

# Interpreting Experiences: The Missing Link of Intersectionality in the Lives of Dalit Women

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## Abstract

Feminism propounds equality of men and women; the crux of this theory is engraved in the notion that both men and women are entitled to similar opportunities and rights in every walk of life. Another aspect of feminism deals with the opposition to patriarchy, a social institution which instils dominance of men over women. The social institution of patriarchy had often enabled in many cases the discrimination and exploitation of women. With the unfolding of time, feminism as a theory has evolved and broadened its horizon. Intersectionality is a theoretical framework that had gained popularity within the horizons of feminism in the 1990s. Introduced by Crenshaw, Intersectionality envisions taking into account multiple perspectives along with Gender like Caste, Class, Race or others when dealing with discrimination against women.

The lowermost, most discriminated against and oppressed caste of India is the Dalit. In spite of the presence of the legal framework, discrimination and exploitation is the harsh truth of a Dalit's life. And this truth resonates in the life of Dalit woman. The oppression and discrimination that a Dalit woman has to face in India is very complex in nature and consists of multiple dimensions. This paper tries to apply the lens of intersectionality in order to contextualise and analyse the discrimination faced by a Dalit woman in India. At the same time it tries to get behind the several aspects within the discrimination and oppression of a Dalit woman that makes application of an intersectionality lens necessary.

**Keywords:** *Intersectionality, Woman, Dalit Woman, Discrimination, Caste, Gender.*

The train of thought of Feminist theory had travelled a long way from *The Feminine Mystique*<sup>1</sup> and had spread its branches into several genres and subgenres. Among these intricate complexities of power play, feminist paradigm had led to the creation of the concept of intersectionality. Originally introduced by Kimberlé Crenshaw in her paper titled 'Demarginalizing the Intersection of Race and Sex' published in 1989, the idea of intersectionality was to take into account the various socio-

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economic institutions like race, caste, class, colour while analysing discrimination on the basis of gender.

Accepting the above notion, transcending from general to particular, this paper would like to narrow down its scope of discussion. Instead of dealing with theoretical perspectives or the history of development of intersectionality, it aims to apply the idea of intersectionality as an instrument of analysis for the victims of gender discrimination of a specific caste stratum of India, the Dalit women. Further limiting our scope this paper would use a specific case, the Hathras Case, in order to get a comprehensive understanding of the gender violence on Dalit women when analysed using the lens of intersectionality.

### **Who are the Dalit Women and why are they oppressed?**

Caste system, a *sui generis* of India is a special hierarchy which places individuals at different levels within the society and accordingly dictates their social status and function, originally based on Manu Smriti, an ancient text of India. Caste system finds its origin in the 'varna system' which was a system of hierarchy based on division of labour.

Located at the bottom level of the caste system, the Dalits were formerly called 'untouchables' and as Ambedkar had discussed in his 'Annihilation of Caste' it was through endogamy and serious obstruction of the rights of women that the caste system has continued to thrive.<sup>2</sup> So it would be an obvious thought that the burden of being a Dalit and the discrimination that ensues with it burns the Dalit women more so than the men.

Exploitation and discrimination, for lack of a better life has become part of the daily life of a Dalit woman. Economically weak and powerless, the Dalit women do not have the option of living a life independently. Constrained by the societal institutions, any progress made by them is faced with discouragement and oppression. Dalit women of the present possess very little to no education, mainly depend on hazardous, low paid unskilled jobs, and their conditions are precarious. Mostly they work as daily wage labourers in the lands of the upper caste men or as maids in their houses. There is the constant threat of sexual exploitation at the hands of upper caste men. Any voice of protest either from them or even from Dalit males results in use of rape as a systematic punishment. Food cooked by a Dalit woman eaten by an upper caste maybe considered wrong but body violation by an upper caste man of the same Dalit woman is right. They

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face discrimination and exploitation not only from upper caste men but also from Dalit men, which includes sexual violence, dowry deaths, and other exploitative customs and many others.

### **Dalit Connection with Subalternism**

Popular in post-colonial theory, subalternism speaks about the muffled voices of below. For Ranajit Guha, a noted historian and pioneer of Subaltern Studies, subaltern is a negative space,<sup>3</sup> an area of disempowerment, a position without social and political agency, and no identity. It is not a specific caste, race or gender.

In every society there are certain filters which sieve out the dominant narratives from the rejected ones. Therefore, certain discourses which are essentially meaningful utterances are not allowed to cross the threshold or occupy a space in the societal grand narrative; instead they are forced to lurk in the shadows. These are the 'other' rejected discourses which do not have the luxury of gaining acceptance and are reclaimed as subaltern voices by subaltern theorists.

As already established, in Indian society it is the Dalits who occupy the space of subalterns; it is their discourses which are rejected in the face of the dominant upper-caste narrative. On the other hand, gender is a societal institution of which patriarchy had already established a dominant voice resulting in the suppression of other voices that includes women. Taking in account the impact of patriarchy on the Dalit community, the voices of Dalit women can be considered the subaltern of the subaltern, Dalit community which is already a rejected narrative of the society rejects the narrative of Dalit women making them subaltern within subaltern.

A prolongation of this idea of occupying the subaltern position within the subaltern, a subset subaltern is created by the overlapping institutions (a function of intersectionality). It rejects Dalit voices on the basis of caste, accepting the upper caste voices as the dominant discourse. On the basis of gender where male discourses which are the dominant discourses, they tend to relegate the voices of Dalit women to the permanent subaltern position where they are forced to remain silent or their voices cannot cross the threshold of acceptance of society.

An interpretation of the idea of Gayatri Chakravorty Spivak, that the subalterns cannot speak as espoused in her article 'Can the Subaltern Speak?''<sup>4</sup> may be illustrated using the example of the Dalit woman

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Panchayat President of Therkuthittai village in Cuddalore, Tamil Nadu who was made to sit on the floor in all the official panchayat meetings while others including the other members and Vice- President sat on chairs. In this case the Panchayat President, a Dalit woman, tried to bring forward her voice, while participating in the Panchayati Raj. Her use of reservation and election to win a seat was an exercise to bring her demands and political conscience in the forefront. While the other dominant discourse, the uppercaste man, discriminated against her on the basis of caste and gender and made her sit on the floor, an action aimed to suppress her voice, her mind, thus taking away the voice of the subaltern.

The policies of reservation have actually failed to understand their specific problems. The compulsory reservation policy at the Panchayati level is not an effective weapon for fighting for her identity at the ground level. There caste, gender and lack of independent income intersect to create a unique set of struggles for her. Allegedly she becomes the perfect portrait of victimhood, a weak leader for her opposition. Even if the reservation policy increases her chances of getting a position, she is derided for her caste and her gender both.

### **Dalit Women Talk Differently**

Political scientist Gopal Guru defends the Dalit Woman's right to talk in a language separate from others. In his article 'Dalit Women Talk Differently',<sup>5</sup> the need of intersectionality is reiterated within his analysis that the Dalit woman's need to separate her voice from others is based on the external factors which homogenise Dalit woman's experience by melding it with mainstream experiences and internal factors, the patriarchal domination within the Dalits. The Dalit woman subsequently becomes the victim of double patriarchy facing oppression from upper caste men as well as men from their own castes.

On one hand their sufferings are located within the spectrum of gender discrimination and on the other there is the spectrum of Dalithood. This overlap of sufferings, this merging is conveniently ignored by most of the Dalit movements and Women's movements too. As elucidated by her work 'Dalit Women Talk Differently: A Critique of 'Difference'<sup>6</sup> and Towards a Dalit Feminist Standpoint Position', Sharmila Rege addresses this gap. Rege in her article observes that while the Dalit movements like Dalit Panthers have contributed significantly towards the rights of Dalits but in their narratives, they fail to address specific problems of women. Women

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often remain encapsulated in the roles of wife or mother, relegated to the domestic, seen as only victims of the oppression, not as individual beings. For Dalit Panthers caste takes the form of class. Women's movements, especially movements of the left have contributed loads in the economic sphere of women, but for them caste is embedded within sisterhood. For Rege the Dalit women face classic exclusion, 'All dalit sare assumed to be males and all women "savarna."' Dalit women while facing discrimination and opposition are in constant struggle of defining their true identity.

Locating the identity in true sense becomes a dilemma. A Dalit woman can find some similarities with the everyday oppression faced by women. But aligning themselves with the Women's movements based on those similarities relegates their identity as a Dalit to the backburner. They only become a part of the general sisterhood narrative, mainly dominated by upper caste women (savarnas). If the Dalit Woman tries to align with the Dalit movements citing similarities with Dalit oppression by upper castes, their identity as woman gets subsumed by the male dominated narrative of the Dalit movements. Therefore both the handles effectively exclude the true nature of the identity of a Dalit Woman. This exclusivity is further reinforced by the low representation of Dalit women not only in the judicial system but in media houses and other arenas. This lack of inclusion creates a missing narrative of Dalit women identity and supports the cause of intersectionality.

### **Hathras Case :**

'Dalit bitiya ko izzat se jeene bhi nahi diya, izzat se marne bhi nahi diya' (The Dalit daughter was neither allowed to live with dignity, nor die with dignity).<sup>8</sup> This was written on the banner of the event of Bhim Kanya organised by prominent Dalit activist Martin Macwan on October 14th. It signifies the atrocities committed on the nineteen year old Dalit woman of Valmiki community by upper caste Thakurs in Hathras.

Hathras as a case is not unique in the sense that the victim was a nineteen-year-old teenager or a member of the Dalit community but it becomes unique because it had some light shone upon it. It could have been a *deja vu*, any one of the 11,829 cases of Uttar Pradesh in the year 2019. But the sheer neglect shown by the authorities, its difference in treatment with the Nirbhaya case makes it different from others. Hathras was a case

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where the dominance of upper caste, the plight of Dalit women, bias of authorities had revealed how deep seated patriarchy and misogyny reacted with caste discrimination to create such a vicious nexus that a poor Dalit girl had to lose her life in order to be heard.

On 29th September, a woman died in the hospital succumbing to her injuries. The woman was a nineteen-year-old member of the Valmiki caste, a Dalit community belonging to Hathras district of the state of Uttar Pradesh of India. She was a victim of gang rape and the four perpetrators belonged to upper castes (Thakurs). The Police had failed to take any immediate action; a complaint was registered only after her dying confession which had identified the four men. Also her family had claimed that the Police had forcefully cremated her without allowing them to perform her last rites. Further, in the initial stages the Police had stated ‘no rape’ citing forensic reports which was later discredited by the doctors. Along with this it was alleged that the Yogi government had hired a PR company to publish news that would state that no rape had been done. The whole case had garnered a lot of media attention and had incited a lot of protests across the whole country and had also questioned the action of Police and Government. Former Congress president Rahul Gandhi and general secretary Priyanka Gandhi were detained by U.P police and not allowed to visit the village of the victim. Finally on 19th December the CBI filed a charge sheet against the four accused invoking charges of gang rape, murder and also the Prevention of SC/ST Atrocities Act.

While there are detailed guidelines present, there have been systemic lapses on the part of law enforcement officials in dealing with proceedings of this case leading to utter neglect and injustice for the victim as well her family members.<sup>9</sup>

First, according to the guidelines laid down by Supreme Court by the landmark judgement of Lalita Kumari vs. Government of U.P, a First Information Report (FIR) can be lodged under section F of the Code of Criminal Procedure, 1973 (“CrPC”) if the information provided discloses the commission of a cognizable offence. But this guideline was blatantly ignored and the victim’s family was neglected and humiliated in spite of the fact that the family members had gone to the Police Station to lodge a complaint. An FIR was lodged on 20th September, six days after the incident.

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Secondly, in case a victim of sexual assault succumbs to her injuries then the victim's body must be handed over to her family after the post-mortem analysis. But in this case, no such thing was done. By the gross violation of fundamental right, Article 21 (Dignity in Death), upheld and reinforced by cases such as *Mujeeb Bhai vs. State of U.P.*, the victim was not handed over to the family, instead she was forcefully and secretly cremated by the U.P Police in the dead of the night leading to violation of yet another right Article 25 (Freedom of Practising Religion).

Thirdly, Supreme Court had repeatedly emphasised that deathbed declaration must be considered as ultimate evidence. In this case, there was the dying declaration of 'zabardasti' (forceful sexual advances) from the victim but still the authorities were hell-bent on proving that there was no rape. This claim of no sexual assault was based on the Forensic Science Lab (FSL) report which was in turn based on the swab sample taken from the victim, eleven days after the incident had happened whereas the law says that swab sample must be taken within twenty four hours of incident by a medical examiner.

Dalit organisations all over India had protested over the case of Hathras.<sup>10</sup> A Dalit activist Martin Macwan of Navsarjan Trust had organised 'Bhim Kanya' a tribute to the Hathras victim. People from a number of states, Uttar Pradesh, Odisha, Rajasthan, Gujarat, Bihar, Maharashtra and Telangana, predominantly from Dalit communities, applied turmeric on representational images of the Hathras victim. This was a highly symbolised protest which showcased how the victim was denied her fundamental right of getting a respectful cremation. Hathras Case deserved political attention. On the one hand we had Indian National Congress leaders and Bahujan Samaj Party leaders condemning the incident and on the other there were also right wing political organizations like RSS and others who had participated in a rally in favour of the accused. Chandrashekhara Azad, a Dalit activist of U.P was put under house arrest as a result of his protest. Clearly even in the political front Hathras had divided reactions of political parties on the caste lines. We had BJP and other right wing parties working in favour of the accused, an effort to not only muffle and dismiss Dalit voices but also to reinforce upper caste dominance guising it as propagation of Indian culture. On the other hand there were other political parties who were condemning the incident but also treating this ghastly incident as a political opportunity.

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Comparing Hathras with Nirbhaya, one would find a contrasting role of authorities involved. While in Nirbhaya the authorities were prompt in their action, for Hathras it was the intentional delay and laxity on the part of authorities that had brought the case into limelight. The name ‘Nirbhaya’ was given to the victim as there is a law against revealing of names or pictures of victims of sexual abuse owing mainly to security, but for the case of Hathras both of these laws were violated, the name and picture were revealed by the IT cell heads.

### **Hathras Case and Intersectionality**

Our ancestors were ill-treated by their ancestors and we are still discriminated against. No-one from the village came to ask us about our sister after she was attacked, or while she fought for her life in hospital or even after she died. But the entire village turns up in court to support the accused.<sup>11</sup>

These are words uttered by the victim’s brother. The dialogue shows how the sexual assault is tied to her caste. In the dialogue, ‘their’ refers to uppercastes of the village, Thakurs in this case who had the audacity of committing the crime against the Dalit girl because they were fully aware that they would get a clean cheat by the virtue of their caste status.

Interpretation of Hathras case through the lens of intersectionality reveals that the gang rape of the nineteen year old Dalit woman was not only an attack based on her gender but her caste too, the subsequent role of Police and even government reinforces this notion. The victimisation on the basis of gender and caste exposes a complex power-play of social institutions which determine one’s place in the society. The victim was targeted because she was a woman, an easy target in the eyes of the opponent and the fact that she was a member of the Dalit community, the lowest strata of caste system made it easier. This attack enforces patriarchy and gender based exploitation and the fact that opponents were from upper caste and she from the lowest one enforces caste based exploitation making it an ideal case of intersectionality.

All the lapses in the investigation, police using violence to silence protests by opposition, reveal the influence of caste on the whole of police force and even government authorities. The fact that the Yogi government and Police had tried to create a counter narrative of honour killing as opposed to rape putting the whole blame on victim’s family and cremation at night without consent discloses how the Hathras justice system was

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inadequate. The state government would go on to any limits to suppress a violent crime against a woman and in turn hide the pervading caste discrimination in the society. The crime and subsequent action, reaction of family members, village and authorities make it imperative that we recognise that the justice system fails to understand the serious impact of interlocking institutions of caste and gender.

André Beteille's rendering below elucidates the truth that rape and other forms of sexual violence on Dalit women are often used as instruments of intimidation to establish dominance over the Dalits by the upper castes, especially men:

the sexual use and abuse of women, which is an aspect of the inequality of power, seen in its most extreme form in the treatment of women of the lowest rank by men of the highest....<sup>12</sup>

It not only establishes a kind of power over them but it is also used to break their nerve and challenge the manhood of the Dalit community itself. It is not a factor of individual respect but a matter of respect for the whole community. And these upper caste people gain more power from the fact that being a Dalit woman often means belonging to the lowest strata of the society, one who in most cases does not possess any considerable resources (both economic and social) either to protect or to defend herself. Therefore the chances of fighting back are very little and often authorities either fail to act fast enough or they comply with the perpetrators. The Dalit woman becomes a victim not only fighting against patriarchal oppression but caste oppression making her susceptible to dual pressures of the societal institutions which in most cases work against her.

A distinctive feature of caste system is that while facing discrimination at the hands of the upper castes, the lower castes try and perpetuate the same social practices of the upper castes in the hope of moving upward in the caste hierarchy. Though caste system is quite rigid in nature, the recent times had seen caste mobility and caste associations gaining footing especially among lower castes.

The Dalit community is not devoid of this feature. They feel that in a caste based social order, elevation of caste's social status is intermeshed with social division of labour and sexual division of labour; that their caste would rise in status with the withdrawal of women from the productive forces.

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Confining women in the private sphere can be seen socially regressive but in the caste based social order it translates to controlling of the woman's sexuality which in turn is related to community respect. These notions in turn are inculcated by the Dalit men making them believe that letting women operate in public sphere translates into their inability to control woman's sexuality, which is an utter sign of loss of respect of their community.

While making this point one cannot suggest that the status of a Dalit woman makes her vulnerable to upper caste men only. In her own society as a woman she faces other forms of severe oppression and discrimination often within the four walls of her own home. Cases of domestic violence, dowry deaths are also very common among Dalit women.

### **A Broader Point of View**

The Hathras case was unfortunate but it was not isolated, actually it was multifaceted. It had revealed the deep rooted misogyny and casteism of India. Looking from a broader point of view one must accept the fact that the country had desensitised itself from the plight of Dalits. India is deeply uncomfortable about the prevailing issues of caste, because for the youth gender violence is real but caste based gender violence is not perceived to be so. Precisely for this reason it was the Nirbhaya case which had seen some progress within penal codes, the middle class and upper castes could identify with Nirbhaya (real name concealed) but could not do so with Manisha Valmiki (real name revealed).

Another deeply uncomfortable idea is that similar to the parties dominated by upper castes, the Dalit political parties are ready to capitalise the gruesome incident of Hathras for their electoral benefit. In spite of the protests, the movement had died down in a routine manner without making any revolution or evolution in the political arena of the country. However, when it comes to creation of a consolidated united political front across the whole country, no political party or organisation is ready for it, which is evident by the lack of significant political impact made by Dalits in the entire belt from East to West, from West Bengal to Punjab where the numbers of Dalits are substantially high.

The impact of Hathras is subtle, no revolutionary laws or implementation or super speedy justice process or a new political party uttering the language of Dalit women was witnessed. However, a discourse

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came into being. It may not have been as loud as it should be but it triggered all the debates, discussions, and the writings. The protest was to some extent successful in creating the discourse of the lost voice of Dalit women; it focused on the importance of looking at their experiences with an informed lens of intersectionality and thus bringing them closer to their desired position in society.

### End Notes :

- <sup>1</sup> Published by Betty Friedan in 1963, *The Feminine Mystique* had been a serious critique of the expected societal roles of woman during the period of World War II. She had criticised the idea that women could find self-fulfilment by taking up the passive roles of a homemaker, mother and wife.
- <sup>2</sup> B.R Ambedkar, *The Annihilation of Caste* (Jalandhar: Bheema Patrika Publications, 1936).
- <sup>3</sup> ‘Approaches to the study of Indian society Subaltern perspective of Ranajit Guha’, *StuDocu* (30.07.22) <https://www.studocu.com/in/document/aligarh-muslim-university/general-sociology-ii/approaches-to-the-study-of-indian-society-subaltern-perspective-of-ranajit-guha/21838005>
- <sup>4</sup> Gayatri Chakravorty Spivak, ‘Can the Subaltern Speak’, *Marxism and the Interpretation of Culture* (1988): 24-28.
- <sup>5</sup> Gopal Guru, ‘Dalit Women Talk Differently’, *Economic and Political Weekly* 30.41-42 (1995): 2548–2550.
- <sup>6</sup> Sharmila Rege, ‘Dalit Women Talk Differently: A Critique of ‘Difference’ and ‘Towards a Dalit Feminist Standpoint Position’, *Economic and Political Weekly* 33.44 (1998): WS39-WS46.
- <sup>7</sup> Sharmila Rege, ‘Dalit Women Talk Differently’.
- <sup>8</sup> Aathira Konikkara, ‘How Dalits from villages across India protested the Hathras crime with a funeral ritual’, *The Carvan* (30.10.2020). <https://caravanmagazine.in/caste/dalits-proteted-hathras-crime-funeral-ritual> Accessed: 15.01.2022.
- <sup>9</sup> Nalinaksha Singh and Nayoleeka Purty, ‘Hathras Horror: A Gruesome Reminder of Why Caste Matters in Sexual Crimes’, *The Promise Students’ Human Rights Blog*, UCLA Law (02.11.2020). <https://www.promisehumanrights.blog/blog/2020/10/hathras-horror-a-gruesome-reminder-of-why-caste-matters-in-sexual-crimes>. Accessed: 11.01.2022.

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- <sup>10</sup> Aathira Konikkara, 'How Dalits from villages across India protested the Hathras crime with a funeral ritual', *The Carvan* (30.10.2020), <https://caravanmagazine.in/caste/dalits-proteted-hathras-crime-funeral-ritual>. Accessed: 15.01.2022.
- <sup>11</sup> Geeta Pandey, 'Hathras rape case: Prisoners in their own home, lives on hold, a village divided', *BBC* (29.09,2021). <https://www.bbc.com/news/world-asia-india-58706861>. Accessed: 12.01.2022.
- <sup>12</sup> André Beteille, "Race, Caste and Gender" (1990) cited in Hugo Gorringer, 'Afterword: Gendering Caste: Honor, Patriarchy and Violence', *South Asia Multidisciplinary Academic Journal* 19 (2018). <https://journals.openedition.org/samaj/4685?lang=fr>. Accessed: 02.07.22.