

## Sub theme 5 Caste and the Constitution

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Of all rights affirmed by the Constitution, the right to equality has been the hardest to realise. Given the fact that inequality is built into our social structure, Constitutional provisions and the letter of the law inevitably come up against social habit and historically powerful vested interests, to do with caste and community. These interests exercise control over individuals wanting to lead lives of their own through a combination of affective and coercive methods, and in the everyday space of the home and family. They also seek to confront, sometimes violently, social and political movements committed to equality and justice, and often, they resort to distinctive gendered practices to affirm their authority. Through invoking custom, tradition, and by resorting to a range of acts from sexual shaming to violence, they have acted in ways that affirm their social and civic impunity.

How might we frame issues that have to do with family and community violence and control in this context? And how might we rethink the question of rights in the intimate sphere, given that intimacy, privacy, family and caste are always already intertwined? Further, how have Constitutional guarantees of equality proved useful, where family and caste networks are concerned? What social and legal struggles have been waged, especially by anti-caste and feminist groups and civil liberties organisations in this regard? How have such struggles expanded the meaning of 'equality'? Beyond the law, how has the Constitution inspired arguments and debates against birth-based discrimination, which affects women as well as the so-called lower castes and those who were historically considered untouchable? How might we address the complicated subject of multiple inequalities, of caste, class, gender, sexual identities and abilities, in light of what Dr Ambedkar defined as 'Constitutional morality'? What specific legal and extra-legal histories would we need to draw upon in doing so?

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