

# Understanding sexual violence as a form of caste violence

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## **Abstract**

The paper attempts to understand narratives of sexual violence anchored within the dynamics of social location of caste and gender. Apparent caste-patriarchy and gender hierarchies which are at play in cases of sexual violence against lower-caste and dalit women speak about differential experiences of rape and sexual abuse that women have in India. The paper endeavours to establish that sexual violence is also a form of caste violence by rereading the unfortunate cases of Bhanwari Devi, Khairlanji, Lalasa Devi and Delta Meghwal

**Keywords:** caste-patriarchy, Dalit women, POA Act, rape, sexual violence

The caste system has always been the spine of Indian social stratification. It continues to shape the everyday life of the majority of Indians. Caste rules and norms not only colour the daily functioning of village life, but they have also successfully penetrated into modern day life.

The Indian caste system classifies individuals in descending order of hierarchy into four mutually exclusive varnas –the Brahmins (priests), the Kshatriyas (warriors), the Vaishyas (merchants) and the Shudras (servants), beyond these four castes is the fifth caste of the *Ati-Shudras* or the *achhoots* (untouchables). The formerly untouchable castes are also known as Dalits<sup>1</sup>. Jodhka (2012) notes that these four or five categories occupied different positions in the status hierarchy, with the Brahmins at the top, followed by the other three varnas in the order mentioned above, with the achhoots occupying a position at the very bottom. Membership into these castes is solely based on the accidental factor of birth. The classification is according to occupation and determines an individual's access to wealth, power, and privilege.

The two most important characteristics of the Indian caste system have to do with endogamy and occupational restriction (Ghurye, 1969). Strict endogamy patterns ensure that every member of a caste or sub-caste marries within their own caste.

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<sup>1</sup> Kumar (2009: 66) strictly limits the 'Dalits' to ex-untouchables of Indian society who have occupied a unique structural location in it. See reference section.

Any violation of this, results in excommunication from one's family and caste, in many cases it results in an honour killing or custodial killing of the individual who chooses to marry outside their caste by one's own family (Chakravarty, 2005). Under the caste system, every caste has to abide by well-established customs and well-defined norms of social interactions. The idea of 'purity' and 'pollution' is also central to the caste system. Cleanliness is considered to be a very important value in Hinduism, which is enforced by the caste system (Velssasery, 2005). Untouchability was thus a means of exclusivism, a social device that became religious only by being drawn into the pollution-purity complex (*ibid*). Stringent occupational restrictions were practiced within the caste system where caste-based labor was enforced on all castes (Barth, 1960), especially the Shudras and the Ati-shudras as they were the serving classes.

According to Kroeber (1930), castes are a special form of social classes, their customs and laws are rigid and separated from one another. However, social movements against caste hegemony in the colonial and post-colonial periods have immensely contributed to the restructuring of caste equations. In addition, constitutional safeguards stand in contradiction to the conventional norms and rules of the caste system. With the introduction of constitutional modernity and democratic spaces, the struggle against caste inequality changed in many ways as marginalised communities like the Dalits and the lower castes were given equal citizenship rights. However, the assertion of rights from Dalit and lower caste communities often leads to a backlash from the dominant<sup>2</sup> castes and upper castes in the form of violence and atrocities.

Challenging or disobeying caste laws is considered as a violation of the *Shashtra* (scriptures) and treated as a threat to the conventional cultural practise of caste (Senart, 1930). Violation of caste norms, particularly by lower-castes and Dalits is subjected to extreme punishment. The caste system gives legitimacy to the upper caste men emboldening them with impunity even after they commit heinous atrocities like rape and murder. The anti-caste movement and constitutional safeguards have undoubtedly challenged the traditional practice of caste in many ways. However, the dominant and upper-castes continue to enjoy impunity granted by their caste status. Geetha.V (2013) elucidates that impunity is "constitutive of power in all its forms, and the relishing of impunity marks the exercise of power, rendering it desirable and attractive... it is what keeps unequal classes and gender arrangements in place" (p.15).

Caste violence against Dalits can be appropriately seen as caste-impunity. The Indian constitution challenges this caste impunity through certain laws and acts which protect the marginalised and vulnerable from the atrocities committed against them, for instance, the Scheduled Caste and Scheduled Tribe Protection against Atrocity Act (henceforth, POA Act). The POA Act safeguards the scheduled castes, previously untouchables, and the scheduled tribes against atrocities by any individuals belonging to non-scheduled castes and non-scheduled tribes. Although, the POA Act enlists sexual violence against Dalit women by upper-caste/dominant caste men as an atrocity, the discourse on the role of caste in sexual violence has been largely missing from the upper-caste women's movement, academia, and civil society. This paper endeavours to highlight the interlinkages between sexual violence and caste through an analysis of recent case studies. These case studies include the unfortunate incidents of Bhanwari Devi, Khairlanjee, Lalasa Devi and Delta Meghwal, all of which are either awaiting justice or have been compromised. Although these incidents have been documented in the media, it would be useful to begin with a brief account of what happened in each of these incidents.

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<sup>2</sup> Srinivas (1955: 181) defines 'dominant caste' as, and I quote: "A caste may be said to be "dominant" when it preponderates numerically over the other castes, and when it also wields preponderant economic and political power. A large and powerful caste group can be more easily dominant if its position in the local caste hierarchy is not too low". See reference section.

### **Bhanwari Devi Case**

In 1992 in Bhatheri village of Rajasthan, Bhanwari Devi who worked as a 'sathin' (friend) for the state government's 'Women Development Project' was raped by upper-caste and dominant caste men of the village for stopping child marriage in a Gujar family. Bhanwari belonged to the kumhar (potter) community which is enlisted as a lower caste and backward class community. The perpetrators belonged to the dominant Gujar (pastoral agriculturists) caste and Brahmin caste (Mathur, 1992).

### **Khairlanji Case**

In 2006 in Khairlanji village of Maharashtra, members of a Dalit Buddhist family were tortured, paraded naked, gang raped and beaten to death by men of the dominant Kunbi and Kalar caste. Teltumbde (2008) has poignantly given an account of the Khairlanji massacre; as briefly summarised here. The upward mobility and prosperity of the Bhotmange family had irked the dominant castes of the village. The members of the Bhotmange family had also helped a dalit man Siddharth Ghajbiye escape the murderous mob of dominant caste men. This antagonised the dominant castes towards the Bhotmange family and on the fateful day of 29<sup>th</sup> September 2006, Surekha Bhotmange (mother), her daughter Priyanka Bhotmange, and her two sons Sudhir Bhotmange and Roshan Bhotmange were dragged out of their house by men of the Kunbi and Kalar caste. The four were stripped, paraded naked and beaten to death. Sudhir was asked to have sex with his sister Priyanka in public and when he refused, the perpetrators beat him and Roshan and mutilated their private parts. Surekha Bhotmange and Priyanka Bhotmange were gang raped and objects were shoved inside their vaginas, until they succumbed to death. It was reported that the men continued to rape even their dead bodies. The perpetrators continued to kick and toss the bodies of Sudhir and Roshan even after they were dead. This incident was witnessed by the men and women of the entire village. Bhaiyalal, the husband of Surekha, witnessed the entire incident from a distance where he was hiding behind a tree. He later managed to escape from the village and inform the police.

### **Lalasa Devi Case**

In Dalan Chapra village of Uttar Pradesh state, Lalasa Devi's rapist called her by her caste name, saying '*Chamar* (leather tanners)...what can you do to me?' (Pokharel & Lahiri, 2013). Lalasa Devi is a dalit woman, and her rapist is an upper-caste Rajput man from the same village. As none of the Dalit houses in the village had a toilet; women defecated in the fields either before dawn or after nightfall. On the fateful night of 20<sup>th</sup> March, Lalasa Devi went outside to relieve herself, it was the festival of Holi, she says "a group of villagers was gathered under a giant fig tree, singing Hindu hymns to celebrate the approach of the spring festival Holi, accompanied by drums and clanging cymbals" (*ibid*). Suddenly, a man approached her, she told the man to go away but instead he grabbed her, choked her and raped her.

### **Delta Meghwal Case**

In another incident, on March 29th, 2016, Delta Meghwal, a 17-year-old Dalit girl from a village in Barmer district of Rajasthan was found dead in the water tank of the Jain Adarsh Teacher Training Institute for girls in Nokha, Bikaner where she was studying. Delta was a very bright student who had won a state government award for her painting. According to the FIR filed by her parents, on that night there were only four girls in the hostel, as all the other girls had gone home for vacations and had not returned. On the evening of 28th, at 8 pm, Delta called her father and told him that their Warden Priya Shukla had sent her to the PT Instructor Vijendra Singh's room, to clean it. While there, Delta was raped by her teacher Vijendra Kumar Singh. In an attempt to hide the rape, the institute had taken a written apology from Delta and her teacher, stating that the act was mutual. The next day Delta's body was found in the water tank,

however, later reports found that she had not drowned as there was no water in her lungs (Thomas, 2016).

In all four cases, the victims belonged to historically marginalised and oppressed communities. Bhanwari Devi, is a lower caste woman and in the other three incidents, the victims belong to the Dalit community. Although Bhanwari Devi is a non-dalit and therefore the POA Act is not applicable in her incident, the case is included as significant due to the biased judgement given by the court as the victim was a lower-caste woman.

### ***Caste-patriarchies, gender hierarchies and sexual violence***

Caste patriarchy is essentially anchored in the regulation of female sexuality and labour (Anandhi, 2013). In his essay 'Castes in India', Ambedkar (1979) elucidates that caste is a system of inherent graded inequalities and endogamy is fundamental to the sustenance of caste system. Ambedkar substantively comes to the conclusion that women are the gateways of the caste system (Rege, 2013), as the burden of endogamy was linked to the bodies of women. With Ambedkar's 'graded inequalities' as a reference point, Chakravarti (2009) arrives at the concept of 'graded patriarchies', as patriarchies were firmly contained in the larger system of caste. The norms and functions of caste-patriarchies were structurally different for the women of higher castes and the women of lower castes. While there was a tight control on the sexuality of the upper-caste women on the lines of purity and pollution to maintain endogamy, the lower caste women were made sexually available to the upper-caste men through the material structure of domination within the caste system (*ibid*). Sexual availability of lower-caste women to the men higher in castes was religiously sanctioned through the custom of *devadasi* (servant of God) where lower-caste, specifically Dalit women were married to the God and initiated into ritual prostitution (Vijayashree, 2004). The sexual exploitation of lower-caste women within the *devadasi* practice is summed up in the Marathi phrase, '*devadasi devachi, bayko sarya gavachi*' meaning '*devadasi* is a servant of the God, wife of the entire village.' The oppressor has his own ways to speak to/of the oppressed. Consequently, language has been instrumental in feminist interpretations of the cultural makeup of all societies. Feminists for long have studied the genealogy of abusive words linked to women and their genitals. One of the key questions facing the feminist movement in India is how does one deal with linguistic violence, which is interlaced with caste oppression, targeting bodies of women belonging to particular communities?

Sexualised verbal abuses, commonly used in India refer to the genital parts of mothers, sisters, and daughters. However, the dialogue on how women of particular castes are sexualised through verbal abuses has been largely missing. The brutality of sexual violence, which manifests through language against Dalit women, is such that it cannot be reproduced in texts without translations or sanitisation. Rural landscapes in India are spaces where linguistic violence is unleashed openly against Dalit women to violate them. For instance, one particular phrase among the men from Jat caste says that "you have not really experienced the land until you have experienced the dalit women" (Khan, 2014). In Uttar Pradesh the phrase, "a man is not satisfied until he has devoured goat's milk and a Chamar woman's body"<sup>3</sup> is commonly used among dominant and upper caste men. These phrases bring forth the nature of authority which dominant/upper caste men exercise over the bodies of Dalit women and the level of impunity they enjoy even after committing caste atrocities of a sexual nature against dalit women.

In Lalasa Devi's case, before grabbing his victim the upper-caste man reportedly said "Chamar ...what can you do to me?" In doing so, he was reiterating the domination he exercises as an upper-caste man over Chamars, the vulnerability of Lalasa Devi as a powerless Chamar woman

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<sup>3</sup> The author came across this phrase during a personal conversation with a Dalit rights activist from Uttar Pradesh.

and the impunity enjoyed by him, which ensures that he will not be prosecuted. The series of rapes of dalit women, like in Lalasa Devi's case, which have happened when the victims ventured at night to relieve themselves, have been linked to the issue of lack of toilets as the main cause of the rape<sup>4</sup>. Although a lack of basic facilities deprives one from safety and security, a larger context of hierarchy and hegemony is functional in the abduction and rape of Lalasa Devi, where she is 'merely' a dalit woman and the perpetrator is an upper-caste man. The village with its rigid structure can be deciphered through the power grid of caste system, which is central to a village in all its aspects. Another, aspect of Lalasa Devi's rape is that it occurred on the festival of Holi. The festival of Holi, "when people drench one another in coloured water, imbibe intoxicants and engage in erotic play" (Vanita, 2015, p. 276), has also been linked with a sexually charged atmosphere where men get away with unwanted sexual advances towards women under the garb of playing Holi. Eve teasing and throwing water balloons (Patel, 2014) on women during the Holi week is encouraged and widely practised. There are growing incidents of "sexual advances towards dalit women by the landed gentry during Holi festival even in recent times along with incidents of their rape and molestation" (Srivastava, 2007, p.36). Uttam Kamble has documented the historicity of the practice of sexually exploiting dalit women during the *Okali* festival which is similar to Holi, where upper-caste men threw water on devadasi women and played with their bodies doing everything with them just short of sexual intercourse (cited in Jamanadas, 2000). Structures of caste and patriarchy institutionalise the bodies of Dalit women for the entertainment and sexual pleasure of men who are placed higher than them in the caste hierarchy (Rowena, 2012). Dubey (2003, p. 241) notes that the Kunbi farmers in the Vidarbha region of Maharashtra, who are on the lookout for women of the Mahar (a Dalit sub-caste) caste working in their fields as labourers, often say with contempt "Give her a few measures of grain and she will be quiet." It is not surprising then that a heinous crime was committed against Dalit women by men of Kunbi and Kalar caste in Khairlanji which is also located in the Bhandara district of Vidarbha region. The Khairlanji incident should be read in the continuity of Dalit women's oppression in the region rather than an anomalous incident, although the scale of violence was unprecedented. Khairlanji represents the culmination of decades of sexual violence against dalit women by dominant caste men in one single act. In all the above mentioned sexual slurs the dominant caste men invoke dalit women's genitalia with "derision, contempt, and hatred" (Geetha, 2012, p. 1). The dominant caste man reiterates two facts by doing this, first he is referring to the 'low' birth status of Dalit women and secondly, he is reiterating the fact that dalit women's sexuality can be easily "bartered, appropriated, and constant references to the woman's 'availability' end up rendering her a passive object that can be easily acted upon" (*ibid*).

### **Gender hierarchies, dominant/ upper-caste women and caste violence**

Women's reality in the caste society cannot be understood as a homogenous experience. The unequal social relations between Dalit women and dominant/upper caste women are based on the ritual sanctity. Therefore, reverence and contempt of women in caste society is based on the ritual status of women. In the power-grid of caste and gender hierarchies, Dalit women are located at the lowest rung, making them triply oppressed in terms of caste, class and gender. It is because of this structural location that Dalit women were accorded statuses like - *devadasi*, *dai* (midwife), *dayan* (witch)" (Kumar, 2009, p.70). Dalit women's growing assertion brought about by access to education, constitutional rights and the Dalit movement, challenge the caste and patriarchal hierarchies which locate them not only below the upper-caste men or Dalit men

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<sup>4</sup> See for instance the argument by Chinoy, Shahnaz Taplin (2014) in the article '*Demand of the Hour: Build Toilets, Not Temples or Mosques*' in The Huffington Post. Available at: [http://www.huffingtonpost.com/entry/demand-of-the-hour-build\\_b\\_5537480.html?section=india](http://www.huffingtonpost.com/entry/demand-of-the-hour-build_b_5537480.html?section=india). Accessed on: 10th February, 2016.

but also below the upper-caste women. While the upper-caste men have had “sexual access to lower caste women” (Chakravarti, 2009, p.85), the upper caste women have had access to the labour of lower-caste and dalit women due to their higher social position in the caste hierarchy. Upper-caste/dominant-caste women have traditionally employed dalit women as nannies, mid-wives, maids, and manual scavengers in their homes, placing them in subservient positions of social relations (Kumar, 2009). Caste hierarchies place upper caste/ dominant caste women above the lower caste and dalit women, giving them privilege and authority over them.

Women from upper-caste/dominant-caste backgrounds have been instrumental in perpetrating sexual violence on Dalit women, along with upper-caste/dominant caste men. Geetha (2012) construes how dominant caste women have been complicit in the violence against Dalits as they have a stake in preserving their sense of self-purity, “defined by notions of honour and marked by social distance between the castes”. Unfortunately, there is a noted silence around the complacency of upper-caste/dominant caste women in crimes against lower-caste and especially dalit women.

Dalit women who choose to assert themselves have to undergo “confrontation from non-Dalit men and women at every stage of their lives” (Patil, 2011, p.6). In the Khairlanji massacre, women from the dominant Kunbi and Kalar community watched and cheered on their men who dragged Surekha Bhotmange and her daughter Priyanka Bhotmange from their home, after which the two were paraded naked, brutally raped and murdered (Bavadam, 2006). However, none of the women culprits were arrested or charged with abetting rape and murder of the Bhotmange family. Patil (2013, p.16) pertinently states how “upper caste men and women dictate the sexuality of Dalit women... decide the morality of the Dalit women and regulate their bodies”. In Khairlanji, Surekha Bhotmange, the mother, was labelled as a promiscuous woman, having an extramarital affair with her relative and therefore she was taught a lesson. Teltumbde (2008) narrates how the deceased Surekha and her daughter Priyanka were assertive Dalit women who had previously helped their relative escape murder at the hands of the dominant caste mob in the village, further Priyanka's academic success in 10<sup>th</sup> grade at school irked the dominant castes, most importantly the Bhotmange family owned land although they were Dalits.

The loss of power experienced by upper-castes due to the social mobility of Dalit women is captured in the following two phrases: ‘*Bitiya Chamar Ki, Nam Rajraniya* meaning ‘daughter of a Chamar, has a royal name like that of the chief queen’ and ‘*Chappal par Chamarin Chale, Sandal Par Dhobiniya... Hai Mor Rama Badal Gail Duniya*’ meaning ‘the Chamar woman is wearing Chappals; the washerwoman is wearing sandals...Oh my Lord Rama, the world has changed!!!’ (Kumar, 2009, p.72). The two phrases are reflective of ways in which social and economic mobility of Dalit women challenges the hegemony of dominant and upper-caste communities. In Delta Meghwal's rape and murder, the hostel warden Priya Shukla, a woman from the Brahmin community, ordered Delta to go to her male teacher's room to clean it, where Delta was raped by the male teacher and next day her body was found in a water tank. There are multi-layered nuances to this act. Delta was the first woman in her community who was bestowed with a prestigious award from the state government. She was overall an intelligent girl, she excelled in her school, and she was an inspiration to her Dalit community. Delta's scaling up the ladder of social mobility despite the hindrances of caste seems to have antagonised upper-caste female and male authorities of her school. Secondly, even though it is against the law, the warden Priya Shukla ordered Delta to clean the room of the teacher, especially a male teacher, increasing vulnerability as a girl child. The Dalit community had been traditionally assigned the work of cleaning and manual scavenging in the caste system. Instances, where dalit children are forced to clean classrooms and toilets in the schools or hostels, are a frequent occurrence in India (IDSN Report, 2012). The Warden Priya Shukla's

order to make Delta clean a room can therefore be read as a symbolic act of reinforcing caste-based labour on Delta.

Protectionist laws and Constitutional safeguards have bestowed dalit women with rights to equal citizenship, shielding them from caste-based atrocities and sexual exploitation. On the ground, the reality is different to what is guaranteed by the constitution. Indeed, the state machinery, whose duty it is to translate the constitutional ideals of equality, liberty, and fraternity, is not free from the ideological controls of caste supremacy and patriarchal domination.

### **Response of the state**

When Bhanwari Devi was taken to the police station by the *pracheta* (block level worker), the Deputy Superintendent of Police stated that due to personal enmity many make false allegations. While examining Bhanwari Devi for signs of injury he dismissively asked the *pracheta* 'Madam, do you know the meaning of rape?' (Mathur, 1992, p. 2223). The prejudice of the police in Bhanwari's case was evident since the beginning. However, an FIR was filed, and the matter was brought to the court.

The judgement given in Bhanwari Devi's case can be seen as a striking example of denial of justice, based on caste-membership or privilege. In November 1995, the District and Sessions Court of Jaipur, Rajasthan, acquitted five men who had gang-raped Bhanwari Devi stating that "the rapists are middle-aged and therefore respectable citizens, while rape is usually committed by teenagers". Additionally, the judgment states that "since the offenders were upper-caste men and included a Brahmin, the rape could not have taken place, because Bhanwari was from a lower caste" (Sinha, 2003, p. 24). Taisha Abraham (2012) rightly points out how the judgement "naturalises rape as a passing phase in growing up, thereby denying the fact that rape also revolves around issues of power and control" (p. 153). Rape here is also being seen as a form of recreation for adolescent males, who outgrow from this immaturity when they become adults or middle aged men. The categories of 'respectable', 'upper-caste' and 'male' were invoked to construct an antithesis and reinforce Bhanwari Devi who is 'lower-caste' and 'female', and therefore 'non-respectable'. The judgement refers to Bhanwari Devi's status as a 'lower caste woman' to prove that she automatically becomes a 'non-rapeable' entity for the upper-caste male. The judgement bases itself in the caste restrictions placed on social interactions within the caste system which forbid the higher castes to have social or sexual relations with the lower-castes and Dalits. Notwithstanding, the judgement rejects the historical nature of caste-patriarchies which have subjected lower-caste and dalit women in varying degrees to sexual exploitation at the hands of dominant and upper-caste males. The agency of the judge, in this case, is rooted in his own caste location which identifies Bhanwari Devi primarily as a 'lower caste woman,' rather than a citizen with constitutional safeguards. The judgement illustrates that Indian judiciary is not free from caste prejudice and patriarchal bias reducing social justice to a distant dream.

Teltumbde (2008) underscores indifference and complicity of the local police in the Khairlanji massacre. According to Teltumbde (2008) the local police showed negligence even when they knew that the carnage was on, a relative of the victims was made to pay a bribe of Rs 500 to the area jamadar for getting information about the victims. However, no information was received. Bhaiyalal husband and father of the victims was made to wait at the police station like a criminal when he went to file a First Information Report (FIR), and a very inappropriate FIR was registered. The post-mortems were conducted in a haphazard manner by a junior medical officer who did not preserve the viscera, the vaginal swabs, the pubic hair, the uterus and other internal organs for further investigation, stating that he did not suspect rape as it was not mentioned in the police report. Due to the mounting pressure from Dalits in Maharashtra, the investigation was transferred to the Central Bureau of Investigation (CBI) and the case was

heard by Special Court in Bhandara. The CBI had charged sheeted 11 eleven men under section 147 (rioting), 148 (rioting with deadly weapons), 149 (being member of unlawful assembly guilty of offence), 120-B (criminal conspiracy), 302 (murder), 354 (outraging woman's modesty) and 201 (causing disappearance of evidence) under the Indian Penal Code (IPC)<sup>5</sup>. Additionally, the accused were charged under the Sections 3(1)(x)<sup>6</sup>, Section 3(1)(xi)<sup>7</sup>, Section 3(2)(v)<sup>8</sup> and Section 3(2)(vi)<sup>9</sup> of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. It is noteworthy that even though the dead bodies of Surekha Bhotmange and Priyanka Bhotmange were found stark naked, the charges of stripping, naked parading and rape found in fact-finding reports were not proved in the court due to lacuna in post-mortem (Teltumbde, 2010). Moreover, none of the witnesses gave testimony to the occurrence of any sexual violence in the incident (Baxi, 2014).

In September 2008, the Special Court judge convicted and sentenced eight men for murder and rioting; six men were given a death sentence, and two were given life imprisonment for not less than 25 years<sup>10</sup>. However, the judge did not find any caste angle to the case. Therefore, the POA Act was not applied, neither did the massacre seem premeditated to the bench, nor were the men found guilty of outraging the modesty of women. In July 2010, the Nagpur bench of the Bombay High Court reversed the judgement given by the special court and converted the death sentences of the six convicts to 25 years of imprisonment<sup>11</sup>. Pratiksha Baxi (2014) poignantly notes that even though the law has the monopoly to punish crime, it does not displace the monopoly of the dominant caste to rape, parade and kill Dalit women; secondly by not naming Khairlanji as a caste atrocity the judgement reiterates the fact that crime will be punished, but the caste hegemony will not be challenged. The Khairlanji verdict thus dealt a severe blow to the idea of social justice.

In Lalasa Devi's case, her husband had called the police, but as no one came, Lalasa Devi, her husband, and a few villagers went to the police station. The police asked Lalasa Devi to write a complaint, but as she is unlettered and her husband was too shaken at the time, a school teacher wrote the complaint. However, Lalasa Devi did not disclose that she was raped. When the local police did not come to investigate, Lalasa Devi and her husband approached, Keshav Goswami, a senior officer at the Deoria district. Goswami enquired about how many children Lalasa Devi had. On hearing that she had four children, and the eldest was 15 years of age, the senior officer commented: "who would rape such an old woman?" (Pokharel & Lahiri, 2013). Lalasa Devi was also pressured to come to a compromise by the investigating officer who

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<sup>5</sup> For various sections in the Indian Penal Code (IPC), refer: <https://indiankanoon.org/doc/1569253/>. Accessed on: 24<sup>th</sup> April, 2016.

<sup>6</sup> Section 3(1)(x) of POA Act: for intentionally insulting or intimidating with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view. Available at: <http://tribal.nic.in/WriteReadData/CMS/Documents/201303131039493105468poaact989E4227472861.pdf>. Accessed on: 24<sup>th</sup> April, 2016.

<sup>7</sup> Section 3(1)(xi) of POA Act: assaulting or using force to any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty. (ibid). Accessed on: 24<sup>th</sup> April, 2016.

<sup>8</sup> Section 3(2)(v) of POA Act: committing any offence under the IPC (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine. (ibid). Accessed on: 24<sup>th</sup> April, 2016.

<sup>9</sup> Section 3(2)(vi) of POA Act: causing offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence. (ibid). Accessed on: 24<sup>th</sup> April, 2016.

<sup>10</sup> For Khairlanji Judgement refer: <http://bombayhighcourt.nic.in/data/nagjudgements/2010/CRCONF408.pdf>. Accessed on: 24<sup>th</sup> April, 2016.

<sup>11</sup> Ibid.



offered her two lakh rupees on behalf of the perpetrator. Lalasa Devi refused to compromise. Meanwhile, the footage captured by a journalist of the dialogue between Lalasa Devi and police officer Keshav Goswami was screened on a news channel, bringing national attention to her case. Amidst escalating pressure, the police arrested the culprit Santosh Singh, an upper-caste man. Santosh Singh was soon given bail by a state appeals court after his lawyer argued that Lalasa Devi was a consenting party to the sex act. Additionally, the lawyer also stated that Lalasa Devi being a Dalit was seeking 'illegal gain' by 'harassing and defaming' his client Santosh Singh (*ibid*).

The attitude of the local police was evident even in Delta's case. Her body was carried by the police in a municipal garbage carrying vehicle without video-graphing it (SABRANG, 2016). The local police have not been able to explain the cause of Delta's death as yet (Thomas, 2016). The family and various activists have been demanding a CBI investigation.

It appears that in cases which involve victims from Dalit communities and perpetrators from dominant or upper-caste communities, complaints are lodged, and investigations are initiated only because of sustained pressure from the community and Dalit activists. Even in the case of Bhanwari Devi, the investigation was initiated after several protests across the states by women's groups and civil society organisations. The medical examination of the victims and post-mortems of dead bodies are often conducted in haphazard ways by seemingly incompetent, under-experienced doctors. It has been noted by Women Against Sexual Violence and State Repression (2015, p. 52) that "the banned 'two-finger test' continues to be conducted (including during post-mortems) and cited as evidence of regular sexual activity, even in cases where the girl is barely in her teens. Post-mortems (usually conducted by morgue attendants) do not follow recognised procedures, and reports are generally either inconclusive or slanted in favour of the accused" (p.52). In cases where rapes were committed the police and judiciary were of the view that either the rape was not committed (Bhanwari Devi & Khairlanji) or that it was not a rape but a consensual act (e.g. Lalasa Devi). It is noteworthy that the lower-caste women, especially Dalit women who come to file cases in the police station are doubted for their intention. In the case of Dalit women, the police suspect the complainant is trying to misuse the POA Act to incriminate and defame the innocent dominant/upper-caste man. Courts have consistently dismissed rape cases filed by Dalit women under the POA Act stating that the culprit did not know the raped woman's caste<sup>12</sup> or the rape was an act of misguided youth<sup>13</sup>, or the rape was a 'revenge'<sup>14</sup>, and thus, the act does not classify as an atrocity. You can therefore see why Kannabiran (2014, p.14) has suggested that democracy in India is trapped in "the clutches of the two-headed state –the hibernating constitutional order, and the live and throbbing rogue state that actively participates in the project of annihilating by caste".

## Discussion

The discourse on sexual violence in India is slowly changing whereby the male culprit is being questioned and challenged, instead of blaming the victim. A paradigm shift is required to move beyond the ideas of 'stigma' and 'shame' in addressing survivors of rape atrocities. There is a need to view the women as 'survivors' rather than 'mere' victims of rape. During the protests against the 16<sup>th</sup> December Delhi gang-rape in 2012, women protestors held placards stating

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<sup>12</sup> See *Pappu Khan v. State of Rajasthan*, 2005 CriLJ 4732. Available at: <https://indiankanoon.org/doc/360978/>. Accessed on: 24<sup>th</sup> April, 2016.

<sup>13</sup> See *Hanamath and Ors v. State of Karnataka*, 2006 CriLJ 1844. Available at: <https://indiankanoon.org/doc/1155371/>. Accessed on: 24<sup>th</sup> April, 2016.

<sup>14</sup> See *Khairlanji Judgement*. Available at: <http://bombayhighcourt.nic.in/data/nagjudgements/2010/CRCONF408.pdf>. Accessed on: 24<sup>th</sup> April, 2016.

'don't tell me how to dress, tell your son not to rape'. Another placard read 'if Khairlanji had been given justice, Nirbhaya would have been alive', meaning that had the state given timely justice it would have sent a strong message to molesters and rapists. The placard simultaneously raised the issue of caste and sexual violence.

The upper-caste feminist movement is lacking in its commitment towards the issues of caste-based sexual violence and discrimination. There is a reluctance to see caste and sexual violence as inter-related issues within the larger social movement, be it the mainstream feminist movement or the left movement in India. In a recent protest rally in New Delhi on 6<sup>th</sup> May, 2016 by students of Jawaharlal Nehru University (JNU) against the rape and murder of Jisha, a dalit girl from Kerala, speakers linked the issues of caste and rape, referring to Jisha's caste. Adjoining our rally, there was another protest rally by a leftist organisation in which the organisers admonished the JNU students in their speech for wrongly linking the rape to caste discrimination and therefore being casteists. Nevertheless, the question remains- why aren't we angry at the rapes of dalit women? Only the Dalit feminist movement is questioning the 'selective outrage' on certain rapes and 'deliberate silence' on dalit women's rape. The monstrosity in the rape and murder of Delta and Jisha failed to invoke collective anger within the Indian masses and the feminist movement, while similar gang-rape of 16<sup>th</sup> December 2012 in Delhi supposedly shook the conscience of Indian society. Dalit women's rapes receive minimal or absolutely no media coverage. Indeed, the rape of Delta Meghwal was not reported by mainstream media for almost a week. Defying all odds, the Dalit women are displaying incredible courage in the face of growing caste-based sexual atrocities and state indifference by increasing their resistance and protest. The need of the hour is to acknowledge and address acts of sexual violence as caste-based violence, rather than brushing these inter-linkages under the carpet, if we are sincerely committed to the cause of all women's equality, liberty and justice.

## **Acknowledgments**

The paper has benefitted immensely from the two reviewers and discussions with Rahul Sonpimple. I would like to thank Noopur for proofreading and commenting on the paper and Madhavi Shukla for helping me with the referencing.

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