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# **UNTOUCHABILITY: A HIDDEN APARTHEID** **ANALYZING THE OPPRESSED STATUS OF DALIT** **WOMEN THROUGH THE LENS OF ARTICLE 17.**

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## **Abstract**

Years after untouchability was formally outlawed, a mere overview of the newspapers reveal an alarming reality of today's society- the caste-based atrocities against the members of the Dalit caste continues with an undeterred magnitude, the propensity of which has seen a dramatic rise over the last few years. The Dalit women who have perpetually languished at the bottom of the caste and gender systems have, in particular, been the subject of systemic prejudice, persistent discrimination and violence as is evident through the several economic disparities faced by them in relation to accessibility to employment and financial resources, their gross under - representation and minimal participation in the political sphere and the increasing incidents of violence- both reported and unreported- against them.

This paper attempts to investigate the extent to which the current legal framework addresses the intersectionality of the caste and gender-based atrocities that have become an everyday experience for the Dalit women. By adopting a doctrinal methodology in order to critically evaluate the effectiveness of the several legislations enacted for their protection and upliftment and finding implementation gaps for the same, this paper aims to examine the role played by the judiciary in ensuring accountability of the perpetrators of these crimes. Through a thorough analysis of the various factors that have contributed to their relentless marginalisation in the economic, socio-religious and political contexts as well as the incessant hate speech experienced by them in the online space, this paper ultimately endeavors to provide suggestions directed at alleviating the status of the Dalit women from being one of the most underprivileged and exploited classes of the Indian Society to one where they can live with dignity.

Keywords- Untouchability, Dalit women, caste and gender-based atrocities, systemic prejudice

and discrimination.

## I. Introduction

*“What's wrong is our adherence to caste supremacy allowing ‘upper’ caste men to mutilate the body of Dalit women for sport<sup>1</sup>”.*

Comprising the lower most rung of India's caste system, the Dalits - commonly known as untouchables - continue to be marginalized, discriminated against and live a life marred with stigma and social segregation nearly seven decades after untouchability was legally abolished<sup>2</sup>. Often relegated to perform the most menial of jobs, forced to live in secluded quarters and having been subject to incessant public humiliation, the inhuman treatment meted out to the members of the Dalit Caste has been described as a “hidden apartheid”<sup>3</sup>, further solidifying how they have been victims of systemic prejudice for years.

The Dalit women, in particular, find themselves at the extreme back end of India's caste and gender hierarchies as they suffer from the ‘triple burden’ of severe economic deprivation, persistent gender bias and abhorrent caste based discrimination<sup>4</sup>. In light of their significantly low rank in relation to human development indicators such as longevity, occupation and literacy as compared to their male counterparts and Non-Dalit women<sup>5</sup> as well as the alarming increase in caste and gender based atrocities against them with reports suggesting an increase of 159% in rape and sexual assault cases against women belonging to the Dalit Caste between 2009-2019<sup>6</sup>, the exploitation faced by the Dalit women remains an ugly reality of Indian society- one that has been blatantly ignored and slid under the rug for far too long. Accounting for a majority of the manual scavengers, landless and bonded labourers as well as those women forced into prostitution and sold to urban brothels<sup>7</sup>, Dalit women have been disproportionately exploited against and deprived of their basic human right to live with dignity. By addressing

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<sup>1</sup>See Yashica Dutt on how most crimes committed against Dalit women are suppressed by the very people entrusted to ensure justice.

<sup>2</sup>Article 17 of the Indian Constitution.

<sup>3</sup>Human Rights Watch Report (HRW) 2007.

<sup>4</sup>Nidhi Sadana Sabharwal and Wandana Sonalkar, ‘Dalit Women in India: At the Crossroads of Gender, Class and Caste’ (2015) | Global Justice Theory Practice Rhetoric <<https://share.google/ZrIL6PsBOLYdUy3e6>> accessed on 13 August, 2025.

<sup>5</sup>Pupul Lama, ‘Sexual and Gender based violence against Dalit Women and Girls in India’ (2022) | COFEM <<https://cofemsocialchange.org/sexual-gbv-dalit-women-girls-india/>> accessed on 14 August, 2025.

<sup>6</sup>National Crime Records Bureau Report, 2019.

<sup>7</sup>Human Rights Watch interview with T. K. Chaudary, Joint Commissioner of Police, Mumbai (Bombay) Police, (Mumbai, 5 February, 1998).

the significant lacunae in the proper implementation of the several legislations and constitutional safeguards enacted for their protection, this paper aims to carefully examine the relentless persecution and discrimination faced by one of the most marginalized sections of Indian society by shedding light on the growing rampant violence both sex and caste based-directed towards Dalit women while also recommending possible steps to improve their oppressed status by focusing on ensuring them a life of integrity and respect.

## II. Constitutional and Statutory Safeguards

Multiple layers of discrimination are faced by Dalit women in India, rooted both in patriarchal norms and caste hierarchies. The Indian Constitution and the statutory framework seek to mitigate these injustices by ensuring social justice, protection against exploitation and providing guarantees for equality. This chapter examines the constitutional provisions, statutory legislations, and judicial responses relevant to Dalit women, while assessing the gaps between formal law and lived realities.<sup>8</sup>

### 1. Constitutional Provisions

A comprehensive legal foundation for the protection and empowerment of Dalit women provided by the constitution:-

- **Article 14:** Guarantees equality before law and equal protection of laws to all persons.
- **Article 15(1):** Prohibits discrimination on grounds including caste and sex.
- **Article 15(3):** Permits special provisions for women and children, forming the basis for affirmative action.
- **Article 16:** Ensures equality of opportunity in matters of public employment.
- **Article 17:** Abolishes untouchability, striking directly at caste-based exclusion.
- **Article 46:** Directs the State to promote the interests of Scheduled Castes (SCs) and Scheduled Tribes (STs).
- **Articles 243D & 243T:** Mandate reservations for SCs/STs and women in local self-governance institutions.

A vision of social justice and inclusive development is reflected together in these provisions of the Constitution which recognises the need for both universal equality and targeted protection.

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<sup>8</sup>Sharmila Rege, *Against the Madness of Manu: B R Ambedkar's Writings on Brahmanical Patriarchy* (Navayana, 2013).

## 2. Statutory Legislations

These constitutional promises operationalise several statutory frameworks such as:-

- **SC/ST (Prevention of Atrocities) Act 1989:** Provides strong penal measures against caste-based violence, with specific relevance for Dalit women who face sexual violence and public humiliation disproportionately.
- **Protection of Civil Rights Act 1955:** Criminalises the practice of untouchability and denial of access to public spaces and services.
- **Representation of the People Act 1951:** Ensures political rights by reserving seats in Parliament and State Legislatures for SCs/STs.

These legislations are critical in safeguarding legal rights, dignity, and political representation of the scheduled castes and scheduled tribes, although their enforcement has been largely inconsistent.<sup>9</sup>

## 3. Effectiveness and Limitations

Although Article 17 represents a strong normative commitment, its transformative potential remains largely underutilised as Dalit women continue to face caste-based violence, severe economic discrimination including denial of access to land and equal wages or credit and persistent social ostracization.

- **Implementation gaps** - Article 17 abolishes untouchability, but the ground reality shows widespread violations. Practices of social exclusion, discrimination in the sectors of education and employment and denial of access to common resources persist, particularly against Dalit women who face a double burden of gender and caste bias. Enforcement of the **Protection of Civil Rights Act (1955) and the SC/ST (Prevention of Atrocities) Act (1989)** is often weak due to caste prejudice within law enforcement agencies. Police reluctance to register cases, delays in investigation, and low conviction rates dilute the constitutional promise of equality.<sup>10</sup>
- **Positive Developments** - Article 17 goes beyond the symbolic abolition of untouchability because it provides the constitutional foundation for building policies that aim at dismantling structural caste barriers; hence, the effectiveness of these

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<sup>9</sup>Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989; Protection of Civil Rights Act 1955; Representation of the People Act 1951; Human Rights Watch 1999.

<sup>10</sup>Human Rights Watch, *Broken People: Caste Violence Against India's "Untouchables"* (1999).

measures is weakened by patriarchal control over women's roles in governance and proxy policies<sup>11</sup>

- Judicial Interpretation - Judicial pronouncements have played a critical role in reinforcing Article 17. In **State of Karnataka v Ingale**<sup>12</sup>, the Supreme Court upheld convictions under the PCR Act and emphasised that untouchability in any form remains unconstitutional. Courts have repeatedly recognised the need to give Article 17 a broad interpretation to ensure social justice. However, the gap between progressive judgments and their implementation at the grassroots remains a challenge.
- Intersectional Blind Spots - In a formal sense, Article 17 abolishes untouchability. However, it rarely incorporates a gendered analysis of caste-based violence. The discrimination faced by the Dalit women often manifests in ways not fully recognised by law, for instance, sexual violence which is often used as a tool for perpetuating caste discrimination. The gap between constitutional ideals and the lived reality of Dalit women is highlighted here, where neither gender laws nor caste laws alone adequately protect them.<sup>13</sup>

### III. The Oppressed Status of Dalit Women

The persistent social exclusion, discrimination and violence faced by Dalit women in various spheres of their life, particularly pertaining to the economic, socio-religious and political domains as well as the unceasing hate speech and abuse they face on various social media platforms aptly reflect how deep-rooted prejudice against this community has gravely affected the rights of Dalit women in particular. Their increasing marginalisation which has contributed to their oppressed status has been critically dissected in this chapter.

#### 1. Socio-Economic Barriers

The declining socio-economic status of Dalit women, particularly in the context of human development indicators, is a result of multiple and intersecting forms of discrimination based on caste, gender, and poverty, often referred to as "triple oppression." This marginalization significantly impacts their access to essential services and opportunities.<sup>14</sup>

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<sup>11</sup>Niranjan Sahoo, *Dalit Women in Panchayats: A Silent Revolution* (Observer Research Foundation, 2018).

<sup>12</sup>AIR 1992 SC 1589.

<sup>13</sup>Arundhati Sen, 'The Other Dimensions of Dalit Oppression: Tracing Intersectionality through Ants among Elephants' (2024) 26(1) | Journal of International Women's Studies <<https://vc.bridgew.edu/jiws/vol26/iss1/2>> accessed on 25 September, 2025.

<sup>14</sup>Supra 4.

Challenges in Human Development Indicators include —

**A) Education**

Dalit women and girls face severe educational disadvantages, which cement their social and economic exclusion:

- **Lower Literacy Rates:** Literacy rates among Dalit women are significantly lower compared to non-Dalit women, reflecting a pronounced disparity in access to and completion of formal education. As per the Census 2011, the literacy rate for Dalit women was approximately 56.5%, substantially lower than the national average for all women (64.6%) and lagging far behind non-Dalit women.<sup>15</sup>
- **High Exclusion Rates:** Dalit girls often experience the highest rates of school exclusion and dropout, driven by economic necessity (early labor), safety concerns, cultural barriers like early marriage, and discrimination within the educational system.
- **Limited Higher Education:** Access to secondary and higher education remains very low, which limits their ability to pursue better-paying, formal sector jobs. Enrolment for Dalit girls at the secondary and higher secondary levels is reported to be much lower compared to dominant caste girls.<sup>16</sup>

**B) Employment and Economic Status**

Dalit women face severe economic marginalization, characterized by occupational segregation and lack of autonomy:

- **Occupation Segregation:** Dalit women are often confined to unskilled labor, informal sectors, and low-status occupations considered "polluting," such as manual scavenging, agricultural labor, and daily wage work, which offer low pay and no benefits. A majority of female workers, including Dalit women, are concentrated in the low-paying agricultural sector (approx. 63% of female workers nationwide).<sup>17</sup>
- **Higher Disparity:** They often receive lower wages than non-Dalit workers, even for the same work, due to entrenched discrimination. This intersectional

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<sup>15</sup>Ministry of Home Affairs, Government of India, *Census of India 2011: Social and Cultural Tables* (2011) 124.

<sup>16</sup>Prasamita Mohanty, 'Educational Disparities and Exclusion of Dalit Girls in India' (2022) 28(2) *Journal of Human Development Studies* 291- 298.

<sup>17</sup>Labour Bureau, Ministry of Labour & Employment, *Annual Report on Labour Force Participation 2019–20* (2021) 75.

disadvantage means that caste-based wage inequalities are enormous, with women from scheduled groups consistently earning substantially lower than their 'upper' caste counterparts.<sup>18</sup>

- **Poverty and Debt:** High poverty rates compel many Dalit women into exploitative labor conditions, including bonded labor and trafficking, often to pay off family debt.
- **Lack of Autonomy:** Lower rates of control over finances and decision-making power within the family limit their agency in economic choices and accessing resources.

### C) **Health and Maternal Health Care**

Dalit women experience pronounced health disparities, particularly concerning maternal and reproductive health:

- **Caste-Based Discrimination in Healthcare:** Dalit women frequently face discrimination and humiliating treatment from healthcare providers (doctors, nurses, and even community health workers from dominant castes), leading to a deep mistrust of the health system and avoidance of seeking further medical treatment and healthcare.<sup>19</sup>
- **Poor Access to Services:** Utilization of essential services like antenatal care (ANC), institutional delivery, and postnatal care (PNC) is significantly lower compared to other social groups.
- **Higher Mortality and Morbidity:** They suffer from higher rates of maternal mortality and are plagued by a greater prevalence of health problems, partly due to chronic malnutrition, anemia, and lack of timely medical intervention. Infant Mortality Rates (IMR) among Dalit babies (48 per 1,000 live births) are substantially higher than those for the General Caste group (33 per 1,000 live births), according to NFHS-5 (2019-21) data. Furthermore, the average life expectancy for a Dalit woman is estimated to be several years lower than that of a woman from a higher caste.<sup>20</sup>

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<sup>18</sup>Ashwini Deshpande and T Sharma, 'Caste and Gender Wage Gap in India: An Intersectional Analysis' (2023) 57(4) Economic and Political Weekly 45, 50.

<sup>19</sup>International Dalit Solidarity Network, *India's Health Inequality Severely Affects Dalits* (2021) 14.

<sup>20</sup>International Institute for Population Sciences (IIPS), Government of India, *National Family Health Survey (NFHS-5) 2019-21: India Report* (2021) 250.

- Lack of Resources and Infrastructure: Geographical and financial constraints, combined with a lack of adequate facilities, trained staff, and necessary resources in their communities, restrict access.
- Vulnerability to Violence: High rates of violence, coupled with heavy workloads and a lack of proper support during and after childbirth, contribute to specific health issues, such as uterine prolapse.

The systemic denial of basic human rights, compounded by the interplay of caste, gender, and class, results in Dalit women scoring at the very bottom for most social and human development indicators across different regions. This cycle of disadvantage severely limits their life expectancy, health outcomes, and opportunities for social mobility.<sup>21</sup>

## **2. Minimal Participation and Gross Under- Representation in the Political Sphere**

The ultimate cornerstone of democracy is Political representation as it ensures that diverse voices and interests are included in the process of governance. However, Dalit women continue to be underrepresented in and systematically excluded from both the Parliament and State Legislatures despite constitutional guarantees of equality and political reservation. They currently constitute less than 1% of elected representatives<sup>22</sup>. In these institutions, even after being elected from reserved constituencies, Dalit women often lack meaningful participation as their voices are overshadowed by dominant caste groups or even by their dominant male counterparts.

### **A) Barriers to Participation**

- **Structural Casteism**

Structural casteism continues to be the most pervasive barrier to Dalit women's political participation. Dominant caste groups control political parties, candidate selection, campaign financing, and access to influential networks. Dalit women aspiring to enter politics often find themselves excluded from these structures, leaving them dependent on intermediaries. Even when reservations secure them formal entry, they face hostility from dominant castes who resist sharing political space. This entrenched caste hierarchy ensures that Dalit women are systematically denied leadership positions and

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<sup>21</sup>UN Women, *Progress on the Sustainable Development Goals: The Gender Snapshot* (2023) 48.

<sup>22</sup>Bidyut Mohanty, 'Women and Political Participation in India' (2000) 35(3) *Indian Journal of Political Science* 269.

decision-making authority thus preventing them from gaining access to resources, patronage, and platforms for leadership and reinforcing their political invisibility.<sup>23</sup>

- Gendered Violence

Political assertion by Dalit women is frequently met with threats, harassment, and violence—both physical and symbolic. Violence is used as a mechanism of social control to remind Dalit women of their “place” in the caste and gender hierarchy. Incidents of assault, intimidation, and social boycott highlight how gendered violence is not only about silencing individual women but also about deterring collective mobilisation. The fear of retaliation discourages Dalit women from contesting elections, attending public meetings, or raising their voices within governance structures. This reinforces the perception that politics is unsafe and inaccessible for them; thus discouraging active participation.<sup>24</sup>

- Economic Dependency

Economic marginalisation compounds these barriers. A large proportion of Dalit women belong to economically disadvantaged households, with limited access to education, property ownership, or independent income. Political participation often requires significant financial investment in campaigning, mobilising supporters, and building visibility—all of which are difficult without economic autonomy. Poverty and illiteracy also restrict access to information about rights and opportunities, thereby weakening their capacity to negotiate within political structures. Economic marginalisation further reduces the ability of Dalit women to mobilise politically as this dependency not only limits their entry into politics but also makes them vulnerable to exploitation by dominant caste men who control resources.<sup>25</sup>

- Proxy Policy

The phenomenon of proxy politics significantly undermines the autonomy of elected Dalit women. While constitutional reservations have increased their numerical presence in panchayats and local bodies, in practice many are reduced to figureheads. Male relatives—husbands, fathers, or brothers—often act as the de facto decision-makers, using women’s elected positions as an extension of their own power. This practice, rooted in patriarchal norms, strips Dalit women of independent agency and denies them

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<sup>23</sup>Gopal Guru, ‘Dalit Women Talk Differently’ (1995) 30(41/42) *Economic and Political Weekly* 2548, Anand Teltumbde, *Dalits: Past, Present and Future* (Routledge, 2016).

<sup>24</sup>National Campaign on Dalit Human Rights, *Dalit Women Speak Out* (2006).

<sup>25</sup>Anand Teltumbde, *Dalits: Past, Present and Future* (Routledge, 2016).

the experience necessary to develop leadership skills. As a result, the transformative potential of reservations is diluted, leaving Dalit women trapped in tokenistic roles without genuine influence.<sup>26</sup>

## **B) Emerging Trends**

### ● Grassroots movements

Grassroots activism has opened new avenues for Dalit women's political empowerment. These types of movements are slowly altering the political landscape from the bottom up by nurturing collective solidarity. Local governance structures allow Dalit women to directly engage with community issues, thereby building confidence and experience in political decision-making. Organisations such as the All India Dalit Mahila Adhikar Manch (AIDMAM) have initiated leadership training and capacity-building programmes that help women challenge caste and gender hierarchies.<sup>27</sup>

### ● Digital mobilisation

The rise of digital platforms has created new spaces for Dalit women to articulate their concerns and mobilise their support. Campaigns such as **#DalitWomenFight** highlights caste- and gender-based violence, while also fostering national and transnational solidarity. Activists like Thenmozhi Soundararajan have used online spaces to reclaim narratives and challenge dominant discourses, making digital mobilisation a significant tool for resistance and representation in the 21st century.

### ● Local Governance

The Panchayati Raj system has provided a more accessible entry point for Dalit women in politics, as states like Tamil Nadu and Telangana have witnessed promising participation. Although challenges of proxy representation remain, local governance structures allow Dalit women to directly engage with community issues.<sup>28</sup>

## **3. Heinous Cultural and Religious Practices: The Devadasi System**

Originating in Medieval India and persisting even today despite being outlawed by several legislations, the Devadasi System is one of the most deeply pervasive institutions which aptly

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<sup>26</sup>PRIA, *Participation of Dalit Women in Panchayati Raj in Tamil Nadu* (2010).

<sup>27</sup>Asha Kowtal, 'Dalit Women Fight Back: Building a Movement for Justice' (2014) IDS Bulletin.

<sup>28</sup>Madan Lal Bamniya and Sushil Kumar, 'The Participation of Dalit Women Representative in the Local Self-Governance: With Special Reference to Ujjain District of Madhya Pradesh' (2020) 5(9) | International Journal of Multidisciplinary <<https://doi.org/10.31305/rrijm.2020.v05.i09.003>> accessed on 25 September, 2025.

reflects the relentless persecution of the Dalit women by the upper castes. Literally translating to mean ‘female servants of God’, this tradition involves dedicating prepubescent girls to Hindu deities wherein they are forced into sexual servitude and are continually sexually exploited by the priests and upper caste patrons who are considered to occupy a “position akin to God”<sup>29</sup>.

#### **A) Practice and Prevalence in Contemporary Times**

Following a dedication ceremony wherein their sexual services are made available to the rest of the community, the Devadasis often find themselves trapped in an inescapable cycle of poverty, prostitution and sexual exploitation. Having originally begun as a mere practice of dancing and singing to serve the Lord with the young handmaidens who were dedicated to these deities been considered as “auspicious” and holding a “place above the rest”, the institution of the Devadasi system has now devolved into a covert means of carrying out sex trade and prostitution with the Devadasis having denigrated to the status of a “fallen woman”; shunned by the society at large and doomed to live a life of stigma and marginalization. Termed as one of the primary forms of commercial sexual exploitation<sup>30</sup> ensnaring young girls into the vicious web of sex trafficking and prostitution<sup>31</sup>, most of these Devadasis have largely been found to belong to the Dalit caste with several reports further revealing the prevalence of this practice among the Madika, Valmiki, Matang, Mahar and Harijan castes<sup>32</sup> - constituting a section of the Indian society living in such abject poverty that a majority of the Devadasis are compelled into this institutionalized system of sexual exploitation by their own families who believe that this practice provides them with the ‘religious sanction’ of unburdening their girls<sup>33</sup>. Having already been subject to systemic socio-economic oppression owing to them belonging to the ‘untouchable’ caste, the Dalit women who are forced into this ritualistic slavery are unable to

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<sup>29</sup>Tameshnie Deane, ‘The Devadasi System: An Exploitation of Women and Children in the name of God and Culture,’ (2022) 24(1) | Journal of International Women's Studies <<https://vc.bridgew.edu/jiws/vol24/iss1/8>> accessed on 4 September, 2025.

<sup>30</sup>International Labor Organization, *Committee of Experts on the Application of Conventions and Recommendations: Individual direct request concerning Forced Labour Convention, 1930* (2010) <[https://www.world-psi.org/sites/default/files/documents/research/en\\_ctteexperts\\_report.pdf](https://www.world-psi.org/sites/default/files/documents/research/en_ctteexperts_report.pdf)> accessed on 7 September, 2025.

<sup>31</sup>Mission India (2014) ‘The plight of women’ <<https://missionindia.org/the-plight-of-women-young-girls/>> accessed on 6 September, 2025.

<sup>32</sup>Pratibha Desai, ‘Exploitation of Scheduled Caste Women: A Devadasi Cult,’ (2007) 3(4) Journal of Global Economy 287-295.

<sup>33</sup>Deepa B, Suvarna Suni, ‘Devadasi system: Forced Prostitution by Dalit Women in the Name of Religion’(2016) 4(2) International Journal of Research in Humanities, Arts and Literature 63-70.

overcome the 'Devadasi' status conferred on them and are hence condemned to a life of routine sexual exploitation by the upper castes who use it as a means to assert their superiority and dominance<sup>34</sup>.

Despite the severe inadequacy in attaining accurate statistics<sup>35</sup>, reports suggest that the Devadasi System is largely concentrated in parts of Karnataka<sup>36</sup>, Andhra Pradesh<sup>37</sup>, Maharashtra<sup>38</sup>, Tamil Nadu<sup>39</sup> and Orissa<sup>40</sup>; with findings by the National Human Rights Commission further establishing the induction of more than 29,000 Joginis in Andhra Pradesh on an annual basis<sup>41</sup>.

### **B) Lacunae in the Legislative Framework**

The enactment of the Indian Penal Code (IPC) was one of the first steps taken to abolish the Devadasi system; several of whose provisions prohibit the selling of minors for the purpose of prostitution<sup>42</sup>, prescribes strict penalty for anyone who disposes off a minor (or who has attained the possession of any minor) with the intent that such person shall be employed or used for the purpose of prostitution or illicit intercourse or with the knowledge that such person is likely to be employed or used for any such purpose at any age<sup>43</sup> as well as criminalises the trafficking of persons for the purpose of exploitation<sup>44</sup>.

Further, several domestic laws passed in the states of Karnataka, Andhra Pradesh, Tamil Nadu and Maharashtra such as The Bombay Devadasi Protection Act (1934), The Madras Devadasi (Prevention of Dedication) Act (1947) which was later renamed as The Tamil Nadu Devadasis (Prevention of Dedication) Act before being replaced by the Karnataka Devadasis (Prohibition of Dedication) Act (1982), The Andhra Pradesh

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<sup>34</sup>Supra 29.

<sup>35</sup>National Commission for Women, New Delhi, *Exploitation of Women as Devadasis and its Associated Evils* (2016).

<sup>36</sup>Treena Orchard, 'In this Life: The Impact of Gender and Tradition on Sexuality and Relationships for Devadasi Sex Workers in Rural India,' (2007) 11(1) | Sexuality and Culture.

<sup>37</sup>Indian Institute of Dalit Studies, New Delhi, *Mapping Caste-Based Atrocities in India (with special reference to Dalit Women)* (2010-2011).

<sup>38</sup>Maria Costanza Torri, 'Abuse of Lower Castes in South India: The Institution of Devadasi' (2009) 11(2) | Journal of International Women's Studies <<http://vc.bridgew.edu/jiws/vol11/iss2/3>> accessed on 8 September, 2025.

<sup>39</sup>Supra 36.

<sup>40</sup>Supra 4.

<sup>41</sup>The Hindu (2012) 'Jogini system still prevalent in city' <<https://www.thehindu.com/news/cities/Hyderabad/jogini-system-still-prevalent-in-city/article405907>> accessed on 8 September, 2025.

<sup>42</sup>The Indian Penal Code 1860, s 372 (now replaced by the Bharatiya Nyaya Sanhita 2023, s 107).

<sup>43</sup>The Indian Penal Code 1860, s 373 (now replaced the Bharatiya Nyaya Sanhita 2023, s 99).

<sup>44</sup>The Indian Penal Code 1860, s 370 (now replaced by the Bharatiya Nyaya Sanhita 2023, s 144).

Devadasis (Prohibition of Dedication) Act (1988) and the Maharashtra Devadasi System (Abolition) Act (2005) have criminalised this practice of consecration and subsequent sexual exploitation of young girls as well as prescribed strict punishment for any person engaged in or abetting such dedications.

Apart from these State-specific legislations, India's position as a signatory to several international conventions imposes a legal obligation upon it to address and take proactive measures to end all forms of sexual exploitation, trafficking and forced marriages as well as work for the rescue, rehabilitation and counselling of these exploited individuals; particularly as given in Articles 10(1) and 10(3) of the 1966 International Covenant on Economic, Social and Cultural Rights; Articles 8(1), 23(3) and 24(1) of the 1966 International Covenant on Civil and Political Rights; Articles 6 and 16(1) of the 1979 Convention on the Elimination of All Forms of Discrimination Against Women; Articles 19, 24(3), 32(1), 34 and 36 of the 1989 Convention on the Rights of the Child; and Article 1 of the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

### C) **Governmental Response**

The continued persistence of the Devadasi System despite being prohibited by several legislations highlights both the apathetic attitude of the authorities and the blatant ignorance on the part of the government which has only helped perpetuate this deeply exploitative institution. The Supreme Court, while noting how the dedication of young Dalit girls was violative of Articles 14, 21, 23(1) and 39 (e and f), observed that the government had failed to enforce the legislations enacted for the protection of the Devadasis<sup>45</sup> and thus issued several directives to the State Governments to not only identify, rescue and rehabilitate the Devadasi women<sup>46</sup> but also provide for their counselling, medical treatment, guidance and adequate economic and legal support<sup>47</sup> for their reintegration back into the society. However, recent reports suggest little to no improvement in the status of the Devadasis as they continue to be oppressed by a system which considered by the Central Government as a matter of 'policing and public order'<sup>48</sup>- continues to be entrenched by religious sanctions, regressive customs,

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<sup>45</sup>Vishal Jeet v. Union of India, 1990 3 SCC 318.

<sup>46</sup>S.L Foundation v. Union of India, 2014 W.P.(Civil) 127/2014.

<sup>47</sup>Ministry of Home Affairs, Government of India, *Abolition of Devadasi System (2015)* <[https://mha.gov.in/sites/default/files/DevdasiSystem\\_231215\\_0.PDF](https://mha.gov.in/sites/default/files/DevdasiSystem_231215_0.PDF)> accessed on 10 September, 2025.

<sup>48</sup>Srujana Bej, 'Tackling India's Devadasi System – A Matter of Policing and Public Order?' (OxHRH Blog, 5

patriarchal mindset and the rigid caste hierarchy and is further perpetuated by the lack of commitment on the part of the government to address the issue, severe paucity of statistical data pertaining to the actual number of young women inducted into the system every year, inadequacy of uniform policies and welfare programs as well as lax implementation of the laws already put in place for their protection; thus making it a matter of national concern.

#### **4. Abuse in the Online Space**

Recent studies in India suggest that about 13% of hate posts on Facebook are linked to caste based hate speech; especially directed at Dalit women who are often subjected to hate speech and verbal abuse in the online space. The hostility faced by the Dalit women from these communities in everyday life is mirrored in online platforms, where they are subjected to abuse that targets both their caste identity and gender.<sup>49</sup>

The intersection of caste and patriarchy intensifies the online abuse directed at Dalit women, as centuries of entrenched discrimination are reproduced within digital spaces. Caste based humiliation and threats of sexual violence function as tools to reinforce caste dominance and exert control over Dalit women's bodies while patriarchal norms serve to further marginalize, silence, and delegitimize their voices. Online hostilities frequently manifest into sexual threats and slurs; thus undermining both their personal dignity and collective community standing.<sup>50</sup>

##### **A) Role of Anonymity and Amplification of online hate against Dalit women**

Anonymity online reduces accountability enabling individuals to express casteist prejudice without consequence and postering collective network aggression that marginalizes Dalit voices. Simultaneously algorithmic application on social media accelerates the spread of caste based abuse when network effects turn isolated hate speech into large scale coordinated campaigns.<sup>51</sup>

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October 2018), <<https://ohrh.law.ox.ac.uk/tackling-indias-devadasi-system-a-matter-of-policing-and-public-order>> accessed on 8 September, 2025.

<sup>49</sup>Damni Kain, Shivangi Narayan, Torsha Sarkar and Gurshabad Grover, "Online caste-hate speech: Pervasive discrimination and humiliation on social media"(2021) |Global Freedom of Expression <<https://teaching.globalfreedomofexpression.columbia.edu/resources/online-caste-hate-speech-pervasive-discrimination-and-humiliation-social-media>>accessed on 24 September, 2025.

<sup>50</sup>Beena Pallicial 'The Dalit: Born into a life of discrimination and stigma'(United Nations Human Rights, 19 April 2021), <<https://www.ohchr.org/en/stories/2021/04/dalit-born-life-discrimination-and-stigma>>accessed on 27 September, 2025.

<sup>51</sup>Supra 49.

**B) Forms and Manifestations of Online Abuse**

Dalit women are frequently subjected to derogatory caste-based slurs in online spaces, including terms such as “chamar,” “bhangi,” and “achhoot.” Such language reinforces entrenched stereotypes that portray Dalit communities as “impure,” “dirty,” or socially inferior. Additionally, their participation in public discourse is often delegitimized by framing them as mere “quota beneficiaries” or individuals lacking merit, thereby silencing their voices and undermining their contributions.

Further, the Dalit woman who challenge caste hierarchies online often face explicit threats of sexual violence or even death. In many instances, they become targets of coordinated digital mob attacks, commonly referred to as “dogpiling,” where large groups collectively harass and overwhelm them. Such abuse is frequently intensified by organized troll networks, sometimes aligned with political or ideological groups, which amplify hostility and create an environment of fear and silencing. They are frequently subjected to ridicule through the use of caste-based references in usernames, hashtags and fabricated accounts. Their intersectional identity, as both Dalit and women, is often attacked by narratives that attempt to deny them the legitimacy or the right to participate in public discourse. Furthermore, their activism is systematically delegitimized through labels such as “anti-national,” “urban Naxal,” or accusations of being “fake victims,” which only serve to undermine their credibility and silence their voices.

Dalit women’s digital participation is frequently curtailed through systematic strategies aimed at suppressing their voices. These include the mass reporting of their accounts to trigger suspensions, the shadow banning of posts that highlight caste-based violence or discrimination, and discursive practices of gaslighting, where their experiences are dismissed with remarks such as “caste no longer exists” or accusations of “playing the victim.” Such mechanisms function to delegitimize their narratives and restrict their visibility in online spaces.<sup>52</sup>

**C) Psychological and Social Impact of Online Abuse**

Fear of harassment leads to withdrawal from online platforms which limits the participation of Dalit women in public discourse. Online hate often serves as a reminder

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<sup>52</sup>Murali Shanmugavelan, ‘Caste-hate Speech: Addressing hate speech based on work and descent’ (2021)<<https://ruralindiaonline.org/en/library/resource/caste-hate-speech-addressing-hate-speech-based-on-work-and-descent/>>accessed on 27 September, 2025.

to them of their subordinate status; thus enforcing social norms of caste supremacy and maintaining systematic inequality. The victims of online hate often lack effective means to report or demand accountability.<sup>53</sup>

Dalit women face profound psychological and social consequences from online abuse where caste and gender hostility compound everyday discrimination. Such violence produces emotional distress and internal stigma and erosion of identity and agency often leading to the risk of self harm which is further worsened by limited mental health support. Socially, caste and sexual threats not only instill fear and force withdrawal from digital spaces but also enforce patriarchal hierarchies, hinder access to justice and silence participation in public life. These attacks reflect the intersection of caste, gender and class embedding historical structures of entrenched patriarchy and systemic prejudice into digital spaces.

#### **D) Legal and Policy Dimensions**

In India, cyber laws addressing hate speech and online harassment remain inadequate for caste - specific protection. The Information Technology Act, 2000 (Sections 66A, 67 and 69A) provides a framework for regulating offensive content, but these provisions are either too broad or are poorly enforced, leaving the victims of caste - based violence with limited remedies.<sup>54</sup> The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is a strong law against caste based violence but its provisions and protection have not been adequately applied or updated to address online hate speech or harassment targeting the SC/ST communities.<sup>55</sup>

Dalit women face significant obstacles in seeking justice due to the combination of various factors including social stigma, economic difficulties and fear of retaliation among others. These challenges discourage them from reporting these incidents and pursuing legal action further enhancing their marginalisation.

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<sup>53</sup>Kiruba Manuswamy, 'Intersection of Identities, 'Caste, Patriarchy, and Resistance: A Study of Select Dalit Women' (GenderIT.ORG Feminist Reflection on Internet Policies, 7 June 2018), <<https://www.genderit.org/users/kiruba-munusamy>> accessed on 28 September, 2025.

<sup>54</sup>Uppendra Baxi, *The Future of Human Rights* (3rd ed. Oxford University Press India, 2017).

<sup>55</sup>Ajay Kumar, 'Sexual Violence against Dalit Women: An Analytical Study of Intersectionality of Gender, Caste, and Class in India' (2021) 22(10) | Journal of International Women's Studies <<https://vc.bridgew.edu/jiws/vol22/iss10/11>> accessed on 28 September, 2025.

## IV. Case Examples

This chapter will analyse the extent and nature of violence the Dalit women have been subject to by examining various case examples of the rising atrocities perpetrated against them as well as underscoring the barriers impeding their access to justice as most of the crimes committed against them go largely unreported, uninvestigated or unprosecuted.

### 1. The Delta Meghwal Case (Rajasthan, 2016)

#### ● Facts

On 29th March, 2016, Delta Meghwal, a 17 year old Dalit girl's body was discovered in a college water tank. Her parents filed an FIR alleging that she had been raped and murdered, naming three people:- the hostel warden, the physical education teacher and the college principal as the prime suspects. Following the complaint, the physical education teacher was taken into custody by the Bikaner police<sup>56</sup>.

#### ● Judgement

On 8 October, 2021, the Sessions court found the physical education teacher guilty of kidnapping, raping, and abetting the suicide of the minor student. The same court held the principal and warden guilty of abetment of suicide. In addition they were convicted under Section 21 of the POCSO Act.

The physical education teacher was sentenced to life imprisonment and the principal and the warden received 6 years each. A fine of ₹ 10,000 was imposed upon them.<sup>57</sup>

#### ● Impact

Delta was the first woman in her village to pursue higher education and her brutal rape and murder had a chilling effect on the entire community with many members having stopped sending their daughters to school; further solidifying how fear of caste and gender based violence suppress educational aspirations among Dalit communities.

This case sparked a massive uproar for justice on various social media platforms with the Rajasthan Government even renaming a revenue village after the victim. However, this step by the government was criticized by her family members who claimed it to be

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<sup>56</sup>Pragya Prateek vs State S.B.CR.MISC.BAIL APPLICATION NO.3631/2016.

<sup>57</sup>Times of India, 'Delta Meghwal case: Rajasthan court convicts all three accused' (9 October, 2021)<[https://timesofindia-indiatimes-com.cdn.ampproject.org/v/s/timesofindia.indiatimes.com/city/jaipur/delta-meghwal-case-raj-court-convicts-all-three-accused/amp\\_articleshow/86879779.cms?amp\\_gsa=1&\\_js\\_v=a9&usqp=mq331AQIUAKwASCAAgM%3D#amp\\_tf=From%20%251%24s&aoh=17593056314588&referrer=https%3A%2F%2Fwww.google.com&hare=https%3A%2F%2Ftimesofindia.indiatimes.com%2Fcity%2Fjaipur%2Fdelta-meghwal-case-raj-court-convicts-all-three-accused%2Farticleshow%2F86879779.cms](https://timesofindia.indiatimes-com.cdn.ampproject.org/v/s/timesofindia.indiatimes.com/city/jaipur/delta-meghwal-case-raj-court-convicts-all-three-accused/amp_articleshow/86879779.cms?amp_gsa=1&_js_v=a9&usqp=mq331AQIUAKwASCAAgM%3D#amp_tf=From%20%251%24s&aoh=17593056314588&referrer=https%3A%2F%2Fwww.google.com&hare=https%3A%2F%2Ftimesofindia.indiatimes.com%2Fcity%2Fjaipur%2Fdelta-meghwal-case-raj-court-convicts-all-three-accused%2Farticleshow%2F86879779.cms)>

merely 'tokenistic' as such actions were insufficient without actual legal accountability and reform<sup>58</sup>.

## 2. The Hathras Rape Case (Uttar Pradesh, 2020)

### ● Facts

On 14th September, 2020 a 19 year old Dalit woman was allegedly gangraped by four men of the upper caste. The victim was found in a field by her mother- badly battered and naked from the waist down. Her spine had sustained severe injuries, leaving her paralyzed. The victim's family initially approached the Chand Pa Police Station wherein the police humiliated them and rejected their claims with no complaints being registered till 20th September. The victim's statement was recorded on 22nd September in which she identified the four accused, repeatedly affirming that they had raped and strangled her. The victim was first admitted to Jawaharlal Nehru Medical College, Aligarh and later transferred to Safdarjung hospital in Delhi due to her critical condition before succumbing to her injuries on 29th September, 2020.

### ● Judgement

On 2nd March, 2023 a special court in Hathras delivered its verdict acquitting three of the four accused, citing insufficiency of proof against them while convicting the fourth accused for culpable homicide not amounting to murder (Sec 304 of the IPC) and under provisions of the Scheduled Castes and Schedule Tribes( Prevention of Atrocities) Act but not rape and murder of the victim. He was sentenced to life imprisonment along with a fine of ₹50000.<sup>59</sup>

### ● Impact

This incident sparked national uproar and brought global attention to the systemic violence faced by dalit women who have disproportionately been the target of sexual violence by the upper caste men who use it as a means for asserting their caste

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<sup>58</sup>Vaibhav Jha, 'Dalit educator's death pushes Barmer village back in time', *Hindusthan Times* (Barmer, 11 April, 2016), Tabeenah Anjum, 'Rajasthan Govt Renames Village In Barmer After Dalit Rape Victim Delta Meghwal; Family Calls It 'Tokenism'', *Outlook* (16 January, 2024).

<sup>59</sup>Aneasha Mathur and Rajesh Singhal 'Hathras case: UP court drops gang-rape charges as it convicts 1, acquits 3', *India Today* (Lucknow, 2 March, 2023) <[https://www.indiatoday.in.cdn.ampproject.org/v/s/www.indiatoday.in/amp/law/story/hathras-gangrape-murder-case-court-drops-rape-charges-2341765-2023-03-02?amp\\_gsa=1&amp\\_js\\_v=a9&usqp=mq331AQIUAKwASCAAgM%3D#amp\\_tf=From%20%251%24s&aoh=17593079333210&referrer=https%3A%2F%2Fwww.google.com&ampshare=https%3A%2F%2Fwww.indiatoday.in%2F%2Fstory%2Fhathras-gangrape-murder-case-court-drops-rape-charges-2341765-2023-03-02](https://www.indiatoday.in.cdn.ampproject.org/v/s/www.indiatoday.in/amp/law/story/hathras-gangrape-murder-case-court-drops-rape-charges-2341765-2023-03-02?amp_gsa=1&amp_js_v=a9&usqp=mq331AQIUAKwASCAAgM%3D#amp_tf=From%20%251%24s&aoh=17593079333210&referrer=https%3A%2F%2Fwww.google.com&ampshare=https%3A%2F%2Fwww.indiatoday.in%2F%2Fstory%2Fhathras-gangrape-murder-case-court-drops-rape-charges-2341765-2023-03-02)> accessed on 27 September, 2025.

hegemony and caste hierarchy.<sup>60</sup>

The aftermath of the Hathras incident- with the authorities complicity siding with the upper caste perpetrators and insinuations that this incident had nothing to do with caste- further highlight not only the growing atrocities against Dalit women but also the inaction on the part of the very authorities entrusted to ensure justice.

### 3. **Vachathi Atrocities ( Tamil Nadu,1992)**

#### ● **Facts**

The Vachathi Atrocities refer to the mass violence committed against the residents of Vachathi, a village in the Dharmapuri district of Tamil Nadu in June,1992 wherein a team of government officials (155 from the forest department, 108 police personnel and 6 revenue staff) under the pretext that the residents- who were primarily from the tribal and Dalit community- were hoarding smuggled sandalwood and assisting smugglers- ransacked the village; causing immense damage to life and property. The villagers were mercilessly beaten, their homes were destroyed, their cattle killed and their wells poisoned. The women- many of whom were Dalits- were particularly singled out, repeatedly humiliated, paraded naked and brutally raped by the forest officials and the police.

#### ● **Judgement**

On 29 September 2011, the designated trial court sentenced all the 215 surviving persons of the 269 accused in the case for various offences ranging from one year to 10 years of rigorous imprisonment. Seventeen persons, all of them belonging to the Forest Department, were convicted of rape under Section 376 of the Indian Penal Code (IPC) and sentenced to seven years of rigorous imprisonment, with a fine of Rs.2,000 each. The court also awarded the 18 rape victims a compensation of Rs.15,000 each under Section 357 (1) (b) of the Criminal Procedure Code (payment of compensation for any loss or injury), from the fine after the time limit set for appeal is over. Twelve of these 17 persons were also sentenced to rigorous imprisonment for 10 years under Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The remaining 198 accused were convicted under different Sections of the IPC and the SC and ST (POA) Act and sentenced to jail terms ranging from one to three

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<sup>60</sup>Billy Perrigo 'The Fatal Gang Rape of a Young Woman Is Forcing a Reckoning in India Over the Caste System', *Time* (15 October, 2020)<<https://time.com/5900402/hathras-rape-case-india-violence/>> accessed on 27 September, 2025.

years, besides being liable to pay the prescribed fine<sup>61</sup>. Following a petition for appeal by the accused, the Madras High Court in its September 2023 judgement, further upheld the previous judgment by the Special Court while also awarding further compensation to the women who had been sexually assaulted.<sup>62</sup>

- **Impact**

Despite being one of the rare instances wherein justice- though delayed- was delivered against State-sponsored violence, the sheer brutality of the incident alone exposed how state machineries like the police, forest officials and revenue officials can directly perpetrate violence against Dalit women thus demonstrating how caste and gender intersect to increase their vulnerability.

#### 4. **Bhanwari Devi v. State of Rajasthan<sup>63</sup> (Rajasthan, 1992)**

- **Facts**

On 22 September, 1992, Bhanwari Devi, a government grassroot worker, was brutally gangraped by upper caste men for trying to stop the marriage of a nine-month old girl child<sup>64</sup>. Despite Bhanwari Devi filing a case against the accused, she was failed by the local authorities and the police as the FIR took more than a day to be registered, the medical examination was delayed for more than 52 hours before the case was subsequently transferred to the CBI. In September 1993, a charge sheet was filed, and by October 1994, the five accused were charged with harassment, sexual assault, conspiracy and gang rape.

- **Judgement**

On 15th November, 1995, The Trial Court in Jaipur dismissed the case and acquitted all 5 accused, citing that the accused were men of different castes and hence could not be involved in the rape, that two of the accused were over the age of 60 years old and

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<sup>61</sup>S. Dorairaj 'Justice for Vachathi', *Frontline* (4 November,2011)<[https://frontline-thehindu.com.cdn.ampproject.org/v/s/frontline.thehindu.com/other/article30177425.ece/amp/?amp\\_gsa=1&amp\\_js\\_v=a9&usqp=mq331AQIUAKwASCAAgM%3D#amp\\_tf=From%20%251%24s&aoh=17593093861401&referrer=https%3A%2F%2Fwww.google.com&ampshare=https%3A%2F%2Ffrontline.thehindu.com%2Fother%2Farticle30177425.ece](https://frontline-thehindu.com.cdn.ampproject.org/v/s/frontline.thehindu.com/other/article30177425.ece/amp/?amp_gsa=1&amp_js_v=a9&usqp=mq331AQIUAKwASCAAgM%3D#amp_tf=From%20%251%24s&aoh=17593093861401&referrer=https%3A%2F%2Fwww.google.com&ampshare=https%3A%2F%2Ffrontline.thehindu.com%2Fother%2Farticle30177425.ece)> accessed on 27 September, 2025.

<sup>62</sup>Ibid.

<sup>63</sup>(2003) 3 RLW 2047, (2003) 1 WLN 509.

<sup>64</sup>Geeta Pandey 'Bhanwari Devi: The rape that led to India's sexual harassment law', *BBC News* (Jaipur, 17 March, 2017),<[https://www-bbc-com.cdn.ampproject.org/v/s/www.bbc.com/news/world-asia-india-39265653.amp?amp\\_gsa=1&amp\\_js\\_v=a9&usqp=mq331AQIUAKwASCAAgM%3D#amp\\_tf=From%20%251%24s&aoh=17593846777904&referrer=https%3A%2F%2Fwww.google.com&ampshare=https%3A%2F%2Fwww.bbc.com%2Fnews%2Fworld-asia-india-39265653](https://www-bbc-com.cdn.ampproject.org/v/s/www.bbc.com/news/world-asia-india-39265653.amp?amp_gsa=1&amp_js_v=a9&usqp=mq331AQIUAKwASCAAgM%3D#amp_tf=From%20%251%24s&aoh=17593846777904&referrer=https%3A%2F%2Fwww.google.com&ampshare=https%3A%2F%2Fwww.bbc.com%2Fnews%2Fworld-asia-india-39265653)> accessed on 27 September, 2025.

that it was impossible for Bhanwari Devi to be raped if her husband was present<sup>65</sup>. This judgment was met with protests from several women rights activists who, led by Naina Kapur, filed a petition for public interest litigation before the Supreme Court (*Vishakha and Ors. v. State of Rajasthan*<sup>66</sup>) the judgment in which case was the precursor for the 'Vishakha Guidelines' which laid down the guidelines for the prevention of sexual harassment in the workplace.<sup>67</sup>

- **Impact**

Bhanwari Devi's case highlights how women from oppressed communities are time and again failed by the justice system, symbolizing not only the intersection of caste and gendered oppression but also resonating with subsequent incidents such as Khairlanji (2006) and Hathras (2020), where Dalit women's bodies were targeted as sites of punitive caste violence.

## V. Suggestions

In order to bridge the gap between constitutional guarantee and lived reality, there is a strong need for a shift from formal equality to substantive justice. After thoroughly analysing the various socio-cultural, economic and political factors that have added to the growing persecution of the Dalit women in various aspects of their lives, this paper makes the following recommendations pertaining to the core issues:-

### 1. **Enhancing Human Development Indicators (Employment, Health, Education)**

The declining human development indicators for Dalit women represent a failure to fulfill the constitutional promises of Equality (Article 14), Non-discrimination (Article 15), and the Right to Life with Dignity (Article 21). This paper thus urges for:-

- Constitutionalizing 'Caste-Gender' Affirmative Action: The principle of Reservation (Article 16(4) and 15(4)/15(6)) must be more effectively applied. Mandate an inter-sectional reservation policy that ensures Dalit women receive an adequate, distinct sub-quota within the broader Scheduled Caste reservation and the general women's reservation quotas in education and employment (both public sector and incentivized

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<sup>65</sup>Sachin Saini, 'Bhanwari Devi: Justice eluded her, but she stands resolute for others', *Hindustan Times* (Rajasthan, 17 September, 2021).

<sup>66</sup>1997 6 SCC 241.

<sup>67</sup>Divya Devarsha, 'Implementation of Vishaka Guidelines: Post Vishaka Judgement', (2014-15) 1(1) | IJLPP <[https://docs.manupatra.in/newslines/articles/Upload/4CB946FF-8CD7-45CB-B0A6-40495E8056E3.1-i\\_service.pdf](https://docs.manupatra.in/newslines/articles/Upload/4CB946FF-8CD7-45CB-B0A6-40495E8056E3.1-i_service.pdf)> accessed on 27 September, 2025.

private sector). This counters their marginalisation within their own community's benefits.

- Ensuring enforceable Socio-Economic Rights: Advocating for judicial recognition of the right to maternal health care and basic education as integral, immediately enforceable components of the Right to Life (Article 21) would place a higher constitutional obligation on the State to ensure access to quality health and educational institutions, particularly in underserved Dalit settlements.
- A Legal Mandate for 'Caste-Responsive Budgeting': Introducing a statutory framework requiring all Union and State budgets to include a detailed and measurable Dalit Women Component Plan (DWCP), legally earmarking non-divertible funds proportionate to their population for programs related to employment and health infrastructure.

## **2. Increasing Political Representation and Participation**

The minimal representation of Dalit women undermines the spirit of Inclusive Democracy and the provisions of Articles 243D (Reservation in Panchayats) and 243T (Reservation in Municipalities). Measures for enhancing political representation and participation can include:-

- A Sub-Quota in Legislative Reservations: Implementing a constitutional amendment to mandate a specific sub-quota for Dalit women within the seats reserved for women (currently one-third) in the Lok Sabha and State Legislative Assemblies which would help ensure that the general women's quota does not simply benefit women from dominant castes.
- Anti-Patriarchal Constitutional Safeguards at Grassroots: Amending the State Panchayat/Municipality Acts to include provisions that penalize the phenomenon of 'Sarpanch Pati' (where the male relative exercises the elected woman's power) by providing for disqualification of the male relative's political participation or suspension of the woman representative if public power is demonstrably exercised by an unelected proxy.
- Constitutional Protection for Political Speech and Mobilization: Invoking Article 19(1)(a) (Freedom of Speech) and Article 19(1)(c) (Right to Form Associations) to require the State to provide security and funding for Dalit women's political training and grassroots mobilization efforts, thereby recognizing these activities as essential for true democratic functioning.

### **3. Combating Harmful Socio-Religious Practices (Devadasi System)**

The Devadasi system is a severe violation of Article 23 (Prohibition of Traffic in Human Beings and Forced Labour) and a direct attack on their Right to Dignity (Article 21). Steps aimed at battling this social evil may involve:-

- **Enactment of a Comprehensive Central Anti-Dedication Law:** The Union Government must exercise its power under the Concurrent List to enact a mandatory, pan-India 'Abolition of Devadasi System Act'. This law must supersede fragmented State laws, ensure uniformity in definition and penalties, and explicitly recognize the practice as a form of trafficking and aggravated sexual exploitation under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
- **A Constitutional Mandate for Rehabilitation:** The inclusion of a statutory provision under the new Central Law, backed by the Directive Principles of State Policy (Part IV) and Article 21, to establish a National Rehabilitation Authority with a non-lapsable fund will help ensure the long-term rehabilitation—including land rights, housing, and pension—for all survivors and their children.
- **Judicial Interpretation to Eliminate Religious Sanction:** Encouraging Public Interest Litigation (PIL) in the Supreme Court to seek a definitive ruling that the dedication of women to deities cannot be covered or protected under Article 25 (Freedom of Religion), as it violates the fundamental constitutional value of Public Order, Morality, and Health.

### **4. Reducing Hate Speech and Online Abuse**

Online hate speech against Dalit women is a new form of atrocity that violates their Right to Dignity (Article 21), Equality (Article 14), and their Right to Freedom of Expression (Article 19(1)(a)) by forcing self-censorship. Proactive initiatives aimed at reducing this abuse in the online space can include:-

- **Amending the SC/ST (PoA) Act for Online Offenses:** Amending the SC/ST (Prevention of Atrocities) Act, 1989 to explicitly include online caste-based hate speech, doxing, and digital sexual violence against Dalit women as "atrocities" will help ensure that the heightened criminal sanctions of the Act apply unequivocally to the digital sphere.
- **Judicial Mandate for Platform Accountability:** Holding social media platforms accountable (as "intermediaries") for their failure to adequately address and remove caste- and gender-based hate speech that violates the fundamental rights of Dalit women; thus compelling platforms to invest in culturally sensitive moderation.

- Legal Clarity on Dignity vs. Free Speech: Advocating for a clear legislative definition of "hate speech" that strikes a balance between Article 19(1)(a) (Free Speech) and the reasonable restrictions under Article 19(2), clarifying that speech which is intended to humiliate, degrade, or incite hatred against Dalit women on the grounds of caste and gender constitutes a violation of Public Order and Decency/Morality.

## VI. Conclusion

While the Indian Constitution provides a robust, transformative framework for equality and justice, including the foundational principles of Article 14 (Equality before Law), the non-discrimination mandate of Article 15, the abolition of untouchability under Article 17, and the protective directive of Article 46, these guarantees remain largely aspirational for Dalit women. The conclusive finding is a critique of the implementation gap and institutional failure to effectively enforce these constitutional rights, particularly concerning the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA)

Atrocities against Dalit women are not merely law and order problems, but acts of structural violence rooted in the intersection of caste, gender, and class discrimination—a reality that necessitates an intersectional jurisprudence. Such violence serves as a coercive tool by dominant castes to punish assertion and maintain the hierarchical order, directly violating the Right to Life and Dignity (Article 21).

The primary constitutional failure lies in the state machinery's apathy and complicity. Justice mechanisms—including the police, prosecution, and sometimes the judiciary—often fail to register, investigate, and prosecute cases adequately, leading to abysmal conviction rates and a pervasive culture of impunity. This systemic refusal to ensure accountability constitutes a failure of the state's "due diligence" to protect citizens undermining the very essence of a republic founded on the Rule of law.

In sum, the Constitution provides the remedy; the true conclusion is that only a resolute political and institutional will can effectively translate the promise of equality into a reality of justice and security for every Dalit woman.