Inter Linkages Between Caste and Sexuality

By Kamayani Bali-Mahabal, Womens Feature Service

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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 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 saptpadi (Hindu
marriage)," reiterates Rakesh Singh, Chandra's husband and Founder Director, Safar, Delhi. He is a
point that dalit feminist, Anita Bhatti, also underlines, "Caste system is a reality and this judgment is
holding the mirror to society." Bhatti is the Secretary of the Dalit Leekhak Sangh (Dalit
Writers Association).

Activities 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.

By 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
Gajipur, 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 shoulders 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."
Gail Omvedt, human rights activist and B.R. Ambedkar Chair on Social Change and Development at the Indira 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 roli-beli vyavahar (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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