



Exploring the Intersectionality of Brahminical Patriarchy: How do Constructed Notions of 'Good' and 'Bad' Women Contribute to Caste-based Violence in Everyday Lives and Shape the Construction of Ideal Victimhood in Courtrooms Seeking Justice?

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'Brahmanical patriarchy' offers deep and sophisticated notions. It examines how we live in communities influenced by gender, caste, and economic relationships, and how we shape those societies through our choices and behaviours. There are some constitutive elements of Brahmanical Patriarchy. It was only after 2005 when women were allowed to inherit wealth. Earlier only male descendants belonging to the upper class used to inherit wealth, social status and given patrilineal succession.

Anuloma marriages, where upper caste men marry lower caste women, are tolerated whereas Pratiloma marriages, where upper caste women marry lower caste men, does not go down well with society. It is believed that if upper caste women marry lower caste men, then they work in favour of the lower caste. There is constant anxiety as people belonging to the upper caste think that they would lose their numbers if the women marry men belonging from the lower caste. This often leads to honour killing.

Pranay Perumala, a man belonging to the lower caste, was murdered by his wife's father. His wife belonged to the 'upper' caste family in India. These killings cannot be viewed simply as a reaction to men and women exercising their right to choose their own relationships; there is clearly much more to them. Honour killings are profoundly founded in caste-based, Brahmanical, and misogynistic rules.

We have another case where an upper caste woman and a lower caste man were in a live-in relationship. They received death threats from the girl's family who were against their relationship. The couple went to the Punjab High Court in order to seek protection from the girl's family. The Court rejected their request by stating that if they would give them protection, it would be against the societal structure.

Women are seen as the 'opening' to caste structure and thus as 'possible dangers' to the hereditary pureness of bloodline that these 'upper castes' have been able to protect forcefully by forcing endogamy and forbidding upper-caste women the freedom to marry beyond their castes. It would be a prejudice to presume that all inter-caste unions are disapproved by Brahmanism adherents. Various scholars have suggested that Brahmanical Patriarchy positions men and women from distinct caste groupings in separate hierarchically structured positions. The bodies of women from 'upper' and favoured castes are identified as 'pure and innocent,' and thus deserve 'security,' through direct control of their sexuality (particularly as it relates to their relationships with men belonging to

lower caste groups), whereas the bodies of Dalit women are pretty much entirely 'available,' to men belonging to the upper caste.

Even inter-caste marriages can become probable environments for further caste and gender-based discriminatory treatment and marginalisation of these women, restricting their authority and personal freedom in crucial issues of their lives. A dalit woman was asked by her in-laws not to enter into the main portion of the house as they could not accept a Dalit woman to enter the main portion of the house.

Pativrata refers to a married woman who is loyal and committed to her husband.

Pativrata properly translates to righteous wife who has taken a pledge of loyalty and care to her husband. It is believed that if a wife is faithful to and protects her husband, he will succeed and bring good fortune to her and her family. Otherwise, there may be tragedy and death. A pativrata pays attention to her spouse and follows upon his advice.

There does not only exist inequality between man and a woman but there exists inequality between women and women as well.

All dignity, modesty, and virtue are embodied in the Upper caste women.

Lower caste women, on the other hand, are viewed as having no dignity, being sexually available, and lacking dignity. They are seen as a threat to the society.

Caste is inextricably linked to sexual discipline. The caste with the tightest control over their women is the purest and most honourable.

While presenting the case of Nirbhaya who belonged to an upper-caste family and emphasizing the rape victim's "sexual innocence," the media failed to mention the widespread caste-based sexual abuse against Dalit women. The rape victim's purity was not proclaimed explicitly in this case, but rather through portrayal of Nirbhaya as an upper-caste woman whose innocence had to be protected by caste organisations or the state. After the atrocities against the Chundurur caste, the upper castes also affirmed this. The landowning Reddys attacked and killed Dalit males in the village. The brutality against Dalit men has been defended by Reddy men as a vengeance for sexually molesting Reddy women. Despite the fact that the allegations were false, the people belonging to the Upper caste started protests that were not just anti-Dalit but also blamed the authorities for neglecting to secure upper-caste women's chastity from Dalit men. The riots in the aftermath of the Nirbhaya rape took on a similar style, claiming that it is the government's responsibility to safeguard women's innocence. This only refers to the innocence of upper-caste women, while Dalit women fall beyond those conceptions of caste and sexual purity (Tamalapakula.)

The caste system creates a 'classified patriarchy' for women, as well as 'graded disparities' among castes, which promotes violence against Dalit women. As a result, sexual abuse against Dalit women has become so common in our society that sexually assaulting a Dalit woman is no longer considered rape. Rape is regarded as 'stealing the honour of (Rege 1995).'

Because lower caste women have little 'respect' to speak of due to their double oppression, their ability to redress is frequently rejected. Upper-caste males have unrestricted access to the sexuality of Dalit women, which is not deemed rape or sexual violence. The Dalit woman, on the other hand, is regarded as 'vulgar,' lacking in sexual and caste innocence.

Dalit women are used and exploited by men belonging to the upper caste for their enjoyment. During Okali, men belonging to upper classes congregate in front of the local temple. The town's young women belonging to the lower caste are lined up in front of them, each receiving a sari, choli, and flower garland. The coloured water is thrown over the them, who appear almost nude due to the thin, sparse, frail, and sheer clothes given to them. The men do anything they want with the bodies of the women. Everyone in attendance is enthralled by the scene. In Siddu Aattu a woman belonging to the lower caste was hanged with a hook in her back on one end of a rod which was put on an upright pole fixed in the field, and spun by a cord on the other end of the rod. She saluted the crowd while her clothes ripped and the entire bottom half of her body was exposed for everyone's amusement. This was expected to bring the town wealth. Festivals like Okali and Siddu Aattu were meant for public celebration of degraded and sexualised status of lower caste women in the society.

Judicial stereotyping of an ideal victim is that a woman is a victim if she is chaste and pure. Only a woman who is respected and virtuous will be considered as a victim (Wadekar 2021). This has been borrowed from Manu's Brahminical Law. In that, it was described that an ideal woman is a woman who is faithful and loyal. Women belonging to the upper caste should be pure and innocent. A Dalit woman would not be considered as an ideal woman because she has been exploited by the men belonging to the upper caste. They are referred to as people who are available for sex and are a threat to the society. As they are not seen as pure and chaste, they are not considered to be an ideal victim.

A 16-year-old girl, belonging to the lower caste, was raped by a bunch of policemen. The court concluded that the girl was available for sex, had a habit of performing sexual activities and did not scream for help so she was not seen as an ideal victim in this case. The policemen were acquitted on these grounds.

Similarly, in the case of Bhanwari Devi, the court concluded that since the men belonged to the upper caste family, they would not rape any women who belonged to a lower caste. She was also not considered as an ideal victim before the court.

The current criminal justice system's formulation of an ideal victim violates the survivor's dignity and humanity. The victim's veracity should not be questioned because of a statute created by Manu. Woman should not be considered as 'impure' or 'sexually promiscuous' just because they belong to a lower caste. Upper caste women and lower caste women should be treated equally and must be given the same privileges if they have been sexually harassed. There should be no differentiation on the basis of caste and the court should look at the evidences rather than the 'credibility' of the 'ideal victim.'

References

Rege, Sharmila. "Caste and Gender: Violence Against Women in India." *Dalit Women in India: Issues and Perspectives*. Delhi: Gyan Publishing House, 1995.

Sowjanya, T. "Who is a Woman and Who is a Dalit." *Broadcast on Contemporary Politics, Volume 3, no. 1*. <http://www.anveshi.org.in/broadsheet-on-contemporary-politics/archives/broadsheet-on-contemporary-politics-vol-3-no-1/who-is-a-woman-and-who-is-a-dalit/>.

Wadekar, D. "Rejecting Ideal Womanhood." *Economic and Political Weekly, Volume 56, Issue 23*. (2021) <https://www.epw.in/journal/2021/23/comment/rejecting-ideal-victimhood.html>.