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STATUS OF DALIT RURAL WOMEN IN INDIA



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Introduction

Dalit women are placed at the very bottom of South Asia's caste, class and gender hierarchies. They suffer multiple forms of discrimination as Dalits, as poor, and as women. The caste system declares Dalit women to be intrinsically impure and 'untouchable', which sanctions social exclusion and exploitation.

The vast majority of Dalit women are impoverished; they are landless wage labourers; and they lack access to basic resources. They 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 are targeted by dominant castes as a way of humiliating entire Dalit communities. Human rights abuses against Dalit women are mostly committed with impunity. Police personnel often neglect or deny Dalit women of their right to seek legal and judicial aid. In many cases, the judiciary fails to enforce the laws that protect Dalit women from discrimination.

In India, Dalits officially known as Scheduled Castes constitute one sixth of the population. They are consistently discriminated against despite a constitutional ban on 'untouchability', and the enactment of specific legislations including the Protection of Civil Rights (PCR) Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Of the country's almost 100 million Dalit women, approximately three fourths live in rural areas where they face systematic oppression, social exclusion, and direct and structural violence from within their own community as well as from 'upper' castes.

Main Challenges for Dalit Women in Rural Situations

Caste-affected women in rural settings face a number of serious challenges, including lack of access to resources, land, basic services and justice. On the following pages, we describe some of the main issues with a particular focus on the situation of Dalit rural women in India.

Access to Key Productive Resources

In India, Dalit rural women face serious challenges in carrying out their multiple productive and reproductive roles within their families and communities, in part due to lack of rural infrastructure and lack of access to essential goods and services. They have the highest poverty levels, are landless and depend on the dominant caste for employment, wages and loans. Their access to resources or even their efforts to access them are often met with violence.

Due to the intersection of caste, class and gender, Dalit women are subjected to direct and structural violence. Specifically, the structural violence and lack of access to resources perpetuate their poverty and undermine their dignity.

Dalit rural women have very limited access to and control over land, which in turn leads to food insecurity. They also lack access to water and other communal resources; when those resources are in non-Dalit areas, the women are attacked for attempting to use them. When it comes to infrastructure and resources in Dalit communities, the government often overlooks those areas and does not allocate the necessary funds to ensure equality of access to resources. Further, Dalit women lack employment options and other livelihood opportunities, more so than their male Dalit counterparts.

Women's Access to and Control Over Land

Access to and control over land may be an important factor in attaining food security and an increased income. However, Dalit women have limited access to land and no control over it. Due to cultural norms, they do not own land even when it is within their family. Moreover, Dalits generally do not own the land but work it for a dominant caste landlord. The landlords' socio-economic and political power in rural, agricultural areas and status as employers of Dalit women allows for continual caste and gender violence, committed with impunity. Dalit women are met with physical, verbal and sexual violence from the landlords when they try to assert their economic right to wages or land and their right to sexual integrity.

When Dalit families do own land, they are often forced off the land by encroaching dominant caste families and usually have no recourse because the dominant caste members will exert their power and authority within the community. By forcing Dalits off their land, the dominant caste can perpetuate the cycle of poverty and violence by denying them necessary resources for income and food. Since Dalit women have the least amount of power and access to resources, this also exposes them to increased forced and bonded labour.

Furthermore, when a Dalit woman does have land, she is often accused of being a witch. Witch hunting is a serious problem in rural communities where a Dalit woman can be either forced off the land or forced out of the community. The practice is employed as a 'land grab' tactic and is used by non-Dalits as well as Dalits. This further demonstrates that Dalit women are continually met with violence, discrimination and subjugation from every group. Many Dalit women reside in disaster prone areas and due to climate change their livelihoods are threatened. Since Dalit rural women have the least access to land and to resources, it is necessary for them to work harder to sustain their lives.

Social Rights and Basic Services

In India, Dalit women are often met with violence when attempting to assert their rights in areas such as access to housing, drinking water, the public distribution system (PDS), education or open spaces for open defecation. In a study on 'untouchability' in 1589 villages in Gujarat, the NGO Navsarjan Trust found that Dalits were not allowed to fetch water from a tap in a non-Dalit area in 71.4 % of these villages. In 66.2 % of them, non-Dalit midwives refused service to Dalit women.

One of the many unnecessary hardships of a Dalit woman's life is being denied access to basic services, particularly maternal health services. In another study conducted by Navsarjan Trust, the findings showed that 46.5% of Dalit women never received the legally required antenatal and postnatal visits. Worse, 54.8% of pregnant women and new mothers from the Valmiki sub-caste, who are traditionally manual scavengers, reported never receiving antenatal or postnatal care visits.

Political Participation and Empowerment

Rural women are politically marginalized, but rural Dalit women are given even less of a voice in the decision making process. In India, there is a quota system in place for Dalits to have seats in the local *panchayat* (town assembly), but the role Dalit women play is consistently subordinated to their male counterparts. Dalit women who attempt to utilize their power in the *panchayat* are met with male and dominant caste backlash, pressure and sometimes violence. Many times Dalit women are told they are not even allowed to sit on a chair, but must take their place on the floor. In the majority of

instances a Dalit woman has no ability to exercise her voice in the *panchayat* because her husband represents her and makes the decisions while she is forced to stay at home until he can usurp the *panchayat* seat for himself.

Violence against Women, Trafficking, Sexual Exploitation

Dalit women suffer both gender and caste-based violence. The UN Special Rapporteur on violence against women has noted that “Dalit women face targeted violence, even rape and murder, by the state actors and powerful members of the dominant castes used to inflict political lessons and crush dissent within the community.”

Gender inequality sanctified by religious and cultural norms subordinates women and reinforces the patriarchal order, allowing for violence against them to be carried out within their own homes and communities as well.

Dalit women face verbal, physical and sexual violence in the public and private domain. This includes being verbally and physically attacked for any number of reasons in public, e.g. when trying to access public resources or attempting to seek justice after another incident of violence. In the private domain Dalit women are assaulted for not being dutiful wives, not bearing children or male children specifically or not bringing enough dowries into the marriage. Dalit women face violence from community members, complicit police personnel, their in-laws and their families. Between norms of female subjugation and cultural norms regarding the “natural” caste hierarchy, women are constantly assaulted and taken advantage of.

Further, due to their low socio-economic status, Dalit women are often the victims of trafficking and sexual exploitation. Dalit women’s sexual and bodily integrity are threatened and violated, even from a young age. Due to the caste hierarchy, dominant caste men have a perceived right over Dalit women’s bodies while gender inequality and subordination norms play an important role in the perpetuation of marital rape and in-caste sexual assault. Dalit women are considered to be available sexually to any dominant caste man. Additionally, the use of forced temple prostitution and trafficking are major concerns for young Dalit girls. Sexual exploitation of Dalit women is a common occurrence due to their low socio-economic status and dominant caste members take advantage of their power and authority over them.

A great number of Dalit women are victimized as a result of accusations of witchcraft, oftentimes suffering severe physical abuse or mistreatment in the process. Similarly Dalit women are the most likely to be victimized in the case of inter-caste marriage. Not only do they face the most discrimination, because of the practice in India of wives living with her husband’s family; they are also subjected to social exploitation. It is not uncommon for so-called ‘upper’ caste members to pretend to be

in love with Dalit girls, and then abandon them on the basis of their caste immediately after pregnancy or marriage. Dalit women face violence in the home, in public places and even at work on some occasions.

Women's Access to Justice

Sanctioned impunity on behalf of offenders is a major issue in India, and the police often deny or purposefully neglect and delay Dalit women's right to legal aid and justice. In a submission to the UN Commission on the Status of Women, three Indian NGOs reported that 86% of women who were victims of violence in the three states surveyed were unable to gain entry into the legal system and their cases would not appear in any official figures⁶. Further, in the cases that did make it into the legal system, there was only a 0.79 % conviction rate for cases of violence by non-Dalits against Dalit women.

There is a consistent pattern of delay in report filing and irregularities regarding criminal procedures, which leads to widespread impunity and creates serious barriers to justice for Dalit women. Impunity sends the message that gender and caste-based violence is tolerated and is thus perpetuated because there is no effective deterrence for offenders.

Often in cases of rape, Dalit women are pressured to withdraw or settle, sometimes making a 'compromise' and receiving a small payment by dominant caste members or others in the community. Another tactic is for the accused or a dominant caste member to file a counter case and make a false accusation against the woman or her family. These cases are often more vigorously investigated than the original case lodged by the Dalit woman.

Dalit Women and the Conflict

Violence against the Dalit community is ultimately borne by Dalit women. They suffer direct violence because of their involvement in, support for, or proximity to the conflict; they suffer sexual exploitation, disproportionately so because of their low social status; and similarly they suffer economic hardship after the loss of husbands or other family members or destruction of property.

The conflict has caused mass internal displacement. Many male members of the family left their homes, leaving women behind to manage household, and care for children and elderly household members. Dalit women were compelled to do all sorts of work traditionally performed by men such as ploughing the farm and roofing. In addition to their own gendered work, without a male counterpart women have had to take on new responsibilities in the face of violence and trauma. All of these factors impact on their ability to organize, advocate, influence and participate effectively.

Recommendations

- Women and girls affected by caste-based discrimination are particularly vulnerable to various forms of sexual violence, forced and ritual prostitution, trafficking, domestic violence and punitive violence when they seek justice for crimes committed. Measures should be taken to increase protection from these crimes and to tackle impunity and discrimination in access to justice. Such measures can include police and judicial training and monitoring, legal assistance for prosecution of crimes, strengthening laws against domestic violence and other forms of violence against women, awareness campaigns to help prevent exploitation, and investing resources into education for women and girls affected by caste-based discrimination.
- State parties of caste-affected countries should initiate a process of dialogue with civil society organizations in framing policies, laws and programmes to eliminate multiple forms of violence and discrimination against Dalit women.
- Legal and structural mechanisms can only function effectively if the attitude and perception of people are changed. Law enforcement agencies, the judiciary, civil society and other stakeholders must combine efforts to enable such change and firm measures must be taken by state agencies to punish officials who neglect or violate legal and other statutory provisions.
- Court trials should be time bound to secure speedy justice for victims of violence and atrocities. This would be similar to time bound investigation and charge sheets for the police.
- Regular training and sensitization for police personnel as well as periodic review and assessment of the implementation of relevant acts (such as in India, the Prevention of Atrocities Act at the local, district and national levels.
- Zero tolerance must be effectuated regarding the social persecution of so called 'witches' and strict punishment to the perpetrators of such persecution if found guilty.
- National Human Rights Institutions in every caste-affected country are encouraged to bring out an annual White Paper to appraise their performance in relation to caste and gender-based human rights violations.
- Gender-disaggregated data on caste-based discrimination should be collected. This data should be collected in consultation with affected women and should aim for the participation of affected women in the design, collection and evaluation of data.
- State parties must develop policies, rules, and laws that provide justice to women's reproductive rights and the enforcement of social and economic entitlements with specific provisions to safeguard Dalit women in this respect.

- 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. 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.
- Targeted programs for Dalit women must be implemented focusing on key development indicators such as food security, access to clean drinking water, health and sanitation, education, and decent employment.
- Women from caste-affected communities should be supported to increase participation at all levels of political governance as well as in other decision-making structures. The formation of high-level skills in capacity building training for Dalit women should be prioritized, in order to provide them with opportunities for employment in donor and other international organizations at the regional and global level, which will lead to increased development and financial support to eliminate caste-based discrimination. Proportional representation of caste-affected women elected into parliaments, legislatures and local governance systems should be mandated. Gender discrimination within caste-affected communities should be challenged through programmes of dialogue and sensitization of men.
- Land reform programmes should be implemented with the objective of redistributing government owned land resources to the landless, targeting Dalit women residing in rural areas, to use it for agriculture based income generating activities. Special subsidies should be made available for women from marginalized communities on agriculture loans, land ownership tax etc.

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