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VOICES UNHEARD: THE REALITY OF DOMESTIC VIOLENCE AMONG DALIT WOMEN

Debopriyo Shome¹ & Subhagata Chowdhury²

"It is not the bruises on the body that hurt. It is the wounds of the heart and the scars on the mind."

– Aisha Mirza

I. ABSTRACT

For centuries, Dalit women in India have endured a culture of silence. They have silently witnessed their own exploitation, oppression, and brutality. Their bodies, earnings, and lives are not under their control. The manifestations of violence, exploitation, and oppression against them are evident in various forms such as hunger, malnutrition, disease, physical and mental torture, rape, illiteracy, poor health, unemployment, insecurity, and inhumane treatment. The combined forces of Feudalism, Casteism, and patriarchy have turned their lives into a living hell. Most of them live in extremely precarious conditions. Despite the advancements of modernism and post-modernism, they continue to exist in a dark age of savagery. This paper focuses on the crucial issue of safeguarding Dalit women from domestic violence in India. It delves into the complex challenges they face, including deeply rooted caste and gender discrimination, which make them more vulnerable to domestic abuse.

II. KEYWORDS:

Dalit women, domestic violence, caste discrimination, gender inequality, legal frameworks, implementation challenges.

III. INTRODUCTION

Dalits, also known as "Scheduled Castes", in India, are a marginalised and historically persecuted population that is deemed untouchable and has been denied the fundamental right to life. Dalits are not classified into one of the four castes in Ancient Indian systems: Brahmin, Vaishya, Kshatriya, or Sudhras. However, sociologically

¹ Student, Sister Nivedita University.

² Student, Sister Nivedita University.

speaking, Dalits can be defined as a social group who have a unique structural location in the Hindu social order as the fifth varna, who suffer cumulative and collective social exclusion because of their structural location, and they have an unalterable social identity and status even after achieving economic, spatial, and educational stability and construction of consciousness anchored in the historic cumulative and collective social exclusion.

Dalits differ from tribes in terms of structural location and awareness creation. Dalit women are distinguished from general caste women in terms of the duties and statuses allocated to them in Indian culture. Dalit women face increased burdens and discrimination due to caste, class, and gender. Dalits are classified as lower-class individuals, hence upper-class and Dalit males further disadvantaged Dalit women. Dalit women experience chronic gender and caste discrimination and violence because of severely uneven social, economic, and political power relations. Their socio-economic weakness and lack of political power, including dominating risk factors of being Dalit and female, intensify their vulnerability to potentially violent circumstances while decreasing their capacity for escape. The US Office on Violence against Women (OVW) defines domestic violence as a *“pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another intimate partner”*.³ The definition further emphasizes that domestic violence is not limited to any specific race, age, sexual orientation, religion, or gender, and it can manifest in various ways such as physical abuse, sexual abuse, emotional abuse, economic abuse, and psychological abuse.

Dalit women's violence in India is a deeply entrenched and pervasive issue perpetuated by historical caste-based discrimination and prejudices. Dalit women face a multitude of violence stemming from the intersection of their caste and gender identities. Physical violence, often perpetrated by dominant caste members, subjects them to beatings and aggression. Sexual violence, including rape and molestation, is

³ Domestic violence (2023) Office on Violence Against Women (OVW). Available at: [https://www.justice.gov/ovw/domestic-violence#:~:text=Domestic%20violence%20can%20be%20physical%2C%20sexual%2C%20emotional%2C%20economic%2C,influence%20another%20person%20within%20an%20intimate%20partner%20relationship.\(last%20visited%20Mar.23,2024\).](https://www.justice.gov/ovw/domestic-violence#:~:text=Domestic%20violence%20can%20be%20physical%2C%20sexual%2C%20emotional%2C%20economic%2C,influence%20another%20person%20within%20an%20intimate%20partner%20relationship.(last%20visited%20Mar.23,2024).)

a tool for dominance and humiliation. Economic exploitation denies them fair wages and job opportunities, while social discrimination leads to ostracism and exclusion. Emotional abuse, verbal humiliation, and forced marriages further exacerbate their plight. Denied access to education and healthcare, Dalit women grapple with limited opportunities for personal growth and well-being. Dalit women are often denied entry to religious places and access to sources of water and governance, which creates a catastrophic scenario for Dalit women as they suffer injustice and oppression. The deeply rooted social hierarchies and discriminatory attitudes emphasize the critical need for effective measures to foster an inclusive and egalitarian society for Dalit women, encompassing legal protections, social awareness campaigns, and empowerment initiatives. However, despite some constitutional guarantees of non-discrimination based on Caste and gender⁴, the Right to life and security of life⁵, and the Constitutional directive to specifically protect Dalits from social injustice and all forms of exploitation⁶, violence against Dalit women demonstrates widespread exploitation and discrimination against these women, who are subordinate to men in terms of power in a patriarchal society.

Domestic violence in India is a widespread and deeply entrenched problem that affects women of all ages, socio-economic backgrounds, and regions. It involves a pattern of abusive behaviour within intimate relationships, where women experience physical, emotional, psychological, sexual, or economic violence.⁷ The cultural norms, patriarchal traditions, and gender inequalities prevalent in Indian society perpetuate domestic violence. Women's subordinate status in many households often leads to mistreatment and denial of their rights. Despite legal provisions and awareness campaigns, domestic violence remains underreported and under-addressed due to social stigma and fear of repercussions. Domestic violence faced by Dalits in India manifests itself as verbal abuse of the woman, accompanied by physical assault, but also entails sexual abuse, including marital rape. Several cases of inter-caste marriages

⁴ Article 15(1)

⁵ Article 21

⁶ Article 46

⁷ Domestic violence (2023a) Office on Violence Against Women (OVW). Available at: <https://www.justice.gov/ovw/domestic-violence> (last visited Mar.25,2024).

ending in domestic violence reveal caste and gender discrimination against the Dalit wife, leading to violence.⁸ In most cases involving a Dalit spouse, the violence takes on a strong patriarchal tone. Women are tormented at home for not bringing enough dowry, not producing male offspring, being obviously disgusting, too wonderful, or reportedly adulterous, and talking back to their spouse. Alcoholism among Dalit husbands contribute significantly to domestic violence. Domestic abuse led to some women being abandoned by their spouses or forced to flee their marital homes. Most women continue to face violence because of the societal conventions and demands of married life, as well as their duty to their husbands. Domestic violence is therefore common in families.

Moreover, the Indian government has taken measures to protect the rights of Dalits and women by enacting a series of laws. These laws aim to address the discrimination and violence that these marginalized groups face in society. One significant legislation in this regard is the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act of 1989. However, the mere existence of these laws is not enough. Without effective enforcement to ensure the personal safety of Dalit women and without concerted efforts to empower the Dalit community and challenge deeply ingrained prejudices based on gender and caste, the impact of these laws remains limited. The Indian government itself recognizes the influential role played by various institutional forces, such as caste, class, community, and family structures, in perpetuating gender inequality and shaping societal attitudes. If we consider human rights as the fulfilment of human needs, then it becomes crucial to prioritize interventions that address the urgent needs of Dalit women. These interventions should focus on ensuring their personal security, promoting socio-economic advancement, and striving for equitable social justice.

⁸ Kumar, G.R. (2017) Impact of domestic violence on women's health, *The Hans India*. Available at: <https://www.thehansindia.com/posts/index/Young-Hans/2017-12-29/Impact-of-domestic-violence-on-womens-health/348808> (last visited Mar.23,2024).

IV. A CRITICAL EVALUATION OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

India is home to nearly 80 million Dalit women, making it one of the world's biggest separated populations. They account for 2% of the global population and 16.3% of the overall Indian female population. Because of Indian society's patriarchal structure, women have always been granted a subordinate status to males, regardless of social level. Women are subjected to various forms of violence throughout their lives, including feticide, infanticide, medical neglect, child marriages, bride burning, sexual abuse of girls, forced marriages, rape, prostitution, and sexual harassment at home and at work, all of which undermine their self-esteem and autonomy. While certain types of violence are overt and attract the attention of the community and the authorities, others stay concealed and unrecognised by society. The Special Rapporteur on Violence against women at the UN *has stated that Dalit women and girls face exclusion and marginalization. They frequently experience violations of civil, political, economic, social, and cultural rights, such as sexual abuse and violence. Additionally, they are commonly subjected to displacement and coerced into forced labour, prostitution, and trafficking.*⁹

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) is a civil law in India designed to provide a comprehensive support system for female victims of domestic violence. This support system includes residence orders, custody orders, protection orders, and financial assistance for the victim. The PWDVA aims to offer legal protection and remedies to victims of domestic abuse, recognizing that women may experience various forms of abuse within their domestic relationships and seeking to address these issues.¹⁰

⁹ *Special rapporteur on violence against women and girls | ohchr.* Available at: <https://www.ohchr.org/en/special-procedures/sr-violence-against-women> (last visited Mar.23,2024).

¹⁰ Ravi, M. (2016) Everything you need to know about the domestic violence act (PWDVA), 2005, Feminism in India. Available at: <https://feminismindia.com/2016/09/13/domestic-violence-act-india-pwdva/> (last visited Mar.23,2024).

V. THE MAIN FEATURES OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT OF 2005 ARE:

- The Protection of Women from Domestic Violence Act of 2005 encompasses several key features. Firstly, it has a broad scope of applicability, extending to any woman who is connected to the respondent through blood, marriage, or a relationship like marriage. This includes legally married wives as well as women in marital-like partnerships.
- Secondly, the Act introduces the concept of a "Shared Household," which refers to the place where the aggrieved person currently resides or has previously lived in a residential relationship with the respondent. This definition encompasses homes that are jointly or individually owned or rented by either party.
- Furthermore, the Act provides a comprehensive definition of domestic violence. It recognizes various forms of abuse, including physical, sexual, verbal, emotional, and financial mistreatment. Additionally, it encompasses harassment and harm that negatively impact the physical or mental well-being of the victim. The Act also covers situations where harm is inflicted to coerce the aggrieved person or her relatives into meeting unlawful dowry demands.
- To encourage reporting of domestic violence incidents, the Act allows third parties who have reason to believe that an act of domestic violence is occurring or likely to occur to inform the concerned Security Officer. This provision enables family members, friends, neighbours, and others to report instances of domestic violence.
- Lastly, the Act mandates the appointment of Protection Officers by the State Government. These officers play a crucial role in assisting the Magistrate by preparing domestic incident reports, providing legal aid, arranging safe shelter homes, facilitating medical examinations for injuries, and forwarding medical reports to relevant authorities.

A. Remedies Provided Under the Act:

- Protection Orders (Section 18): The Act grants authority to the Magistrate to issue protection orders that prohibit the respondent from engaging in

acts of domestic violence, communicating with the victim, disposing of assets, or entering specific areas. Breaching these orders is considered a punishable offense.

- **Residence Orders (Section 19):** The Magistrate has the power to issue residence orders to prevent the respondent from evicting the aggrieved person from their shared household. It also includes provisions for providing alternative accommodation if necessary.
- **Monetary Relief (Section 20):** The Act empowers the Magistrate to direct the respondent to provide financial assistance to cover expenses and losses incurred because of domestic violence, including medical expenses and loss of income.
- **Custody Orders (Section 21):** The Magistrate may grant temporary custody of the child to the victim and may restrict visitation if it is determined to be detrimental to the child's well-being.
- **Compensation Orders (Section 22):** The Magistrate has the authority to order the respondent to pay compensation and damages for the physical injuries, mental anguish, and emotional distress caused by domestic violence.
- **Counselling (Section 14):** Parties involved can be directed to undergo counselling with a qualified service provider to address the underlying issues and facilitate reconciliation.
- **Emergency Relief (Section 10):** Protection Officers can seek assistance from the police to ensure immediate protection and document the incident.

B. Drawbacks of the Act:

- The lack of clarity in the definitions of "aggrieved person" and "shared household" within the Act has resulted in varying interpretations that may not encompass all possible scenarios, highlighting the need for more precise and transparent language.

- The Act's gender-specific provisions have the potential to exclude men as victims of domestic violence, indicating a necessity for a more gender-neutral approach to ensure equal protection for all individuals.
- Similar to other legislations, there exists a risk of misuse within the Act, with false complaints possibly being lodged and impacting innocent parties. Therefore, it is imperative to establish safeguards against frivolous complaints.
- In certain areas, the appointment and training of Protection Officers require enhancement to effectively enforce the Act, underscoring the importance of adequate funding and training initiatives.
- Achieving a balance between the rights of victims and the accused, while also preventing misuse, poses a significant challenge that demands thorough and thoughtful deliberation.

C. Significance

The Protection of Women from Domestic Violence Act of 2005 constitutes a pivotal legal instrument to safeguard women from various forms of domestic violence. It encompasses physical, sexual, emotional, verbal, and economic abuse, offering an array of remedies such as protection orders, residence orders, monetary relief, custody orders, and compensation orders. However, the specific impact of this legislation on married Dalit women remains relatively unexplored, given the scarcity of dedicated research on this marginalized demographic. Studies suggest Dalit women frequently confront a convergence of caste, class, and gender-based discrimination, often hindering their access to justice and legal aid. Consequently, the efficacy of the law in addressing their unique needs and challenges may be limited. Enhancing awareness, sensitization, and training among law enforcement, the judiciary, and stakeholders, bolstering resources for Dalit women's organizations, and implementing rigorous oversight mechanisms could potentially amplify the impact of the Act.¹¹

¹¹ Michelle Hackett, *Domestic Violence against Women: Statistical Analysis of Crimes across India*, *Journal of Comparative Family Studies* 42(2):267, 285-288, (2011).

In the context of the PWDV Act's significance for married Dalit women, governmental initiatives encompass targeted provisions for legal aid and counselling, specialized deployment of protection officers and service providers, awareness campaigns, expedited court establishment, and dedicated financial allocations for efficient execution and monitoring at central and state levels. Non-Governmental Organizations (NGOs) play an important role in increasing the impact of the law on married Dalit women. NGOs such as the Lawyers Collective Women's Rights Initiative, the Centre for Social Research, and the Majlis Legal Centre contribute through legal assistance and advice. They also engage in research, documentation, and policy recommendations, addressing Dalit women's distinct challenges in accessing justice and relief under the Act. Advocacy campaigns and NGO community mobilization efforts enhance awareness about available rights and remedies within the Act's framework. Collaborative endeavours with governmental entities and stakeholders facilitate vigilant monitoring and evaluation, fostering an ongoing process of refinement and enhancement in the Act's implementation and impact on married Dalit women, thereby advancing gender justice and social equity.¹²

VI. DOMESTIC VIOLENCE AGAINST DALIT WOMEN

Domestic violence against Dalit women in India is a deeply entrenched issue that arises from the intersection of caste-based discrimination, gender inequality, and social marginalization. Dalit women, belonging to the lowest rung of the caste hierarchy, face multiple forms of violence within their own homes, perpetuated by their intimate partners or family members¹³. This paper aims to shed light on the prevalence and complexities of domestic violence against Dalit women, exploring the underlying factors, consequences, and potential solutions to address this grave human rights violation.

¹² Ghatak, D. P. (2014) Women's link VOLXVII societal status of Dalit Women in India, Academia.edu. Available at: https://www.academia.edu/6660420/Womens_Link_VolXVII_Societal_Status_of_Dalit_Women_in_India (last visited Mar.23,2024).

¹³ INTERNATIONAL DALIT SOLIDARITY NETWORK, https://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Key_Issues/Dalit_Women/Manjula_Pradeep_-_Violence_against_Dalit_Women_2014.pdf, (last visited Mar. 23, 2024).

Within the household, there is a prevalent issue of domestic abuse. Regular occurrences of domestic violence have persisted for many years throughout married life. This abuse frequently presents itself through verbal mistreatment of the woman, alongside physical attacks, and also involves sexual assault, including marital rape¹⁴.

Numerous instances of domestic violence arising from inter-caste marriages demonstrate the presence of caste and gender discrimination against Dalit wives, leading to violent situations. In cases involving Dalit husbands, the violence often takes on a deeply patriarchal nature: women are subjected to torment within their homes due to insufficient dowry, failure to bear male offspring, allegations of infidelity, or even for daring to speak up against their husbands. Alcoholism among Dalit husbands is also a significant contributing factor to this domestic violence¹⁵.

As a result of domestic violence, some women are abandoned by their husbands or compelled to leave their marital homes. However, for the majority of women, societal norms and the pressures tied to their role as wives force them to endure this violence. Additionally, since this violence often begins when they are merely children given away in marriage, their capacity to question or resist it is severely diminished¹⁶. In addition to domestic abuse, many women experience physical attacks, verbal mistreatment, sexual harassment, and sexual assaults within their own homes, perpetrated by individuals who are not part of their family¹⁷. This indicates a recurring trend of violations of their privacy rights, as the offenders invade the women's residences to carry out their attacks and mistreatment.

Caste-based discrimination is a deeply ingrained social issue in India, where the hierarchical caste system continues to shape social interactions and power dynamics. Dalits, also known as Scheduled Castes or Untouchables, have historically been subjected to social exclusion, economic exploitation, and violence. Dalit women in

¹⁴ *Ibid.*

¹⁵ *Id* at 2.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

particular, face compounded discrimination due to their gender and caste identity, making them more vulnerable to domestic violence¹⁸.

Dalit women experience domestic violence at alarming rates, encompassing various forms of abuse, including physical, sexual, emotional, and economic exploitation. The violence perpetrated against them serves as a means to assert dominance, maintain caste hierarchies, and reinforce patriarchal norms within the household. The intersectionality of caste and gender further exacerbates their vulnerability and marginalization, leading to a cycle of abuse and oppression¹⁹.

In terms of domestic violence, husbands are the most common perpetrators, followed by Dalit women's in-laws, her relatives, and her husband's relatives in descending order. The pressures applied by both the natal and marital families lead to female foeticide and infanticide, whereas child sexual abuse is most visible in child marriages. (legally defined as rape when the victim is below 16 years old, although a legal anomaly reduces this age to below 15 years in cases of a husband raping his wife)²⁰.

Incest, which is perpetrated by dads and brothers, and sexual abuse by other male relatives such as brothers-in-law and fathers-in-law are two less commonly reported kinds of childhood abuse. Husbands are the most common perpetrators of domestic violence, followed by mothers-in-law, the woman's other family, fathers-in-law, and the husband's relatives. Due to the persistent poverty in most Dalit women's natal and marital households, the daily battles for survival, caste oppression, and gender discrimination often lead to frequent violence against Dalit women within their own homes²¹. In essence, the lack of power and authority experienced by the women's husbands, marital and natal families in the broader community is often mirrored in the form of family violence, a pattern commonly observed in socially marginalized communities. This domestic violence is further reinforced by the internalized dominant caste ideology of upholding wife fidelity (*pativrata*) and the duty of

¹⁸ International, *supra* note 1, at 3.

¹⁹ *Ibid.*

²⁰ *Supra* note 3.

²¹ *Id* at 4.

chastity, which places a high value on concepts of women's "honor," "purity," and "obedience."²²

One of the key factors contributing to domestic violence against Dalit women is the deeply entrenched caste-based discrimination prevalent in Indian society. The social stigma associated with being a Dalit woman often perpetuates the normalization of violence and hinders their access to justice and support systems. Discrimination from law enforcement officials, limited awareness of their rights, and fear of retaliation from perpetrators or the community create significant barriers for Dalit women seeking legal recourse²³.

Moreover, economic dependence and limited educational opportunities further restrict Dalit women's ability to escape abusive situations²⁴. Many Dalit women face economic exploitation and lack financial resources, making it difficult for them to leave abusive relationships or seek alternative housing. The lack of access to education and employment opportunities further perpetuates their vulnerability and dependence on their perpetrators²⁵.

Efforts to address domestic violence against Dalit women require a comprehensive approach that tackles the underlying causes and provides support and protection. Raising awareness about the rights of Dalit women and challenging caste-based discrimination is crucial in dismantling the social norms that perpetuate violence. Promoting gender equality and empowering Dalit women through education, skill development, and economic opportunities are essential steps in breaking the cycle of violence and promoting their overall well-being²⁶.

Additionally, it is imperative to establish safe spaces and support services specifically tailored to meet the needs of Dalit women who experience domestic violence. This includes the establishment of helplines, shelters, counseling services, and legal aid clinics that are sensitive to the unique challenges faced by Dalit women. Strengthening

²² *Ibid.*

²³ International, *supra* note 1, at 5.

²⁴ *Id* at 3.

²⁵ *Ibid.*

²⁶ *Id* at 7.

the legal framework to ensure the effective prosecution of perpetrators and providing training to law enforcement officials on addressing caste-based violence are crucial steps in ensuring justice for Dalit women²⁷.

Furthermore, addressing domestic violence against Dalit women requires a collective effort from the government, civil society organizations, and communities. Sensitizing society to the intersectionality of caste and gender, challenging discriminatory attitudes, and promoting social inclusion are essential in creating a society that upholds the rights and dignity of all individuals, regardless of their caste or social background.²⁸

Dalit women have encountered familial violence arising from a multitude of issues, indicating the absorption of patriarchal norms from the broader caste system, particularly among Dalit men. This adoption has adverse consequences for Dalit women's personal lives and their interactions within their community. The internalized beliefs of brahmanical patriarchy, emphasizing concepts of women's "honor," "purity," and "obedience," play a significant role in generating and influencing the factors leading to family violence²⁹.

The act of female foeticide and infanticide stems from gender discrimination coupled with poverty or as a reaction to a child born out of wedlock. On the other hand, child sexual abuse is predominantly seen because of husbands claiming their perceived entitlement to sexual relations with their young brides³⁰.

Domestic violence occurs for a variety of causes. Gender inequality and female submission norms are major causes of violence against Dalit women perpetrated by natal and married family members. This topic includes charges that women have failed in their duty as spouses, claimed their rights, or were unable to have children, especially sons³¹.

²⁷ *Ibid.*

²⁸ *Id* at 8.

²⁹ *Id* at 5.

³⁰ *Supra* note 17.

³¹ *Supra* note 15.

Another major category involves economic factors contributing to domestic violence, such as poverty, insufficient dowry, and women earning more than their husbands, or belonging to families with higher economic status than their marital families. Denial of women's rightful share of their deceased husbands' property also falls into this category³².

The third key group of causative causes concerns Dalit women's civil rights and includes emotions of insecurity because of their husband's unemployment or drinking, widowhood, or poverty. Much of domestic violence is caused by a mix of circumstances, including internalized gender discrimination, poverty, dowry-related expectations, pressure to conform to wifely faithfulness and obligations, and distrust in women's capacity to manage their sexuality. All these factors contribute to husbands' perceived authority over their wives, and in some cases, alcoholism exacerbates the situation³³.

The prevailing message sent to Dalit women is that they must conform to societal expectations and remain submissive daughters or wives, suppressing their rights and desires to avoid conflict with Dalit men and other dominant family members.

VII. CHALLENGES FACED IN SAFEGUARDING DALIT WOMEN FROM DOMESTIC VIOLENCE

Despite the strict restrictions of the existing SC/ST (POA) framework, these safeguards have not been successfully implemented to protect Dalit women. Even in cases involving caste-related abuse and horrible crimes of rape, law enforcement and the judiciary have neglected to employ the SC/ST (POA) atrocity act. Often, after days of demonstrations and struggle, these instances are placed under the jurisdiction of the SC/ST (POA) preventive legislation, although the culprits frequently escape prosecution. Thus, despite the robustness of these provisions, they have not been adequately harnessed to support Dalit women³⁴.

³² *Ibid.*

³³ *Supra* note 17.

³⁴ Sarabu, Vijay. (2016). IMPACT OF DOMESTIC VIOLENCE AGAINST WOMEN; ISSUES AND CHALLENGES. 9 IJHDIS. 35, 40-41 (2016).

Similarly, National Commissions established specifically to safeguard the rights of marginalized segments within society have fallen short in fulfilling their responsibilities. Frequently influenced by political and local pressures, these commissions have become ineffectual. Even when recommendations are made, they are often ignored or left unimplemented by relevant parties. The commissions have been unable to effectively counter political pressure, serve as monitoring and guiding authorities, or challenge the misconduct of the State, police, and judiciary³⁵.

Moreover, it's essential to acknowledge that both the SC/ST commission (which lacks gender-focused comprehension) and the Women's commission (which lacks the capacity to address caste-related issues) fail to adequately address the central position of Dalit women. Often, their concerns are shuffled between commissions due to the intersectional nature of violence against them, leaving them without a dedicated space within either commission³⁶.

The roles of the police and the judiciary encompass not only punishing those responsible for violence against vulnerable communities, particularly Dalit women, but also preventing such violence altogether. However, the cases presented to the tribunal unequivocally expose the complete failure of the criminal justice system in fulfilling its designated roles. In fact, these structures have become among the most reviled conduits through which violence against Dalit women persists³⁷.

In numerous instances, the police disregard pleas from women and families seeking to prevent atrocities or prosecute criminals. Victims are often discouraged from using legal avenues for protection and justice, instead being advised to compromise or settle outside the police station. Dalit women and their families are subjected to bureaucratic delays, station transfers, and case registration hurdles, intentionally designed to protect criminals and obstruct justice³⁸.

Furthermore, First Information Reports (FIRs) are manipulated, tampered with, and inaccurately recorded, often omitting accused names or altering victim statements.

³⁵ *Id* at 42.

³⁶ *Ibid*.

³⁷ *Id* at 39.

³⁸ *Id* at 41.

The police's collusion with criminals, driven by financial gains and the influence of powerful actors, perpetuates a cycle of violence against Dalit women. In anticipation of Dalit community resistance, dominant groups often collaborate to shield criminals, and the police actively support these efforts. They not only tamper with evidence but also suppress spontaneous, peaceful protests against violence on Dalit women on behalf of State Governments³⁹.

Government health professionals, such as physicians and certifying officials, work with police and criminals to alter medical evidence. This tampering is used to obstruct justice, withhold medical treatment, and frighten Dalit women using fabricated evidence. False certificates from government health specialists are frequently used to refute allegations of assault. Even kids and deceased Dalit women who have been gang-raped and killed are exposed to degrading 'two-finger exams' (often repeatedly), resulting in declarations that victims are "habituated to sexual intercourse." These outcomes are then exploited to contest allegations of rape or assault⁴⁰.

Awareness of recent legislations such as The Prevention of Child Sexual Offenses Act, 2012 and the 2013 Criminal Law Ordinance should be promptly combined with the SC/ST (POA) Act to ensure comprehensive justice for victims of sexual violence⁴¹.

Violence against Dalit women is not confined to those from marginal or lower-class backgrounds. Even Dalit women who attain leadership roles, such as sarpanches, and attempt to effect societal change, face escalating attacks and violations⁴².

The increasing backlash violence against Dalit women human rights defenders underscores their vital and challenging roles. Often operating in unfavorable conditions and confronting multifaceted corruption and crime, these defenders are frequently targeted and assaulted for exposing violence against Dalit women⁴³.

Most political parties and State governments lack a comprehensive understanding of the issues faced by Dalit women. Incidences of daily atrocities against Dalit women

³⁹ *Id* at 41-42.

⁴⁰ *Ibid*.

⁴¹ *Id* at 45.

⁴² *Id* at 46.

⁴³ *Id* at 47.

are largely ignored, and urgent action is lacking. Many State governments collude with criminals, perpetuating violence against Dalit women⁴⁴. Mainstream media, academic institutions, and feminist discourses often overlook the extreme violence experienced by Dalit women. Consequently, State governments feel no pressure to formulate programs or schemes to prevent such violence⁴⁵. The absence of a comprehensive policy or agenda to aid Dalit women is evident, and existing provisions remain underutilized. Despite the prevailing discourse on gender and violence, Dalit women continue to suffer and resist alone, often in dire circumstances.

VIII. EMPOWERING DALIT WOMEN⁴⁶

The imperative of disseminating information regarding the SC/ST (POA) Act and the available legal services for Dalit women is evident. Similarly, the execution of existing measures to provide legal representation for Dalit women must be promptly put into effect. It is paramount to apply pressure on respective State Legal Services Authorities, especially in cases of atrocities where victims should be accompanied by legal counsel from the outset. Ensuring the appointment of legal service authorities in each block, akin to certain states, remains a vital step. Additionally, devising a mechanism to effectively communicate the post-December 2012 laws within the Dalit community is crucial.

In the realm of medical concerns, a stringent oversight mechanism for medical facilities, including practitioners from both State and Private sectors, is imperative, and their accountability should be enforced. Active participation of the Medical Council of India in this monitoring process is vital to ensure adherence to standards. Furthermore, licenses to practice should be withdrawn in cases of medical negligence, malpractice, or evidence tampering involving atrocities against Dalit women. Provision of interim medical support to victims of such incidents should also be a

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ PRIA, https://pria.org/knowledge_resource/Addressing_Violence_Against_Dalit_Women_2.pdf, (last visited Apr. 21, 2024).

priority, while collaborative medical evidence can significantly enhance case strength⁴⁷.

Preventing the use of the 'two-finger test' on sexual violence victims and avoiding labeling victims based on this test is an essential safeguard. Moving towards rehabilitation and relocation, the Ministry of Social Justice and Empowerment should craft a comprehensive rehabilitation plan for caste-based atrocity victims. Tailored provisions for rehabilitating Dalit women, distinct from general measures, are imperative due to their unique challenges. Establishing short-stay homes for temporary rehabilitation, funded by the State and run in collaboration with NGOs, should be a top priority for those enduring violence and seeking justice⁴⁸.

Empowering Dalit women in local governance requires communication with the Panchayat Raj ministry to address caste-based atrocities against its members. Sharing the responsibility for the safety and security of Dalit Panchayat members and sarpanches should be an integral part of this process⁴⁹. A balanced approach to land redistribution can help rectify the glaring disparities between dominant and Dalit communities, with provisions in the Land bill to grant land rights to Dalit women⁵⁰.

Supporting resistance, particularly for Dalit women human rights defenders (WHRDs), demands swift action by the National Human Rights Commission within the context of the Dalit community⁵¹. Finally, recognizing the underlying relationship between caste and gender in addressing Dalit women's human rights, the partnership of the SC commission, Women's Commission, and Human Rights Commission becomes important, this joint effort is necessary to formulate concrete measures and directives to counter the persistent, distressing violence faced by Dalit women and their commendable endeavors to resist it⁵².

⁴⁷ Kritika Srivastava et al, *Domestic Violence and Women Empowerment*, 3 JOURNAL LAW. M., (2015), <https://journal.lawmantra.co.in/wp-content/uploads/2020/08/DOMESTIC-VIOLENCE-AND-WOMEN-EMPOWERMENT-BY-KRITIKA-SRIVASTAVA-APARNA-SINGH-SARIKA-KUMARI.pdf>.

⁴⁸ *Ibid.*

⁴⁹ Pria, *supra* note 23, at 29.

⁵⁰ *Ibid.*

⁵¹ *Id at* 31.

⁵² Kritika, *supra* note 24.

IX. CONCLUSION

Domestic violence overall is a matter of grave importance. It cannot be overlooked no matter what. A lot of incidents come before the legal institutions of the country with a number of women complaining about domestic violence, primarily arising out of demand for dowry and from violent alcoholic behavior. Incidents of domestic violence occurring in the general sections of the society are often covered by the media and it will not be a stretch to say that many non-governmental organizations pick up on these incidents and come to their aid. However, a major chunk of this violence gets hidden beneath and never sees the face of justice. Domestic violence against Dalit women still stands to be a substantially less covered both legally and academically. The reason for such a dearth in perspective on the Dalit women is the lack of awareness amongst the Dalits and the stereotype regarding that no matter what a married woman must never leave their in-laws house. Apart from these a bunch of different factors affect and only tends to aggravate the domestic crimes against these Dalit women.

Hence apart from increasing awareness among the people urgency also lies in raising awareness about specific legal provisions and services available to a particular group. Swift action is vital in implementing existing legal measures, especially in cases of significant offenses, while also ensuring the establishment of services in various regions. Vigilant oversight within medical facilities is imperative, accompanied by measures to prevent harmful practices and extend support to the concerned group. Additionally, focus is placed on empowerment through localized governance, equitable distribution of resources, and backing advocates of human rights within this context. Collaborative efforts among different entities are essential to address persistent challenges, acknowledging the intricate interconnection of pertinent issues.

However, things will not change much if there is no change in the collective consciousness of the people regarding this social evil. Be it the general class or the dalits, all sections of society must change their outlook and do away with this immoral social evil that plagues society even now. There needs to be a change in the Indian

psyche and only then something positive will happen otherwise, everything will be good for nothing.

“Empowering Dalit women and ensuring their safety is not just a matter of justice, but a fundamental step towards a more equitable and humane society.”

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