

# **Violence Against Dalit Women in Inter-caste Marriage**

## **Executive Summary**

### **Introduction**

Caste division serves as the bedrock of Nepali society, characterized by its multifarious composition of 142 distinct castes (CBS, 2023). Despite its considerable diversity, the fabric of Nepali society has been inexorably influenced by the process of Nepalisation, which has permeated all religious, caste, and ethnic communities, and has left an indelible mark on the Nepali language and the practice of Hinduism. Consequently, communities beyond the purview of Hinduism also manifest discriminatory attitudes towards Dalits, perpetuating the hierarchical dichotomy of superiority and inferiority rooted in caste. Consequently, inter-caste marriages are explicitly proscribed, and those who defy this norm inevitably find themselves ensnared in various forms of violence.

In addition to the pervasive presence of patriarchy, other societal factors including caste and class dynamics, as well as entrenched social norms, values, and cultural practices, collectively conspire to subjugate Dalit women within Nepali society. Dalit women invariably become the primary targets of discrimination and violence, casting a long shadow over their psychological, legal, social, and economic well-being, along with their relationships within the family and broader society. In light of these multifaceted challenges, this study delved into the forms of violence perpetrated against Dalit women in the context of inter-caste marriage, while simultaneously examining the ramifications of such unions across various dimensions, including legal, social, and economic domains.

### **Research Methodology**

This study employs a mixed-method research approach, incorporating both qualitative and quantitative data. A deliberate effort has been made to ensure the inclusion of diverse social and geographical contexts within Nepal when selecting the research areas. Seven districts were selected as study sites, encompassing 120 inter-caste married couples, utilizing the Snowball sampling method. Of these couples, 70 involve hypogamous (Dalit male marrying with a non-Dalit female) while 50 represent hypergamous (non-Dalit male marrying with a Dalit female). Data collection methods encompassed Focus Group Discussions, Interviews with Key Informants, and case studies, including Focus Group Discussions and interviews conducted with all 120 couples. Adherence to robust research ethics was applied throughout the study, with data collection premised on prior informed consent from all respondents. The confidentiality of respondents' names, addresses, and identities is scrupulously maintained within this report.

### **The situation of Inter-Caste Marriage:**

The empirical data reveals that inter-caste marriages between Dalit men and non-Dalit women surpass those between Dalit women and non-Dalit men in prevalence. In this study, the average

age of husbands is 31 years, while wives have an average age of 28 years. Notably, among the couples studied, 90 percent were first marriages, with 4.2 percent representing second marriages for the husbands and 5 percent for the wives. Religion-wise, the study encompassed 115 Hindu husbands and 117 wives, alongside 3 Christian husbands and 3 wives, along with 2 Muslim husbands. Upon dissecting inter-caste marriages by social group, it is apparent that hill Dalit men predominantly marry individuals from Chhetri, Bahun, and Hill ethnic groups. Analogously, Dalit women marry individuals from the hill ethnic group and Bahun/Chhetry. In the Madhesh region, inter-caste marriages are notably more prevalent among Madheshi middle castes and ethnic groups.

### **Status of Complaints and Legal Cases**

In the context of inter-caste marriages, the prevalence of legal complications and the pursuit of formal legal recourse emerged as an area of study. When queried about the existence of any lawsuits or formal complaints, 31.7 percent of respondents affirmed their affirmative engagement with legal procedures, while 68.3 percent asserted their abstention from initiating any legal actions or filing police complaints. Furthermore, a nuanced analysis of litigation patterns based on the nature of the marriage revealed disparities. Notably, there is an elevated propensity for legal entanglements in unions involving Dalit men and non-Dalit women, with 32.9 percent of such marriages becoming embroiled in litigation, as opposed to 29.8 percent for marriages between non-Dalit men and Dalit women.

### **Cases Against Dalit Men**

Dalit men who inter-caste marriages with non-Dalit women frequently find themselves entangled in legal disputes, often motivated by motives of revenge or coercion. The nature and resolution of these cases tend to be influenced by a confluence of factors, including age demographics, economic status, and the prevailing social milieu. Additionally, the position and role of the female spouse within the legal proceedings assume significance. Based on insights gleaned from interviews conducted with district police offices, public prosecutor's offices, Dalit rights advocates, and inter-caste married couples within the study area, Dalit men typically face legal charges encompassing allegations of kidnapping, human trafficking, rape, and child marriage.

Of particular concern is the circumstance wherein young Dalit men are unjustly incarcerated, often against the wishes of their female partners(wives), even when they are pregnant. The uncertainty surrounding the fate of their progeny – whether they will give birth to and nurture the child – adds an additional layer of complexity to these cases.

From an economic perspective, the financial fragility of Dalit individuals is compounded by the financial burdens associated with legal defense. The absence of income earners, especially when the detained individuals are of employable age and responsible for supporting their families, exacerbates economic hardship within their households, driving them further into the clutches of poverty.

Moreover, legal entanglements carry a pronounced social stigma, tarnishing the reputation of the individuals and their families within their respective communities. The social repercussions of

being embroiled in litigation are profound, resulting in ostracization, social denigration, and psychological distress. Consequently, the consequences of legal involvement extend far beyond the immediate individuals, permeating through familial, social, and economic dimensions, thus imposing a lasting impact on the lives of all family members.

### **Cases in Hypogamous Marriage:**

In scenarios where inter-caste marriages involve a non-Dalit male and a Dalit female, Dalit families often resort to legal recourse to ascertain the welfare and security of their daughters. Factors such as the unsecure future, and characterlessness of the boy, coupled with potential issues such as substance abuse, and a perceived propensity for future betrayal, may compel Dalit parents to initiate legal proceedings to safeguard their daughters' lives.

Instances where legal action is taken by Dalit women against non-Dalit men typically revolve around situations where the male partner refuses to legalize the marriage after impregnating the female partner, resulting in the progressive growth of an unborn child. In such cases, charges related to maintaining relationships, and property rights, are typically invoked. Addressing such legal challenges necessitates not only legal action but also the moral and social support of both the community and the affected families. Outcomes in such cases are mixed, with some succeeding in their legal pursuit while others continue to confront difficulties in initiating and pursuing legal action.

### **Physical Violence and Threats:**

During this study, the incidence of physical violence among inter-caste couples emerged as a concerning issue. A notable 39.2 percent of the surveyed couples reported experiencing physical violence. Additionally, 7.1 percent of respondents indicated that they narrowly escaped physical assault, having sensed imminent danger. Pertinently, physical violence appears to be indiscriminate in targeting both Dalit and non-Dalit women, particularly in the initial phases of elopement. Notably, female attackers feature prominently among cases involving non-Dalit women, with mothers and sisters-in-law often implicated, while fathers and brothers also perpetrate acts of violence. It is worth mentioning that Dalit women also face aggression and attacks from non-Dalit women who disparage them as ill-advised for pursuing a relationship with their sons.

### **Mental Torture and Violence:**

Of the 120 individuals surveyed, a substantial 86 individuals, constituting 71.7 percent of women, revealed that they had been subject to direct or indirect threats. These threats often entail menacing warnings from non-Dalit families, including threats of harm or death and ostracize from the village. Moreover, 85 individuals, equivalent to 70.8 percent of respondents, attested to having suffered mistreatment and humiliation in public places. In contrast, 35 individuals, constituting 29.2 percent of respondents, claimed not to have encountered such demeaning experiences.

### **Violence Against Dalit Women and Its Impact:**

The ramifications of violence are not confined solely to instances where the marriage is not accepted. Even in situations where families endorse the union, couples may find themselves

ensnared in a web of violence. This violence extends beyond familial ties, profoundly affecting social relationships as well. The nature of disputes that emerge during the initial stages of a couple's eloping largely determines the trajectory of their future relationships. In cases characterized by mutual enmity and mutual pressure, familial bonds often deteriorate over time, festering into long-standing bitterness. Conversely, in cases marked by less initial conflict, even when couples cannot openly acknowledge their marriage before society, they may avoid considering each other as adversaries.

Notably, in certain cases, parents may tacitly accept inter-caste marriages with Dalits but succumb to familial and societal pressure, subsequently initiating various legal proceedings aimed at dissolving the marriage. Where parents, fearing the judgment and potential disdain of relatives and society, readily resort to legal measures. From the accounts provided by inter-caste couples, it is evident that societal and familial influences tend to exacerbate rather than ameliorate relationships, often subjecting couples to heightened harassment and humiliation.

### **Domestic Violence**

The Women, Children, and Senior Citizen Service Center of the Police Offices reported that approximately 75 percent of complaints related to inter-caste marriages pertain to domestic violence. Significantly, most complainants are Dalit women who allege grievances such as inadequate sustenance, physical abuse, financial exploitation, and, ultimately, abandonment. While some victims do not officially report abuse due to fear of future crises, these cases represent a pervasive problem.

### **Disappearance, Murder, suicide, and Sexual Exploitation:**

Tragically, instances of Dalit boys murdering or disappearing after romantic involvements with Dalit girls are not uncommon. A distressing case involved a 23-year-old Thakuri youth who lured a 15-year-old Dalit girl into a romantic entanglement, subsequently confining her to Surkhet for two months under the pretext of marriage. When the situation was reported to the authorities, the girl was subjected to physical violence in front of the police. The girl's fate remains unknown, making her disappearance a matter of grave concern. In the context of inter-caste marriages involving Dalit and non-Dalit individuals, instances of homicide and suicide emerge as recurring phenomena. Notably, there exists a documented pattern wherein non-Dalit families perpetrate violence resulting in the death of Dalit youths, either post-marriage or preceding it. The tragic case of Nabraj BK and his five associates, who met their demise in Rumuk, exemplifies a distressing manifestation of youth fatalities. Additionally, the persistent maltreatment endured by Dalit girls from both familial and societal quarters has been identified as a contributing factor prompting instances of suicide.

Furthermore, Dalit women may also fall victim to sexual exploitation, wherein individuals entice them into romantic relationships under the promise of marriage, subsequently impregnating them and abandoning their commitments. Some couples may cohabit in separate rooms, simulating a marital relationship, with the man eventually absconding when the time comes to formalize the marriage and acknowledge their offspring.

## **Financial Impact**

Inter-caste marriages have tangible economic consequences for couples, particularly when they are compelled to flee their villages. Both hypergamous and hypogamous couples encounter a host of financial challenges upon eloping, including the loss of income and employment opportunities, as well as deprivation of ancestral property.

## **Deprivation of Legal Rights and Services:**

Inter-caste marriages often result in the deprivation of Dalit women's legal rights and their exclusion from state-provided services. Consequently, they grapple with the erosion of their legal status and are precluded from accessing essential state-sponsored services.

## **Marriage Registration Challenges:**

Out of the 120 surveyed inter-caste couples, 33 couples (27.5 percent) reported difficulties in registering their marriages for various reasons. Despite the awareness of the necessity for post-marital registration, they have encountered obstacles in doing so. Of these couples, 42 (35 percent) faced challenges in procuring essential documents from their families, further impeding the registration process. Moreover, 27 individuals out of 70 (38.6 percent) in hypergamous marriages and 29.8 percent out of 47 in hypogamous marriages asserted that their marriages remained unregistered.

## **Effects on Children**

Approximately 25.8 percent of children born to inter-caste couples lack birth registration, which exposes them to multifarious problems. They are deprived of enrolling in school and getting nutrition allowances provided by the government. Children may grapple with depression and despondency, particularly in instances of failed or unaccepted marriages, which deny them the love and care of either their mother or father.

## **Age-Related Legal Issues**

Inter-caste marriages often involve individuals who are below the legal marriage age stipulated by Nepali law, which mandates that individuals must be at least 20 years old to marry. Consequently, couples who marry before reaching this age find their unions rendered illegal. In such circumstances, even the police administration and advocacy organizations are limited in their capacity to intervene, given the legal infirmity of such marriages.

## **Successful Aspects of Inter-Caste Marriages**

It is important to note that not all inter-caste marriages culminate in failure or family rejection. Indeed, this study has identified instances of couples who successfully navigated the challenges associated with inter-caste unions, demonstrating that harmonious inter-caste marriages are indeed possible.

## Recommendations

Based on the facts, figures, and the expressed needs and desires of the couples obtained during this study, the following suggestions are presented:

### For Local Government

1. **Rescue Shelter:** It is imperative to assist inter-caste married couples, as they often lead a displaced life. To address this, the establishment of residential facilities or shelters should be considered.
2. **Legal Aid for Dalit Women:** In cases where Dalit women are sexually abused under the pretext of marriage and subsequently left stranded, it is imperative to provide them with legal assistance, particularly considering the financial challenges they encounter when pursuing legal action.
3. **Local Government Accountability:** local government bodies should be accountable for the protection of inter-caste married couples and the prevention of violence against women resulting from such marriages. This includes developing and enforcing policies that safeguard their rights.
4. **Birth Registration:** To safeguard and uphold the rights of children born to inter-caste couples, their birth registration process must be straightforward and automatic, ensuring registration with the concerned authorities.
5. **Mediation Role:** Local government entities must assume a mediating role to restore the disrupted harmony between Dalit and non-Dalit families arising from inter-caste marriages.

### For Federal and Provincial Government

1. **Ensure timely resolution of the case:** Inter-caste marriage-related cases warrant expedited adjudication to ensure timely resolutions and swift decisions.
2. **Combatting Caste-Based Discrimination:** In inter-caste marriages, instances of caste-based abuse often arise when couples interact with non-Dalit families and law enforcement agencies. The government must take legal action against those police personnel who engage in harassment, caste-based abuse, and discrimination against those who engage in such behavior.
3. **Inclusion of Dalit Policemen:** Given the potential bias of some non-Dalit policemen, the government should include more Dalit police officers in all police offices or at least in the women's cells is crucial to ensure impartiality and sensitivity to the issues faced by inter-caste couples.
4. **Empowerment Programs for Dalit Women:** To empower and promote the independence of inter-caste married Dalit women and ensure the well-being of their children, it is crucial to implement programs focused on both legal and economic empowerment.
5. **Dalit course in police training:** Law enforcement training should encompass the subject of violence against women within the context of inter-caste marriages and Dalit issues.
6. **Lowering the age limit of Marriage:** Recognizing the innocence of numerous Dalit youths who are unjustly subjected to punishment due to their age, consideration should be given to lowering the age limit for Dalit-non-Dalit marriages.

7. **The law should be equal to all:** The current practice of singling out Dalit youths for punitive measures based on age is inherently biased, especially given that non-Dalit girls also enter into matrimony at a young age. In the eyes of the law, both parties should be held accountable, and non-Dalit girls involved in such marriages should be equally liable for any legal consequences.

#### **For Non-governmental Organization**

1. **Legal Awareness:** Awareness campaigns should be launched for young individuals and school students about laws about marriage and sexual relations.
2. **Support Network for Inter-Caste Couples:** As inter-caste couples are frequently isolated from their families and relatives; they experience feelings of loneliness and insecurity. Therefore, the creation of a support network for inter-caste married couples is essential. Through this network, couples can share their joys and sorrows, extend assistance to those facing problems, and provide counseling and advice based on their own experiences to help new couples avoid potential violence and legal issues.
3. **Advocacy with Government and Statutory Bodies:** Advocacy efforts should be directed towards government and statutory bodies to emphasize the importance of addressing issues related to inter-caste marriage, advocating for the protection of the rights of inter-caste couples, and maintaining the visibility of these cases.
4. **Further Research:** Certain organizations operating on the Indo-Nepal border, while dedicated to combating human trafficking, also appear to advocate for the punishment of Dalit youth. Consequently, it is essential to conduct additional research to reveal the full extent of these organizations' roles. Furthermore, there is a need to explore the socio-economic repercussions of imprisoning Dalit youth in inter-caste marriages.
5. **Political Accountability:** There is an urgent need to exert substantial pressure on political party leaders, compelling them to take decisive actions against party cadres or members involved in manipulating cases and influencing law enforcement and legal authorities to unjustly penalize innocent Dalit youth engaged in inter-caste marriages. Vigorous advocacy campaigns, public awareness initiatives, and collaborative efforts from civil society organizations should be mobilized to highlight the importance of impartiality, fairness, and adherence to the rule of law in addressing inter-caste marriage cases.