

Intersectionality at the Heart of Oppression and Violence against Women in Law: Case Studies from India

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THIS ARTICLE SEEKS TO ANALYZE how the principle of intersectionality helps explain the ways women are marginalized by multiple and overlapping sources of subjugation in India. Generally, Indian women live in a patriarchal, traditional, caste-based, and feudal society where they receive an unequal share of everything, whether it is opportunity, resources, or decision-making power. This article examines these gender-based inequities through the lens of domestic and sexual violence from the perspective of a women’s rights lawyer and Catholic religious sister, highlighting the experiences of Dalit women in particular.

In 1989, American law professor Kimberlé Crenshaw coined the term “intersectionality” to investigate and expose how intersecting power relations influence social relations across diverse societies as well as individual experiences in everyday life.¹ As an analytic tool, intersectionality views categories of race, caste, class, gender, sexuality, nationality, ethnicity, ability, and age—among others—as interrelated and mutually shaping one another. Intersectionality is a way of understanding and explaining complexity in the world, people, and human experiences.² While well-developed in the United States, it is a relatively new concept to employ within the Indian context.

For the past two decades, India has enacted new laws and policies to empower women; yet, its actions often have tended to reinforce patriarchal norms and values and put women’s concerns in jeopardy. India still continues to witness incessant episodes of rape, sexual abuse, honor killings, and other such atrocities against women. These

¹ Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics,” *University of Chicago Legal Forum* 1, art. 8 (1989), chicagounbound.uchicago.edu/uclf/vol1989/iss1/8?utm_source=chicagounbound.uchicago.edu%2Fuclf%2Fvol1989%2Fiss1%2F8&utm_medium=PDF&utm_campaign=PDFCoverPages.

² Patricia Hill Collins and Sirma Bilge, *Intersectionality*, 2nd ed. (Cambridge, MA: Polity, 2020), 12.

incidents reveal the diverse ways in which all the dimensions of a woman's identity, including caste, class, religion, gender, age, sexual orientation, ethnicity, disability, geography, and personal history overlap and determine how a woman experiences womanhood and confronts violence. In order to appreciate the magnitude of this intersectionality, this article will examine some concrete cases, including descriptions of extreme violence.

THE PANDEMIC AND VIOLENCE AGAINST WOMEN

Women's experience of the world depends on diverse and complex contexts, as exemplified by the Covid-19 pandemic. In India and many other countries, lockdowns demonstrated that most women remain voiceless in deciding their own affairs. Studies have shown that their experiences of oppression, especially violence, increased during this period.³ We see a shadow pandemic growing, one of violence against women.⁴ This gender-based violence is best understood as a means of social control by which more powerful agents attempt to coerce less powerful ones; the crime of rape is an example of how violence is sexualized.⁵ Violence against women continues to prevent women and girls from reaching their full potential; it is this reality that prompts us, even as Covid-19 is raging on, to keep the focus on "Building Back Equal" for women and girls.⁶ I shall examine these issues from a predominantly Indian women's perspective and in light of my experience as lawyer and advocate. Case studies of sexual violence in India will include descriptions of particular crimes that may be triggering to some readers; however, to accompany my clients and advocate for their well-being, I need to witness to their realities.

³ United Nations Population Fund, *COVID-19: Reporting on Gender-Based Violence during Public Health Crises*, 2nd ed. (Geneva: United Nations Population Fund, 2020), www.unfpa.org/sites/default/files/resource-pdf/Reporting_on_GBV_During_Health_Crises_-_English_-_Final.pdf. See also United Nations Population Fund, "Secretary-General's Message on World Population Day," July 11, 2020, www.unfpa.org/press/secretary-generals-message-world-population-day-0.

⁴ Phumzile Mlambo-Ngcuka, "Violence against Women and Girls: the Shadow Pandemic," *UN Women*, April 6, 2020, www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic.

⁵ "Studies of rape and rapists have revealed that many rapists are not motivated by sexual desire or arousal, but rather by desire to exert power over another, to visit personal anger on another, or to inflict pain on another" (Christine E. Gudorf, *Body, Sex, and Pleasure: Reconstructing Christian Sexual Ethics* [Cleveland: Pilgrim, 1994], 122).

⁶ United Nations Educational, Scientific, and Cultural Organization, *Building Back Equal: Girls Back to School Guide* (Geneva: UNESCO, 2020), www.unicef.org/media/75471/file/Building-back-equal-Girls-back-to-school-guide-2020.pdf.

Data from India's National Commission for Women (NCW) show domestic violence complaints doubled during the nationwide lockdown.⁷ According to NCW data, India recorded a 2.5 times increase in domestic violence between February and May 2020.⁸ During the first four phases of the Covid-19-related lockdown, Indian women filed more domestic violence complaints than were recorded in a similar period in the last 10 years. But even this unusual spurt is only the tip of the iceberg as over 70 percent of women who experience domestic violence do not seek help or tell anyone about it.⁹ Various women's organizations, including the NGO Streevani,¹⁰ came across women unable to report the violence, as they had less privacy and means to access help. Many women had no option but to confine themselves with their abusers. With their physical safety threatened both indoors and outdoors, abused women find themselves helpless. Setting up helplines and advisories has not really addressed the problem, especially as many do not have reliable electricity or mobile phones to call a helpline, nor do they have a safe space from where they could speak. Even those who have the means to call a helpline often hesitate given the power the abusers hold over their victims and household.

During the second wave of Covid-19, in marginalized communities in rural India, many men opted to live in agricultural fields to isolate themselves and women delivered food and other provisions to them. While this worked as a distancing strategy for men, it meant the absence of safe place and time for resting and recouping for women. Women continued to cook and serve food, along with assuming other household chores. Women had to carry the food, walking long distances through isolated fields very unsafe for them; it also took up their time and added more work for them. This also subjected women to greater exposure to the virus. Often, women did not have access to testing facilities if they suspected or were exposed to Covid-19. Additionally, the male strategy of social distancing by staying in the fields ultimately fails to protect women, given that once men tested

⁷ "Domestic Violence Complaints Spike in Year of Lockdown," *NDTV*, March 27, 2021, www.ndtv.com/india-news/domestic-violence-complaints-spiked-in-year-of-lockdown-womens-panel-2400007.

⁸ The website of the National Commission for Women has links to all reports: ncw.nic.in/.

⁹ Sumant Sen and Jasmin Nihalani, "Domestic Violence Complaints Received in Past Five Months Reach a 21-year High," *The Hindu*, June 24, 2021, www.thehindu.com/data/data-domestic-violence-complaints-received-in-past-five-months-reach-a-21-year-high/article34877182.ece.

¹⁰ Streevani, "The Voice of Women," is a nongovernmental organization for the empowerment of women in Pune, India. Their website is found at www.streevani.com/.

positive, the burden of caring for the ill family member or spouse fell on women as a social and personal responsibility.

DALIT WOMEN AND AFRICAN AMERICAN WOMEN

Notably, women and Dalits¹¹ suffered disproportionately heavy losses, lasting injury, and indignity during the pandemic.¹² Sujata Surepally explains that in the middle of a pandemic, it is understandable to focus the conversation on medical and “disaster, rescue, and relief” terminology. Dalit feminists, however, recognized a more complex picture, seeing how Covid-19 was “mediated by caste and gender.”¹³

Caste is a system in which a person’s membership in the society is mediated through her/his birth in a particular group which is assigned a particular status within a broad social hierarchy of such groups; this group has a particularly accepted occupation or range of occupations and only within it can a person marry and carry on close social relations such as inter-dining (roti-beti vyavahar).¹⁴

Surepally’s analysis aligns with my own attention to an intersectional framing of this issue as a more helpful way forward. In this article, we shall delve into intersectionality from the standpoint of subaltern Indian groups such as women, children, Dalits, Adivasis, religious minorities, and others.

Lack of education, economic dependency, and harsh societal and cultural norms and taboos have limited women’s awareness of their rights. This has institutionalized patriarchy as a day-to-day experience for women. In this context, two voices that “shout in the wilderness” for liberation—the Dalit woman in India and the Black woman in America, under the triple subjugation of caste or race, gender, and class¹⁵—draw our particular attention.

¹¹ The word Dalit refers to a member of the lowest caste or untouchables in the Indian caste system. See Human Rights Watch, *Broken People: Caste Violence against India’s “Untouchables”* (New York: Human Rights Watch, 1999), www.hrw.org/reports/1999/india/.

¹² Sujatha Surepally, “Pandemic in the Time of Dalit Feminism,” *Economic and Political Weekly* 56, no. 28 (July 10, 2021), www.epw.in/journal/2021/28/alternative-standpoint/pandemic-time-dalit-feminism.html.

¹³ Surepally, “Pandemic in the Time of Dalit Feminism.”

¹⁴ Gail Omvedt, “Class, Caste, and Land in India,” in *Land, Caste, and Politics in Indian States*, ed. Gail Omvedt (Delhi: Authors Guild, 1982), 12.

¹⁵ Leema Rose, “Indian Subaltern Feminism and American Black Womanism,” *Proceedings of International Academic Conferences 0100872*, International Institute of Social and Economic Sciences, 2014.

The similarity between the caste system in India and chattel slavery in the US had been noted by none other than Jotiba Phule.¹⁶ In 1873, Phule had dedicated his book *Gulamgiri* (Slavery) to American abolitionists “in an earnest desire that my countrymen may take their example as their guide in the emancipation of their Sudra¹⁷ brethren from the trammels of Brahmin thraldom.”¹⁸

In US context, the abolition of chattel slavery did not automatically create racial justice; racism persists in systems by which people of color have lower status and less power in many different settings simultaneously. Race is not a valid biological concept; it is a social construct which gives benefits and privileges to a certain category of people and denies the same to some other category of people.

In the caste system, the status of a caste is determined not by economic privilege but the ritualistic legitimization of authority. In the class system, power and wealth alone determine one’s status. Caste is a phenomenon found in India, but class is universal, being found all over the world.

OVERLAPPING MARGINALITIES AND VIOLENCE AGAINST WOMEN

As a women’s rights lawyer, I work with an organization called *Streevani* (The Voice of Women). Intersectionality has been at the heart of our work. One of the objectives of our organization is to provide legal support and safety to women and girls victims of domestic and sexual violence, irrespective of caste, class, and creed. We recognize that these vulnerabilities can both place women at greater risk and serve to mask their discrimination from view. Using an intersectional approach allows us to understand better our clients and their lives, especially in relation to how they are perceived and treated in society and the family. The majority of our clients face significant intersecting barriers, societal pressure, and discrimination.

Violence is a pervasive reality for all women in Indian society.¹⁹ As a Catholic woman religious and a women’s rights lawyer, even I am not immune from this reality. I often face harassment from multiple angles. As a member of a religious minority community in

¹⁶ Jyotirao Govindrao Phule (11 April 1827–28 November 1890) was an Indian social activist, anti-caste social reformer and writer from Maharashtra. See Ramachandra Guha, ed., *Makers of Modern India* (Cambridge, MA: Harvard University Press, 2011).

¹⁷ *Sudra* is the fourth and lowest of the traditional social classes of India, usually composed of artisans and laborers.

¹⁸ Suraj Yengde and Anand Teltumbde, eds., *The Radical in Ambedkar: Critical Reflections* (New York: Penguin, 2018).

¹⁹ UNFPA and International Centre for Research on Women, *Violence against Women in India: A Review of Trends, Patterns, and Responses* (Geneva: UNFPA, 2004), india.unfpa.org/en/publications/violence-against-women-india.

India, I am vulnerable.²⁰ The combination of my identity as a woman lawyer and member of a religious minority makes me a target. For example, the opposing party in one of the matrimonial cases I was handling filed a police case against me. When they realized I am a nun, I became an easy target and they falsely filed serious allegations such as intent to convert and being funded from abroad. This continued until I gathered the courage to fight back and file a criminal case of defamation against them. Quite a few members of the Women Religious Lawyers Forum have faced similar harassment because they choose to stand for the marginalized. Intimidation by threats, slander, and false litigation are some of the ways used to try to silence us. Though the experience itself is agonizing, women religious lawyers like me are fortunate to have the professional expertise and other resources and support systems to counter those attacks.

Such handholding is not available to any woman from the peripheries; furthermore, there are other barriers that obstruct her way to justice. Often women resist using legal intervention until the situation becomes intolerable forcing them to make that journey from the personal to the public. The task of mustering the support of family, friends, relatives, and others is an arduous job for a dependent woman. Experiences of different women reveal that it is extremely difficult to prove violence beyond “reasonable doubt” as required by criminal jurisprudence. The justice system, nonetheless, expects a battered woman whose confidence has been undermined by years of physical and emotional battering to stand up in court and testify against her violent husband or respond to often hostile lawyers.

In addition, survivors of sexual and domestic violence are subject to stereotypes regarding religion, caste, class, and other identities. This explains how oppression and privilege operates to support some and push others even further onto the margins in society. To illustrate this point, let us look at concrete examples of women being further marginalized in the Indian legal system owing to their experiences of intersectional oppression.

THE PRESSURE TO COMPROMISE WITH VIOLENCE

In June 2020, I received a call from Shalini (pseudonym), a married woman whose case I handled about twelve years previously. One morning in 2009, the 22-year-old mother of two minor children came

²⁰ Hindus make up 79.8 percent of India’s population and Muslims account for 14.2 percent. Christians, Sikhs, Buddhists, and Jains account for most of the remaining 6 percent. For more analysis, see Stephanie Kramer, “Key Findings about the Religious Composition of India,” *Pew Research Center*, September 21, 2021, www.pewresearch.org/fact-tank/2021/09/21/key-findings-about-the-religious-composition-of-india/.

to my office with a deep wound on her head and injuries on her body. She had been abused brutally by her husband who had thrown her out of the matrimonial home one night. She hid in a sugarcane field until morning and managed to reach her parental home. After receiving urgent medical care, she was brought to my office. We assisted her in filing a criminal complaint against her husband and a case for maintenance/alimony and child support. The court granted maintenance, but the husband refused to pay. He appealed the decision. His appeal was dismissed but again he ignored the order. Therefore, the court issued an arrest warrant and he was imprisoned for a month.

In spite of his imprisonment, he was adamant that he would not pay the alimony and maintenance fees and approached the village elders expressing his desire to reconcile and live with his wife and children. Immense pressure was put on Shalini by the village community and family until she agreed to the deal. Twelve years later, after more years of abuse and harassment, Shalini was thrown out of the house again. This time, the husband found himself another woman! Thus in 2020, once again Shalini found herself seeking legal recourse for protection and economic support. Notably, Shalini's social location in a more empowered community (politically and socially) did not protect her from sexual and domestic violence.

Intersectionality can help us understand more fully the complex discriminations and barriers women like Shalini face. In addition to being a victim of domestic violence, Shalini is also illiterate, economically dependent, and a mother of two minor children. Her life narrates many oppressive experiences and challenges through which poor women in India have to live. She faced various hurdles in reporting to the police. She is mostly homebound with no knowledge of how the justice system functions. Shalini was terrified to file a complaint against her husband because of her economic dependence on him. Her identity and experience as a woman are bound by religious, social, cultural, caste, community, and family norms, and pressures difficult to circumvent. Violence was used as a weapon to control her. The problem is not only with legal rules and principles; it is much broader. Shalini's life is a typical example of how cultural constructions and social practices are used to pressure a woman to compromise at her own risk. My experience with some of the victims of violence indicates that when a woman tries to raise her voice against injustice, her voice is often muffled and throttled by none other than members of her own family because for them family honor and reputation is important, so they force her to compromise and suffer violence.

Those of us privileged to work with survivors need to be aware of the enormous constraints they face and avoid victim-blaming in our

theoretical and theological responses.²¹ I recall one case that disappointed me to the core. It was a case of domestic violence filed against the husband and in-laws. The matter was proceeding rather quickly and on the day of the final arguments, I was all prepared, entered the courtroom when my client came in haste, looking very troubled and confused. She informed me that her family had decided to settle the issue amicably and not proceed with the case. We had already secured an excellent interim order of right to residence in favor of the wife and minor daughter. The order was executed with the help of the police, evicting the husband and in-laws from the matrimonial home and right to residence was given to her. I just left the court room dejected, leaving her to do whatever pleased her family.

Unlike this client and in spite of all odds, Shalini was prepared to persevere in her struggle. She dared to resist the violence through legal remedy, demonstrating the depths of strength in women's agency despite all the social, cultural, economic, and patriarchal forces trying to eliminate it.

SEXUAL ABUSE AGAINST WOMEN IN INDIAN SOCIETY AND THE COMPLEXITIES OF THE LEGAL SYSTEM

Consider the 1992 case of Bhanwari Devi,²² who lived in a rural village in the state of Rajasthan. She was a *Kumhar*—a potter caste. She was working for the Women's Development Programme (WDP) set up by the Government of India. She joined this program as a community worker to work against the prevailing practice of child marriage. She reported to the authorities the child marriage of a one-year-old daughter of an affluent *Gujar*²³ family. Although both

²¹ Clement Campos, CSsR., correctly notes the problem of discrimination and violence especially against Dalit women in India and discusses liberationist interventions: "This protest involves, on the part of the victims, a rejection of the worldview of the oppressor and of the oppressor's value system, as well as noncompliance with their own victimization. A final step is empowering the victims to become moral agents of their own destinies. This is one example of an ethics of liberation." However, lawyers working with clients victim of both generational trauma and decades of abuse find it is not always easy for them to practice "noncompliance with their own victimization." See Campos, "Doing Christian Ethics in India's World of Cultural Complexity and Social Inequality," in James Keenan, ed., *Catholic Theological Ethics in the World Church* (New York: Continuum, 2007), 86.

²² *Vishaka & Others vs. State of Rajasthan & Others* (AIR 1997 Supreme Court 3011), www.iiap.res.in/files/VisakaVsRajasthan_1997.pdf.

²³ *Gujar* is an ethnic agricultural and pastoral community of India, www.hindustantimes.com/india/who-are-the-gujjars/story-cHGOp2jkDxjWspEpXZuBAM.html.

Kumhar and *Gujar* are backward²⁴ classes, there is a gradation between the two groups that allows *Gujars* to gain dominance over *Kumhars*. The opposition against Banwari Devi escalated and, in retaliation, five *Gujar* men gang-raped her in the presence of her husband. The police treated her with ridicule, did not take her complaint seriously, and messed up the investigation.

The court ruled that the accused were not guilty, stating *inter alia* that Bhanwari's husband could not have passively watched his wife being gang-raped. The judge's reasoning included such shocking remarks as "the upper-caste men could not have defiled themselves by raping a lower-caste woman." It was a typical example of the influence of caste bias in the criminal justice system and the virtual inability of a lower-caste woman to obtain redress for her grievances. It is also a striking example of rape as a weapon of retaliation used to punish and silence women's rights activists. Bhanwari's continued efforts were met with such backlash, because of her identity as a lower-caste woman. The deep-rootedness of *Brahmanical* patriarchy²⁵ and the caste system is apparent from the actions of police officers and the judge's statements; it also enabled the upper-caste men to manipulate the narrative in their favor and turn the villagers against Bhanwari. It has been twenty-five years, two of the accused have died, yet Bhanwari still awaits justice and lives in an impoverished condition.

Nonetheless, all is not lost. Aggrieved by the Bhanwari Devi judgment, a nongovernmental organization called Vishaka, along with various women movements, approached the Supreme Court of India for redress; we now have a landmark judgment with clear guidelines (Vishaka guidelines) for the protection of women in the workplace, which subsequently became a law of the country in 2013.

Sexual Violence: A Threat to Justice and Justice Systems

So, clearly, the journey to justice for women in India is riddled with challenges at every stage of the framework for access to justice. Examples of this other than those discussed previously abound. These include the Mathura²⁶ rape case of 1972 where the Supreme Court acquitted two drunken policemen of raping a 16-year old tribal girl

²⁴ Other Backward Classes (OBC) include citizens other than the Scheduled Castes and Scheduled Tribes as may be specified in the lists prepared by the Government of India, also known as socially and educationally backward classes (SEBC), www.india.gov.in/topics/social-development/other-backward-classes.

²⁵ *Brahmanical* patriarchy refers to the system under which the caste and gender hierarchy come together to uphold the social order in which the upper caste men exert control over women especially from marginalized castes. See Sonja Thomas, "The Women's Wall in Kerala, India, and Brahmanical Patriarchy," *Feminist Studies* 45, no. 1 (2019): 253–261, doi.org/10.15767/feministstudies.45.1.0253.

²⁶ *Tukaram and Anr Vs. State of Maharashtra* (1979 AIR 185), indiankanoon.org/doc/1092711/.

named Mathura in a police station; the Kathua case where an 8-year old girl was raped and murdered in Jammu Kashmir in 2018;²⁷ the Hathras case of Uttar Pradesh, in which a 19-year old woman from Hathras District was gang-raped and subjected to brutal physical assault by 4 upper-caste Thakur men in September 2020.²⁸ The latest is the assault case of a 32-year old woman, a pavement dweller in Mumbai, brutally raped and penetrated with an iron rod; she died after battling for her life for over 24 hours. Some of her organs, including intestines, were spilling out when she was brought to the hospital.²⁹

These cases confirm that we have failed to address sexual violence as the multi-dimensional issue it is. Furthermore, hierarchies of caste, class, and gender intersect to form a cocktail of horrors for women of rural India.³⁰ The state has often not understood these nuances necessary to obtain true justice for the victims of gender-based violence.

The violence against the minor girl in Kathua is not an isolated incident, but one among several that provide evidence to the increasing incidence of rape and brutality against women and girls as sites for the assertion of increasingly masculinized caste- and religion-based patriarchies.³¹ It brings to light the manner in which sexual violence against women and children is used as tool to further subjugate marginalized communities and how the endorsement of exclusionary politics and laws further compounds these challenges and offers impunity to dominant groups.

In the case of Mathura, an *Adivasi*³² woman, the policemen who raped her while she was in custody were let off because from the medical examination it was concluded that the victim was “habituated to sex” and had not resisted strongly. The uproar over the judgment brought an amendment where a woman’s sexual history was not to be used by defense lawyers. In 2021, horrendously, the famous Tarun

²⁷ The details of the case can be found here: en.wikipedia.org/wiki/Kathua_rape_case. timesofindia.indiatimes.com/india/kathua-rape-murder-case-parents-of-victim-anguished-as-two-convicts-walk-out-on-bail/articleshow/88507009.cms.

²⁸ The details of the case can be found here: thewire.in/women/hathras-gang-rape-and-murder-case-a-timeline.

²⁹ Narayan Namboodiri, “Mumbai Woman, Raped and Brutalized in Saki Naka, Dies in Hospital,” *Times of India*, September 12, 2021, timesofindia.indiatimes.com/city/mumbai/32-year-old-rape-victim-dies-at-mumbai-hospital/articleshow/86113331.cms.

³⁰ Ritesh Pandey, “Sexual Violence in Rural India Draws on Hierarchies of Land, Caste, Patriarchy,” *Indian Express*, January 4, 2021, indianexpress.com/article/opinion/columns/gender-violence-rural-india-patriarchy-women-safety-hathras-case-7131475/.

³¹ A point made by Mahila Kisan Adhikar Manch (MAKAAM, Forum for Rights of Women Farmers) condemning the rape and murder of the minor girl: twitter.com/mahilakisan?lang=en.

³² The official name of “Original Inhabitants” in India is Scheduled Tribes.

Tejpal³³ verdict referenced the survivor's behavior and personal life to undermine the real issue of sexual abuse. Details about her WhatsApp chats, her friends and relationships were brought into the case, thereby violating the law. The judge did precisely what the Supreme Court had advised against. Such actions demonstrate that the judicial system continues to be stacked against survivors of sexual violence.

Indian society cues us to see rape from a patriarchal perspective, as a raid on some imagined purity rather than an attack on a woman's bodily integrity and command over herself. If she suffers violent injuries or dies, there is outrage. If the victim has higher status than the rapist, the rage against the perpetrator is unhinged. But if the victim does not fit this understanding of the perfect victim, sexual assault is seen as less of a shame, and less of a crime.³⁴

Women are under continuous scrutiny about their chastity and purity. The stereotyping often assigns blame to women and they are judged on their clothes, behavior, attitude, and past relationships;³⁵ the due process of law then becomes a tool to further subjugate and harass victims. To win their cases, victims must have "credible" stories and evidence. Sometimes when victims tell their stories in their own words, their class status undermines their credibility before the judge. Furthermore, evidence can be difficult to gather for sexual abuse survivors. Society favors the powerful with respect and understanding, and discounts the credibility of the powerless. The general perception is that women from the lower classes and castes, sex workers, or LGBTQ+ victims lie easily, are irrational, tough, and cunning. Such stereotypes are very hard to break.

The judicial reasoning given in the judgments of rape cases often speculates about whether the survivor is looking disturbed or terrified enough. Indian society expects survivors to shudder and visibly exhibit or perform victimhood in the way society imagines they should. But the survivor's rights and access to justice should not depend on eliciting sufficient sympathy. At times, the court has even blamed a complainant's mother "for not demonstrating the right feminine instincts." It is power, control, and biases, not physical threat alone that make it hard for women to fight for their own rights. Instead

³³ *Tarun Jit Tejpal vs. State of Goa* (May, 2021). For further analysis, see Sruthisagar Yamunan, "The Tejpal Rape Case Verdict," *Scroll.in*, May 27, 2021, scroll.in/article/995880/the-tejpal-rape-case-verdict-and-the-go-a-court-quest-for-the-ideal-sexual-assault-victim.

³⁴ Amulya Gopalakrishnan, "Why We Should Stop Putting Women on Trial in Sexual Assault Cases," *Times of India*, May 29, 2021, P-14.

³⁵ Cathleen Chopra-McGowan reflects on her personal experiences of harassment in India and the US and the social conditions that perpetuate male impunity here: "One Woman's Thoughts on Unwanted Attention," *US Catholic*, January 26, 2014, uscatholic.org/articles/201401/this-is-my-body-one-womans-thoughts-on-unwanted-attention/.

of doubting the survivor/victim, as some of these verdicts illustrate, the guardians of the judicial system need to trust women by taking off their spectacles fogged with biases. When one acknowledges one's privilege, there comes a responsibility of acknowledging others' lack of privilege. It is precisely these intersections and layers of privilege and oppression that make intersectionality helpful for wiping off the layers of fog and dust on the spectacles of justice.

In India, serious misuse of law is cropping up, threatening jurisprudence. For India is a male-dominated and misogynistic society; consequently it was necessary to fight for the creation of new women-centric laws to counter negative impacts such as those which have been discussed. However, the presence of hard-won laws such as Vishaka has caused detractors to charge that women are misusing such women-centric laws; that is far from the reality. Women are terrified to approach the court due to shortage of funds, knowledge, and support systems. In the 2017 high profile case of a leading film actress from Southern India abducted and sexually assaulted in a moving vehicle by a criminal gang paid by Dileep, another actor,³⁶ the survivor has been battling for justice for the past 5 years without much success. Many attempts were made to malign and silence the survivor in spite of a huge number of people expressing solidarity with her. Such highly publicized cases easily point to how the misuse of law occurs when people in power and authority, having enormous wealth and connections, use the law to their own advantage. This is not a case of women misusing the law. *Systemic misogyny, caste and class biases, religious and political interests together protect and reinforce the impunity of power-holders. The infamous cases of Dileep and Bishop Franco Mulakkal show that neither political party nor religious hierarchy dares to challenge the citadels of caste, class, and patriarchy.*³⁷

In spite of the fact that India has a number of laws to mitigate rape, incidents of rape have been on the rise; clearly, without an enabling environment, as we have seen in the above cases, women are unable to use the justice system successfully.

In the cases discussed so far, the perpetrators belonged to a higher class and thus were in a position of authority and social power

³⁶ "Plot Twists, Dileep, and Many Unanswered Questions: A Timeline of the Kerala Actress Assault Case," *Economic Times*, January 14, 2022, economictimes.indiatimes.com/magazines/panache/plot-twists-dileep-and-many-unanswered-questions-a-timeline-of-the-kerala-actress-assault-case/articleshow/88894546.cms?from=mdr.

³⁷ Bishop Franco Mulakkal was acquitted of the sexual assault of a nun. A timeline can be found in Chinmaya Sripaada, "Bishop Franco Mulakkal," *India Today*, January 14, 2022, www.indiatoday.in/opinion-columns/story/bishop-franco-mulakkal-actor-dileep-no-country-for-women-1900230-2022-01-14.

compared to the victims/survivors. The Nirbhaya case³⁸ highlights a very peculiar case of intersectionality. In terms of class, the victim belonged to the middle class but the perpetrators came from poor backgrounds. The meaning of class and its impact on the case did not go away, but an intersectional analysis would be different than what we would see in a case where the perpetrators were protected by the power of being upper class. Intersectional analysis matters, but must be specific to the case at hand.

HONOR: WHOSE HONOR?

In conventionally patriarchal societies, women are the epitome of honor. The honor of a caste, community, and family is inextricably linked to the honor of their female members' purity, morality, and chastity. Oftentimes sexual violence operates at the intersection of land ownership, caste, and patriarchy. Therefore, sexual violence becomes a tool to maintain the status quo of land ownership, caste, and family honor. Moreover, the violence against women from lower castes is rarely about the individual woman, but about robbing the honor of a community or family.

Honor is not gender neutral. This contentious concept has to be examined in light of the control over women's sexuality and their lack of access to property and resources.³⁹ Honor killings are not isolated incidents arising suddenly and unexpectedly, but often the ultimate act of violence on the trajectory of gender-based discrimination and violence.⁴⁰

Women from marginalized communities have been targeted by the dominant groups. Rape, murder, and targeted violence against women during caste and communal conflicts in the country provide ample evidence for such atrocities. Women suffered maximum violence on their mind and bodies during the infamous Gujarat and Kandhamal communal riots.⁴¹ The intersectionality and location of women in this complex environment becomes very important to comprehend women's condition.

Land is the currency that reigns supreme in the hinterlands. Land is class, power, and honor. Its exclusive ownership is also the basis for maintaining the caste order. The dominant castes have traditionally been the largest landowners and have disproportionately acquired it.

³⁸ Details of the 2012 gang rape and murder can be found here: en.wikipedia.org/wiki/2012_Delhi_gang_rape_and_murder.

³⁹ Manisha Gupte, "Codes of Daily Conduct: Patriarchal and Caste Honour in Rural Maharashtra (India)," in Manisha Gupte, ed., *Honour and Women's Rights: South Asian Perspectives* (Pune: MASUM Publications IDRC, 2012), 35–82.

⁴⁰ Saba Gul Khattak, "Crimes against Women in the Name of Honour in South Asia," in Gupte, *Honour and Women's Rights*, xxi.

⁴¹ Navsharan Singh, "Of Crimes of Honour and Impunity," in Gupte, *Honour and Women's Rights*, 143–154.

The brutal murder of the four members of a Dalit family in a village called Khairlanji in Maharashtra in 2006 took place over a land dispute with upper castes in the village.⁴² This gruesome incident highlighted the social suffering of and discrimination against Dalits. Many such incidents are reported from across rural India.

Misogyny is enabled, emboldened, and entrenched via patriarchal privilege, which cuts across caste, class, ethnicity, religion, race, and creed. That privilege remains secure and uncontested only for as long as it can control female sexuality—violently, if necessary, but usually via social, moral, legal, or customary proscriptions. Should it spin out of patriarchal control, the entire edifice is at risk.⁴³

Unsurprisingly, therefore, sexual crimes in India occur mostly against women of the lower castes and classes. Also, individuals having sexual alignments different from the conventional understanding have their own narratives of struggle.

Drawing from the principle of intersectionality, we can conclude that violence and discrimination against women occurs across different contexts. Therefore, violence must in all circumstances be understood as overlapping and layered. Additionally, women in India suffer from marginalization on fronts supplemental to being a woman.⁴⁴ Whatever may be the basis of social stratification in society, women are always the worst sufferers of unequal systems and practices.

INTERSECTIONAL JURISPRUDENCE

The burden of unpaid domestic and care work falls disproportionately on women, and the work they do is considered only a social obligation. In January 2021, the Supreme Court of India ruled that the value of a woman's work at home was no less than that of her office-going husband; India's Apex court has thus developed a path-breaking and progressive "wages for housework" jurisprudence.⁴⁵ Prabha Kotiswaran, a professor

⁴² Details about the massacre can be found here: [en.wikipedia.org/wiki/Khairlanji_massacre#:~:text=The%20Kherlanji%20massacre%20\(or%20Khairlanji,of%20the%20state%20of%20Maharashtra](https://en.wikipedia.org/wiki/Khairlanji_massacre#:~:text=The%20Kherlanji%20massacre%20(or%20Khairlanji,of%20the%20state%20of%20Maharashtra).

⁴³ Ritu Menon, "From Akbar to Ayyappa," *The Indian Express*, October 23, 2018, indianexpress.com/article/opinion/columns/metoo-movement-mj-akbar-sabarimala-temple-5413409/.

⁴⁴ Aryan Gauri Singh, "Third World Women and the Idea of Intersectionality: An Indian Perspective," *LatestLaws.com*, August 17, 2020, www.latestlaws.com/articles/third-world-women-and-the-idea-of-intersectionality-an-indian-perspective.

⁴⁵ Prabha Kotiswaran, "Opening the Black Box of Marriage," *Hindustan Times*, January 12, 2021, [hindustantimes.com/opinion/opening-the-black-box-of-marriage-101610461697323.html](https://www.hindustantimes.com/opinion/opening-the-black-box-of-marriage-101610461697323.html).

of Law at King's College, London, notes that Indian courts have developed wages for housework jurisprudence over three decades while deciding compensation for deceased homemakers under the 1988 Motor Vehicle Act, where unpaid domestic and care work was viewed as an occupation. The compensation to the family on the death of a homemaker is therefore calculated in terms of opportunity cost, replacement cost, and contributions to the marriage.⁴⁶

In the past, the Supreme Court also took strong objection to Census authorities listing homemakers alongside beggars and prisoners and not accounting for women's unpaid subsistence work. Thus the legal understanding of intersectionality brings out broader formulations of law reform and transformative justice, which is a welcome change for women. The idea of wages-for-housework would compel the world to see the value of women's unpaid domestic and care work and help dismantle deep-rooted gender stereotypes.

A counter-argument to this view is that unpaid domestic and care work is valued by the system only after the death of a woman and receives no recognition while alive. Although our courts are renowned for their expertise and path-breaking judgments, the constitutional promise of equality before law must be visibly adhered to. Justice for women is still a long way off in our patriarchal society. Nonetheless, the above-mentioned judgments are a tiny step forward; many hope they will elevate the status of women in the family and society.

RELIGION, CASTE, AND GENDER: INTERSECTING INEQUALITIES

The most important contradictions that mark the social order in India are religion, caste, and gender. Women in every religion suffer from subjugation and it is unfortunate that none of the religions have attempted to truly empower women in holistic ways.⁴⁷ Almost all religions are male-centered and fundamentally misogynistic and the

⁴⁶ Feminist Catholic theologians have written extensively on household labor and gender justice. See, for example, Barbara Hilkert Andolsen, "A Woman's Work Is Never Done: Unpaid Household Labor as a Social Justice Issue," in *Women's Consciousness, Women's Conscience: A Reader in Feminist Ethics*, ed. Barbara Hilkert Andolsen, Christine E. Gudorf, and Mary D. Pellauer (Minneapolis: Seabury, 1985), 3–18; Sandra Sullivan Dunbar, *Human Dependency and Christian Ethics* (New York: Cambridge University Press, 2017); Christine Firer Hinze, *Radical Sufficiency: Work, Livelihood, and a US Economic Ethics* (Washington, DC: Georgetown University Press, 2021).

⁴⁷ Pope Francis has begun to recognize this harmful tradition of gender suppression, as in *Amoris Laetitia* he writes: "Even though significant advances have been made in the recognition of women's rights and their participation in public life, in some countries much remains to be done to promote these rights. Unacceptable customs need to be eliminated. I think particularly of the shameful ill-treatment to which women are sometimes subjected, domestic violence and various forms of enslavement which, rather than a show of masculine power, are craven acts of cowardice" (*Amoris Laetitia*, no. 54).

intersection of patriarchy and hierarchy intrinsic to every religion makes suppression and control over women possible.⁴⁸ While religious teachings about gender roles, marriage, and property rights are not monolithic and can change over time,⁴⁹ religious leaders and institutions in India have used their influence to shape policies that validate women's subordination to men.⁵⁰

In India, the personal laws of different religions pose great challenges to the rights of women. Women have been captives of the personal laws of specific religious groups. Family and property laws are the major components of personal laws in the country. Adequate reform and effective implementation of these laws are needed to support equal rights for women in ownership of property and rights against exploitation by spouses during domestic violence and divorce proceedings. Patriarchy is evidenced not only in domestic violence but also through personal property laws; these can be called sinful structures.⁵¹

Various personal laws have been amended to bring equality in terms of inheritance and succession for women as a result of persistent advocacy and lobbying by women's groups. But the strict implementation of those laws is lagging. When it comes to widows, especially childless widows, it is a herculean task to get their rights in the family property of their late husbands recognized. Many women had to seek the assistance of the courts to sort out the property issues but complete success is hardly heard of.

Caste is a phenomenon cutting across religious lines, though much of the world may want to believe it is limited to the Hindus. Islam and Christianity in India also show signs of caste if not as fiercely as in Hinduism. These religions outside of South Asia have no caste differentiations, but within India they are of a different order and

⁴⁸ A complex topic, to be sure. For further reading, see Leona M. Anderson and Pamela Dickey Young, *Women and Religious Traditions*, 3rd ed. (New York: Oxford University Press, 2015); Himani Bannerji, "Patriarchy in the Era of Neoliberalism: The Case of India," *Social Scientist* 44, nos. 3/4 (March-April 2016): 3–27; Vrushali Patil, "From Patriarchy to Intersectionality: A Transnational Feminist Assessment of How Far We've Really Come," *Signs* 38, no. 4 (Summer 2013): 847–867, doi.org/10.1086/669560; Sharada Sugirtharajah, "Hinduism and Feminism: Some Concerns," *Journal of Feminist Studies in Religion* 18, no. 2 (Fall 2002): 97–104.

⁴⁹ Sharon A. Bong, "Ecclesiology: Becoming the Queer, Postcolonial (Eco-)Feminist Body of Christ in Asia," *Concilium*, no. 5 (2019): 70–80.

⁵⁰ Sanjam Ahluwalia and Daksha Parmar, "From Gandhi to Gandhi: Contraceptive Technologies and Sexual Politics in Postcolonial India, 1947–1977," in *Reproductive States*, ed. Rickie Solinger and Mie Nakachi (New York: Oxford University Press, 2015), 120–150.

⁵¹ Shaji George Kochuthara, "Dowry as a Social Structural Sin," in *Feminist Catholic Theological Ethics: Conversations in the World Church*, ed. Linda Hogan and Agbonkhanmeghe Orobator (New York: Orbis Books, 2014), 108–122.

degree, less severe than among those who do not follow such universal religion.⁵²

Racist and religious hatred are deeply enmeshed with caste belief. By the rules of caste, all those not born into the *varnas*⁵³ are subhuman, and their mere proximity or touch is a source of spiritual pollution. This explains the ostracization of many of the country's ethnic minorities—most notably the indigenous Adivasis, ranked alongside Dalits in the *Brahminical* hierarchy. Huge numbers of Indian Muslims, Christians, Buddhists, and Sikhs are from these outcast groups, having converted to shake off the stigma they carry in Hindu eyes.⁵⁴ Even in their new faiths, which espouse human equality in the eyes of God, Dalit and Adivasi converts find that the elite, often converts from higher castes, continue to shun them.

The socio-economic and caste Census 2011 conducted midterm by the Registrar General of India identified 46,73,034 categories of caste, sub-caste, gotras in the caste and clan names in India.⁵⁵ Caste continues to define access to food, jobs, religious ceremonies, education, and choice of marriage partners. Until this is deliberated and policies are put in place to eradicate it, it will continue to hold back the entire Indian society.

Dalit women have historically faced the most severe forms of oppression at the hands of *Brahmanical* patriarchy and continue to be marginalized and discriminated against, regardless of the progress made in the fields of education, economy, and politics. They are regularly mocked by people from traditionally dominant castes. The place for the Dalit *is* at the bottom of the caste system in our society. Within the progressive women movements, Dalit women's issues have not been taken seriously and within the Dalit movement, women have been largely ignored.

For Muslim women bound by *Sharia* or Islamic law, the situation is even more conflictual in terms of women's rights. Personal law has become the site for the contestation of power as conservative religious

⁵² Gail Omvedt, "Caste System and Hinduism," *Economic and Political Weekly* (March 13, 2004): 1179–1180.

⁵³ *Varnas* refers to the Brahminic ideology of hierarchizing society into classes.

⁵⁴ Suraj Yengde, "The Harvest of Casteism: Race, Caste, and What It Will Take to Make Dalit Lives Matter," *Caravan*, July 2, 2020, caravanmagazine.in/essay/race-caste-and-what-it-will-take-to-make-dalit-lives-matter.

⁵⁵ John Dayal, "Not Casting the Net Wide Enough," *Indian Currents*, August 30, 2021, www.indiancurrents.org/story-not-casting-the-net-wide-enough-john-dayal-104.php. See also Suresh Mathew, "Making Sense of Caste Census," *Indian Currents*, August 30, 2021, www.indiancurrents.org/story-making-sense-of-caste-census-dr-suresh-mathew-103.php. See also Annapurna Singh, "Socio-economic Census 2011 Reveals 46 Lakh Castes, Sub-Castes" *Deccan Herald* (July 17, 2015), www.deccanherald.com/content/489752/socio-economic-census-2011-reveals.html. (46 lakh = 4.6 million)

leaders resist change and have shown that some Muslim communities are unwilling to reform the law to grant Muslim women greater rights. As a result, Muslim women in India and in general are subjected to gender injustice and inequalities.

What concerns Indian women in general are the ways religion is being practiced in today's context. Those women with privileges of religion, caste, class, and location may have a better life, but even that will not completely protect them from other subjugations.

RACISM AND CASTEISM: DALIT WOMEN IN INDIA AND BLACK WOMEN IN AMERICA

The racism faced by Black women in the US and caste-discrimination against Dalit women in India are comparable. Dalit women's experience of being marginalized by both the Indian women movement as well as the anti-caste movement parallels the struggles of African-American women. According to Isabel Wilkerson, despite differences, it is "as if operating from the same instruction manual translated to fit their distinctive cultures, both countries adopted similar methods of maintaining rigid lines of demarcation and protocols."⁵⁶ There are ample ways in which both groups could draw parallels in the problems they face as communities and look to each other for solidarity. "'Dalit solidarity has to be with Black solidarity and education (on the issue) is a form of protest itself. The reason Dalit and Black power can talk to each other is because there is energy (between them),' said Suraj Yengde, lawyer and social activist."⁵⁷ Dalit and Black women writers have deeply felt the pains of being marginalized in their respective geographical locations, be it with regard to the color of their skin or falling into the clutches of patriarchy or caste and class system. Their sorrows, sufferings, and worries are to some extent similar. They are subjected to unjust treatment by society and class.

Ruth Manorama, the founder of the National Federation of Dalit Women in India (NFDW) noted that, despite the inherent similarities of the socio-economic and political conditions of women in both communities, there are some critical differences. In India, Dalit women faced the heinous practice of "untouchability" and other discriminatory practices such as "manual scavenging." She identified these practices as "organized crimes" against Dalit women which, in

⁵⁶ Isabel Wilkerson, *Caste: The Origins of Our Discontents* (New York: Random House, 2020), 74.

⁵⁷ Yunus Y. Lasania, "Drawing Parallels between Dalit and African-American Rights in India and the US," *Mint*, July 8, 2017, www.livemint.com/Politics/wEkZH1prl xXFm5gypAyJPO/Drawing-parallels-between-Dalit-and-AfricanAmerican-rights.html.

principle, were similar to the structural discrimination and systemic violence Black women faced.⁵⁸ It has long been acknowledged that the caste system is powered by specific forms of subjugation of women—within and between castes—which impose insurmountable disabilities and entrench the public humiliation of women.

Black women did not suffer from ritualistic untouchability, but their existential segregation comes close to the segregation of Dalit women. Since Dalit status is tied to the religious “belief that one lives out this life in the karma of the previous ones, suffers the punishment or reaps the rewards for one’s deeds in a past life,” notes Wilkerson, it can seem “stable and unquestioned by those within it.”⁵⁹ This creates even more layers of internalized oppression. It is very difficult for Dalit women to shake off their sense of inferiority in the social environment of caste and gender prejudices. Dalit and Black women’s female-ness makes them sexually vulnerable to racist and casteist domination; their Dalit-ness and Black-ness effectively denied them any protection.⁶⁰ Dalit and Black women are victims of external as well as internal patriarchy. While cosmopolitanism has enhanced and idealized the sexuality of black women, Dalit identity has been given the cloak of invisibility. There is no admiration for Dalit identity today, any more than there was fifty years ago.

Though a few groups had some discussions on “Dalit lives matter,” India is yet to see a movement against caste similar to the US Black Lives Matter, even though both racial and caste discrimination share the notion of inferior and superior. Attempts to address this history of oppression and exclusion (“affirmative action” in the US and “reservations” in India) are strongly resisted by the “upper castes in both countries.”⁶¹ In both cases, patriarchy’s influence remains underappreciated and too often religious communities fail to stand in solidarity with the most vulnerable members of society.

Intersectional Feminism and Accountability in Feminist Spaces in India

Intersectional feminism stands for the rights and empowerment of all women, taking into consideration the differences among women, including diverse identities. Most of the literature on feminism in India has been restricted to educated, elite, upper caste, middle-class, and urban women. Their worldview does not strictly reflect the issues

⁵⁸ Priyanka Samy, “Why a 1995 Beijing Conference Was Significant for the Dalit Women’s Movement,” *The Wire*, August 11, 2020, thewire.in/caste/beijing-un-conference-dalit-women.

⁵⁹ Wilkerson, *Caste*, 76.

⁶⁰ Ingle Sandip Arun, *Social Movements and Portrayal of Caste, Race, and Gender in Dalit and Black Women’s Selected Autobiographies: A Comparative Study*, Thesis, Swami Ramanand Teerth Marathwada University, 2019, 188.

⁶¹ Wilkerson, *Caste*, 75.

faced by women from marginalized communities, who do not have access to basic necessities and face violence and oppression at every juncture of their life. Among feminists in India, the opposition is between feminists of the upper caste or *savarna* or of higher birth and Dalit-Bahujan⁶² feminists with caste identity. It is playing a major role in the shaping of these two groups. Dalit feminism has often been cast as an oppositional practice—antagonistic at once to *Savarna* feminism and *Brahmanical* patriarchy within and outside our own communities.⁶³

While the majority of the literature documenting “third world feminism” in India has been restricted to the educated class, there is a need to understand the narratives of extremely marginalized women, ranging from the *Dalit*, Adivasi, Trans, and more. The hardships and chronicle of these sections will enlighten us about the intersectional notions of third world feminism from a micro perspective.⁶⁴

Lack of inclusion in feminist spaces is a serious concern voiced out by Dalit feminists. At times, harmful actions and remarks by certain influential mainstream feminists send out wrong messages and hurt the feelings of Dalit feminists. This is contrary to the ethos of feminist values and sets the feminist movement back dramatically. Sexist, casteist, homophobic, transphobic, and Islamophobic ideas among some of the feminists point to deep-seated ways in which upper caste women act out their privilege. If women themselves have created such toxic, exclusive, privileged spaces, women need to change them. The upper caste or upper class woman may be oppressed by patriarchy because she is a woman, but she nonetheless enjoys the privileges of being upper caste. In contrast, a marginalized woman suffers from double-discrimination and oppression due to her different intersecting identities.

There are autonomous women movements with gender as the focus of their struggle. However, Dalit *Bahujan* women have not found a prominent place in these movements as they feel alienated and dominated by the upper caste discourse on experiences and claims to

⁶² *Bahujan*, meaning “the majority of the people,” refers to present day Scheduled Castes (*Dalits*), Scheduled Tribes (Adivasis/indigenous) and Shudra (peasant) castes. See Valliammal Karunakaran, “The Dalit-Bahujan Guide to Understanding Caste in Hindu Scripture,” *Medium*, July 13, 2016, medium.com/@Bahujan_Power/the-dalit-bahujan-guide-to-understanding-caste-in-hindu-scripture-417db027fce6.

⁶³ Sujatha Surepally, “Pandemic in the Time of Dalit Feminism,” *Economic and Political Weekly* 56, no. 28, July 10, 2021, www.epw.in/journal/2021/28/alternative-standpoint/pandemic-time-dalit-feminism.html.

⁶⁴ Aryan Gauri Singh, “Third World Women and the Idea of Intersectionality: An Indian Perspective,” *LatestLaws.com*, August 17, 2020, www.latestlaws.com/articles/third-world-women-and-the-idea-of-intersectionality-an-indian-perspective. See also www.emerald.com/insight/content/doi/10.1108/S0895-99352022000029008/full/html.

womanhood. This is referred to as the *Savarnaisation* of womanhood where the entire experience of womanhood came to be imagined from the *Savarna* perspective of upper-caste women.⁶⁵

Behind the outward cry for sisterhood in feminism, there is an urgent need to accept differentiation and diversity in the experiences of women. Feminism may not be as monolithic a movement as it is usually taken to be. Feminists of all stripes need to recognize the strength of social institutions such as caste, which play a formative and decisive role in the hegemony of patriarchy. In that regard, feminist literature in India identifies intersectional pressures and takes into account the overlapping identities and the complexity of prejudices. Similarly, Dalit feminists have started questioning the invisibility of caste in mainstream women movements in India, even as they have not yet developed any concrete ways to eradicate caste.

CRITIQUE OF SAVARNA FEMINISM

While feminism critiques external marginalities, a similar lens could be turned inwards to reflect on the feminist organizations and their everyday practices of privilege and how they handle power and privilege. It is necessary to scrutinize whether my privilege takes away others' voices and spaces. Lack of mentorship in these organizations affects individuals from historically marginalized communities. Meanwhile, those who come with social, cultural, and actual capital do exceedingly well in these situations.

Fear is the atmosphere in which Dalit-*Bahujan* women function. While more privileged women often do not intend to repeatedly dismiss the victimization of *Bahujan* women at multiple levels, attention to feminist politics should teach such women to always stand with the less powerful and question the perpetrators and their own privilege. Upper class and caste women both hold enormous social wealth and need to be held accountable for not creating spaces devoid of all forms of discrimination. Though it has been attempted and failed many times, a space cannot be truly feminist when it discriminates against others. It has been discussed in feminist circles in recent times that to maintain "our space" Indian feminists have been for years denying their own hegemonic notions of feminism which could be another form of patriarchy.

Even though most feminist scholars in India have experienced the inherent elements of the power mechanisms in society and socio-

⁶⁵ Aabha Joshi, "How Upper-Caste Women Continue to Dominate the Women's Movement in India," *Feminism in India*, March 11, 2021, www.feminisminindia.com/2021/03/11/criticism-women-movement-india-upper-caste-dominated/.

political life, their challenge of discrimination often ignores the struggles of marginalized sections like Adivasis and Dalits. Having been educated in the best institutions and placed in good jobs, their worldview does not reflect the issues faced by women from marginalized sections. For marginalized groups, lack of education and exposure to feminist movements have limited awareness of their rights. In the same way, trans* and other gender non-conforming persons often face discrimination from mainstream feminists.

Dalit feminists were highly discontented with the autonomous women groups dominated by *Savarna* women who seldom extended solidarity to Dalit feminist groups in specific cases of caste-based sexual violence such as those discussed previously. This is particularly true of the complete silence of women's groups in the *Khairlanji* massacre.⁶⁶ *Savarna* feminists deem these differences in political speech and action a "deep cleavage" in the feminist struggle, says Aabha Joshi.⁶⁷ For example, many Hindu temples still ban menstruating women from entering either the temple or the *sanctum sanctorum*. A case in point—the celibate lord at Sabarimala temple in the southern state of Kerala has to be protected from the distracting presence of women between ages 10 and 50, at all times. The illegal entry of two women into the Sabarimala temple in 2019 was, therefore, hailed as a significant victory for women's rights in India with hashtags like #WomenAreNotUntouchable proliferating. To create this kind of hashtag, it is necessary not to feel "untouchable" in the first place. This signifies clearly the caste dominance and privilege of *savarna* women creating this discourse by almost normalizing the untouchability faced by Dalits, including women,⁶⁸ says Asha Kotwal, the general secretary of the All India *Dalit Mahila Adhikar Manch*.⁶⁹ Dalit feminists feel that this episode has clearly revealed the fraudulence of *savarna* feminist politics, limited in its ability to truly imagine a world free of all forms of oppression. It is revealing of the short-sightedness of the *savarna*-led feminist discourse, which has often failed to recognize the entrenched nature of caste and its impact on women. For Dalit women, who bear the pain of untouchability and discrimination, this kind of linguistic violence inflicts pain and incites rage. Dalit feminists believe that unless *savarna* women dismantle the

⁶⁶ See n. 41.

⁶⁷ Joshi, "How Upper-Caste Women Continue to Dominate the Women's Movement in India."

⁶⁸ Asha Kowtal, "There's No Reason for Women to Celebrate Their Entry to Sabarimala," *The Wire*, January 24, 2019, thewire.in/women/theres-no-reason-for-women-to-celebrate-their-entry-to-sabarimala.

⁶⁹ The All India Dalit Mahila Adhikar Manch (AIDMAM) is a platform for women in from Dalit communities in India to escalate their voices for justice, www.ncdhr.org.in/all-india-dalit-mahila-adhikar-manch/.

structures they have benefitted from, there is no meaning to claims of solidarity. No feminism can be built upon the subordination and dehumanization of any communities. Revolutionary intersectional feminisms should center the voices of the most marginalized.⁷⁰ Dalit women face a triple burden of gender bias, caste discrimination, and economic deprivation. They are victims of cultures, structures, and institutions of oppression, both externally and internally. This manifests in perpetual violence against Dalit women.⁷¹ Yet both Dalit suffering and Dalit resistance unsettle us because both point to what we do not wish to acknowledge: that there are no bodies that do not suffer when hurt and that will not resist when they suffer, angrily or creatively,⁷² says V. Geetha, a feminist historian. Feminism is a practice and more significantly, feminist ethics necessitates being inclusive and practicing accountability. It also requires that the communities upon whose toil the feminist movements are built such as marginalized communities as well as trans*, intersex, non-binary and gender non-confirming people, sex workers, laborers, and more are allowed to claim their place. Setting upper class women as representatives of feminism makes it accessible only to an elite minority at the cost of most others. Therefore, intersectional feminisms should create all-inclusive spaces through which we can better understand one another, build solidarity, and strive towards a more just future for all.

CONCLUSION

The principle of intersectionality could be used as an analytical tool and a powerful mechanism for constructing alliances across marginalities and tackling the systems of power and oppression faced by women of all communities. Hierarchies and systemic inequalities are embedded and entrenched within society, religion, caste, class, movements, organizations, and other forums. However, these spaces should be devoid of structural inequities and move from theory to praxis in order to go forward productively and create a strong sense of ally-ship and solidarity. Among the subaltern across the globe, the current mood seems to be not one of mute acceptance of the caste, class, race, and tradition but one of bitterness, anger, and readiness to act when actions seem appropriate.

⁷⁰ See, for example, the work of One Future Collective and especially the #FeministFutures project, linktr.ee/onefuturecollective?fbclid=IwAR2k1uwk7-5EIWhYeciAGISMwIUzTQ8YqMu-fNhr990CPxBo_69EL-nlctU.

⁷¹ Soutik Biswas, "Hathras Case: Dalit Women Are among the Most Oppressed in the World," *BBC News*, October 6, 2020, www.bbc.com/news/world-asia-india-54418513.

⁷² V. Geetha, "Sexual Violence against Dalits at the Current Conjuncture," *The India Forum*, September 14, 2021, www.theindiaforum.in/article/sexual-violence-against-dalits-current-conjuncture.

A lot of reflection and introspection is required among women of all walks of life to change behaviors, practices, and ways of thinking and working together to change the balance of power in feminist circles. The subaltern perspective which emerges from the struggles of the marginalized cannot thrive if isolated from the experiences and ideas of other dominant groups. For instance, a transformation from “their cause” to “our cause” is possible, for subjectivities can be transformed. By this, we do not argue that non-Dalit feminists can “speak as” or “for” Dalit women but they can “reinvent themselves as Dalit feminists.”⁷³

Economic independence, equal sharing of resources, access to equal property rights are often viewed as precursors to the liberation of women. Feminists have lobbied extensively for gender-responsive budgets and land and property titles for women. Further, women’s groups have also escalated campaigns for a women’s reservation bill.⁷⁴ Financial liberation and non-dependency on men would be an important agenda of feminist politics.

The pandemic has rapidly deepened pre-existing inequalities and exposed vulnerabilities in social, political, and economic systems. Currently, the world over, a new normal has emerged, which tackles the injustices intensified by the pandemic effectively and promotes justice and equality for all. It is imperative that addressing gender-based violence, intersectional violence, sexual abuse, and other marginalities faced by women feature as essential elements of this new normal. The privileged have spoken for so long; now it is our responsibility to let the marginalized speak. I hope these discussions will further stimulate commitments to unpack strategies for holding the powers-that-be accountable in creating an equitable society. **M**

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⁷³ Sharmila Rege, “Dalit Women Talk Differently, A Critique of ‘Difference’ and Towards a Dalit Feminist Standpoint Position,” *Economic and Political Weekly*, October 31, 1998, 39–46.

⁷⁴ For information on the reservation bill, see media reporting such as: www.aljazeera.com/news/2021/9/8/25-years-india-women-reservation-bill-elected-bodies-gender.