



Kukari ki Rasam

Women's Body, Assigned meaning and the Culturing Violence

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Available online at: www.isca.in

Received 28th March 2012, revised 21st April 2012, accepted 25th April 2012

Abstract

In this article a gloomy picture had been depicted upon centuries-old custom of "Kukari ki Rasam" (thread ritual), which being a curse for the women, where a skein of thread is used to detect the presence of an intact hymen of the newlywed bride. The custom had its birth in troubled times in Rajasthan when the state was ravaged by the foreign intruders and marauding armies who indulged in mass rape. Even the Rajputs conducted virginity tests for a while. Now it isn't just used to torture women, but is often used so that the groom's family can make money. "Impure" brides are beaten to reveal the names of their "lovers" and then these lovers are forced to pay large amounts of money to the bride's family. In 'Sansi' tribal community this practice still exists and receiving a menacing position among the women of the society. The government even failed to interfere in this 'culturing' violence as Sansi people feel that whatever happens within the home between husband and wife is private, so education is probably the best route to invoke any change in the cultural practice. The matter of conflict 'traditionality and modernity' also gives a rise in Gender Based Violence in the Society, which need to be ameliorated.

Key Words: Kukari ki rasam, sansi community, tradition vs. modernity, right to dignity, 'culturing' violence, ameliorative approach,

Introduction

Violence against women and girls continues unabated in every continent, country and culture. It takes a devastating toll on women's lives, on their families, and on society as a whole. Most societies prohibit such violence – yet the reality is that too often, it is covered up or tacitly condoned - Ban Ki-Moon, UN Secretary-General, 8 March 2008.

Culture, tradition, religion, and the 'normalized' socio-economic understanding and the overall economic-developmental environment have its direct corollaries to the position and status of women, as a group, in an '*habitus*' even though variances and contradictions cannot be undermine. Rapid modernization and globalization also plays its own part in widening the existing gap with the basic criterions to include in its infectious wave. In India, not exception, the gendered mode in participation in education, lack of economic independence, value biases operating against them, etc, have resulted in the women being dependent on men folk and other institutions of authority like the family, neighborhood and the society. They are usually ignorant of their rights and even if they are not, they do not have easy access to justice. In India the centuries-old custom of "Kukari ki Rasam" (thread ritual), being a curse for the women, where a skein of thread is used to detect the presence of an intact hymen of the newlywed bride. The custom is one of the old traditions which had its birth in troubled times in Rajasthan. Centuries ago when the state was ravaged by the foreign intruders and marauding armies who indulged in mass rape. Even the Rajputs conducted virginity tests for a while. It

isn't just used to torture women, but is often used so that the groom's family can make money "Impure" brides are beaten to reveal the names of their "lovers" and then these lovers are forced to pay large amounts of money to the bride's family. In 'Sansi' tribal community this practice still exists and receiving a menacing position among the women of the society. Sansi women will often name any man that they know just to stop the torture that they are undergoing. Sansi women are often not willing to draw attention to this problem, so the government is unable to do very much. Many Sansi people feel that whatever happens within the home between husband and wife is private, so education is probably the best route to invoke any change in the cultural practice. The matter of conflict 'traditionality and modernity' also gives a rise in Gender Based Violence in the Society. Not only the 'Sansi' women, but also some male who have been convicted as the 'lover' of these newly wedded bride pertaining in the continuous threat of the caste panchayat.

The 'Sansi' tribe and the prevalence of Violence among women through 'Kukari ki Rasam' (thread ritual): The Sansi community is one of the century old 'tribal/dalit' community in Rajasthan, mostly are the habitants of Tonk, Sirohi, etc districts. Sansi is a nomadic tribe (population ca. 60,000 in 2002 AD) originally located in the Rajasthan area of northwestern India, but expelled in the 13th century by Muslim invaders and now living in states of Rajasthan, Haryana, Punjab as well as scattered throughout India. Though they claim to be originated from the Bhati Rajput lineage, the Sansi tribes were one of the thievish tribes in past decades. During the British

rule, they were placed under Criminal Tribes Act 1871, hence stigmatized for a long time, even after independence however they were denotified in 1952, though the century old stigma continues. The community is 'purely' Patriarchal and women 'subordinate' position is considered as 'normal'. Prevalence of Dowry and system of child marriages are particularly high in this community, which further accentuate the gender based violence¹. The women are compelled to obey the 'tradition' and 'Male' through systemic and cultural understanding.

In this community, it is undergo a virginity test, known as kukri ki rasam, to give proof of their purity or virginity on the first night of the marriage. It consists in placing a white thread on the marriage bed on the first conjugal night of the newly married couple. The following morning, members of the groom's family inspect the thread in order to locate traces of blood on it. The blood stained thread is supposed to be proof of the rupture of the hymen of the girl on the conjugal night thus proving her virginity. If the thread is not found stained, the girl is declared impure as the unstained thread is considered as a proof of the hymen being ruptured as a result of sexual relations before marriage. The outcome of the test determines the future of the marriage.

In the cases where a girl is not able to pass the test, she is obliged to declare the name of the person with whom she allegedly had relations before her marriage. Then, either the person whose name she declares or the family members of the girl are required to pay compensation to the in laws' family, so that, they can accept an 'impure bride'. If the girl or her family members contend the results of the test or the girl does not name any person or her family denies paying compensation, the issue becomes a public matter. The case is brought in front of the panchayat, or community council, where the accused girl and her family are given an opportunity to prove the girl's innocence in front of the whole community.

The burden of proof lies with the girl and her family. The community council prescribes three kinds of tests: the fire test, the water test, and the oath giving. The first one involves walking with burning embers on their hands for 100 yards with some leaves wrapped on the palms. If the person undertaking the test comes out unscathed, the girl is proved to be pure. The second involves staying under water while somebody from the groom's sidewalks a predetermined distance. Inability of a person to stay under water for this particular duration results in failure and the girl is declared impure. The third procedure, a rather simpler one, demands taking an oath about the girl's innocence by somebody from the bride's side in a temple in front of God and of some community members.

In her case study of virginity testing among the Sansi tribal groups of Rajasthan, Kanchan Mathur found a high incidence of violence against those who 'failed' the test. (What emerged in the discussion was that though the practice of 'Kukari' was traditional, the cultural practice of growing violence against

them was on the increase. As expected, caste panchayats (caste councils) reinforce patriarchal norms, and encourage oppression of so-called offenders – often young girls in their teens – and there is no representation of women in these local bodies. A local schoolteacher says that it is irrelevant that they are forced to name the men. He says, "Here the brides are beaten to make them admit to affairs." The police claim that they are unable to do anything because this is not illegal, rather just immoral. Virginity tests are not covered under the Indian Penal Code and therefore cannot be considered a crime so a case cannot be filed against these practices. In India, women's organizations are active, but the movement to end virginity testing is not strong as of yet. Other tests used in India are the "Paani ki Dheej" (purity by water) or "Agnipariksha" (trial by fire). In the purity by water test, the woman has to hold her breath under water while another person takes one hundred steps. If she is unable to do this, she is not considered a virgin. In the trial by fire test, the brides have to walk with red-hot iron in their hands with just a plate made out of leaves and dough to shield her hands from the heat. If her hands are burnt, she is considered to be impure². Mostly of the women of Sansi community have to undergo through these cruel tests to prove their 'purity'. Being a pluralist and patriarchal society, the Sansi men think that women are their 'property' and are subjected to 'strict surveillance'. The female seems to have no right over their sexuality or over her own body or behaviour, as the whole burden of 'morality' lies upon them. Therefore their 'religious dogma and patriarchal structure' combined to put female sexuality under ceiling, which at its pinnacle is reflected through this 'Kukari ki rasam'³.

Thousands of 'Mewar' are burning: A question on Right to Dignity: "When the torture became unbearable, I took the names of youths who came to my mind -- dozens of them," "But they wanted me to name my sister's husband, a police officer, as my lover and I refused." told by Mewar, a 19-year-old girl from Tonk district, Rajasthan.

She got married with Rakesh, in 2000, who accused the newly bride as 'impure' (not virgin). The most horrifying matter occurred when the in laws' family beat the bride severely and compelled her to utter the name of her 'lover'. She was in fact forced to declare the name of her brother-in-law who is police personnel. The groom's family then demanded money from the brother-in-law of Mewar. Devastated, Mewar and her family filed a case against her Husband and in-laws but the police initially behaved helpless and later they seemed non-reactive towards the case as they 'assumed' the case as 'immoral' rather than 'illegal'. The case remained 'unsettled' and 'trapped' in between the 'tug of war' of definitions, varies from the range of 'immoral', 'illegal', 'traditionalism vs. modernism'. So many of 'Mewar's are still tangled in the unending thread of the 'Kukari'. May be there is nobody to understand their 'words of silence', even after 2000 so many issues related to the 'virginity testing' among Sansi communities came up, but appropriate solution is yet to come. The lists of the victims are increasing.

May be there are many 'Sankuntala', 'Mewar', 'Anita' still waiting to get their 'honour' back.

The tradition viz practice is widespread in the Saansi tribe focus on a very explicit condition of human rights' violation of the women belonging to a relatively 'backward' community of Rajasthan. The matter of the 'Right to Dignity' though legally identified in form 'Right to Life' in Article 21 of the Indian Constitution, still in this case people are more concern towards continuing the tradition. There are a huge pile of articles safeguarding the 'dignity' and 'human rights' of women, 'popularised' as Article 14, 15, 15[3], 16, 39, 42, 51[A] and [C]; still in this case we find the crude lacuna in 'de jure' and 'de facto'⁴. Many of the 'Sansi' women may or may not know there 'right', but the matter is, the more far the 'system' goes on, the more women from this community will become vulnerable or 'victimized' by this 'social system'. Also this social system encourages 'dowry' in form of 'price to suppress the shame of that bride' by 'paying money to the in-laws' and to stop battering upon them as they are accused as 'impure'. The question is whether the 'money' can bring the 'honour' back? The predominance of such 'cult's are usually endorsed to their socially and educationally 'backward' status. While accepting the specificity of the situation in this particular context, it is interesting to note that the practice of virginity tests has been widely prevalent all over the world. Most societies of the world seem to know or have known it as a means to prevent premarital sexual relations pointing to the importance of chastity and virginity for the concept of womanhood. Often similar methods of inspection of the conjugal bed for bloodstains as a proof of rupture of hymen on the conjugal night are used. Though the definition and extent of emphasis has varied in different parts of the world, they carry enormous importance in traditional, non-western societies. They are considered as essential values associated with culture and tradition and any questioning is treated as a direct attack on the culture and tradition. The very objection against virginity tests, which actually lie at the root of such extreme cases of violence against women, by national as well as international women's governmental and non-governmental organizations, are viewed as negative effects of 'modernization' and globalization. These campaigns are decried as being influenced by the western perspective with no or little relevance for the non-western world.

Although, there is fractional truth in this argument, we cannot shut our eyes towards the violation of women's dignity and physical integrity, which is a more or less direct result of such practices. Neither a universalistic position, imposing the Western view and simply condemning the virginity tests and thus the whole underlying worldviews, nor a relativistic position arguing that "everything goes" as we cannot judge the practices and points of view of one culture from the topos of another culture⁵.

The Dilemma of Gender Based Violence created by the 'Kukari Ki Rasam': A sociological Perspective: The phenomenon of violence against women arises from patriarchal notions of ownership over women's bodies, sexuality, labor, reproductive rights, mobility and level of autonomy. Deep-rooted ideas about male superiority enable men to freely exercise unlimited power over women's lives and effectively legitimize it too. Violence is thus a tool that men use constantly to control women as a result of highly internalized patriarchal conditioning coupled with legitimacy for coercion to enforce compliance and increasing aspirations, frustrations and 'might is right' becoming a legitimate view and increasing need for assertion of individual egos and control. Within this context, several developments serve as a backdrop to the discussion and analysis of increased violence against women. But on the other hand the violence against male was also a matter of concern. If we find the definition of gender based violence narrated in United Nations' Population Development Fund Report 2005, it was said that, "Violence is a traumatic experience for any man or woman, but gender-based violence is preponderantly inflicted by men on women and girls. It both reflects inequities between men and women and compromises the health, dignity, security and autonomy of its victims," we can easily comprehend that 'gender based violence' is not only a 'women centric issue'; it is an issue irrespective of any particular 'sex' or 'gender'.

Thus, the dilemma of the gender based violence is not only declined to the female of the 'Sansi' community but the male who are accused as the 'Lover' of that newly wedded bride is also subjected towards violence. Men of the Sansi community are also facing social violence in the form of social pressure by the Caste Panchayats. The contributing factors behind this kind of violence are basically the desire to gain control over a particular vulnerable male member within the community, the desire to exploit someone for personal benefits, the flare to be in a commanding position all the time showcasing one's supremacy so on and so forth. On various occasions, traditional and social influence also adds to the vehemence. For such notorious community like the Sansis, who are famous for the illicit activities, the desire to make easy money through using this traditional 'kukari ki Rasam', is quite normal. Even the credibility of the caste Panchayat are also questioned as, mostly of the caste members are corrupted. From whoever of the both parties they get more money, they give the judgment in favour of them. Thus several poor male members within this community lost huge amounts of money as they are accused 'falsely' by having premarital affairs with unmarried girls.

Like in the case of Sanjaya, 20, has been spun out for several years. After being accused as 'impure' through the thread ritual Sanjaya named Chattan Singh for having sexual relationship before marriage with him. The caste Panchayat demanded Rs 60,000 amount of money from Chattan, but he refused to pay such huge amount by saying that he is innocent. The notorious castes Panchayat forcefully made Chattan Singh to sale his land and pay the money. There are reportedly hundreds of such

people trapped in such cases^[b]. Some of these male victims reported that they have to pay huge amount as bribe to the caste panchayats.

On the word of the different forms of violence these males are more exposed towards Verbal violence, Social violence, Emotional violence, and Financial violence⁶. If we hit upon the deep root of this problem we can see that the 'tradition' is increasingly becoming money making tool of the caste Panchayat and some few opportunist people within this community. Whoever is the victim of this 'Traditional System' is more exposed towards mental declination. Violence over them is creating an arena for breaching the definite and enduring patterns of complementary human relations between 'man' and 'woman', and therefore it is amplifying a social disorganization.⁷ The whole 'problématique' of this social disorganization can be described with the light of the of the 'Thomas Theorem', which is, mostly of the women of this community still thinks this 'tradition' as their 'fate' and this attitude among them are not 'innate', but is stem from a process of 'norm projection' or 'defining a false situation' as a 'real situation' which have 'real consequences'⁸. This 'mindset and belief' triggers such tests and 'victimizes' so many men and women in this community. The level of violence may be less towards the male or 'more' towards the female of this community, but it only creating a state of 'disorganization'.

The underlying 'Problématique' and paving the remedy:

The 'problématique' is such a social condition blocks the individuality of each and every 'victim' of this 'cult'. Sexuality of linked to self-expression and individuality. But the practice of this 'cult' is blocking the 'self' of each and every woman in this community⁹. Even some men are also 'suppressed' and don't have any choice over their sexuality. Not only in the 'Sansi' community but also in entire India the 'pre marital sex' is still a matter of 'taboo' and 'immorality' while religion and culture had perpetuated sexuality many times in the walls of temples, architectures and literatures. But here the question is the matter of 'morality'. As their 'sexuality and choice' can make them cost a huge, both in form of 'violence' and 'paying money' to the caste Panchayat and the in-laws' family of the 'accused' bride with whom they had 'premarital relation'. Certainly the matter is painful, but not as the women. They have to go through a set of 'dishonouring and life threatening tests' accompanied with 'Kukari' like 'Pani Ki Dheej' or 'Agnipariksha' etc. As if they argue after 'failing' the Kukari' test, that they are 'not impure', the in-laws' family indulge then in such further tests to prove their 'purity'. It is thus important to raise here a few points in respect to virginity tests which force us to open up to the whole underlying problématique. One of the underlying reasons for the suppression of women worldwide is a result of the over-emphasis on these values for women only. There are no such tests for male. But still the problem has another different dimension. Though there are some of the male also being suppressed and ill treated within the society, in the name of this 'tradition', for keeping an 'impure' woman as wife.

But these male are only exposed towards the moderate version of violence. These male are facing the suppression of the caste Panchayat and are vulnerable towards the 'Financial Violence', in terms of losing their money to resolve the blame given over them. The accused males suppress the matter by purely 'bribing' the caste Panchayat and the in-laws families to get rid from the blames. But the women are 'trapped'. They pay the huge sum of money, to the in-laws family, but still they have to tolerate the burden of continuous Verbal and Physical violence. Sometimes the torture goes unbearable and often these brides leave the in-laws' house.

Though in some part of the world the 'norm' of virginity testing still exists in the name of 'culture', tradition or 'for sake of well being of the girls' but still it's a question on 'dignity of a human being'. The problem is women often are accepted as an 'object to protect' or to be 'showcased'. There is some worldwide belief that, preventing the spread of HIV and teenage pregnancy are examples of reasons given by proponents of virginity testing. In 2004, a Zimbabwean village chief, Naboth Makoni, stated that he would adopt a plan to enforce virginity tests as a way of protecting his people against HIV. He explained that he focuses on girls because he believes they are easier to control than boys.^[c] In South Africa, where virginity testing is banned, the Zulu tribe believes that the practice prevents the spread of HIV and teenage pregnancy, also they regard this testing as a matter of loyalty for the women. If a girl is virgin, then only she can dance in front of the king, or else she should be shunned from the other 'pure' girls. Examinations to test for previous sexual activity are commonly performed in India on rape victims also. Human Rights Watch criticized the test as "degrading and unscientific" and a second assault on traumatized women, and raised concerns about Indian courts bringing views of rape victims' general moral character into their rulings. Also, In Egypt its military forces had performed virginity tests on women detained during the 2011 Egyptian revolution. It said the tests were carried out in order to refute claims that the women had been raped while in detention. 'Amnesty International' described the virginity tests as nothing less than torture.

So these are some worldwide picture on Virginity testing in different names and different form, with different 'excuses'. In India, the picture is little related to the socio-cultural and/or historic or circumstantial based/lead 'ideologies'. As far as deliverance of law within a community space is concerned, it is effectively the patriarchal local rural community in all over South Asia that defines the concept of justice in which the women are excluded. Such Traditional systems (like the 'Sansi' community system of justice, namely as caste panchayat) not only outcast the women from the process but also from defining the crime¹⁰. To ameliorate this 'tradition' solid activism is not enough, but 'education' and 'equal participation of the women in the traditional legal system' is also required. The following remedial approaches can be considered as the stepping stones to address such problem:

Caste panchayat' is popularly accepted as an integral part of social functioning, especially, in North-western India. Here, the participation of women is meager and has a least say. Caste Panchayat as an institution enjoys authority and autonomy based on patriarchal norm with least concern to the formal state legal system. Protest against this dominating system exist within society, with changing time, but with least audibility of being feared to 'secluded/excludes' from ones community. Gian Singh, a schoolteacher, a member of 'Sansi Caste Panchayat' protested the system of 'Kukari ki rasam', but couldn't expressed due to fear of 'being secluded'^[a] So, organizing such people for 'inside' views and perspectives, with full support from governmental and non-governmental bodies to share an understanding in the evolving thought and changing paradigm can be an innovative step to the running scenarios.

Body as an object for social bargaining and to test cultural meaning proves problematic scientifically, especially, in the cases of virginity testing through integments of hymen. Moreover, system such as 'Kukari ki rasam' is an act of multiple discrimination for being a women, immorality and for carrying an 'impure body' with constant humiliation by standing in a 'constructed/imagine' based. In most cases, women who went through such a test, even if passed, bear social stigmatization till the body last with constant recurrence – socially, personally and in family lives. It has a greater impact on being construction of a dignified 'self' and social communication of the body in everyday life. So, such a system is totally against right of being a human. So tracking such system and bringing immediate changes though strict rule of law and human right consideration is the need of the time.¹¹

Rule of law and its enforcement: Acknowledging the multiplicity and complexity of India in composition, and the secularism and freedom for every faith to sustain equally; a strict uniformity in the rule of law is a big deal. However, violation on life through 'baseless' cultural meaning will subdue the logical reasoning of changing paradigm based on modern scientific values. Thus, a strict rule of law should enact and enforced uniformly against humiliation and inscriptions through anatomical testing based on traditional believes.

Education: tribal communities, especially in Rajasthan, has low literacy rate and also have a greater influence of the traditional 'mindsets'. In this community, government and civil society organizations should intensified all possible steps to expand the level of education. Here, literacy of female is pathetic and they still lie under the coverage of cultural explanations. So, education is one of the main domain to imposed proper understanding of the social system sustainably in times to come and free from the existing 'unfreedom'

Social Empowerment viz Social 'Independency': Dependency of women, especially on men's financial 'support', should be ameliorated or 'lessened'. Social independency through

financial security, micro-finance movement and making self help groups of the women can be one of the best possible approaches for paving remedy in this regard. For instance of the 'Mission sakti' project of Odhisha made a huge success by making the 'Financial Empowerment' of the women and made them proactive in the financial decision making. Thus many of the women became socially 'independent' in Odhisha and saved themselves from century old culturing violence practiced by men folks.

Hymen tests are an integral part of the Saansi community's culture and are meant to prevent pre-marital sex as a means of protecting the values. These types of values are found in many other local communities which are less highlighted. From a human rights perspective, this practice is a clear case of violation of the rights of women. It is a source of undue violence and oppression and needs to be eradicated. Not only this, by virtue of being a party to Convention for Elimination of Discrimination against Women, steps for eradication of such kind of practices is a legal duty for India. Tracking the authenticity of these cases and sending these kinds of evidences to the policy makers can accelerate the lobbying or advocacy. There is an urgent need to compose a number of laws to ban such practices.

The Indian State has been making attempts to deal with such issues but considering the deep-rooted social acceptance of such practices, it has not been very successful. The community members perceive the steps taken by the government as interference into their internal affairs and are viewed as instrumental in destroying the fabric of the community life. So the perception of the pluralist community members should have to be taken in mind while enacting such law.

Conclusion

Violence is a reflection of power inequalities in society and comparably more women than men continue to be targets. Violence against women often results in physical and mental ill-health as well as death¹¹. Recognition of women's autonomy over her sexual life and her sexuality is also unequal to that of men, and can result in both sexual and reproductive ill-health for women. However, all of these issues are neither addressed properly in the goal on gender equality nor in the goal on maternal and reproductive health by the policy makers.^[e]

The case of 'Kukari Ki Rasam' is a product of strictly pluralist society, where women have no right or less right over their own body or sexual behaviour. May be the term is more complex to understand for this community or the 'Sansi' Women, but still it is necessary to make the community people more aware about the 'Right to Live' or 'Right of Dignity'.

But the question is, having 'truly pluralist system of laws centered on the individual' will allow easy interference from outsiders by giving them legal access within the affairs of any

community? And, if so, doesn't it ultimately privilege the individual over the community? Is this not taking sides in a deep-going dilemma? Many fieldworkers would be able to testify how easy it is to consider illegal, and immoral, any valued traditional practice when judged from the vantage point of a legal order incorporating individualistic 'human rights' propagated by international conventions.

Preventing this cultural vandalism requires more exhaustive interference of the law and order in this particular case, with a sheer watchdog eyes by the Human Rights Commission, Rajasthan. Beside this the community also needs an exceptional motivation among the women of Sansi community to 'create an environment for self esteem and self. Therefore, a multipronged strategy is needed to reform the 'state laws', 'community laws' strategies and community sanctions to ameliorate this 'cultural vandalism'.

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