?” The Sub-Inspector replied that Kamma should not come to them with her case. Kamma then answered, “Then I won’t come to you. I will go wherever I need to go to get justice.” Her case went to court but was dismissed, as the dominant castes bribed the witnesses into giving false testimony.

Finally, in only 13.8% of instances of violence in this study is *appropriate police or judicial action underway*. The majority of these cases are all pending: investigations are being carried out, charge sheets are yet to be prepared, cases are currently before the courts, etc. Hence, leeway still exists for the cases to be scuttled by the police and/or perpetrators and their community. Notably, only 3.6% of all instances of violence have actually reached the court, and of those, only three cases (that is, less than 1% of total instances of violence) have ended in convictions. Eight other cases have been dismissed by the courts or ended in acquittals of the accused, due to either a forced “compromise” dictated by the accused while the case was under trial, or the perpetrator pressurising the woman victim-survivor or witnesses into turning hostile, or the victim-survivor being unable to obtain the requisite evidence for her case, or the perpetrator dying before the end of the trial.

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.

Taking into account the situation of rising rates of crimes against Dalits, combined with failure of the state machinery to check this rise with stringent action, the Parliamentary Committee on the

Welfare of Scheduled Castes and Scheduled Tribes has stated that atrocities on Scheduled Castes and Scheduled Tribes constitute an internal disturbance under *Article 355* of the *Indian Constitution*, and has called for Central Government intervention under various provisions to take strict action against offending states. The Committee has also castigated the Home Ministry for using "police and public order" being "state subjects" as an excuse for absolving themselves of the responsibility implied under *Article 355*. Finally, the Committee recommended taking "extreme steps" wherever warranted to protect the Dalit community and punish perpetrators of violence against them.^{viii}

Effects of Violence

Violence against Dalit women causes social, physical and mental trauma to women, much of which is long-term suffering. Where violence is committed with impunity, aided by the failure of the police to effect arrests and prosecutions, the fact of the perpetrators and their colluders in the violence freely moving about the village and often intimidating the woman and her family has a deep *psychological impact*. Significant are feelings of the futility of legal justice and fatalism about positive changes to address such violence. In total, 71.2% of Dalit women in the study expressed their feelings of helplessness to stop the violence, while 60.4% indicated the atmosphere of constant fear in which they carry on their daily lives. Feelings of depression or low-self esteem and shame also marked out the lives of around 60% of women, while 24 women had tried to commit suicide because of the violence they endured.

At the level of *physical effects*, among other effects of violence, 92 Dalit women experienced long-term physical health complications arising out of the violence, and a further nine women now live with a permanent physical disfigurement or disability. Twenty-three women endured long-term sexual health complications, while seven women miscarried as a result of violence meted out to them. Sexual violence resulted in 40 women becoming pregnant, though 18 women either opted for or were forced to undertake abortions, and one woman's family killed her child at birth.

Social effects of violence include economic punishment in terms of the destruction of Dalit women's livelihood or loss of employment (11 women), or social boycotts (four women). Around 8% of Dalit women (39 women) expressed their inability to get married or to get their child married where especially sexual violence had occurred. Violence also restricted many Dalit women's freedom of movement, while eight girls quit their education due to violence. Otherwise, Dalit women were ostracised from their families (57 women), or their community (16 women), or deserted by their husbands (17 women), or forced to leave their homes (80 women) because of violence in either or both the general community and the family. Finally, 9.6% of women (48 women) experienced contempt or ridicule in the villages following the violence perpetrated against them, often reinforcing the idea that somehow the women were to be blamed for the violence meted out to them.

Thus, the harm caused to Dalit women by violence does not stop at the act itself; it has long-term and multiplying social, psychological and physical effects that are not being addressed. Outside of the social movements and organisations working with the community, little supportive or counselling mechanisms exist in India today to deal with caste-and-gender based violence meted out to Dalit women. The result is that the lives of many Dalit women are underwritten by layers of trauma, hindering their rights to live with dignity and reach their full potential.

Courage, Strength and Resilience of Dalit Women

Despite all these experiences of violence that leave grave marks on Dalit women's lives and dominant caste perpetrators constantly reiterating gender-based caste norms and Dalit gender subordination, the narratives of the Dalit women also evidence their courage, strength and resilience

to assert their right to live a life with dignity. Apart from the courage that Dalit women have shown during violence, their resilience in the post-violence phase is manifested in two respects: first, their determination to pursue a course of action, whatever may be the expected or unexpected outcome, to set right the harm done by the violence; secondly, the tenacity they have shown in their various attempts to sustain their lives against all odds, refusing to let their lives disintegrate further as a result of the violence they have experienced. Whether this was done with success or otherwise in terms of achieving a legal remedy for the injustice they had faced or improving their living conditions, what is significant are their efforts to survive and sustain their lives in some form or another.

It is ironic that instead of the Indian State being the custodian of constitutional rights, it is Dalit women themselves who often dare to uphold the rule of law in the face of the “rule of caste”. This is evident from cases where Dalit women assert their rights to equality and fundamental freedoms of life, and also where they approach established legal justice mechanisms instead of taking the law into their own hands as the perpetrators have done. And yet, in only a few cases does the state rise up to meet Dalit women’s expectations of justice. Therefore, what Dalit women look to is not a paternal way of providing them remedial justice, but support mechanisms that clearly establish and uphold their rights, and bring them into mainstream society with dignity.

Vinnarasi, a 30-year old Dalit woman from Villupuram district, Tamil Nadu filed a police case of sexual assault against a dominant caste man who wanted to take over her land in 2002. She says, “A thing of this sort, a humiliating affair, has happened to me because I was born into a Dalit community. Never would such a humiliating situation befall a ‘high’ caste woman. I won’t leave the man who assaulted me without seeing him punished. To abolish the caste system and to procure punishment for all casteist and chauvinist men, I would act by extending all possible help to anyone working for this cause.”

Failure by the Indian state and civil society to respond to Dalit women’s legitimate expectations results in these women experiencing greater marginalisation, to the detriment of a healthy and vibrant democratic polity. There also lies a possibility of increased questioning of the rule of law as the appropriate means to securing justice. What Dr B.R. Ambedkar said in 1949 on the occasion of the Third Reading of the Indian Constitution is well worth noting in this regard:

“On [enacting the Constitution], we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognising the principle of one [wo]man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.”

Concluding Reflections

In contravention of both national laws and international human rights standards that prohibit any physical, sexual or psychological violence against women, varying forms of violent acts specifically targeting Dalit women are occurring on a large scale across India today. That physical (affecting bodily integrity), verbal (affecting the psyche), and sexual (affecting bodily/sexual integrity) violence are the most common, and often combined, forms of violence suggests that at every level Dalit

women's personae is being attacked. Moreover, given that most of this violence is occurring in public spaces, the additional humiliation of being violated in public drives home a message not only to each Dalit woman, but also to her family and community, that she is not considered worthy of being treated with honour, respect or human dignity. As Dalit women also experience violence in the family, they are effectively left with no safe spaces in which to freely express themselves and reach their full potential.

Dalit women would appear to be extremely vulnerable to aggression primarily by dominant caste persons in their villages and towns. Dominant caste status, often combined with patriarchal status and reinforced by a dominant class position (for example, being a landlord), effectively legitimises many dominant caste men's exercise of power, authority and force over Dalit women. Moreover, reading through the 500 Dalit women's narratives reveals the pan-religious element in that perpetrators of violence come from all major Indian religions – Hindus, Muslims, Christians and Sikhs, indicating that even in non-Hindu traditions the caste hierarchy trumps religious ideals of equality and respect for all human beings.

The range of causal factors for violence in the general community is directly attributable to systemic caste-class-gender factors that ascribe Dalit women's low status in society and consequent disempowerment and exploitation. At the core is patriarchy, which is gender-based and gender-biased against women. Male exercise of patriarchal power to subjugate women is overtly manifested in their attacks on Dalit women's sexual and bodily integrity, as well as their rights in inter-personal relationships with men. At the same time, patriarchy in India is influenced by the caste system and its inherent inequalities arising from hierarchal structuring of the system. Dalit women become specifically targeted for violence as an outcome of their positioning at the bottom of both gender and caste hierarchies, which condone violence against those Dalit women who contravene caste and untouchability norms by asserting their right to equality, or criminalises Dalit women's actions, or deems it socio-culturally acceptable to perpetrate sexual violence on Dalit women.

Moreover, reinforcement of Dalit women's lack of or denial of access to land and other economic resources through violence points to their effective class subordination in order to retain them as an exploitable labour force for their mainly dominant caste employers. There are also interconnections between denial of Dalit women's socio-economic rights or right to livelihood, and the denial of their civil rights; that is, their ability to protest and protect themselves depends to a great extent on their having a sound economic base. Finally, the lack of civil and political freedoms, including the right to justice and protection of the law in the event of violence taking place, reinforce the disempowerment of Dalit women at all levels. Such violence is crucial to the maintenance of caste structures and unequal power relations in society, which serves to highlight key areas requiring urgent intervention to safeguard Dalit women's fundamental rights. Similarly, the multiplicity of causal factors for violence in the family suggests the reproduction of the larger patriarchal caste system's norms in Dalit women's personal lives and interactions in their community.

Finally, the culture of impunity built into the caste system has wide-ranging implications as far as violence against Dalit women is concerned. Impunity for violence reinforces that caste-based notions of (in)justice prevail over democratic rights and the rule of law in the country. Justice itself becomes defined in terms of caste-and-gender privileges, with violence serving to reinforce caste law and order at the heavy expense of Dalit women's rights. Violence against Dalit women thus presents one of the greatest challenges to the social justice system in the country, calling for immediate and holistic remedial action at all levels of the government, law and order agents, the judiciary and civil society.

Ways Forward

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.^{ix}

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^x 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.^{xi}

***"I am conscious of the fact that if women are conscientised
the untouchable community will progress.
I believe that women should organise
and this will play a major role in bringing an end to social evils...
The progress of the Dalit community should be measured
in terms of the progress made by its womenfolk."***

Dr B.R. Ambedkar, speech to the Dalit Mahila Federation in 1942

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.^{xii} 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!”***

ⁱ National Commission for Women, *Women of Weaker Sections: Socio-Economic Development of Scheduled Caste Women*, New Delhi, 1996, p.33.

ⁱⁱ Government of India report to the Committee on the Elimination of All Forms of Discrimination against Women, UN Doc. CEDAW/C/IN/1, 1 March 1999, para.83.

ⁱⁱⁱ See Rege, S., 'Dalit Women talk Differently: A Critique of 'Difference' and towards a Dalit Feminist Standpoint Position', 6(2) *Vikalp Alternatives*, Vikas Adhyayan Kendra, Mumbai, 1998.

^{iv} The term "dominant caste" refers to those social groups with ascribed ritual status, and economic and political power, who exercise dominance over Dalits in particular.

^v See Chakravarti, U., *Gendering Caste: Through a Feminist Lens*, Stree, Calcutta, 2003 on the use of the term "brahminical patriarchy" to refer to the interlinking of patriarchy and caste structures in India.

^{vi} CEDAW General Comment 19: Violence against Women to the *Convention on the Elimination of All Forms of Discrimination against Women 1979, Arts. 1 & 2 Declaration on the Elimination of Violence against Women 1993*; see *Vishakha vs. State of Rajasthan (1997 SCC 241)* on applicability of international laws by Indian Courts.

^{vii} Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Radhika Coomaraswamy, Addendum 1: International, regional and national developments in the area of violence against women 1994-2003, UN Doc. E/CN.4/2003/75/Add.1, 27 February 2003.

^{viii} Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, Fourth Report on Ministry of Home Affairs, Ministry of Social Justice and Empowerment and Ministry of Tribal Affairs (14th Lok Sabha): *Atrocities on Scheduled Castes and Scheduled Tribes and Pattern of Social Crimes towards Them*, Government of India, 2004-2005; see also news report in *The Pioneer*, 28 April 2005.

^{ix} Government of India, *National Policy for the Empowerment of Women 2001*, Policy Prescriptions: para.7.1.

^x See, for example, Aloysius Irudayam s.j., *Black Paper: Broken Promises and Dalits Betrayed*, National Campaign on Dalit Human Rights, Bangalore, 1999.

^{xi} National Human Rights Commission, *Report on Prevention of Atrocities against Scheduled Castes: Policy and Performance, Suggested Interventions and Initiatives for NHRC*, New Delhi, 2004, pp.193-4.

^{xii} See Dr B.R. Ambedkar, "Annihilation of Caste", in Moon, V. (ed), *Dr Ambedkar Writings and Speeches: Volume 1*, Education Department, Government of Maharashtra, 1989, on the key issue of inter-caste marriages; and Chakravarti, *supra note v*, for a fuller discussion on interlinked gender and caste inequalities.

^{xiii} National Federation of Dalit Women, 'Declaration of Dalit Women's Rights', declared at 5th National Convention: Dalit Women's Assertions: Advancing their Socio-Economic Rights and Political Agenda, Chennai, 2002.