

## Annihilation by Caste

Lessons from Budaun and Beyond

KALPANA KANNABIRAN

---

Vol. 49, Issue No. 25, 21 Jun, 2014

Kalpana Kannabiran ([kalpana.kannabiran@gmail.com](mailto:kalpana.kannabiran@gmail.com)) is director of the Council for Social Development, Hyderabad, an ICSSR-funded institute.

Budaun is not an isolated story. It illustrates the vulnerability and disempowerment of dalit-bahujan groups everywhere.

The murder of two children in Budaun, Uttar Pradesh, forces us to re-examine our understanding of aggravated assault, murder, sexual assault, atrocity, annihilation (ital)by (ital) caste and structural violence that is constitutive of the rogue state - not an exceptional state, but the rogue state as the norm in a caste ridden society. This is not an isolated story. These children were not victims of exceptional violence and brutality. Rather, routine heightened violence and torture of the worst kind are constitutive of caste society, with the condonation (indeed tacit acceptance of the necessity) of such violence written into inaction and equivocation at every level.

My raging grief is about the loss, the deaths of these children, both girls; but there are accounts of a boy killed here as well not so long ago after being brutalised; it is about the unspeakable torture they were subjected to, of which sexual assault was part; it is about our collective inability as people committed to the annihilation of caste, to make any difference in a context where caste atrocity is at best a spectacle for consumption and speculation; where images of children who have been brutally assaulted and murdered are traded by the media in unthinkable ways and their experience negated by the rogue state. Where does one begin to roll this back?

Although the writing on the Budaun violence has opened out several discussions - from eliminating open defecation to increasing helplines to castigating the Government of Uttar Pradesh. I think this is an issue that goes far beyond the sexual politics of the Samajwadi Party (SP), or the tasks before the toilet ambassadors of the Ministry of Rural Development. Can we forget that Mathura was sexually assaulted in the toilet of a police station? While unarguably women need access to secure basic facilities, this issue is quite separate from their vulnerability to sexual assault. Days have rolled into years and years into decades with us speaking out about the sexual politics of each of our political parties and their treatment of sexual assault. The only difference perhaps is that the SP has perfected the art and woven it densely into statecraft.

## **'Legal' Atrocities**

Early reports of the Budaun murders suggested the victims were dalit children. Later reports identified their caste as a backward caste. The question seemed to circulate around whether these murders were situated within the legal definition of "atrocities" in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [hereafter PoA Act]. Of course they were not, because the children who had been killed did not belong to a scheduled caste. So although the PoA Act is the single legislation that attempts to address targeted assault based on caste, the technicality of classification put these murders and aggravated sexual assaults in the category of a lesser crime. But was it a lesser crime?

Related to this is the question of whether sexual assault and murder of women and children should be understood in terms that are common and unmindful of class or social category. Is it material to our understanding that these children belonged to a "lower caste" than the perpetrators? Is it accidental that the perpetrators belonged to the local dominant caste, and shared social location with the police and indeed the party in government? Is it coincidental that a policeman from the dominant caste was one of the perpetrators?

Should we, in the light of the facts of this case, revisit the category of "dalit" - re-examining what "broken people" means in a context where caste dominance renders entire groups powerless and vulnerable to grievous hurt and murder (which includes sexual assault in several instances) even though they may not belong to a "scheduled caste"?

Discussions on amendments to criminal law in the deliberations of the Justice Verma Committee, and in the discussions around the protests that followed the assault and murder of a young woman in Delhi in December 2012, saw dalit groups and anti-caste intellectuals raising the question of the inequality of protest. Why did the country not come to a standstill after the Khairlanji massacre, which in sheer terms of numbers assaulted and killed was far graver? The Delhi victim had demonstrated resistance that earned her the sobriquet "Braveheart". The Bhotmange family in Khairlanji too had paid dearly for demonstrating their resistance. Both belonged to working class families. On both sides there was pain and suffering and loss. The Delhi victim's suffering led to the immediate constitution of a committee, legislation in her name, and trial and convictions at the speed of light. Despite the Bhotmange family's suffering, aggravated sexual assault as part of targeted caste violence was not included in the new expanded definition of sexual assault, and justice continues to elude the sole survivor. My intention is to demonstrate that all are not equal either in public perception or in the criminal justice system in India. Given the heightened protest against the murderous assault on the young woman in Delhi, followed by lightning response in revamping criminal justice for women, why has the "climate of deterrence" not spread to other locales?

## **From Delhi to Budaun**

For the Delhi victim,<sup>1</sup> education was a struggle - a working class father who dared to dream for his daughter. Her experience of sexual violence and murder however was unrelated to that struggle. The struggle that is memorialised is the struggle against the perpetrators of the assault that took her life. For the Bhotmange family, the struggle that led to their annihilation was a struggle against caste domination in the belly of the beast, so to speak, by challenging its supremacy through education and small attempts at building family assets in their native village. This critical difference, in my view, must guide our understanding of the socio-political basis of sexual violence, assault and murder. While all murders result in loss of life and human suffering, targeted murder against members belonging to a social group that is vulnerable is more serious because it reflects a systemic pattern that systematically reinforces power and subjugates entire communities through violence.

What is the relevance of this comparison above to the assault and murder of the two children of Budaun? We know from Ambedkar and from bearing witness to countless incidents of caste violence that “[c]astes form a graded system of sovereignties, high and low...”<sup>2</sup> and power is asserted through violence along the ladder of graded inequalities. Because “caste is impregnable,”<sup>3</sup> the sexual appropriation of women - through endogamous marriage, bondage and female servitude, and habitual assault on women of dependent castes form part of the commonsense of the caste system. This also is the way in which resistance is policed, endlessly, in eerily repetitive, timeless fashion: “the worst evil of this code of ordinances is that the laws it contains must be the same yesterday, today, and forever.”<sup>4</sup> Age has never been a bar for sexual assault. And impunity is guaranteed to perpetrators of targeted assault - through police complicity/calculated inaction (as the case may be); through prosecutorial negligence; through judicial misdemeanor and through the disabling of justice claims in constitutional courts with easy recourse to legal technicalities. There are startling parallels between Khairlanji and Budaun.

Increasingly, the true import of the words of anti-caste philosophers hits us rudely with each passing day. With the annihilation of caste not happening, what we are witnessing is annihilation by caste. In a country ruled by caste in the constitutional era, annihilation by caste is a self-perpetuating patriarchal project that reinvents itself constantly, stalking the powerless and those that resist, blocking their flight from caste generation after generation. The creation of an atmosphere of terror and sexual terrorism is the means through which an entire people are kept subjugated. This is not the place to recount the horrific methods of terror deployed by the dominant castes.

Notwithstanding the technical inapplicability of the PoA Act to the Budaun murders, what is telling is the extreme vulnerability of dalit-bahujan communities - in a state with the most powerful political mobilisation that rose to occupy state power. Far from being an indication of the ineffectiveness of dalit-bahujan mobilisation in UP, it is rather a sign of the encrusted power of the dominant castes and an indication of how Sisyphean the struggle is. It is

neither inappropriate nor inaccurate to characterise this as an attack on dalit children - in the context of caste atrocity the term dalit encompasses the dalit-bahujan experience of caste discrimination.

And that is really at the heart of the contradictions that Budaun throws up - there is a commonality of experience in disenfranchisement and vulnerability across dalit-bahujan groups that quotidian separations in administration and law negate. But those are the limits of the law. There are also shifting gradations of status, class and power within this large category, these contestations absorbing the ideology and methods of caste in inter caste relations. Is it methodologically possible to offer protection and legal redress to victims across the ladder of graded inequalities and graded exclusions except through blanket criminal law provisions? And yet, viewing assaults such as these in terms of the Indian Penal Code alone reduces the gravity of the offence by removing the targeted nature of the assault from consideration and defining it outside the purview of caste atrocity.

## **The Rogue State**

And finally we come to the rogue state. How many times have we seen this? Karamchedu, Chundur, Khairlanji, Budaun, Mathura, Rameeza, Bhanwari - different states at different times, different courts of different jurisdictions, and the story is the same. Despite the constitutional ban on untouchability and protections against discrimination based on caste, the patriarchal caste order constitutes the state. Democracy lies trapped in the clutches of the two-headed state - the hibernating constitutional order, and the live and throbbing rogue state that actively participates in the project of annihilating by caste across lines of party and ideology - caste is the unifying ideology and the fundamental logic of governance.

The road that we leave behind is soaked in the blood of victims and built through generations of servitude, and the road that lies ahead is blocked by caste. This takes me to the heart of Ambedkar's assertion that the only road to freedom, life and indeed humanity is the annihilation of caste - for us all, because violence and the habit of impunity dehumanises the dominant - not only the perpetrators and their cohorts but also the nonchalant bystanders and the distant, studiously indifferent viewers - and annihilates entire classes of vulnerable peoples in full public view with impunity.

## **Notes**

1) I am reluctant to call her Nirbhaya, because that was the name of a kerosene stove that kept bursting whimsically and killing newly married middle class women in the late 1970s and early 1980s - the Nirbhaya deaths of another kind and time.

2) B R Ambedkar, The Annihilation of Caste, 21: 18.

<http://ccnmtl.columbia.edu/projects/mmt/ambedkar/web/accessed> on 16 June 2014.

3) B R Ambedkar, The Annihilation of Caste, 22: 25.

# Economic & Political WEEKLY

---

ISSN (Online) - 2349-8846

<http://ccnmtl.columbia.edu/projects/mmt/ambedkar/web/accessed> on 16 June 2014.

4) B R Ambedkar, The Annihilation of Caste, 23: 4.

<http://ccnmtl.columbia.edu/projects/mmt/ambedkar/web/accessed> on 16 June 2014.