



Human rights and dignity of dalit Women

Rajashekhhar B Naronakar

Research Scholar, Department of Women's Studies, Gulbarga University, Kalaburagi, Karnataka, India

Abstract

In India and other countries in South Asia, people have been systematically discriminated against for centuries on the basis of their work and descent. Over 200 million people are Dalits, also known as 'untouchables' or 'outcasts'. They experience violence, discrimination, and social exclusion on a daily basis. While the region is prospering economically, the caste disparities are increasing. The situation of Dalit women needs special attention. Dalit women are one of the largest socially segregated groups anywhere in the world: they make up more than two percent of the world's total population. They are discriminated against three times over: they are poor, they are women, and they are Dalits. Although both Dalit men and women suffer under the same traditional taboos, Dalit women are confronted with these more often. They are discriminated against not only by people of higher castes, but also within their own communities, where men are dominant. Consequently, Dalit women have less power within the Dalit movement itself. Although they are active in large numbers, most leadership positions in the organizations, local bodies and associations have until now been held by men. Paul Divakar, one of the founders of the National Campaign on Dalit Human Rights (NCDHR), expressed the need to fight for the human rights of Dalit women: 'The 500,000 villages in our country are pregnant with the pain and power of Dalit women. Their stories break the shroud of the inhuman violence in our society. While confronting us, they also have the power to challenge us to transform the caste and gender stereotypes, prejudice and violence that we perpetrate. In partnering their liberation we liberate ourselves.'

Keywords: dalit, women's, human rights

Introduction

Vulnerably positioned at the bottom of India's caste, class and gender hierarchies, Dalit women experience endemic gender-and-caste discrimination and violence as the outcome of severely imbalanced social, economic and political power equations. Their socio-economic vulnerability and lack of political voice, when combined with the dominant risk factors of being Dalit and female, increase their exposure to potentially violent situations. While, simultaneously reducing their ability to escape, violence against Dalit women presents clear evidence of widespread exploitation and discrimination against these women subordinated in terms of power relations to men in a patriarchal society, as also against their communities based on caste. 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.

Main Challenges for Dalit Women in Rural Situations:

1. 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.

2. 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.

3. 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 per cent of these villages. In 66.2 per cent 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 per cent of Dalit women never received the legally required antenatal and postnatal visits. Worse, 54.8 per cent of pregnant women and new mothers from the Valmiki sub-caste, who are traditionally manual scavengers, reported never receiving antenatal or postnatal care visits.

4. Political Participation and Empowerment

Rural women are politically marginalised, 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 utilise 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.

5. Violence Against Women, Trafficking, Sexual Exploitation

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. 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.

6. 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 per cent 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 figures. Further, in the cases that did make it into the legal system, there was only a 0.79 per cent 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.

Not only the police, but perpetrators and their communities use their political, social and economic power to silence Dalit women, thereby denying them access to justice. The nature of collusion between state and dominant

caste actors is such that the modern rule of law has no place in the hierarchical order of socio-economic and political power relationships, as caste-based power supersedes state-derived one

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1. CEDAW

India is a democracy and is a Party to most of the major human rights treaties. These treaties provide the same rights for men and for women. Because India is also a Party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Government has an extra obligation to make sure that women can realise their rights. It is generally accepted in international law that governments have to do more than just pass legislation to protect human rights. The Government of India has an obligation to take all measures, including policy and budgetary measures, to make sure that women can fulfill their rights. It also has an obligation to punish those who engage in caste-based violence and discrimination. The government of India, as a modern country with a growing economy, has the means to fulfill its obligations.

2. Civil and political rights

India is a Party to the International Covenant on Civil and Political Rights. Based on this treaty, the Government of India has an obligation to make sure that Dalit women can enjoy a whole range of human rights, such as the right to life, freedom from torture or cruel, inhuman or degrading treatment or punishment, freedom from slavery, the right to be equal before the court, the right to recognition as a person before the law, the right to privacy, the right to marry only with free and full consent, and the right to take part in public affairs.

The life and dignity of Dalit women depends on the realisation of these human rights. An essential precondition for the realisation of civil and political rights of Dalit women is registration. Article 24 (2) of the Covenant provides that every child shall be registered immediately after birth. In India, 46 % of all children are not registered. There is also no system of registration of marriages. This is not only a barrier for the realisation of civil and political rights; it also prevents the protection of Dalit girls from sexual exploitation and trafficking, child labour and forced and early marriages.

3. Economic, social, and cultural rights:

The treaty of International Covenant on Economic, Social and Cultural Rights (ICESCR) not only identifies a range of economic, social and cultural rights, but it also requires that all people have these rights, without discrimination. The treaty also discusses the ways in which states must work to realise the rights. The rights outlined in the ICESCR include the right to work and to just and favourable conditions of work, and to form trade unions, the right to social security, protection of the family, the right to an adequate standard of living, including food, housing and clothing, and the right to health. Dalit women hardly enjoy any of these human rights.

4. Millennium Development Goals and Dalit women

In 2000, 189 countries accepted the Millennium Declaration and agreed to take the necessary action in order to attain eight specific goals: the Millennium Development Goals (MDGs). The realisation of human rights of Dalit women will have a major positive effect on the realisation of the MDGs. Dalit women are extremely poor, and make up 2% of the world's population. In India, 60 million children do not attend primary school; the majority of these children are Dalit girls. India's child mortality rate is one of the highest in the world and with its vast population and a rate of 540 maternal deaths per 100,000 live births, India accounts for more than 20 % of all global maternal deaths. A greater availability and accessibility of healthcare for women, including Dalit women, is needed.

Conclusion

Dalit women today are not simply passive victims; the current mood is not one of mere acceptance, but one of determination to 'transform their pain into power'. In fact, they have been active throughout history, though often this has not been recognized and recorded. They have been actively involved in the anti-caste and anti-untouchability movements. Today they are the strongholds of the Dalit movements in thousands of South Asian villages, and are often at the forefront of struggles for basic human rights. They continue to play a critical role in the movements for land and livelihood rights and against untouchability, pointing to the potential for their self-emancipation, given adequate support. They are making their mark as independent thinkers and writers in the literary world by critiquing dominant caste ideologies.

They participate today as visionary leaders in the local governance institution by asserting their rights. While they continue to struggle against structural discrimination and exclusion, violence and impunity are systematically unleashed by dominant castes to keep them in their place. Since the late 1980s, therefore, Dalit women have increasingly felt and articulated the need for a separate platform – created, developed and controlled by themselves – through which they could forge their own identity, fight for their rights and find solutions to their particular problems as Dalits and as women. The National Federation of Dalit Women (NFDW) was launched by Dalit Women themselves and committed itself to undertake several tasks to bring about positive changes in the lives of Dalit women, such as legal action against caste based atrocities, political empowerment of Dalit women, economic empowerment against growing pauperisation, building self-confidence and leadership.

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