

Imagining India Without Prisons

Locating Caste in Carceral Logics

Divya Chand

August 4, 2021

Contents

Caste, Crime and Punishment	6
Solidarity Across Borders	9

What connects the murder of George Floyd by the police in Minneapolis to the imprisoning of Noddeep Kaur in New Delhi to the detaining of Ahed Tamimi by Israeli authorities to the house arrest of Syed Ali Shah Geelani in Kashmir? How do race, caste, policing and occupation interconnect across borders? And what does caste have to do with prison abolition? Reading caste through an abolitionist lens points to a deep connection and solidarity between the movements for caste abolition and prison abolition. State sanctioned Punishment, has historically been a tool to oppress, torture and kill communities that challenge systems of power. In the context of Indian politics, punishment is inextricably linked to the state's Hindutva project. The *punishable* are defined by and the *punishment* is set by agents of savarna supremacy (read: police and military). The Indian state has historically constructed "criminal"¹ categories to strategically take power and agency from caste oppressed and Adivasi communities. I write here for fellow savarnas to reflect on how prison and punishment structures have historically been weaponized against caste oppressed communities.

Analyzing the local and the global, we can recognize the unique conditions that enable violence against a specific local community, while taking into account the interconnections between structures of oppression globally. Within these structures, we need to locate our own role in perpetuating them, as well as our potential to resist them. Following the leadership of Black abolitionists in the United States working towards dismantling police and prisons structures, we can reflect on the role carceral logic plays in perpetuating structures of casteism and settler-colonialism within India, and eventually working towards dismantling it globally.

Caste and punishment are linked throughout Hindu scriptures. Caste itself is grounded in theories of karma that justify caste oppression as punishment for sins committed in a previous lifetime. These theories automatically equate "Dalit" with "criminal," forcing a baggage of unknown and unknowable "sins" onto Dalit individuals, assuming any form of caste oppression as necessary punishment for those apparent sins. Further, the foundations of caste and punishment are laid alongside each other in the Manusmriti through its sanction of enslavement. Verse 8.415² outlines the sanction of seven types of slaves as those that are:

- (1) captured under a banner,
- (2) slave on food,
- (3) born in the house,
- (4) bought,
- (5) presented,
- (6) hereditary, and
- (7) slave by punishment.

Enslavement of those *whose ancestors were enslaved*, those *born to enslaved people*, and those who are *enslaved as a condition for accessing food*, are all conditions that sanction *enslavement based on caste*. The seventh condition, that grants enslavement when used as *punishment*, mirrors the reality of Indian prisons today, where incarcerated communities are subject to severe exploitation by the prison system.

The Abolition Project³ defines enslavement as the conditions under which human beings who are enslaved are "classed as property" – a structure within which the enslavers gain power and disproportionate resources by taking away conditions for agency and consent from the enslaved. Strip searches, lack of medical facilities, lack of access to adequate food and water, and solitary confinement, are only some of the dehumanizing conditions that incarcerated communities in India have brought public attention to.⁴ While the written word of the Manusmriti is far removed from the written law of the Indian Penal Code, the culture created by Hindu scriptures continues to inform and impact the treatment of

¹ <https://longreads.tni.org/stateofpower/settled-habits-new-tricks-casteist-policing-meets-big-tech-in-india.html>

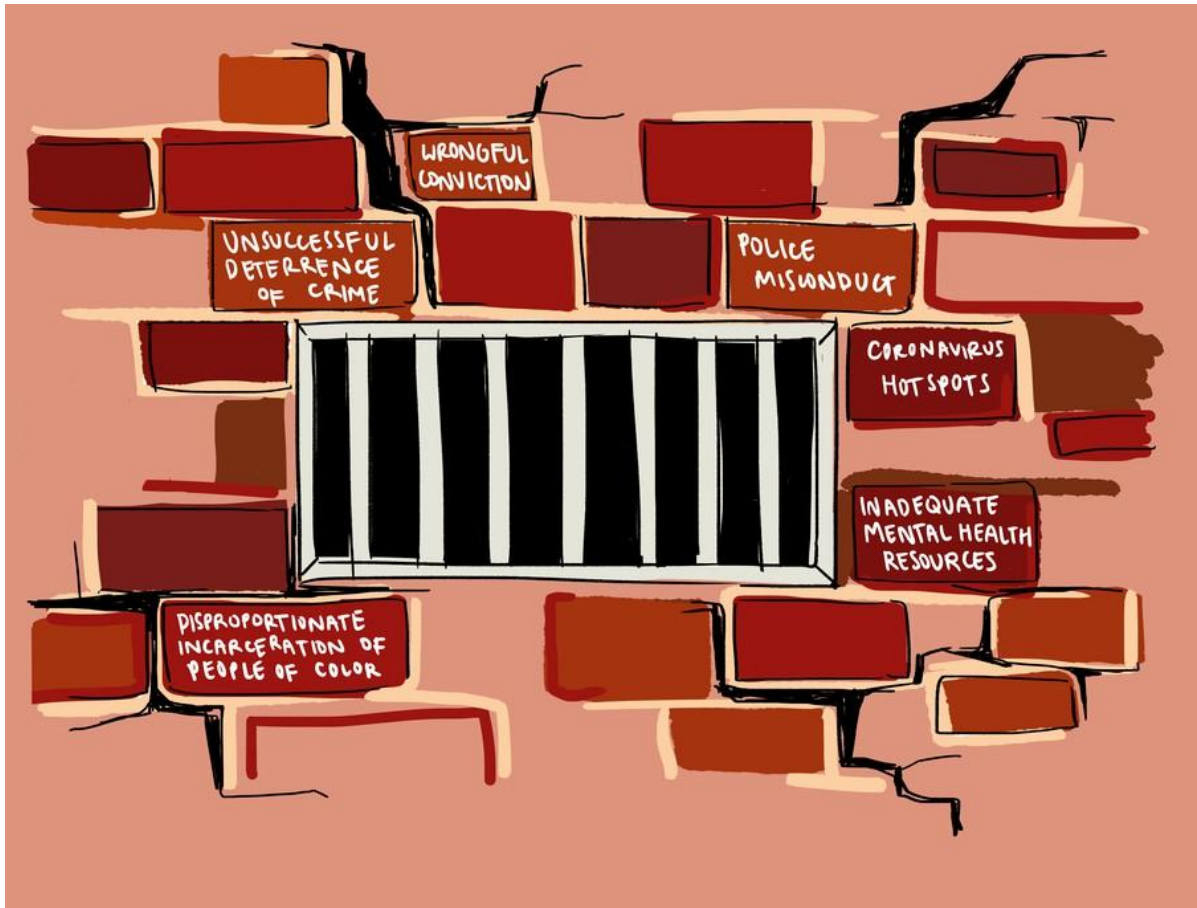
² <https://www.wisdomlib.org/hinduism/book/manusmriti-with-the-commentary-of-medhatithi/d/doc201350.html>

³ <http://abolition.e2bn.org/>

⁴ <https://www.epw.in/engage/article/prisoners-right-strike-protests-inmates-should-not>

marginalized communities in India. Sukanya Shantha⁵ highlights how the Manusmriti's caste laws, even today, impact the division of labor amongst incarcerated communities.

⁵ <https://thewire.in/caste/india-prisons-caste-labour-segregation>



Caste, Crime and Punishment

Structures of punishment create the “criminal,” and criminality creates the “innocent.” Prentis Hemphill⁶ notes, “for so many people we forget that innocence was not created as a concept for our safety, but to safeguard against us. White people in the U.S. have historically (and at times legally) been innocent of crimes against Black bodies.” The criminal, then, exists before the crime. In a culture where “crime” has been defined by whiteness that holds power and resources, Emmett Till is one of the many Black boys and men who were lynched because the state and its apologists saw them as “criminals,” “threats” to the apparent “innocence” of white women. Borrowing from this framework, we can see how Dalit men have been painted as the criminal threat to the “purity” and “innocence” of savarna women. Sophy Joseph⁷ points out that “the lower the *varna* of the perpetrator, the more severe the punishment was and the higher the *varna* of the victim, the more severe the punishment on the perpetrator.” By defining the “crime” based on the “criminal’s” identity, punishment for the same action varied based on who had caused harm, and who had been harmed: for the same harm, Bahun people were prescribed torture and violence and punishment, especially if the perceived harm was done to savarnas, while Brahmins were given leniency.

Dalit people who crossed caste segregation have historically been labeled “criminals” by savarna power structures. Particularly, Dalit men have been stereotyped as depraved sexual predators and lynched under the pretext of “protecting” savarna women. Citing the Chunduru case of 1991, in which 13 Dalit men were murdered by upper castes after a Dalit man was falsely accused of sexually harassing an upper caste woman, Jenny Rowena⁸ wrote that ““sexual harassment” has always been one of the greatest tools used to manage Bahun men.” In her account of the incident, Samata Sanghatana⁹ notes that the Chunduru cinema theater’s seating sections were divided by caste. When Ravi, a Dalit man, sat in the section reserved for savarnas, he touched a savarna individual as he crossed his legs. Ravi was later beaten by savarnas and forced to drink alcohol before he was reported to the police for harassing upper caste women while drunk. In an incident last year, R. Sakhtivel,¹⁰ a 24 year old Dalit man was lynched after he was seen defecating on the side of road, and was accused of flashing a woman nearby. The unequal access to safe sanitation aside, what is worth noting here is the particular accusation of sexual harassment hurled at Sakhtivel. Another example of a Dalit man turned into a “criminal” was Viraj Vilas Jagtap,¹¹ murdered because of his relationship with an upper caste woman, after the woman’s family accused him of harassing her. Each incident highlights a false accusation, of a Dalit man sexually harassing an upper caste woman. Breaking out of untouchability made Ravi a “criminal.” Shitting on the side of the road made Sakhtivel an “exhibitionist.” Crossing the boundaries of caste coded relationships made Viraj a “stalker.” For Dalit men, to cross untouchability is interpreted by savarnas as crossing boundaries of consent, instantly making them sexual predators, and therefore “criminals.”

The mainstream one-dimensional portrayal of Dalit men as perpetrators of violence (an image the Hindutva project extends to working class and pasmanda Indian Muslim and Kashmiri Muslim men) robs them of their right to be seen as survivors of sexual violence even as they face brutal assaults by savarnas. Since movements to protect survivors often focus on the pain of the privileged, Accounts¹² of Dalit men being publicly stripped and beaten¹³ did not make it to mainstream Indian #metoo outrage. In many of these incidents, Dalit men were sexually assaulted as a form of *punishment* for crossing

⁶ <https://prentishemphill.com/blog/2019/7/5/letting-go-of-innocence>

⁷ <https://www.dalitweb.org/?p=1578>

⁸ <https://raiot.in/the-sexual-harassment-discourse-a-bahun-womans-perspective/>

⁹ <https://www.jstor.org/stable/41626971>

¹⁰ <https://thewire.in/caste/tamil-nadu-mob-lynching-dalit>

¹¹ <https://indianexpress.com/article/cities/pune/dalit-youth-beaten-to-death-over-relationship-with-girl-from-upper-caste-community-6450042/>

¹² <https://www.hindustantimes.com/india-news/was-warned-against-reporting-assault-says-nagaur-victim/story-mqKlqVswFZatlMs2PAoRDM.html>

¹³ <https://scroll.in/latest/953775/rajasthan-two-dalit-brothers-beaten-stripped-for-alleged-theft-in-nagaur>

caste barriers. In 2019, a Dalit boy¹⁴ was stripped and forced to sit on hot tiles as “punishment” for entering a temple (police defended the perpetrator by accusing the boy of stealing from the temple). In 2020, a Dalit man¹⁵ was stripped and assaulted as “punishment” for accidentally touching a privileged caste man’s bike. Despite countless incidents of sexual violence against Dalit men, rarely, if ever, do their names come up in mainstream savarna feminist movements highlighting rape culture and sexual violence. Mainstream perception of Dalit, Bahujan and pasmanda Muslim masculinity as perpetually threatening grants immunity to their privileged perpetrators of violence. This immunity extends to the military, with The Armed Forces Special Powers Act authorizing the Indian army to label any Kashmiri demanding freedom “criminal,” while perpetrating mass physical and sexual violence against Kashmiris *and* maintaining their status as “protectors” of the nation.

For Dalit and Adivasi women, actions demanding basic dignity and agency have historically made them the “criminal.” Hindu mythology blatantly celebrates the dehumanizing, disguised as “punishing,” of Dalit and Adivasi women, with their sexuality branded as aggressive, promiscuous threats to savarna “purity.” The story of Lakshman’s violent assault on Shoorpanakha, an Adivasi woman, has been told and retold amongst savarnas through perspectives that criminalize Shoorpanakha and memorialize Lakshman. The criminal here, lies in the caste eyes of the beholder. Sexual violence against Dalit women has often been legally sanctioned. One example is the Breast Tax, enforced in Kerala in the 19th century, that required Dalit women pay taxes to be allowed to cover their breasts. Modesty was a privilege reserved for upper caste women, while Dalit women were criminalized for it. Christina Dhanaraj¹⁶ writes how stereotypes such as “immoral” and “sexually loose” continue to be associated with Dalit women. Savarna feminist ideals that “reclaim” qualities like immodesty, loudness, etc. fail to take into account the immodesty *forced* on to Dalit women, the “unfemininity” assigned to them without consent, as aspects that objectify and make them the most vulnerable to experiencing violence. The blanket discourse of “violence against women” ignores histories of savarna women accessing dignity *at the expense of* Dalit women, and participating in systems that *punished* and criminalized Dalit women (and larger Dalit communities) for accessing any form of safety.

¹⁴ <https://thewire.in/caste/wardha-caste-hindu-dalit-boy-strip-entering-temple>

¹⁵ <https://gulfnnews.com/world/asia/india/india-dalit-man-allegedly-stripped-and-assaulted-by-13-for-touching-an-upper-caste-mans-bike-1.1595343062332>

¹⁶ <https://scroll.in/article/969032/what-do-dating-romance-and-love-really-mean-for-a-dalit-woman-in-india-today>



Many Dalit individuals have continued to resist the state's definition of "justice," and in doing so have paved the ways for abolitionist futures in India. Nangeli's¹⁷ act of cutting off her breasts in response to the Breast tax in the 19th century, was a jolt to the structures that violated her. Similarly, in a Nagpur courtroom in 2004,¹⁸ 200 marginalized (predominantly oppressed caste) women resisted the police's collusion with an upper caste serial rapist by stabbing and killing him. Despite a number of police complaints against this man, he continued to sexually assault multiple women over many years with impunity, since the police protected him and did nothing to support the women in accessing safety. Recognizing the police's willful refusal to protect them, these women built safety for themselves by killing the man who had threatened them for years. Further protecting each other from the police, every woman in the community claimed responsibility for the murder, a collective act that was rooted in community safety outside of the police and prison system. This collective claim of accountability takes back power from the savarna controlled police and tears down the state-defined "criminal," threatening the core foundations of policing structures. Recently, in 2018, Raya Sarkar published a list of names¹⁹ of powerful and privileged sexual predators after compiling personal accounts from survivors who had experienced violence from these men. The survivors, whose dignity was not prioritized by authorities, made their narratives visible despite those authorities' efforts to silence them. Each of these individuals, along with so many others whose names we don't know, built paths towards justice and safety using their own power and agency as a foundation, allowing us to imagine abolitionist futures.

Solidarity Across Borders

To create prison abolitionist ties across borders, we need to understand the links amongst prisons and police globally. Organizing efforts led by Black abolitionists in the United States have built movements for prison abolition, speaking to the ways that police and prisons legalized surveillance and enslavement of Black people. The United States Constitution's 13th Amendment stating that slavery would be abolished *except as punishment for a crime* mirrors the Manusmriti's sanction of enslavement as a form of punishment. The similarity in the language of enslavement used by the United States' Constitution and the Manusmriti reveals how structures of policing travel through time and share each other's surveillance tactics across borders. In the United States as well as in India, the most marginalized communities are disproportionately represented in prisons. Dalit, Muslim and Adivasi communities make up the majority²⁰ of incarcerated communities in India. As Indian police and military forces exercise free rein over choosing their "criminals," police officers detain, torture and sexually assault Dalit communities through "encounters"²¹ without any form of accountability, while the army is permitted²² to kill communities in the North East working towards liberation by labeling them "criminals." In addition, anti-Black policing in India *directly* replicates the United States' surveillance of Black communities; one incident that highlights the Indian state's anti-Black surveillance racism, is the arrest of 21 Congolese national students²³ in Jalandhar in 2013 when they defended themselves against racial slurs by a group of Indians, none of whom were arrested.

Solidarity cannot be siloed; building global solidarities demands that we recognize the interconnections between structures of oppression, and uplift solidarities amongst communities most impacted by state violence across borders. So, how is the American prison abolition connected with the movement to annihilate caste connected to the fight for Palestinian liberation connected to struggle for Kashmiri liberation? Structures of policing, prisons, militaries and detention centers are not isolated from each

¹⁷ <https://dalithistorymonth.medium.com/the-ghost-of-nangeli-cde189c5c131>

¹⁸ <https://www.theguardian.com/world/2005/sep/16/india.gender>

¹⁹ <https://feminisminindia.com/2021/02/08/metoo-india-raya-sarkar-losha/>

²⁰ <https://scroll.in/article/972458/seven-in-10-indian-prisoners-are-awaiting-trial-one-in-three-jail-inmates-is-dalit-or-advasi>

²¹ https://www.hrw.org/reports/2007/india0207/6.htm#_ftn42

²² <https://prabuddha.us/index.php/pjse/article/view/60>

²³ <https://observers.france24.com/en/20130619-congolese-nationals-arrested-punjab-africans>

other; the Israeli police and military forces train police and military officers in the United States²⁴ and in India.²⁵ Shared tactics of oppression across white supremacy, Hindutva (or Hinduism) and Zionism connect and uphold structures that fire rubber bullets at protestors marching for Black lives in the United States, and at Palestinians and Kashmiris resisting occupation. The Indian government detaining²⁶ Rohingya refugees by defining their *presence* as ‘criminal’ – in occupied Kashmiri land, which many have called an “open air prison” – points to the Indian state’s multilayered carceral systems, sustaining and expanding the brahminical settler colonial project.

Indian police forces learn tactics from the Israeli military that aid them in surveilling, imprisoning and murdering caste oppressed communities. These casteist prison and policing structures are tied to the global prison and military industrial complex. Structures of oppression across borders exist *because* they uphold each other. Locating caste abolition, and a commitment to abolish savarna punishment structures, is integral for working towards solidarity with communities impacted by state violence globally.

²⁴ <https://www.kzoo.edu/praxis/angela-davis-on-palestine-g4s-and-the-prison-industrial-complex/>

²⁵ https://peoplesdispatch.org/wp-content/uploads/2020/01/India-Israel-Military-Relations-2020_compressed.pdf

²⁶ <https://www.dw.com/en/india-rohingya-myanmar-mizoram/a-56972090#:~:text=Hohingya%20detained%20in%20Jammu&text=The%20Unit>

South Asian Anarchist Library

Divya Chand
Imagining India Without Prisons
Locating Caste in Carceral Logics
August 4, 2021

Retrieved from raiot.in

sa.theanarchistlibrary.org