

- NEWS
- Daily News
- Top Stories
- Breaking News
- World
- Politics
- Business
- Growth Minute
- Health
- Food & Wine
- Women
- Women in Business
- Opinion
- Letters to the Editor
- High Tech
- Sports
- Horoscope
- Entertainment
- Entertainment Goss
- Music
- Features
- Books
- Poetry
- Movie Reviews
- Home & Garden
- Industry
- States
- UFOs
- Environment
- Education
- SupportOurTroops
- Middle East
- South Asia
- Cartoons
- Video Releases
- Most Read
- WIRES
- Eworldwire
- Marketwire
- GlobeNewsWire
- PRNewsWire
- Send2Press
- Marketwire Canada
- 24-7 Pressrelease
- Newswise
- PR.com
- Realwire
- ACNNewsWire
- Business Wire
- NewsBlazeWire
- Spanish Releases
- Movers/Shakers
- OTHER
- About Us
- Contact Us
- Feedback
- Writers
- Bookmarks
- Link to Us
- Advertise
- Sitemap
- TECHNOLOGY
- RFID
- Supply Chain
- Text to Speech
- Voice Over IP
- Wi-Fi
- Games
- iPod
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Published: April 20, 2010

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Inter Linkages Between Caste and Sexuality

By Kamayani Bali-Mahabal, Womens Feature Service

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'If a woman belonging to the Schedule Caste (SC) /Schedule Tribe (ST), marrying a person belonging to forward caste, is abused in the name of her caste by a member of the public or by her husband/or his relatives, whether an offence under the provisions of Atrocities Act can be registered and investigated against such person?'

In answer to this question, the Bombay High Court recently stated that the caste of a woman born into a Scheduled Caste or Scheduled Tribe does not change

on her marriage to a person from a forward caste. The court further observed that an SC/ST person suffers from disadvantages and indignities just because he or she is born into a particular caste, which he or she acquires involuntarily on birth. The suffering of such a person is not wiped out by marriage to a person born into a forward caste community and the SC/ST label continues to be attached to such a person, notwithstanding marriage.

"The three-judge bench has upheld and protected both women's right to challenge domestic violence and the right of all SC/ST women to draw on the protection of the Atrocities Act and the Civil Rights Act, the latter right is not usually invoked by SC/ST women and it should be upheld, irrespective of whether the husband is SC/ST or not," points out Ammu Abraham, feminist and Director, Women's Centre in Mumbai, which has dealt with such cases.

Argues Advocate Chandra Nigam, a dalit activist from Delhi, who has dealt with matrimonial disputes for the last eight years, "This judgment will prove a milestone in dealing with caste violence within families." Chandra, who has been working with the eminent Bengaluru-based dalit activist, Dr Ruth Manorama, and coordinates the North India chapter of the National Federation of Dalit Women (NFDW), observes that there are very few women who file cases against such atrocities and that apart from matrimonial disputes, there are instances of girls facing caste abuse from their husbands and parents-in-laws.

In most of these cases, the wives file cases only under the Domestic Violence Act, Section-498 A under the Indian Penal Code (IPC) and Section -125 under Criminal Procedure Code (Cr.P.C). Chandra, who is herself in an inter-caste marriage, explains, "An SC/ST woman married to a forward caste does not get the proper space to express her feelings about caste or caste-related slurs or disputes with her in-laws."

"One is born into a caste and this cannot be undone even with the saat pheras of sapt padi (Hindu marriage)," reiterates Rakesh Singh, Chandra's husband and Founder Director, Safar, Delhi. It is a point that dalit feminist, Anita Bharti, also underlines, "Caste system is a reality and this judgment is holding the mirror to society." Bharti is the Secretary of the Dalit Lekhak Sangh (Dalit Writers'Association).

Activists like Singh rue the fact there are not enough inter-caste marriages. "We need to have more inter-caste marriages to finally end discrimination, but sadly upper castes and even dalits do not encourage this as they are themselves marked by caste identity and caste politics," he says.

Dr Manisha Gupte, founder of Mahila Sarvangeen Utkarsh Mandal (MASUM), a Pune-based woman's organisation working in the areas of health, domestic violence, and self-employment of rural and tribal people since 1987, agrees with that part of the judgment that states that a woman married into an 'upper' caste, if taunted on the basis on her SC/ST status, can seek redress under the caste atrocities act. But she disagrees with caste, as located within patriarchy, being accepted unquestioningly. "The fact that caste/religion/nationality isn't allowed to be transferred by the mother to her offspring is in contravention of the provisions in the Convention against Discrimination against Women (CEDAW)," she says.

Going beyond the judgment, Rajeev Singh, Anita's husband, who did his post-graduation from the Tata Institute of Social Sciences (TISS), Mumbai, observes, "I do not like the idea of caste - nor do I believe in it. But does it matter? I was born in Delhi and have lived and worked in a city. I have no anchorage in Ghazipur, Uttar Pradesh, apart from the fact that some of my relatives stay there. But when I go there, I am treated as per my caste - simply because everyone knows my 'family lineage' and treats me accordingly." Rajeev adds, "One shudders to think what the situation would be like on a broader level, where caste has much deeper roots. Even in Delhi - or for that matter anywhere else in India - I know I will get 'normal' treatment, if people know my caste. But I can see the prejudice emerge in people when they interact with Anita the moment they realise her caste. I have been married to her for 18 years and have not seen things improve for her at all as far as caste discrimination is concerned."



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Gail Omvedt, human rights activist and B.R. Ambedkar Chair on Social Change and Development at the Indra Gandhi National Open University (IGNOU), puts it this way, "Dalit women are the dalit of the dalit in Indian society - the thrice oppressed victims of centuries of social, political, economic, cultural and religious pressures." Adds Prof Omvedt, who has authored numerous books and articles on class, caste and gender issues, "Historically, marriages are only supposed to take place within the caste and sub-caste; thus what is called roti-beti vyvahar (exchange of bread and daughters) is a defining feature of caste. In other words, the greatest sin was intercaste marriage; and one of the duties of a good king following this doctrine of brahmanism was to enforce the varnasamkara (caste system)."

Commenting on the inter linkages between caste and sexuality, Prof Omvedt explains, "Caste can only survive if women's sexuality is controlled! To keep the 'jati' (caste) identity you have to keep marriages within the jati". The Father of our Constitution, Dr Ambedkar, said, 'educate, agitate, organise' and it is very important that dalit women fight for their land rights; they are being deprived of their rights due to the patriarchal system, which views men as heirs of names, property, and land. This is part of caste-patriarchal oppression and we have to fight together to end it."

India is well into the 21st century. Despite a plethora of deterring legislation, 160 million dalits - 49.96 per cent of whom are women - continue to face discrimination. The caste system declares dalits 'impure' and therefore untouchable, and hence socially excluded. This is a complete negation and violation of human rights. Given this scenario, judgments like the Bombay High Court verdict under discussion, provides a ray of hope for dalit women in their struggle for their rights.

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