

The Systematic Silencing of Dalit Women: Reinforcement of Gender and Caste Hierarchies

India's caste system along with its on-going issue with gender discrimination, makes Dalit women, the bottom of three prevalent hierarchical frameworks; gender, caste and class. Thus, resulting in their systematic oppression and violation of human rights.

Gender Inequality in India

The Indian society has faced a lot of criticism for the inequality that thrives within it, in particular gender inequality as seen throughout its past and present. The disparity in the treatment and freedoms given to men and women haven't been the only thing that women in India have had to fight against. The effects in India's sex-ratio with it being 111.2 males per 100 females for those between ages 0-25 in 2020, is mainly due to illegal sex-based abortion, male child preferences making parents lead their daughters to death as just in 2020, 460,000 girls went missing at birth in India¹.

Despite India's efforts in encouraging gender equality through pushing education for girls, banning prenatal sex determination in 1994 as well as sex-based abortions, making dowry illegal and making stricter penalties for child marriage and rape and achieving to improve the situation in some areas, such as education, the issue is still ongoing. Gender discrimination continues at a social level and continues to be a prevalent in crimes, mainly acid attacks, sexual abuses, human trafficking and domestic violence, all with a rigged justice system incapable of properly handling these cases.

The Hijra community must also be taken into account to fully understand the gender hierarchy in India. Hijras are considered part of a third gender that consists of intersex and trans people. Historically, Hijras were well-respected and revered in the Hindu community. They are mentioned and praised in Hindu texts such as the Ramayana and were considered closest to God for not falling into the binary system and being more at one with their soul, which is considered genderless.

This changed during the British Raj which led to the criminalization of their identities and the blockage of their economic and social participation which still continues today. A large part of the Hijra community are trans women who have had to sought to prostitution, begging or dancing to survive the last decades but they are mostly met with discrimination and violence. Only over half of the Hijra community is literate, demonstrating their exclusion from the society from a young age if they come out.²

The gender hierarchy puts men on top, women below them, and Hijras at the bottom but if you also start taking into account the caste divisions within these categories, we will see that the cis and trans women in lower castes are suffering the most in the hands of two institutions built to oppress them.

¹ State of World Population 2020, UNFPA

² Census of India 2011

The Caste System

The caste system is a form of social stratification, mainly observed in South Asia, in countries such as Nepal, Sri Lanka and predominantly in India. It was used in ancient India to establish separate classes of inhabitants based on their social positions and job functions in the community and its roots can be found in Hinduism and its Vedas. To understand this system that dates back millennia, we must understand its origins and how it has changed over time.

There are several theories on the origins of the caste system, the one widely accepted is that its origins date back to the Vedic period, with the arrival of the Vedic Aryans around 1500 BC. The first mentions of the different divisions of Bhramin, Kshatriyas, Vaishyas and Shudras are found in one of the four main vedas, the Rig Veda, written around 1200 BC.

The Rig Veda, specifically the Purusha Sukta verse (10:90), says that the gods created the four varnas by sacrificing the primordial Purusha (the "Cosmic Self"). His mouth became Brahmin, his arms, Kshatriyas, his thighs, Vaishyas and his feet became Shudras. This meant Brahmins were the intellects, teachers and priests, Kshatriyas, were warriors, kings and administrators, Vaishyas were farmers and merchants, and Shudras were workers, laborers and artisans.

Years later, with the application of this system an addition was made, one not mentioned in the scriptures, by taking into account those who were outside the varna system, the untouchables or the Dalits.

Dalits, which comes from the Sanskrit word "dal", translating to "scattered" or "broken", but with its modern application it now also translates to "untouchables", which is something that did not exist in the

Vedic period, but rather from the British who tried to understand the system during the colonial period. What we now know as Dalits are those who were harmed and excluded by the rest, who fit into the varna system, for being dirty and dark-skinned and doing jobs that no one was willing to do, like cleaning toilets and collecting manure.

In order to have a basic understanding of what the *varnas* were, we could look at a simple translation of it, which would be "class", although in truth, the translation is much more complex as it also means "colour" or "race".

Another thing separate from varna is *jati*, which comes from the word "*jata*" meaning "born in", referring to the community/tribe you were born into. Normally, when an Indian is asked about his caste, he is very likely to simply say his ethnic group.

Currently, due to many factors, an important one being the British Raj, the concepts of *varnas* and *jatis* have merged and it is now believed that not only can you not marry outside of your varna, but you are also born in your varna and must remain in it.³ This has resulted in society setting limitations for lower caste populations by pushing certain roles and discouraging them to get educated saying their jobs won't require education from them. This can be seen with how around 71% of Scheduled Caste (official term for lower castes) farmers are agricultural labourers, working for wages on land they do not own. That figure is much lower among other groups: 47% for Scheduled Tribe farmers and 41% for non-Scheduled Castes/Scheduled Tribe farmers.⁴

When it comes to Dalit women, their treatment is worse as they are seen to only be useful for house chores hence, pushing girls to stay at home instead of going to school. The higher castes also demonstrate

³ Chakravoty, S. (2021, 18 November) *How the British reshaped India's Caste System*. BBC

⁴ Census of India 2011

their superiority through discrimination; not allowing Dalits to sit on the same table as the others, not giving them higher position jobs, beatings, sexual violence and killings.

In India's Census Report 2011, it showed that the literacy level for Scheduled Castes is only 66.1% in comparison to the all-India level of 73%. Female literacy among them is as low as 56.5% against all-India female literacy level of 64.6%. In 2020, the all-India literacy rate was at 77.7%⁵, only around 4% higher than in 2011, which means the 2011 data continues to be indicative of today's situation in India. The literacy rate among scheduled castes in India is increasing, but the percentage increased over 2001-2011 hasn't high enough in comparison to other years. High rates of poverty seem to be the significant barriers to literacy and education among the scheduled castes in India.⁶

This data doesn't even take into account the effects of the pandemic, with education being paused for a long time and then continues in virtual format, completely disregarding the Scheduled Castes and how buying electronics and data may not be a viable option for them. The effects of the Covid-19 pandemic were clearly demonstrated in the data as literacy rates dropped from 2% from 2019 to 2020, a large proportion of which are probably lower caste girls.

The sexual abuses and violations committed against Dalit women are getting more common with an average of ten Dalit women getting assaulted every day in 2020. India's National Crime Records Bureau gives us data on how many crimes directed towards Scheduled Castes take place yearly and what they mainly consist of. In 2020, A total of 50,291 cases were registered for

committing crime against Scheduled Castes (SCs), showing an increase of 9.4% over 2019 (45,961 cases). 17,315 of these were cases of "Simple Hurt", nearly two thousand being of "Grievous Hurt" including 5 acid attacks and 3,488 assaults on women and girls.⁷ These are only the cases that are registered, and keeping in mind India's ill-repute for its policing and judicial system, we can assume the real numbers are higher.

Hathras Case 2020

Last year, a case that shook India and brought light to caste-based rape cases in India was the Hathras case. It was a gang rape and murder case of a 19-year-old Dalit girl in the Hathras district of Uttar Pradesh where her mother found her in a field barely conscious, beaten, bruised, naked, with a broken spine and spitting blood. She was taken to the police to file the report where she in videos taken you can see her tell them that they tried to kill her for not letting them force themselves on her and she even named one of the upper-caste perpetrators. She was taken to Delhi for treatment but unfortunately died in a fortnight.⁸

What enraged the public was the police's actions as they did not write a complaint and made her brother do so, without including the details mentioned by her. Once she died, they cremated her body before her autopsy report and without informing her family. Once the case became public, they denied that rape had taken place as there was no semen found which was rebutted as the absence of semen doesn't rule out rape and the gynaecologist's report stated there were signs of forceful entry. Many of the police officers on this case have been fired and the question on why they cremated her still remains.

⁵ National Statistical Office (2020)

⁶ Census of India 2011

⁷ Crime in India 2020, National Crime Records Bureau

⁸ Pandey, G. (2021, 18 November) *Hathras rape case: A woman repeatedly reported rape. Why are police denying it?* BBC



Source: PTI

Criminal Justice System

The Hathras case just comes to show the failure of the Indian justice system in addressing rape cases. This failure was mainly brought to light with the infamous 2012 Nirbhaya Rape Case, where a young girl was brutally gang raped, abused and assaulted by a group of men in a bus who threw her out to die. The details of this case are incredibly disturbing with Nirbhaya being raped, mutilated, her intestines pulled out of her body and her genitals with trauma of an iron rod being forced into her and then cut with a glass bottle.⁹ This inhumane case sent the entire nation in shock, grief and anger. The demands by the Indian population lead to the Nirbhaya Act of 2013 which was an amendment of Indian Criminal Law which added acid attacks to the penal code, created the possibility for a

⁹ Hollingsworth, J., Gupta, S., Suri, M. (2021, 22 November) *7 years after bus rape and murder shocked the world, attackers hanged in New Delhi*. CNN

Public Servant to be criminally liable if they knowingly disobey the law, as well as doctors who deny their correct treatment and many more changed. The penalty for rape was also made more rigid and severe with a minimum of 7 years in prison that can go up to life imprisonment or even death sentence, depending on the case.¹⁰

Despite these changes, the number of rape cases actually soared with having a peak in 2013 (33,707 rape cases) and another one in 2016 (38,947 rape cases) whereas in 2012 the number of rape cases were much lower (24,923).¹¹ The amendment also didn't address how the trial system could be shorter and less exhaustive.

¹⁰ Singh, Nishu (2021, 22 November) *Nirbhaya Rape Case: Why did we need The Criminal (Amendment) Act, 2013*. International Journal of Law, Management & Humanities

¹¹ *Number of reported rape cases in India*, (2021, 18 November) Statistica

There are many other areas in which the justice system has to improve in handling rape cases, making it more easily accessible to everybody, including Dalits, improving evidence collecting in those cases as the banned two-finger test continues to be conducted on rape survivors in many cases, shortening trial times with most cases

taking years to solve, making effecting speed trials available, and increasing its conviction rate which is stuck at around 25%.¹²

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¹² Crime in India 2020, National Crime Records Bureau

References:

Census of India 2011, VOL II. (2021, 16 November) <https://censusindia.gov.in/2011census/C-series/C08A.html>

Anonymous. (2021, 11 November) *Justice Denied: Sexual Violence & Intersectional Discrimination*. Swabhiman Society & Equity Now. https://d3n8a8pro7vhmx.cloudfront.net/equalitynow/pages/3484/attachments/original/1606251015/EN-Haryana_Report-ENG-PDF.pdf?1606251015

Chakravoty, S. (2021, 18 November) *How the British reshaped India's Caste System*. BBC <https://www.bbc.com/news/world-asia-india-48619734>

Indug. (2021, 22 November) *India's Relationship with the Third Gender*. UAB Institute for Human Rights Blog. <https://sites.uab.edu/humanrights/2018/10/29/indias-relationship-with-the-third-gender/>

Census of India 2011. (2021, 16 November) *Transgender in India*. <https://www.census2011.co.in/transgender.php>

Dr. Roy. (2021, 16 November) *Gender in Indian Society c.1800 to the present*. South Asian Studies, Oxford University. <https://www.southasia.ox.ac.uk/gender-indian-history-and-society-c-1800-present>

Banu, G. (2021, 16 November) *Dalit Women in Politics: Grace Banu on trans rights, drawing inspiration from Savitribai Phule and Ilamma*. Firstpost. <https://www.firstpost.com/india/dalit-women-in-politics-grace-banu-on-trans-rights-drawing-inspiration-from-savitribai-phule-and-ilamma-6204731.html>

National Crime Records Bureau, *Crime in India 2020* (2021, 16 November) <https://ncrb.gov.in/sites/default/files/CII%202020%20Volume%202.pdf>

UNFPA, *State of World Population 2020*. (2021, 22 November) <https://www.unfpa.org/data/IN>

Pandey, G. (2021, 22 November) *Hathras Case: A woman repeatedly reported rape. Why are police denying it?* BBC. <https://www.bbc.com/news/world-asia-india-54444939>

Hollingsworth, J., Gupta, S., Suri, M. (2021, 22 November) *7 years after bus rape and murder chocked the world, attackers hanged in New Delhi*. CNN <https://edition.cnn.com/2020/03/19/asia/india-rape-execution-intl-hnk/index.html>

Anonymous. (2021, 22 November) *Nirbhaya Case: All you want to know about Nirbhaya Fund and Nirbhaya Act*. The Times of India. <https://timesofindia.indiatimes.com/india/nirbhaya-case-all-you-want-to-know-about-nirbhaya-fund-and-nirbhaya-act/articleshow/72868473.cms>

Singh, Nishu (2021, 22 November) *Nirbhaya Rape Case: Why did we need The Criminal (Amendment) Act, 2013*. International Journal of Law, Management & Humanities. <https://www.ijlmh.com/paper/nirbhaya-rape-case-why-did-we-need-the-criminal-amendment-act-2013/>

Shah, Siddhi. (2021, 24 November) *Out of the 56 Million Missing Girls, 4.6 Lakh are from India: Latest UNFPA Report*. Feminism India. <https://feminisminindia.com/2020/07/23/missing-girls-india-unfpa-report-2020-latest/>
