

DOMESTIC VIOLENCE AGAINST DALIT WOMEN: A CRITICAL REVIEW

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ABSTRACT: *Vulnerably positioned at the bottom of the caste, class and gender hierarchies, Dalit women experience endemic gender and caste violence as well as extreme deprivation and disabilities as the outcome of the severely imbalanced social, economic and political power equations. Dalit women face one of the most severe and heinous crimes. The researcher reviewed the majority reports from secondary sources. Majority of the reports given the results that domestic violence against Dalit women's development indicators of Dalit women on one hand and dominant caste women on the other hand show growing inequalities, which reflect the historical and continuing measure of discrimination, exclusion and exploitation specific to Dalit women. Dalit women have no option but to earn livelihood for themselves and their family. Without access to land and economic resources, they are dependent on land lords, contractors and economically powerful men, whereby becoming vulnerable to exploitation and domestic violence. Researcher suggests that need improve their conditions through some suitable policies, programmes and opening more opportunities to access equitable shares.*

Key Words: Vulnerably, Dalit Women, Violence, discrimination, exclusion, access to land.

1. INTRODUCTION:

Even after sixty seven years of Independence of India, the Dalit /Scheduled caste (SC) women are subjugated by patriarchal structures, both in the general community and within their own family. Violence and inhuman treatment, such as sexual assault, rape, and naked parading, serve as a social mechanism to maintain Dalit women's subordinate position in society. They

were bearing the triple burden of caste, class, and gender. Being positioned at the lowest social order of Indian society, Scheduled caste women suffer from many forms of discrimination, including lack of education, economic disadvantages, social disempowerment, domestic violence, political invisibility, and sexual oppression. 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 SC women are occurring on a large scale across India today Ganguly, Sumit.(2012) .

2. BACKGROUND AND STATUS OF KNOWLEDGE

Domestic violence in India is endemic around 70% of women in India are victims of domestic violence, according to Renuka Chowdhury junior minister for women and child development. National Crime Records Bureau reveal that a crime against a woman is committed every three minutes, a woman is raped every 29 minutes, a dowry death occurs every 77 minutes, and one case of cruelty committed by either the husband or relative of the husband occurs every nine minutes Chowdhury, Renuka (2006). This all occurs despite the fact that women in India are legally protected from domestic abuse under the Protection of Women from Domestic Violence Act. However the aforementioned statistics are strongly contested by Save Indian Family Foundation, stating that Renuka Chowdhury talked about the reported dowry death cases and deliberately avoided mentioning the actual convictions in “dowry death trials” after false cases are dismissed in the courts. It is estimated that the Dalit community constitutes 20 percent of the total population of the country, or four million people, and that the population of Dalit women is half of this figure (Dahal, 2002). However, statistics have revealed that Dalit women are far behind in the development process compared to the women of other caste groups. Unlike other ethnic groups, Dalit are scattered throughout the country. The situation of Dalit women, one of the largest socially segregated groups in the world, is shocking. Dalit women are among the poorest; they face triple discrimination, as Dalit, as women and as poor Ellsberg, Mary, PhD. (2008). The nature and cause of violence against Dalit women range as wide as one can scan. These are firmly rooted in the caste ethos, which prescribe the position and behavior of Dalit communities in relation to dominant caste women, men and children and their material possessions. Any perceived deviation or non-compliance is enough reason. While family

violence is also prevalent, the threat of violence from the dominant castes looms high in every family and community across the country Martin, S. (2013).

Physical assault, verbal abuse, sexual harassment and assault, rape, sexual exploitation, forced prostitution, kidnapping and forced incarceration primarily by male members of the dominant castes are common experience of Dalit women. Violence is carried out in the public, in public view, in work places, in custodial institutions, in the fields, around the villages, in trains, bus stands and even in toilets. Violence in many cases tends to be regular and continuous and by persons who have some power and authority over her or the family. Sexual exploitation by promise of marriage and later desertion and even murder is not uncommon. Perhaps the most gruesome and common is rape and murder. Domestic violence, or intimate partner violence (IPV) as it is sometimes called, is a worldwide problem. Cultural and household stress factors contribute to the prevalence of domestic violence, and it has been argued that these factors need to be thoroughly addressed through such channels as the institutionalization of routine screening for warning signs of domestic violence by health professionals, legislation (along with feasible mechanisms for enforcement), and support and empowerment stemming from women's groups Sameer, Rebecca (2013). In 2010, a movie based on Domestic Violence titled Bell Bajao was released with the support of the Ministry of Women and Child Development which won an award at the Cannes Film Festival.

3. STATEMENT OF THE RESEARCH PROBLEM:

Dalit women face considerable violence in the domestic front. Alcoholism and associated demands of money from men is very often associated with family violence. Other causes also are inability to bear children, not bearing male children, suspected extra-marital relationship, being good looking in some cases or ugly in others, denying sex to husband, demanding property, demanding freedom or asserting her space and rights. Patriarchal values are very evident in the violence where women are expected to be obedient, pure and keep to their place in life. Jejeebhoy, Shireen (1998).

Due to economic inequality, many women are victims of trafficking or compelled to practice prostitution. The lack of economic opportunities is a major factor that has exacerbated domestic violence against women. Because of their financial dependency, women are forced to

endure mental and physical abuse. The study conducted in south Asia, by Adhikari, revealed that 60% are Dalit among trafficked girl. The large numbers of crimes against Dalit women that go unreported, unregistered and unpunished strengthen the nations of impunity while committing crimes against Dalit women. In the commission of offences against Dalit women, the offenders try to establish their authority and humiliate the community as noted by the National Commission on Women. Violence on Dalit women continues unabated despite a number of Constitutional Provisions of equality, nondiscrimination, special protective, promotional and monitoring measures, legislative measures and international obligations and commitments.

4. OBJECTIVES OF THE RESEARCH:

- To study the Patriarchal social structure of women
- To review the women constitutional provision against Dalit women
- To examine the legislation of Domestic Violence Act of 2005 provisions
- To analyse the reports of the government data for critical analysis

5. METHODOLOGY:

This research was descriptive type of research. It aimed to examine nature of violence against Dalit women in terms of economic, social and psychological. It was also conducted to find out the extent of violence against Dalit women and their perception toward this. It is based on secondary data from various government department such as UN Women reports, Human rights reports and National Campaign on Dalit Human Rights and National Tribunal – Violence Against Dalit Women, All India Dalit Mahila Adhikar Manch |AIDMAM|

6. CRITICAL REVIEW OF THE STUDY:

Various Dalit women campaigns across the country are regularly monitoring the cases of sexual violence against Dalit women, but unfortunately they always hit a dead end; the dominant caste threats, the inadequacy of the law enforcement agencies and the collusion between the two leaves no hope of justice. Dalit women are faced by several crippling factors and interplay of caste and gender. Lack of knowledge, ignorance, poverty and illiteracy only further exacerbate her situation in a society that is ridden by patriarchal and casteist mindsets.

There were also some cases of discrimination faced by the Dalit women elected representatives. Gruesome acts of violence, prevention of franchise and nominations for elections, discrimination in office, false allegations etc. are only the tip of the iceberg of violations for most Dalit women elected representatives in Panchayat positions. The power of being an elected representative often renders her powerless and insecure, as the backlash violence due to her assertion is severe. This combined with the systemic caste and patriarchal discrimination causes acute barriers to her journey as a leader of her community and her constituency. Dalit women face severe barriers in accessing their rights. The impunity of the State is exposed in all the cases heard in the National Tribunal. There is a deafening silence from all the State and non-State actors on Violence against Dalit women. The maximum that has been achieved so far is compensation and that too is often given after a lot of pressure, demand and advocacy. Even after this most of them are not arrested and also absence of proper mechanisms for the rehabilitation of any of the survivors of violence.

6.1.VIOLENCE AGAINST WOMEN:

Violence against women and girls is an ongoing problem that has remained largely unresolved for centuries. Violence is generally enmeshed within social and cultural contexts that make women particularly vulnerable to it. This violence is found in both rich and poor countries alike. Although women in the poorest of nations are more inclined to believe men are justified in beating their wives, it has been found that across all settings, in developed and developing countries, women who are abused tend to hold more normative beliefs that justify violence against women (WHO, 2005).

The General Assembly of United Nations subsequently adopted a Declaration on Violence against women in 1993. The Declaration has defined the Violence against women that occur in a family or community as violence against women perpetrated and condoned by the state. According to this declaration "Violence against Women shall be understood to encompass, but not to be limited to, physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in their households, dowry related violence, marital rape, female genital mutilation, other traditional practice harmful to women non spousal violence and violence related to exploitation".

6.2.VIOLENCE AGAINST DALIT WOMEN:

Few studies had been undertaken on Violence against Dalit Women. A joint study by the National Campaign on Dalit Human Rights, the National Federation of Dalit Women and Institution of Development Education, Action and Studies (IDEAS) was undertaken during 1999-2005, based on 500 in-depth case studies. The study examines the forms and manifestations, frequency, caste and social status of perpetrators, causes, effects and responses to violence against Dalit Women over the study period. Twelve major forms of violence constitute the basic of this study, nine being in the “public” sphere – Physical assault, verbal abuse, sexual harassment and assault, rape, sexual abduction, forced incarceration and medical negligence – and three falling within the “private” sphere – female foeticide and infanticide, child sexual abuse within the family and domestic violence. Among the frequent forms of violence were verbal abuse (62.4 per cent), physical assault (54.8 per cent), sexual harassment and assault (46.8 per cent), domestic violence (43.0 per cent) and rape (23.2 per cent). As far as causal factors are concerned, in most cases of violence in public sphere the perpetrators belonged to dominant caste. The key cause for violence was identified as gender-caste-class status. As far as causal factors for violence are concerned, in most case of violence in the public sphere the perpetrators belonged to a dominant caste. A second frequent casual factor for violence in the public sphere directly links to gender inequality and the “natural” cast hierarchy as often manifested in “untouchability” practices and Dalit women’s counter discoursed of equality, rights, dignity and self respect.

7. OBSERVATIONS OF THE STUDY:

This tribunal made it very clear that Dalit women are facing various kinds of extremely brutal violence and that what was represented before the jury today was only the tip of the iceberg. In fact, given all the ways in which Dalit women are denied justice and further intimidated and harassed for their attempts towards obtaining this justice, it is very clear that the figures about the violence against Dalit women we have before us, is severely underreported. More importantly, among all the varied violence's that Dalit women face - from verbal abuse to rape - brutal sexual violence is the most frequent. In contrast to sexual harassment such as eve teasing or other such violations, the sexual assault on Dalit women is extremely heinous in nature

and is often undertaken by dominant caste male collectives, in an extremely punitive manner and with total impunity.

We also see that in the case of violence against Dalit women, there is a collusion between the police, the medical officer, the investigative officer and all concerned authorities, which works to protect the perpetrators of the crime. Often these authorities belong to the same community as the criminals, and are also equally and violently prejudiced against Dalit women. So they harass and intimidate her in such a way that her attempt towards obtaining protection and justice is made extremely difficult. Moreover, the very same authorities that are meant to protect her, heap further violence on her, making her position even more vulnerable.

In the light of this, what is remarkable is the spirit of resistance, resilience and the undying quest for human dignity and equality that propel many Dalit women and their families to go through various hurdles in fighting their cases - even after having encountered extreme violence. The role of the Dalit woman's families (including male members) and the role of Dalit Woman Human rights defenders, in supporting their causes, is also extremely commendable. The Jury further observed that there were a few major issues that were coming up again and again in most of the cases.

7.1.The Failure of the existing Sc/St Prevention of Atrocity Act

In all cases even though there were strict provisions within the existing SC/ST (POA), none of them were employed or implemented towards protecting Dalit women. Even in cases that involved caste abuse along with brutal rape, the SC/ST (POA) atrocity act was not employed by the police and the judiciary. Often it was after days of protest and resistance that most of these cases were brought under the purview of the prevention of SC/ST (POA) atrocity acts. Even then the accused were not brought to justice. So in spite of the powerful provisions in this act, none of them are actually employed towards aiding Dalit women.

7.2.The failure of the various national commissions in protecting the Basic Human Rights of Dalit Women

Similarly National Commissions which have been set up to specifically safeguard the rights of the marginalized in our society, have failed miserably in performing their

responsibilities. Often, they are under various political and local pressures and are rendered useless. Even when they make recommendations, they are neither taken up nor implemented by the concerned parties. In short, the Commissions have not been able to play the important and powerful role envisaged for them. They have neither been able to withstand political pressure or work as a monitoring and guiding authority, nor have they been able to oppose the malpractices of the State, the police and the judiciary. Moreover, it is important to recognize that Dalit women do not find a central position in both the SC/ST commission (which is in adept to address their gendered status) and in the Women's commission (which is not capable of addressing issues of caste). Often their issues are shunted from one commission to the other and they do not find a specific space in both, given the intersectional nature of the violence against them.

7.3.The Complete failure and Absolute Corruption of the existing Criminal Justice System

The police and the judiciary are supposed to safeguard vulnerable communities, and especially the Dalit women, not only by punishing those who commit violence against them but also by preventing any kind of violence towards them. However, in the light of the cases that were brought before the tribunal today, what is absolutely clear is that the criminal justice system has failed completely in fulfilling their assigned roles. In fact, they have become one of the most hated structures through which violence against Dalit women is being perpetuated today. In most cases, the police totally ignore the desperate pleas of the women and families who approach them to prevent atrocities, or to frame the criminals involved in them. They are asked to go back, compromise, come up with a settlement outside the police station, and they are dissuaded from using the law towards their own protection and towards obtaining justice. Dalit women and their families are sent from station to station, citing various reasons, and they are not even allowed to register their cases. Often precious time is lost in such bureaucratic delays, which are deliberately done to protect the criminals and deny justice to the women. More importantly, FIRs are wrongly written, tampered with, the names of the accused are often left out from the FIRs, women who have just been violated are made to give statements and these statements are then changed or falsely recorded. Often the police not only take money from the perpetrators but also work according to the bidding of the powerful who are behind the criminals. The police and all the officers at the Panchayath and the municipality, including government health professionals work

in collusion towards providing protection to the criminals than to the Dalit women. Often many of them are from the same communities of men who have violated the Dalit women and all of them stand together to protect their caste member. In fact, in anticipation of resistance from Dalit communities there seems to be a kind of unwritten understanding among the dominant communities to protect the criminals who are violating Dalit women. The police are fully in support of such moves and instead of safeguarding the rights of the assaulted Dalit women; they are busy helping those who have committed unthinkable atrocities against her. For this they not only tamper with evidence, but as seen in some cases, they are also employed by State Governments to suppress spontaneous and peaceful protests against the violence on Dalit women.

7.4. The collusion of the government Health Care institutions in protecting Criminals.

We also saw how government health professionals such as doctors and other certifying officers, have colluded with the police and the criminals towards tampering with medical evidence. This is used to justice to the Dalit women, to deny medical services and to intimidate Dalit women with false evidences. Often it is such false certification provided by Government health professionals that are used to prove that there has been no assault on a woman. Even minors and corpses of Dalit women who have been gang-raped and murdered are submitted to the 'two-finger test' (often repeatedly) with which the victims are declared as being "habituated to sexual intercourse." This is then used to prove that they have not been raped or assaulted!

7.5. Awareness of new legislations that are now in place such as The Prevention of Child Sexual offenses Act, 2012 and the Criminal Law Ordinance of 2013 should be urgently used along with SC/ST (POA) Act so as to ensure quality justice to the victims of sexual violence.

7.6. It is important issue that we recognize that the violence against Dalit women is not confined to women from marginal and lower class locations. Even Dalit women who have become sarpanchs and who then use their office to transform society, is increasingly attacked and violated.

7.7. Similarly we can also see that there is an increase in the backlash violence against Dalit women human rights defenders. Many of them work in extremely undesirable situations,

encountering multiple levels of corruption and crime and often they are attacked and assaulted for bringing to light the violences against Dalit women.

7.8. Last but not the least; it is very clear that most political parties and State governments do not have a clear understanding of the issues that plague Dalit women. They have not yet taken cognisance of the fact that atrocities against Dalit women are happening daily and that something urgent has to be done to prevent them. In fact, many State governments are colluding with criminals and are helping to perpetuate the cycle of violence against Dalit women. The mainstream media, various academic and intellectual institutions and even feminist discourses are all silent about the extreme violence that is a part of the Dalit woman's life today. Given this, most State governments do not feel pressurized to envisage any program or scheme towards preventing violence against Dalit women. None of them have any comprehensive policy or agenda towards helping them. Even those provisions that already exist are not being put to use. In short, it is absolutely true that there is no political will today, in this country, to provide even minimal justice to Dalit women. Even officials who are employed in schemes like NREGA, which is meant for marginalized women, are violently assaulting Dalit women at their workplace. In short, though there is so much talk about gender and violence today, this does not automatically extend to Dalit women who are left to suffer and resist alone, often in unthinkably difficult situations.

8. CONCLUSION:

Governments should take into account the situation of women and girls in all measures taken to address caste-based discrimination and should adopt specific provisions to ensure the human rights of women and girls affected by caste-based discrimination. Domestic Violence Act does not have the authority to end the marital relation. The power of social pressure is not enough to pressurize couples to work out their differences and special woman cells have been established to exercise a similar influence. Panchayats and social pressure was previous means to solve petty issues, as seen in Lok Adalats, Para-legal services (neither parties win or loses cases summoned). Women Protection Cells receive their functioning power from the police and act accordingly after receiving an application and both parties are summoned. This is often seen as an indicator that the marriage cannot be retrieved. These cells have a low rate of being able to retrieve marriages submitted for mediation. Particular attention should be paid to combating

intersecting forms of discrimination in the sectors of education, employment, health care, access to land and personal security.

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