


Dip Kapoor

University of Alberta

View metadata, citation and similar papers at [core.ac.uk](http://core.ac.uk)

brought to you by  CORE

provided by University of Calgary Journal Hosting

## Gendered-Caste Discrimination, Human Rights Education, and the Enforcement of the Prevention of Atrocities Act in India

*Despite the constitutional ban on the practice of untouchability and caste-based discrimination, this article elaborates on a gendered-caste-based discriminatory reality in rural India, the difficulties of enforcing legal remedies, and on related human rights praxis to address gendered-caste atrocities by drawing on the experiences of a Canadian voluntary development nongovernmental organization (NGO) that has been working with Dalits (downtrodden/scheduled caste groups) in India for over a decade. This experience suggests that although there is a significant role for human rights education in addressing gendered-caste atrocities, there are cultural and political limits to a rights-based approach that privilege the individual and a politics of vocal, open democratic resistance.*

*Malgré une interdiction constitutionnelle touchant la discrimination reposant sur le système des castes en Inde, la pratique persiste dans les milieux ruraux. Cet article porte sur la discrimination basée sur la caste et le genre, les difficultés liées à l'imposition de solutions légales et les pratiques relatives aux droits de la personne et qui visent l'élimination des atrocités qui découlent des pratiques discriminatoires. Les données proviennent des expériences des bénévoles oeuvrant au sein d'une organisation non gouvernementale canadienne qui travaille avec les groupes d'intouchables en Inde depuis plus d'une dizaine d'années. Notre étude donne à croire que, bien que l'éducation en matière de droits de la personne ait un rôle à jouer dans l'élimination des atrocités découlant de cette forme de discrimination, cette approche, qui privilégie l'individu et la résistance démocratique publique, est limitée par des facteurs culturels et politiques.*

### Introduction

Any attempt to interrogate caste in India gives cause for concern on several possible grounds. Foremost is a concern pertaining to caste-justified discrimination and caste-based assaults on the dignity and physical well-being of the victims of such atrocities, who are most often “untouchable” women. At a more cerebral and psycho-imaginary level, postcolonial critique about the colonization of the mind construes such preoccupations as being party to the continued exoticization of the orient through interrogations that construct and deploy caste (Cohn, 1987) to assert that Indian culture is in essence defined by and reduced to the archaic and pernicious institution of caste. Resorting to universalizing Euro-American conceptions of human rights education as a potential remedy can accentuate this tendency, or as Spivak (1992) puts it, “The most frightening thing about imperialism, its long-term toxic effect, what

---

Dip Kapoor is an assistant professor in the Department of Educational Policy Studies and President and founding member of an international voluntary development NGO that has been working for over a decade with Scheduled Caste (and Scheduled Tribe) communities in eastern India.

secures it, what cements it, is the benevolent self-representation of the imperialist as savior" (p. 781).

However, the stark reality of caste-based atrocities for those who are victimized and those who bear witness to victimization in the name of caste provide compelling justification to continue such investigations. As Deshpande (2003) notes, whether or not we know that caste is "primordial or constructed" (for colonial/neocolonial, politico-cultural purposes), "does not help us a great deal in evaluating its social effectivity or gauging its content," unless the "colonial origin of caste" (p. 123) is relevant in some way to our attempts to deal with it in the present. Whether casteism was an indigenous and/or colonial historical invention becomes a moot point insofar as it has the potential effect of relegating caste to the historical dustbin of colonial machinations and thereby substantiating contemporary "commonsense arguments" that casteism is no longer with us in a modernizing, independent India. The colonial origins thesis says little about the current dynamics of caste problems and caste inequality, "which is a matter of contemporary fact" (Deshpande, p. 123).

Keeping Nandy's (1987) invocation in mind that every culture has its schisms between oppressors and oppressed and that we must act to privilege the voices and categories of victims and Spivak's (1992) insight that "at a moment of crisis one does not speak up against the absolute intercultural translation (historically characteristic of imperialist malevolence) that may be cementing both protest and blind patriotism" (pp. 781-782), that is, in a crisis, no hand is clean, this article develops a grounded perspective on caste-based atrocities against Dalit women drawing on experiences from a decade-long Canadian NGO partnership with Dalit communities in rural Orissa, India. After a brief elaboration on contemporary perspectives on caste, gender, and inequality, a context-specific exposition of gendered-caste discrimination in rural Orissa is developed in relation to atrocities committed in the NGO partnership locale. This is followed by a discussion of the difficulties associated with activating the Prevention of Atrocities Act and subsequent illustrations of how human rights education (HRE) plays a role in addressing gendered-caste atrocities. Concluding reflections, informed by HRE praxis and relevant theoretical perspectives, suggest cultural and political limits to individual rights-based interventions and an open-democratic politics of gendered-caste resistance that privileges vocalism.

#### *Contemporary Perspectives on Caste, Gender, and Inequality*

In terms of its etymology, *caste* is a term derived from the Latin word *castus*, which means "chaste" and signifies something unmixed. The Spanish used it to signify race, whereas the Portuguese, who colonized parts of coastal India in the late 15th century, used it to refer to the segregated groups of Indian society, a social hierarchy that finds its genesis in the Hindu pantheon and the Code of Manu dating back to about the 3rd century AD. Conventionally speaking, broad caste categories called *varnas* separate caste groups according to occupations, that is, occupational mobility is a contemporary development. Outside the four *varnas* are the casteless "untouchables," also referred to as Dalits (the downtrodden), who are relegated to performing polluted/polluting tasks such as sewage disposal or tanning. As Gupta (2000) observes, given that there are

no natural differences that can be discerned by the naked eye to help distinguish between castes, practices of caste segregation continue to help to ensure that the sociocultural myth/imaginary of “natural differences between castes” is maintained as caste categories and stratification are employed to justify and perpetuate economic and social inequalities among people as “nature is forced by culture to act on its behest” (p. 19).

The British introduced the term *scheduled caste* (SC) in the 18th century, and today the constitutional schedules list 1,116 SC groups. SCs constitute 17% of the Indian population. The schedules identify the most vulnerable socioeconomic groups for the purpose of state-sanctioned ameliorative provisions in the interests of addressing their subordinate status in Indian society. Under Article 46 of the Constitution, the state is obligated to protect constitutionally recognized marginalized social groups from all types of exploitation and social injustices. Article 14 prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth, and Article 17 states that the practice of untouchability is abolished and its practice in any form forbidden. Specific legislation like the PoA (1989) and Rules (1995) were enacted to carry out this mandate.

At the international level, India became a party to the Convention on the Elimination of All forms of Racial Discrimination in 1968; the International Covenant on Civil and Political Rights in 1979; and ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in July 1993. Following the Fourth UN World Conference on Women in Beijing in 1995, India promised several measures to ensure the advancement of women’s rights. 2001 was declared the Year of Women’s Empowerment by the government and a National Policy on Women’s Empowerment was to be unveiled.

#### *Caste and Gender*

Srinivas (1996) laments that despite the burgeoning scholarship on caste, female scholars and scholarship that views the institution from “the point of view of women” is woefully unrepresented. This is significant given that the concepts of purity and impurity, which are central to caste, directly and uniquely, impinge on the lives of women. For example, punishment for the violation of the rules of purity-impurity in matters of food and sex operate far more harshly against women. According to Dube (1996), “sexual asymmetry (between men and women) is bound up with the maintenance of the hierarchies of caste” and “the principles of caste inform the nature of sexual asymmetry in Hindu society, and hierarchies of caste are articulated by gender.” She notes that in contemporary Indian society, “caste is not dead. Gender is a live issue ... the boundaries and hierarchies of caste are articulated by gender” (p. 21).

Srinivas (1996) draws attention to the principles of sexual asymmetry that underlie the relationship between: (a) caste endogamy and dowry, (b) the different fates of men and women in inter-caste unions, and (c) in the sexual abuse of women. For example, in the case of the latter, men have institutionalized mechanisms to escape the incurrence of pollution through sexual relations with a low-caste woman, that is, a purificatory bath and the ritual expiation of the offense would normally suffice. If a woman from the same caste community were to go “astray” and the matter became public knowledge, she would be banished and declared dead through a mock *shraddha* (funeral rites).

The assertion of dominance is claimed as a right by upper castes, as is the use of rape—an act of power through sexual violence. As Dube (1996) notes, in the state of UP it is commonly said that “just as a she goat may be milked at any time at one’s own will, so can a Chamar woman be enjoyed any time at one’s discretion” (p. 20). Low-caste opposition to these and other upper-caste practices often results in continued assaults on Dalit women. Contrary to indulging in gratuitous sensationalism or any irresponsibility for “trafficking in national identity (in the name of woman) for international consumption” (Spivak, 1992, p. 803), these observations are articulated in order to provide some relevant background in relation to the frequent use of sexual or other violence against women in the partnership locale being addressed in this article. These expositions are all the more significant when

the caste system operates as a felt cultural norm and where even children and young girls are some times being convinced that to be a good citizen of India one has to internalize an absolute version of the majority religion, which cannot admit that it is a negotiated mistranslation. (p. 800)

#### *Political-Economic and Educational Inequalities*

Using the National Sample Survey Organization (NSSO) data of the 55th round conducted during 1999-2000, Deshpande (2003) concludes that caste continues to be a major fault line of economic inequality in contemporary India and that “caste inequality has been flourishing in rural and specially in urban India” (p. 116). In rural India 43% of the SC population live below the poverty line (BPL), compared with just 17% for the Hindu Upper Castes (HUCs) combined. In the year 2000, 91% of the urban BPL and 88% of the rural BPL population belonged to SC, tribes, other backward castes, and Muslim socioreligious groupings. Some estimates (Sainath, 1996) suggest that over 66% of the bonded laborers in India are Dalits and that over half the Dalit workforce are landless agricultural laborers. Sixty-six percent of all agricultural laborers are Dalit women who earn between Rs.8-25 a day (17-54 cents).

Examining the upper end of the spectrum, Panini (1996) concludes that caste clustering and the overwhelming dominance of the upper castes continues to be true of professions such as engineering, medicine, banking, journalism, and academics.

Almost two generations after Independence, it is no longer possible to evade these realities as being the by-product of historical inequities. We have to face up to the uncomfortable truth that caste inequality has been and is being reproduced in independent India. (Deshpande, 2003, p. 120)

Speaking in terms of education/literacy, Dalit adult women’s literacy rates are at 27% compared with 38% for other women. According to government statistics from 1993-1994 (Govinda, 2002), 46% of Dalit girls in the 5-14-year age group were attending school in rural areas as compared with 61% of others, and the same figures are even more disparate in the state of Orissa, the context of the NGO partnership in south Orissa. Similarly, dropout rates suggest that as many as 50% of Dalit girls (same age group) drop out of rural schools compared with 36% for those from other caste groupings combined. In 1997-1998, the same statistic for Dalit children at the elementary level is as high as 67%. Provision of schools within the stipulated distances (1-3 km, depending

on school level) also suggests caste discrimination, as data collected between 1986 and 1993 suggest that primary schooling is available to only 37% of Dalit rural habitations as compared with around 50% for other rural inhabitants. The same report notes that caste-based spatial segregation of dwellings have “important implications for physical and social access to education,” given that “norms of purity and pollution still govern social relations” (p. 76), and this implies that it “becomes essential to understand whether schools are socially accessible for Dalit children even when they are located at officially prescribed distances” (p. 77).

According to Sainath (1996), in the state of Rajasthan, children of the Bal-miki caste (scavengers) are made to sit on their own mats, often outside the room or at the door. Another study on caste discrimination and education (Dreze & Gazdar, 1996) notes that there is discrimination against SC settlements in terms of: (a) the location of schools (mostly exceed the stated 1-3-km distance/access stipulation as compared with access for other castes); (b) teachers refusing to teach SC children; (c) children from particular castes being special targets of verbal abuse and physical punishment by the teachers; and (d) low-caste children frequently being beaten by higher caste classmates.

*Gendered-Caste Discrimination and Human Rights in Rural Orissa*

With close to 25% of the population belonging to SC communities, the east-coast state of Orissa is home to a significant number of India’s SCs. Orissa, along with two other states, has seen a rise in its national share of the rural poor from 53% in 1993-1994 to 61% in 1999-2000 (Parikh & Radhakrishna, 2005). The same report suggests that the SC percentage of those BPL was at 18.5% in 1993 and climbed to 22.4% in 1999-2000, the same year in which 47.8% of the state’s rural population was BPL. The state is among the five lowest HDI ratings for the country, while 55% of children between the ages of 1 and 5 years were considered undernourished in 2000-2001, as was the case with 46% of women in the state in the same year.

On the human rights front, it is just recently that the state has formally established a Human Rights Commission, after a considerable show of strength by various civil society actors. Although several NGOs in the state have maintained their own documentation about various cases of human rights abuses and developed statistical snapshots, the NGO partnership with Dalit/SC communities in south Orissa began systematically to take up caste-related atrocities/violations against SC communities from about 1998, specifically in relation to violations pertaining to the PofA. This task was undertaken based on the understanding that such information would assist the process of HRE and critical dialogue on gendered-caste concerns while also aiding the process of making a case for better enforcement and prevention of such atrocities in relation to the system of enforcement.

Table 1 presents data collected by the local Dalit community-NGO partnership between 1999 and 2003 pertaining to human rights violations/atrocities against Dalit women in the Mohana Block, as shared by those who were victimized.

Seventy-eight percent of the reported cases involved physical violations, and this is despite the exclusion of other atrocities like “dowry deaths” (the practice of dowry/bride price was prohibited in law in 1961) yet to be docu-

Table 1  
Human Rights Violations/Atrocities Against Dalit Women of Mohana Block,  
Orissa (1999-2003)

<i>Violation/Atrocity</i>	<i>1999-2000</i>	<i>2000-2001</i>	<i>2001-2002</i>	<i>2002-2003</i>	<i>Total</i>	
Trafficking/ kidnapping girls	123	146	133	96	498	(39%)
Rape	45	67	71	38	221	(17%)
Attacks/assaults	36	91	104	43	274	(22%)
Untouchability/ practice	24	43	78	41	186	(15%)
Caste discrimination/ state agencies	19	26	29	13	87	(7%)
<b>Total</b>	<b>247</b>	<b>373</b>	<b>415</b>	<b>231</b>	<b>1,266</b>	<b>(100%)</b>

mented in this area. Journalist and social activist Sainath (1996), after researching the situation of Dalits in the state of Rajasthan, adds to this dismal scenario and reports that on average a Dalit woman is raped every 60 hours and one Dalit is murdered every nine days

Although it is beyond the scope of this analysis to engage in an extensive discussion of the reasons for these occurrences (for this discussion, see Kapoor, in press; the focus here is on sharing the documentation on the types of atrocities and discussing related/other actions for redress such as the PoA and possible roles for HRE), it would suffice to state that in keeping with Dube's (1996) analysis referred to above, Dalit women often explain these acts in terms of the assertion of caste dominance and caste relegation. Given that women, as explained in male-centric cultural terms, embody the concept of honor, violence against women from Dalit groups (rape, assault, kidnapping/capture) becomes a symbolic (and simultaneously very real) gesture of exploitation and domination, reinscribing caste categorization in the collective psyche of the subordinate group.

#### *Difficulties in Implementation of the PoA*

The PoA was enacted in 1989 in order to "prevent the commission of offenses of atrocities against the members of the SC and ST, to provide for special courts for the trial of such offenses and for the relief and rehabilitation of the victims of such offenses." Although many of the provisions are intended to protect women and men alike, some are specific to women such as "protections against assault or use of force against a woman with intent to dishonor or outrage her modesty or using a position of dominance over a woman to exploit her sexually." Such provisions target atrocities to which Dalit women are particularly vulnerable such as in the case of trafficking for prostitution.

The Act also contains a list of prescriptive measures and is prefaced by the understanding that it is the "duty of government to ensure effective implementation of the Act." Listed in Section 21, Subsection 2 are some measures that include: the provision of legal aid; expenses for the witness and victims of atrocities; the provision of economic and social rehabilitation to the victims; the

appointment of officers to supervise the action; periodic surveys; and so on. The state governments are instructed to designate one sessions court in each district as a special court for trials of persons accused of offenses under the Act. It further prescribes that the "enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with the law."

Attempts to seek redress under the PoA are often obstructed by factors that are internal to Dalit communities under duress and due to various external impositions pertaining to the justice system. In relation to the former, Dalit women are often placed in a contradictory and difficult position of choosing between their families or communities and the attempt to seek legal redress for such atrocities. It is not unusual to find them being disowned or ostracized by their own family members and the community at large. Dalit men have been known to turn their wives away at this point. A complex psychosocial blend of external impositions such as threats of retaliation and violence by the caste perpetrators (such as threat of loss of livelihood) and internal patriarchal and cultural understandings propel such unfortunate situations.

Filing a First Information Report (FIR), in addition to the stated pressures, is in and of itself a challenge. Amnesty International notes that nonregistration of crimes (FIRs) in India is a general problem. Political influence over the police and caste, class, religious, and gender biases of the police make it difficult for Dalits to file FIRs, particularly against influential upper-caste individuals. A case can not continue if the police do not register it. It is not unusual for Dalit women victims to refrain from going to the police in our partner area, as many have been dismissed or further abused by the police. Another reason cited for reluctance to report to the police is police corruption, as police have been known to charge victims for filing and for "entry fees" to the police station because they are "untouchables." The problems of police lawlessness and abuse are compounded by the fact that complaints to superiors have not resulted in actions taken against the police for failing to file FIRs.

Time and money are also aggravating issues, as money is lost attending hearings in terms of working hours lost and the cost of traveling to court and back. Men have to accompany women to these proceedings, and this adds to the overall cost of such decisions. According to the NGO Sakshi, the average time it takes for a case of rape to find its way from the sessions court to the supreme court is between 10 and 15 years. The National Crime Records Bureau suggests that of the 58,655 rape cases pending trial at the start of 1998, 48,685 remained pending trial by the year end. Only 4% of these resulted in a conviction. As one victim in the partnership locale pointed out to us, "for us, justice will come from God above."

The legal aid system is inundated and inadequate and is often staffed by lawyers with questionable ability and credentials, who are known to ask for additional payment for their alleged expenses on the side and thereby take advantage of the victim's lack of knowledge about the legal system. It is not unusual for these lawyers to collaborate with the accused for monetary and other reasons (caste collusion) and put pressure on their clients to withdraw their cases or compromise. Dalit women also suspect that the courts, when they do deliver verdicts, deliver biased verdicts. This notion has been supported by Amnesty International's observations, exemplified by an infamous lower-court

ruling in Rajasthan in 1995, where the verdict stated that the alleged rape of a SC woman could not have taken place because upper-caste men would not rape a woman of lower caste and thereby acquitted the alleged perpetrators.

Despite complaints to the authorities, victim and witness protection programs are ineffective to nonexistent in our locale, and threats and continued victimization by perpetrators scare or force victims to withdraw testimony. This failure to provide even temporary safe haven and protection discourages Dalit women from filing and seeking justice or redress. Although the PoA stipulates that compensation is to be provided to victims, not a single case recorded by us demonstrates that such a system really exists. Social rehabilitation or temporary shelters to remove victims from these difficult circumstances are woefully inadequate to nonexistent.

*HRE, Enforcement of the PoA, and Beyond: Moving Toward Collective Responses for Justice and Sociocultural Change*

Although the NGO partnership in South Orissa has been addressing the political-economic process of social change since 1995-1996 with some success (Kapoor & Prasant, 2002), an organized attempt to deal with questions of gendered-caste-based structural oppression is a relatively recent and pressing dimension of this engagement. Adopting a localized and evolving Freirian critical pedagogy (Freire, 1970, 1994) continues to be a defining approach to the HRE initiative around gender-caste concerns being raised in the partnership area. Although HRE attempts to address knowledge or information gaps in relation to the PoA and related Constitutional provisions, legal procedure or institutional arrangements, and prospects and strategies for gaining redress, the broader focus is on stimulating and facilitating a collective process of critical introspection around gendered-caste domination and the need for an organized response to a "sociocultural" phenomenon that is often reduced to being viewed as a string of "isolated/individual" cases/incidents attributed to "individual failings/caste oversights."

HR educators engaged in these initiatives are all Dalit women and men (4 women and 5 men) who are from the villages in the region that are engaged in this partnership. External (Canadian NGO) support specifically in relation to addressing gendered-caste-based discrimination has been in terms of dialogical engagements with the HR educators around the feasibility of activating more gender-consciousness (Freire, 1994). Such a process would initiate critical analysis of gendered-caste atrocities through the development of generative themes and codes for critical decoding by participants (Barndt, 1998) with an emphasis on creating the momentum for organized action to address these atrocities. Relatively infrequently, external involvement has also included participant observation or observation during problem-posing educational encounters in cultural circles formed by HR educators and Dalit women. For outsiders, such engagements have been kept to a minimum in order to try to ensure as far as is possible Dalit ownership of the process.

HRE can play a role in terms of initiating and facilitating a process of change from individual and community silence or hopelessness about caste victimization of a Dalit woman to one of a collective and public response for justice for the victim, Dalit women, and the Dalit community alike, that is, hope is deployed as an active force against "hopelessness as a concrete entity" (Freire,



1994, p. 8) created by economic, historical, and social forces of oppression: forces that are intensified in the absence of a “critical knowledge of reality” (p. 30). This process of problem-posing education has tended to emerge around several related HRE initiatives and foci that are addressed here for illustrative purposes.

*Dalit Women and Critical Engagements with Gender-Caste-Consciousness:  
Moving Toward Initiating Collective Action*

In the case of Ms. X (an 18-year-old Dalit woman and victim of rape committed by a general caste individual), her family had decided to dissuade her from discussing and in fact forbade her to discuss the issue. However, she insisted on pursuing her case with the police. On hearing about this incident, HR educators took up the issue with X and asked her whether she would be willing to share her experience with the village women’s group (originally formed around collective food security issues for the community) on the understanding that this was not just her problem, but a problem for Dalit women and community as a social group and needed to be addressed as such. A process of dialogue where the “caste-gender generative theme” was “coded” in a “torn garment” (brought to the gathering by X in response to a HR educator’s request that she find some object that could be used to initiate discussion) was facilitated by female HR educators from the partnership who had themselves been victimized in various ways. These HR educators added their stories to X’s story in order to open up a comfort zone for dialogue and introduce the notion of “collective victimization” (based on gendered-caste oppression) and the “need for collective assertions” by asking if there were any among the group who had experienced similar situations or heard of such incidents.

Organized action is the only recourse, and it is at this point that legal and systemic information enters the dialogue, as does discussion of strategies for intervention and advocacy for change. Links with other village-based women’s groups are suggested, as are links with regional/state-wide processes. X’s case is taken up as an immediate case for redress and for galvanizing the fledgling collective process around her case. Over time, a plan of action and decisions are made: to share such problems in the women’s forum with a view to seeking redress collectively as opposed to individually (X’s case becomes a case in point); other venues (such as regional/federated organizational meetings where gendered issues/discussions still need to figure more prominently) are targeted for initiating public dialogue about gendered-caste oppression as is a demonstration against police inaction or harassment in X’s case; and a decision is taken to try to establish the equivalent of a temporary safe haven for such cases in villages with relatively stronger and better organized women’s groups, as the provisions of PoA on this front are yet to be implemented (another long-term focus for collective action or pressure to bring about change). It is through such a collective process of democratic popular education that people and Dalit women can begin to “own their language and thus attain citizenship” (Freire, 1994, p. 39).

*Community Critical Introspection on Gendered-Caste Discrimination:  
Questioning Dalit Patriarchy and Caste Acquiescence*

In a ritual that has historic routes and is practiced in some quarters today, Dalit men engage each other in what appears to be an endurance test, where men beat each other with sticks to demonstrate their ability to withstand physical pain. According to the HR educators in the partnership, this practice helps to build Dalit resilience in the face of caste atrocities perpetrated against them by caste groups who, as should be evident, often resort to the use of violence in their dealings with “untouchables.” Decoding of this ritual in problem-posing dialogue creates an opportunity for a collective journey into the recesses of the psychosocial implications of casteism. More than substantiating notions of a *false consciousness* at work, these critical engagements make it clear that Dalits do not accept this treatment or caste-based attacks on their dignity, but often state that their relative powerlessness in the face of such complete oppression forces them to acquiesce in what they recognize as a social-structural injustice that affords them little chance for dignity and physical survival. Such rituals are a survival tactic or an initiation for those yet to face such abuse.

Dalit males are surprised when a leader from a woman’s group asks the critical question: Because you accept getting beaten, should we women continue to accept getting assaulted (by you and caste males)? Is this our endurance test then? This opens a difficult discussion on patriarchal understandings in Dalit communities, as other related norms such as the common practice of compelling victims of rape (and forced pregnancies resulting from such practice) to marry their victimizers as a “community-determined solution” to the situation.

*Lok Adalats* (people’s courts) have gradually become a forum for lengthy deliberations on gendered-caste oppression and judgments on what an amicable settlement might be in such circumstances and are being tested from the standpoint of Dalit women; and the practice of forcibly marrying victims to victimizers is currently a point of intense contestation. Such attempts by Dalit women to chastise and reengage Dalit men in a process that is cognizant of the gendered inequality of community and caste-based atrocities while continuing to emphasize the significance of a joint (Dalit female and male) Dalit struggle being waged against the broader question of caste/untouchability appears to find expression in each initiative taken to face untouchability.

*Confronting the Upper Castes and Untouchability*

When the Public Health Department sank a bore-well near Akili village in order to provide the people in the surrounding areas with a safe source of drinking water, people were ecstatic. However, the well was to be shared by the high-caste/general-caste population of the village and the neighboring Dalit group that performed menial jobs for the upper-caste groups and worked their fields as daily laborers for meager wages or grain. Predictably, upper-caste residents from Akili began to obstruct Dalit women (who have the primary responsibility for fetching water) who attempted to secure water from the well as they were likely to “pollute the water source” through contact, according to caste dictates about pollution-purity norms. As women approached the wells, they were confronted by men who often harassed or assaulted them and then snatched and smashed their earthenware pots. It was

not until a Dalit woman was stripped, paraded, and then whipped and tied to the well for all to see that the Dalit community of Akili was moved enough to raise their voice against such violence in the name of caste untouchability.

This incident provided the community and the HR educators with an opportunity to discuss the oppressive relations between social groups and critically assess the caste system and its tangible ramifications for Dalit women's and people's lives. The need for taking collective organized action to address this situation was compelling, and the incident succeeded in galvanizing women and men alike in an attempt to address relations of domination with the upper-caste groups. With the HR educators working as "links and intermediaries," the Dalits of Akili forced a meeting with the upper castes by threatening to throw refuse in the well if they were not granted a hearing. The Dalit women's organization of Akili took the lead, and Dalit men supported the process from the periphery by accompanying them. Although the meeting defied several "caste protocols" and predictably degenerated into an undignified exercise in casteist diatribes and further indignities, the assertion of indignation by the Dalit women and community was in itself a message to the perpetrators, as the normal response would have been to bear the indignities and assaults in silence.

Although sharing the well was still out of question, the Dalit women's organization launched a formal complaint with the Block Development Officer and the police (in relation to well access and for legal redress for the assault on the Dalit woman). The HR educators engaged the community about their rights under the PoA, and people demanded action on the basis of these legal stipulations. The end result of this collective response has been that: (a) Dalit women/community have been moved from apathy and silence toward taking action to secure access to resources and fight for their social dignity; (b) a new well has been sunk in the "Dalit area"; (c) the people are organized and more aware of the law and strategies to deal with the administrative bureaucracy and with the upper-caste groups; (d) upper-caste groups are now having to "tolerate" the Dalits and refrain from abusing Dalit women (or making a public spectacle of caste atrocities); and (e) this incident has galvanized the community (women and men) to take joint action on other fronts concerning fair wages, return of property that was "forcibly grabbed from them" by the upper castes, and the development of alternative sources of livelihood. More important, caste- and gender-based concerns are addressed simultaneously, as caste discrimination cuts across gender, and gendered-caste discrimination becomes more visible for Dalit men and women as they recognize intersecting persecutions and the need for collective redress on both fronts.

The Dalits of Akili may not have changed the values or views of the upper-caste people (or may have just cracked the caste/social structure), but their view of themselves and what is possible has changed, and the relations of intercaste and intracommunal power in the area have definitely been affected in terms of a softening such controls in this locale. As demonstrated by this intervention, the HRE process can be employed to uncover and address the abuse of power as exemplified in social relations, practices and customs, ideas, and values defined by a politics of domination.

### *Coalition-Building, Advocacy, and Systemic Change*

HRE has also encouraged Dalit women's organizations (of which there are 75 in this region) to engage in the community organizing process (as representatives in gender-balanced regional organizations) and to develop and sustain a parallel women's organizational structure that continues to encourage mobilization around material issues (e.g., land rights and food security). Economic change and independence for women add to women's chances for security and establish their role as key providers for family and community, thereby potentially elevating their status in the community.

These regional and federated bodies are beginning to link with state- and national-level organizations that have taken up issues such as: (a) advocacy for better legal aid support; (b) the establishment of *mahila thanas* (police stations run by female officers); (c) the establishment of a State Human Rights Commission (as stated, this has recently been established); and (d) continued advocacy for a State Women's Commission (17 states have established such a commission) and the strengthening of the National Commission for Women. Such engagements promote people's organization and a connected political activism and synergy, which in turn creates the momentum necessary to press for changes to judicial and law enforcement irregularities and inadequacies of the PoA and other such state initiatives.

### *Conclusion*

Although there clearly is a role for HRE in addressing caste-gender discrimination in relation to the PoA and in promoting a process of sociocultural introspection and change, HR educators have also learned that such efforts become counterproductive if they degenerate into a totalitarian assault on rooted social, cultural and gendered norms, practices, and institutions. HR educators have learned that a response to gendered-caste discrimination in the Indian context is productive when there is a simultaneous attempt to address the particular plight of Dalit women (which means confronting male perpetrators and culture), while also working to ensure the integrity of relationship and community through a combined front against untouchability and casteism. Such realizations are tempered by the overriding assumption that men and women occupy different positions in the making of culture and that Dalit "women are not-quite-subjects who hold up the culture" (Spivak, 1992, p. 775).

Similarly, HR praxis in this partnership suggests that Dalit women do not appear to have embraced an individualistic notion of human rights that has the potential to break family and communal relational bonds that are of value to Dalit women and men. A case in point is their selective engagement in an overt politics to challenge gendered-caste oppression. Not every situation seems to demand a demonstrative articulation of resistance. In contrast to the liberal individual rights tendency to give voice to every personal grievance in the interests of a psychosocial catharsis, Dalit women appear to draw limits to such vocalism, recognizing a place for the *voice of silence*: a place that might well escape Eurocentric politico-cultural logic or cultural translation and yet carry ethico-political and cultural weight in its contextual boundaries.

Such a disposition may be explained away as or understood in terms of continued evidence of gendered-caste objectification or silenced subaltern-woman; hegemonized consciousness; or perhaps a fear of freedom; or what

Foucault (Lazreg, 2002) might suggest begs for a lesson in learning the practices of liberty postliberation. However, human rights praxis acknowledges that: (a) much has been accomplished (in terms of gendered-caste subversions) through the use of hidden transcripts and silent ostracization of male counterparts and other forms of culturally relevant protest, without the continual need to resort to an exaggerated politics of “voice/verbalism”; (b) the radical cultural politics of outsiders who take stands on cultural issues that may not necessarily affect them directly and in so doing engage in a “politics of identity in the name of ‘being’ the Other” (Spivak, 1992, p. 782) would do well occasionally to pay heed to Foucault’s observation about the “indignity of speaking for others” (Lazreg, 2002, p. 127); and (c) in terms of Spivak’s constructions, HR educators would also concur in the dangers of the “seductive winning of the assent” of the subaltern, as this predictably “results in a kind of ventriloquism that then stands in for free will”; a “museumized identity” that fails to acknowledge our (outsider) “own complicity in our production” (p. 798). Lazreg (2002) also points to the indignity of making others speak (or giving voice to) in the name of empowerment and advocacy, a tendency that assumes that Dalit women are mute and in need of being “solicited, cajoled, encouraged to speak”—a view that is problematic insofar as it “evinces a desire for power, a will to power, the power to carve out spaces for others, convene them to talk about themselves under the fiction of polyphony and multiple-authorships which are meant to aid local women to acquire voice” (p. 127). Again, I see Spivak’s notion of the subaltern as helpful here in perhaps explaining why the plight of Dalit women has not been heard.

In conclusion, as Nandy (1987) perceptively reminds us, “the search for a non-oppressive society can itself sometimes become (as with modernism, secularism, humanism, etc.) a new means of oppression and a technique of expropriating new kinds of surplus-economic, cultural and psychological” (p. 6). By the same token, he advances the instructive notion that “a utopia must be able to take criticisms from other utopias as if the criticisms were partly undetermined by social, political and psychological forces” while viewing its own criticism of “other utopias as at least partly determined by such interests and drives” (p. 8). In making this point, Nandy alludes to a Gandhian example. Gandhi referred to Catherine Mayo’s blatantly prejudiced pro-imperialist treatise, “Mother India” (a response to the freedom movement), as a “drain inspector’s report,” but he also suggested that every Indian ought to read it, thereby implying that Indian culture should have the self-confidence to put her criticism to internal use—after all, the Mayos are transient phenomena, whereas cultural renewal through internal criticism is a more serious, long-term affair.

#### References

- Barndt, D. (1998). The world in a tomato: Revisiting the use of “codes” in Freire’s problem-posing education. *Convergence*, 31(1, 2), 62-74.
- Cohn, B. (1987). *An anthropologist among the historians and other essays*. New Delhi: Oxford University Press.
- Deshpande, S. (2003). *Contemporary India: A sociological view*. New Delhi: Penguin.
- Dreze, J., & Gazdar, H. (1996). Uttar Pradesh: The burden of inertia. In J. Dreze & A. Sen (Eds.), *Indian development* (pp. 80-95). New Delhi: Oxford University Press.

- Dube, L. (1996). Caste and women. In M.N. Srinivas (Ed.), *Caste: Its twentieth century avatar*. New Delhi: Penguin.
- Freire, P. (1970). *Pedagogy of the oppressed*. New York: Seabury.
- Freire, P. (1994). *Pedagogy of hope: Reliving pedagogy of the oppressed*. New York: Continuum.
- Govinda, R. (Ed.). (2002). *India education report: A profile of basic education*. New Delhi: Oxford University Press.
- Gupta, D. (2000). *Interrogating caste: Understanding hierarchy and difference in Indian society*. New Delhi: Penguin.
- Kapoor, D. (in press). Gendered-caste violations and the cultural politics of voice in rural Orissa, India. *Gender, Place and Culture*, 14(5).
- Kapoor, D., & Prasant, K. (2002). Popular education and improved material and cultural prospects for Kondh Adivasis in India. *Adult Education and Development*, 58(1), 223-232.
- Lazreg, M. (2002). Development: Feminist theory's cul-de-sac. In K. Saunders (Ed.), *Feminist post-development thought: Rethinking modernity, post-colonialism and representation* (pp. 123-145). London: Zed Books.
- Nandy, A. (1987). *Traditions, tyranny and utopias: Essays in the politics of awareness*. New Delhi: Oxford University Press.
- Panini, M. (1996). The political economy of caste. In M.N. Srinivas (Ed.), *Caste: Its twentieth century avatar* (pp. 28-67). New Delhi: Penguin.
- Parikh, K., & Radhakrishna, R. (Eds.). (2005). *India development report: 2004-05*. New Delhi: Oxford University Press.
- Sainath, P. (1996). *Everybody loves a good drought: Stories from India's poorest districts*. New Delhi: Penguin.
- Spivak, G. (1992). Acting bits/Identity talk. *Critical Inquiry*, 18(4), 770-803.
- Srinivas, M. (Ed.). (1996). *Caste: Its twentieth century avatar*. New Delhi: Penguin.