

Atrocity and Resistance:

A Study of Dalit Assertion in Odisha

A dissertation submitted during 2017 to the University of Hyderabad in partial fulfilment of the requirements for the award of the degree of

MASTER OF PHILOSOPHY

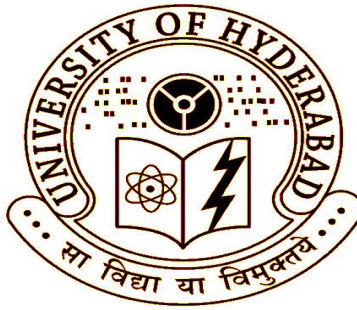
IN

SOCIOLOGY

BY

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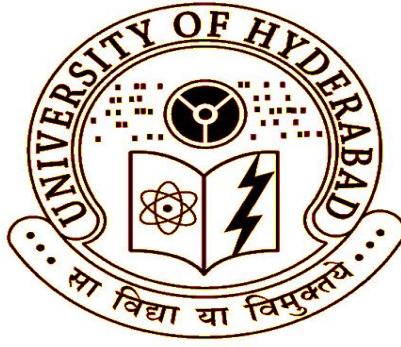
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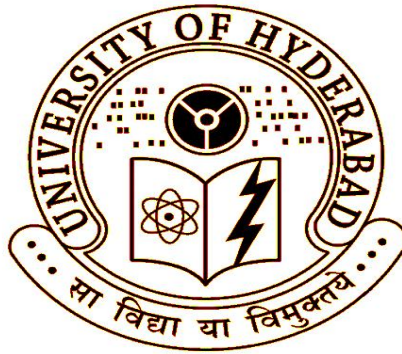
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DECLARATION

I Yogananda Kumbhar, hereby declare that this dissertation entitled **Atrocity and Resistance: A Study of Dalit Assertion in Odisha** submitted by me under the supervision and guidance of Prof. Nagaraju Gundemeda, at the Department of Sociology, University of Hyderabad, is a bonafide research work which is also free from plagiarism. I also declared that it has not been submitted previously in part or in full to this university or any other University or Institution for the award of any degree or diploma. I hereby agree that my dissertation can be deposited in Sodhganga/INFLIBNET.

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*This Dissertation is
Dedicated to my beloved
Parents*

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Abbreviation

AIMBSCS	All India Mulnivasi Bahujan Samaj Central Sangh
BJD	Biju Janata Dal
BJP	Bharatiya Janata Party
CBI	Central Bureau of Investigation
CRPC	Criminal Procedure Code
EFLU	English and Foreign Language University
FGM	Female Genital Mutilation
FIR	First Information Report
HCU	Hyderabad Central University
IAS	Ideological State Apparatus
IIC	Inspector In-charge
IPC	Indian Penal Code
JNU	Jawaharlal Nehru University
KBK	Kalahandi Balangir Koraput
MLA	Member of Legislative Assembly
NCDHR	National Campaign for Dalit Human Rights
NCSC	National Commission for Scheduled Caste
NGO	Non-Government Organisation
NSSO	National Sample Survey Organisation
OBC	Other Backward Classes
PCRA	Protection of Civil Rights Act
PIL	Public Interest Litigation
POA	Prevention of Atrocity Act

SC	Scheduled Caste
SCB	Sriram Chandra Bhanjadeo Medical College
SHG	Self Help Group
SI	Sub-Inspector
SIT	Special Investigation Team
SP	Superintendent of Police
ST	Scheduled Tribe
UN	United Nations
UNO	United Nations Organisation

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Chapter-I

Introduction

Introduction

Atrocity on Dalit is not a new phenomenon in India but the intensity has increased with the passage of time. Since the year 2015 atrocities on Dalit along with Dalit assertions and resistance have been increased across the country. The nature of atrocity and resistance on the part of Dalit has taken new forms. Dalits are no longer subservient to so called upper caste and to be treated lowly, inferior and subhuman position in the society. The pervasive nature of caste leads to pervasive nature of atrocity in the society. In this context, the situation of Odisha is not so different though the atrocities in Odisha are not in the mainstream discourses. Less visibility does not mean less number of atrocities occurred. The state of Odisha is one of the most atrocity prone states. As per the report of National Crime Record Bureau (NCRB), 2014 Odisha is placed in the sixth position and has contributed 11 percent to national atrocity crime ratio.

1.1. Background of the Study

The state of Odisha is one of the atrocity prone states in India, in which out of thirty districts sixteen have been identified atrocity prone officially by the state government. There is a demand from the social activists and Dalit movement leaders to declare Balangir as atrocity prone district in Odisha. This popular demand from the masses is a clear indication that the Dalit, officially known as scheduled caste are subject to multiple forms of discrimination in the Odia society. The demand is based on the series of violent incidents happening in the past and present ranging from everyday forms of abuse to damage to the life and properties of Dalits in Odisha. The events

show that caste and untouchability operate in its utmost level without any intervention and application of the law, so as the state turns a blind eye. In many cases law is became vulnerable for victims rather than a source of justice.

The unequal graded caste structure of society which placed Dalit in the ladder on pollution line is responsible for these inhuman acts; because, the Indian social order is based on hierarchy of status, where the status is determined by spiritual and material purity and pollution. Humiliation, oppression, sexual exploitations and physical assaults are part of the everyday life of Dalits in rural Odisha in particular and rural India in general. In the system of caste gradation, Dalit left with no power and resources, even if their dignity is denied. They live their life completely depends on fate. The situation is worse when it comes to physical violence and atrocity which plunder their lives. The atrocity executed when they try to transgress caste norms imposed on them. Asking the basic right as a human being on the part of Dalits treat as a the vioation of caste norms by upper caste Hindus.

Various forms of caste atrocities are going on in Odisha with complete impunity. The state and the civil society is a mute spectator for such cruel, inhuman and unjust violence against India's most oppressed community. There are certain Dalits caste groups who are not in a position to assert even though they suffer from caste atrocities. The fear of violence always guides thoughts and actions. They were socialised to remain silent despite constitutional laws and special safety provisions. However, whenever the Dalit caste groups try to break the silence and assert their constitutional rights they were met with injustice from the state machinery and civil society. The assertive Dalit caste groups are the victim of upper caste fury. In the caste conflicts, the social location of victim and perpetrator is very much visible. It is a conflict between touchables and untouchables caste groups (Ambedkar: 1989).

There are very few sociological studies available on the subject of caste and atrocities in eastern India in general and Odisha in particular. The caste and practice of untouchability in Odisha have not yet attracted the attention of the mainstream social scientists in general and sociologist in particular. The first study was conducted by an eminent British anthropologist F. G. Bailey on caste in Odisha in early 1960.¹ He studied caste and social relationship in Bisipara, a village of Kandhamal district in Odisha. He has seen a conflicting situation among Dalit Pano and tribal Kandha. Pano is an untouchable caste and Kandha is a locally dominant tribal community. The Kandhas are dominant community possessing numerical strength, cultivable land and control the local politics and claims second position in the ritual hierarchy of Hindu society. Therefore, they respect the touchable caste groups and treat Pano as their domestic slaves, inferior to their status and position. Pano belongs to Dalit community deprived of spiritual as well as the material world; survives by service to Kandha. His study goes against the conventional sociological/ anthropological studies which place tribe on par with SC and accepts the conventional constitutional wisdom and policy framework.

From the above instance one can elicit that the human society is based on inequality with unequal distribution of power, privileges, resources and status regarding the social construction of caste, class, gender, ethnicity, race etc. This inequality reflects not only at the individual level but also at the communal line. According to Karl Marx (1848), society is the site of conflict between haves and have not, dominant and dominated, exploiter and exploited². In the conflicting situation, the dominant group tries to retain their position and maintain privileges in the society; on the contrary, the dominated or exploited social group tries to overcome the system of inequality, exploitation and injustice inflicted on them. In order to maintain the dominance,

¹ Two Villages of Odisha: A Study of Caste Disputes in Social Stratification edited by Depankar Gupta, 1992

² Communist Manifesto

the dominant groups of the society use diverse forms of domination by using the physical, verbal and symbolic forms. In the context of Indian society, one can notice all forms of domination ranging from absolute violence to subtle forms of discrimination. Sometimes this inter-social tension and antagonism culminated with violence and atrocity.

To understand atrocity one need to locate the victims of atrocity in the social structure and their relationship with the structure and other social group. In the sociological study of violence, atrocity and discrimination race, gender and castes are the broader categories of sociological analysis. The following will be a discussion with regard to the structural vulnerability of social groups.

Atrocity is a worldwide phenomenon which used nationally and internationally to reflect the nature of crime and the social group involved in it. In the western context atrocity on Blacks is widely discussed, visible, perceived and understood the root problem of atrocities. As we know the racial theory is a myth but it has some connection with the society to theorise the problems of black. Racial theory the narratives of white where white constructed as superior, master, a valued and respected person in America in particular and Western society in general only because of the skin colour. On the other hand, a notion has been nurtured that Blacks are worth nothing except being a slave of white man. Whites used the term 'nigger' to denote black which is a degraded connotation of abuse. Terming someone or a community as inferior and making it a public discourse means stigmatising the identity of community or person. And documentation of it means to popularise, legitimise and perpetuate that oppressive discourse.

Like the racial group in western society the exploitation of women irrespective of their caste, class, racial, religious background location victims of sexual and emotional exploitation.

The woman is one of the major social categories contributes half of the world population face injustice and violence that is because of the persistence of globally practised patriarchy. Patriarchy is an ideology which treats women as a second sex, subordinate to man. The burden of culture, tradition and religion are only for the women. Women are the key part and parcel of social values and culture. Men control women body and sexuality in the name of protecting value, culture and religion with an intention of protecting group's distinct identity. Violation of community norms on the part of women results in severe punishment including brutal forms of physical and psychological torture. Women's body is treated as pollution in the time of menstruation, which is a regressive misogynistic idea. In the matrilineal family system puberty is celebrated as a cultural ideal. All the pro-women activity is negated by the patriarchal ideology and practice. In the patriarchal family, women are deprived of power, resources, privileges, respect, rights and dignity. Women live their life at the mercy of man without any social and economic rights as if they have been born to serve their husband and produce children. (Bhasin: 2000). When it comes to the physical violence, rape is one of the brutal, inhuman crimes inflicted upon women. We live in a society where a rape victim is further victimised by her own family and society. In this sense, women face both physical and socio-psychological atrocities. During wars and communal riots, women's bodies become a site to prove the dominance of masculinity (Menon: 2000).

It is said that women are more vulnerable in domestic spaces. Many reports reveal that the known people do more crimes than stranger towards women. Domestic violence, honour killing etc. are the other forms of atrocious crimes against women. There are many laws and legislation to protect women from violence; such as Domestic Violence Act 2005, section 498A (Ahuja: 2009).

The problems of women are multi-dimensional because their existence are not restrict only to be women but women of different caste, class, religion, racial and sexual orientation. Therefore, women experience varies on the basis of their gender and non-gender social location. There is a hierarchy of experiences which can be distinguished such as black and white, Dalit and Savarna, Hindu and Muslim, rural and urban etc. The women who belong to oppressed community face multiple forms of atrocity as compared to the women of non-discriminated community in general (Collins: 1990).

The women as a category always face violence in the patriarchal society and no society is free from gender violence. Patriarchy operates across the caste, class, religion and ethnic lines. Though the gender problem is a worldwide phenomenon caste is endemic to India which perpetuates certain kind of gender as well as caste violence

Caste is one of the major problems in Indian society entangles with social, material, political and spiritual or a combination of the whole. It is very complex and complicated problem having its own merits and its fluid nature to accommodate itself with the new situation. Secondly, it works through a socio-spiritual notion among masses having public and private practices. So, caste or jati or jat based on graded inequality with its relational functionality.³ People are connected with one another through caste. Without caste, people cannot think of their behaviour, attitude, marriage and so on. So, the overall functionality of society cannot be imagined without caste. This is all about “*Dharma*” prescribed by Hindu religion and culture which everyone must follow. The break of “*Dharma*” is perceived as a great sin and dismantles of the social structure. To establish “*Dharma*” “*Adharmi*” should be punished harshly. The dharmic notion of caste gradation placed untouchable in the fifth position, called *Avarna* or out-caste (Ambedkar: 1989).

³ Jati or Jat is the Indian connotation of Caste

The untouchable or Dalit lead a life worse than a slave prior to colonial intervention; and this situation has changed to some extent with constitutional protection and protective discrimination. The constitution provides a socio-economic-educational sphere with the notion of equality and equal opportunity for Dalits. Therefore, reshuffling of caste social structure started in the economic, educational, political sphere besides social and spiritual status. These changes created tension between touchable and untouchable which resulted in conflict and antagonism. The allegiance of Dalit towards upper caste Hindu mitigating day by day because of the opening of new avenues of economic opportunities and it is not a compulsion to obey an upper caste for survival. Dalit with economic independence and awareness are not ready to accept the sub-human position and choose to resist upper caste command. The resistance of Dalits increases resentment among caste Hindus. In this context, the conflict is twofold, one is religious and another is material and political. Due to conflict over the spiritual material and political space, Dalits are the victim of upper caste violence in India.

The intention of upper caste Hindu is very much clear that Dalit must accept everyday structural caste humiliation or be ready for its consequences as caste atrocity if they do not conform to the caste morality. The increasing caste atrocity resulted in the enactment of different laws which was the need of the time. Along with this line Protection of Civil Rights Act, abolition of untouchability (article 17) and Prevention of Atrocity Act was a major concern of policy makers.

There are so many laws and Acts present in the constitution but without any efficacy in ground reality. All the laws and legislation come into force referring article 17, which abolishes untouchability and its practices in any forms and declared it as a criminal offence. The Protection of Civil Rights 1976 Act (earlier known as untouchability offence act 1955) provides penalties for violation of the act. The normal provision of Indian Penal Code enshrines above legislation

found to be inadequate to provide safeguards against crime meted out to scheduled caste/tribe. So, a new legislation came into effect called “SC/ST Prevention of Atrocity Act 1989” (Khosla: 1987).

All these laws for the protection of Dalits are of less relevant, effective and productive in the ground. The situation of Dalit has been not changed and the Indian judiciary fails to protect the life and property of Dalits.

Atrocity on Dalits existed from time immemorial but the intensity has been increasing with the every passing year especially after independence. The last few years witnessed a number of Dalit atrocities and intensification of Dalit resistance and assertions across the country, ranging from Sunpet to Saharanpur.⁴ The situation of Odisha is not better when compared to the national crime against scheduled castes. The state of Odisha is one of the most atrocities prone states in India according to the National Crime Record Bureau. Odisha has been witnessing series of atrocities not only to dalit but also to Adivasi especially in the district of Balangir. In the year 2012, two members of the same family were killed by the upper caste Hindus in the village of Chanutmal. In this particular case land was the site of disputes. The dispute is not that of two individual or family, but one Dalit family versus whole village community. When the Dalit family refused to donate their cultivable land for building the temple, it led to the murder of two innocent men along with the destruction of house and property of a single family. In that village, two Dalit families were living. After the incident, both victim family and non-victim family members left the village out of fear for life.

⁴ Sunpet is a village in Faridabad district of Haryana where two Dalit children were burned alive while they were sleeping in the night
Saharanpur is a district of Uttar Pradesh where twenty five Dalit houses have been burned down and three people died in the violence

The Lathor case in the year 2012 is a burning issue where entire Dalit hamlet was burnt down because of minor conflict between two boys; one from Marwari and another from Ganda caste. The mob even did not spare animals and fire brigades vehicle. This incident was the result of the previous assertion of Dalit in several occasions (Sunani: 2012).

The third case is very much pathetic where a fifteen-year minor Dalit girl was brutally raped and murdered. After two days of search her body was found mutilated. Her mother is the leader of one of the SHG (Self-help group) fighting against the liquor mafia in the locality. So many times the upper caste liquor mafia have been threatening this SGH group member including Dalimba, mother of Snehalata. Many times they were abused in public by these mafia groups; when they failed they found a soft target in Shnehalata.

It is not that all these cases were unreported, along with that public protest and agitations are organised by the Dalit groups. The discontent against the state and society in the form of public protest and agitation were not found in Odisha prior to 2000. But the scenario had been changed a lot especially from 2004.

Therefore, an attempt has been made to analyse, examine and evaluate the forms of atrocities, and practices of resistance and the assertion of Dalit in contemporary Odisha. In order to understand the atrocities and resistance the study has framed the following objectives.

1.2. Research Question

1. How to understand atrocities on Dalit sociologically?
2. What are the factors responsible for atrocities on Dalits?

1.3. Objectives of the Research

1. To understand the forms and practices of Atrocities in India in general and Odisha in particular,
2. To critically examine the material factors which are responsible for atrocities against Dalits in Odisha.
3. To analyse the religious and ritual forms of atrocities on Dalits in Odisha.

1.4. Methodology

The view from the below approach is applied to understand the atrocities, resistance and assertion on the part of Dalit. How religion, caste, untouchability play a vital role in shaping the worldview of common masses. The secondary sources of data have been used to make critical sociological sense of atrocities on Dalits in Odisha. In addition to the review of the literature, newspaper reports, government reports and reports prepared by the NGOs and activists on Odisha were accessed.

1.5. Scope of the Study

The universe of the study is the atrocity cases in Odisha with a special focus on the Balangir district. The selection of the Balangir district is due to the highest level of repeated atrocities against the Dalits of Odisha. It is not that the other parts of the state are free from atrocities. Along with the atrocity, Dalit's protest and discontent against the society and government are visible. The assertion by the Dalit of Balangir is a unique case in the entire state. No other district found Dalit agitation with such visibility.

1.6. Principal Sources of Data Collection

The primary data have been collected through in-depth interview with three of the victims and informal discussion with the person who participated in the assertion for justice of atrocity victims. Copies of FIR and court affidavits are used as a reliable source in the study. This study is enriched with the secondary data and information such as local newspaper, articles, and journal, government reports. NCRB, Census report and NSSO data are used to show the vulnerability, atrocity crime against Dalits, execution rate and percent of trial cases of scheduled caste in Odisha in particular and in India have been analysed in general.

1.7. Significance of the Study

The study is very much important sociologically to discern the atrocity in legal and social point of view. This study explores caste structure of Odisha society and its operation in the everyday life of the Dalits. The aim of the study is to find out the major limitation of the legal approach in dealing with atrocities and tries to expound physical and socio-psychological understanding of caste atrocity. It tries to understand the inter-caste relation and its causes and consequences. This study not only explores atrocities on Dalit but also everyday resistance and assertion. The study of caste atrocity in eastern India, especially Odisha, has not been studied yet so far.

It is important to be familiar with the concepts which have been used in the dissertation for a better understanding of the work. The preconception of the dissertation may lead one to be clear about the structure and concepts used in dissertation writing. The dissertation uses many concepts and theory but the primary concepts used in the dissertation are ‘atrocity’, ‘resistance’, ‘assertion’, and ‘Dalit’. The logic behind the selection of these concepts is to locate Dalits’ position and the situation in Odisha and India in the contemporary Indian society.

1.8. Concept of Atrocity

The phenomenon of atrocity is generally understood in terms of physical violence committed by a person or a group or a community against the other person or group or community (Ram: 2009). The term has not been defined sociologically as well as in legally. It has been used synonymously to refer to violence, crime, etc. The Indian law defines it as all Indian Penal crime which is committed by non-SC/ST person/s towards a SC/ST person/s treated as an atrocity. The United Nations defines “atrocity crime” as genocide, crimes against humanity and war crime. The meaning of atrocity will be partial if it does not take cognisance of other form such as verbal abuse, insult and humiliation, calling name by caste, taunting and making disparaging remarks against a person or group or community (Ram: 1995).

1.9. Concept of Resistance

Literally, resistance means to stand, fight against somebody or something. Generally, resistance involves actions that passively or actively oppose the dominant culture ideas or ideology, everyday practices. Resistance certainly an expression of protest refuse to accept.

1.10. Concept of Dalit

There are many definitions and understanding of Dalit as term, concept and identity. But in simple connotation it means oppressed. Dalit is an assertive adopted identity by the oppressed community of India known as Untouchable. Later on it subsumes all oppressed community such as women, worker, poor etc. Today, ‘Dalit’ can be recognised not only as a powerful and effective identity but also as a perspective that performs a foundational role in defining a worldview for political action and everyday life. Here Dalit and Scheduled Caste are used interchangeably (Prasad: 2008).

1.11. Concept of Assertion

The Advanced English Learner, Oxford University Press defines assertion as ‘a statement saying that you strongly believe something to be true’. The demonstration is a principle of the assertion of the right to march (Oxford English Advanced Learner: 2009).

1.12. The Structure of the Dissertation

The present study is divided into five chapters including introduction and conclusion. The first chapter of the dissertation is an introduction to the study. This chapter provides the context of the study, research problems, research questions and objectives of the study, the significance of the study and methodology of data collection. The second chapter of the dissertation presents the themes and perspectives of atrocities in the western and Indian context. This chapter explores literature on the atrocity, identity and legal view to comprehend multiple forms of atrocities and crimes. The third chapter of the dissertation discusses atrocity in India sociologically. It includes statistic of NCRB report different perspective perceive atrocities. The fourth chapter of the dissertation discusses the trends of atrocities in the context of Odisha. Chapter fifth presents loopholes of the laws, the state machinery and the society where it suggested some measures to tackle atrocity.

Summary

This chapter proposes the study of the dissertation which the following chapters are dedicated to satisfying the proposed study. This chapter introduces the research problems, objectives, methodology, sources of data collection, the significance of the study; along with a detailed

structure of the dissertation. Further, it explains the important concept which has been used in the study. To explore the broader understanding of the atrocity the next chapter provides a review of the literature covering the global perspectives to the Indian practices.

Chapter-II

Social Construction of Atrocity: A critical overview

Introduction

This chapter subsumes a brief review of literature which deals with the different forms of atrocities. Different sociological theories have been used to understand atrocity sociologically. The first section deals with the different definition of atrocities referring not only to physical violence but also the socio-psychological atrocity. This section expounds in relation to racial crime and crime against women. The chapter evaluates laws and modern state dealing with atrocity with a special reference to India where different perspectives have been used to analyse the nature of state and laws in modern society dealing with atrocity. The objectives of the chapter is to explore broader them to study atrocity and to study laws and state in the protection of victims of atrocity.

2.1. Understanding Atrocity in a Perspective

It is an obvious question that what is the sociology of atrocity? Or how do we understand atrocity sociologically? As we know sociology is the study of social structure and its relations. Atrocity is one among the other social interaction located in the social structure. Atrocity is found where social structure professes and perpetuates inequality and discrimination. So atrocity is the product of society and social structure.

The most common definition of atrocity is the crime against humanity. It means any inhuman act is called atrocity. This is the standard definition of U.N.O. Some scholars and organisation define, it is a hate crime. These two definitions are incomplete to comprehend atrocity. It is not

merely a crime of hate and crime against humanity, but it is a crime of prejudice as well. The prejudice of hate reinforces by social structure and agencies of society (UN: 2014).⁵

The social prejudice is constructed socially through different means which advocates one social group is superior to another social group. These distinctions never based on any scientific inquiry or logical reasoning, rather biases and persuasion of dogmas and blind belief. The distinction laid a binary between two social groups and when they meet they never meet as fellow human being for sure. Now the question arises what is that distinction make possible for separation, which placed not only distinct but polar opposite as well, i.e. identity. Is that identity is the sole problem of atrocity? The answer is negative. When the two social group of separate identity⁶ have unequal access to social, economic and political and spiritual life leads to atrocity or conflict in the society. The powerful group wants to suppress, oppress, exploit and exclude from all the resource of material and symbolic from the powerless social group.

The construction of the social identity of superior and inferior is part of the conspiracy. Identity is of two types; one is ascribed and another is achieved. And atrocity has a nexus with the ascribed unalterable identity such as race, caste, gender, ethnicity etc. These identities are not merely identity but it carries its own ideology and it always entangles with the power. Through this ideology the oppressive group hegemonies the whole society and when it is challenged by the victims of the system, the oppressor resort to coercion to restore their hegemonic system. The domination and hegemony work side by side with the help of social, political and economic institutions. Althusser (1971) states,

⁵http://www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf

⁶ Identity refers simply to a social category, a set of persons marked by a label and distinguished by rules deciding membership and (alleged) characteristic feature or attribute.

“It is essential to say that for their part the ideological state Apparatuses function massively and predominantly by ideology, but they also function secondarily by repression, even if ultimately, but only ultimately, this is very attenuated and concealed, even symbolic. Thus school and churches use suitable methods of punishment, expulsion, selection etc., to ‘discipline’ not only their shepherds but also their flocks. The same is true of the family, the same is true of the cultural IS Apparatus (censorship, among other things) etc.”⁷

The term atrocity is most commonly used in war crime from its conception. With the passage of time, the meaning and its dimension of usages have changed. It is a common understanding that atrocity means physical violence. When it has an ideological basis it must injure psyche as well. Therefore comprehending atrocity without recognising psychological trauma or injuries will be a partial understanding of atrocity.

It is very common that atrocity means physical violence or injury or harm. As it has already mentioned, that atrocity is embedded with ideology and social structure. Atrocity is a social reality in every society because no society is ideal; it is more or less deviant.⁸ Therefore, it cannot be free from ideological influence and operation. Ideas, ideology, notion and believes has a direct connection with the mind or psyche. In this context, mental or psychological atrocity cannot be denied. Psychological atrocity is much more dreadful than the physical or bodily harm; because it breaks the human self from within like internal blood clotting which never visible but much more harmful.

Physical violence can be understood but it is never possible to capture psychological trauma because it is purely a subjective matter of experience and it varies individual to individual. And it is not always articulated all the time. The pain of mental trauma or mental shock threatens the existence of one’s self which cannot be imagined. It breaks into pieces the one’s self-respect and human dignity. Self-respect and human dignity is the sole of individual’s development and

⁷ IS means Ideological State Apparatus

⁸ See Master of Sociological Thought by Lewis A Coser, Chapter on Max Weber, pp 224-225

individual development leads to social development. To understand the importance and value of dignity German philosopher Immanuel Kant views, “*human beings have “an intrinsic worth, i.e., dignity”, which makes them valuable above all price*”.⁹ This means dignity is worth to human being; then how do we measure that worth and what will be the unit of measurement? We live in a material world where everything living or non-living, animal or object have a value. However, the value is decided by human beings. Then what is the value of human beings? Does every human possess same value? The answer is a negative one. Every human being does not have same worth in the society. According to the worth, some are privileges some are destitute. However, the worth is not about one’s labour, skill and capability or as a human being but by their immediate possible identity such as race, sex, caste etc. Poverty, humiliation, discrimination, exclusion and finally atrocity are the product of resultant of restricting the human value to race, sex or caste. These identities are constructed to legitimise superiority of oppressor and delegitimize the claim of oppressed in the system.

MacIver & Page (1961) defines, “*society is a web of social relationship.*” In this context, an atrocity has a certain kind of social relationship with society and social structure. G. H. Mead (1934) conceives society as an exchange of gesture which involves the use of the symbol. The human society consists of individuals and their interaction, without that human society would not have produced any meaning at all.¹⁰

The interactions are of different kinds, it may be inter-community, among individuals and inter-personal. The interaction between individuals or among different social groups is moulded by the social structure according to one’s social, economic, political, ritual position achieve or ascribe

⁹ Rachels, James. (2003). *The Elements of Moral Philosophy*. pp130-36 (Fourth edition). McGraw-Hills publication.

¹⁰ See Society: An Introductory Analysis by MacIver and Page, and Mind, Self and Society by Mead

by the community or individual. The more important is the social norms and values enshrined in that social structure influence the social behaviour. It doesn't imply that all social action or behaviour produced a good result in the society. So, social interaction produces positive results as well as negative one. The social interaction or action which establishes social cohesion, harmony, unity among the social group is called positive social interaction whereas the interaction which produces coercion, disharmony, and conflict in the society are known as negative social interaction. In this way, atrocity is one of the negative social interactions or it can be said that it is a violent social interaction between two or more community and social players. The atrocity is always committed/executed with the communal line where the dominant and dominated or superior and inferior are the key players of atrocity crime. It is an identity-based hate crime with cruelty and ruthlessness.¹¹

The definition of what is atrocity changes from society to society and from ages to ages, precisely because it is connected with the legal and moral status of a society which themselves are evolving. The word atrocity is derived from French word *atrocité* or directly from Latin word *atrocities* which mean cruelty, fierceness, harshness. The Cambridge Advanced Learner's Dictionary (2008), defines atrocity as an extremely cruel, violent or shocking act.¹² The term is not conceptualised in sociology and same with the legal discourse. Therefore, it is interchangeably used with violence and crime; but it is certainly distinct from the general perception of crime and violence because all crime or violence is never treated as an atrocity.

By foregrounding the literature on the subject of atrocity; it can be defined, atrocity as one of the social interactions based on hatreds against a particular social group or community mostly on the

¹¹ See Contemporary Social Theory by Wallace and Wolf, pp 161-216. Oxford University press.

¹² See Cambridge Advanced Learner's Dictionary, Third Edition, pp 82.

lines of ascribed identity of powerless group, either of legal, moral, cultural, religious sanction operates with prejudice. Identity is one of the major problems, polarises the masses, among identity line and the identity can be related to birth, region, sex, language, skin colour, religion, nationality, ideology and so on. Many of the conflict and barbarities in the world are sustained through the illusion of a unique and choice less identity. In this context Amarty Sen (2006) writes,

“A sense of identity can be a source not merely of pride and joy, but also of strength and confidence. A strong and exclusive sense of belonging to one group can in many cases carry with it the perception of distance and divergence from other groups. A sense of belonging to a community is thus seen as a source, like capital. The cultivated violence associated with identity conflicts seems to repeat itself around the world with increasing persistence. Societal violence such as atrocity, riot, massacre, gang rapes, arson etc. Identity and violence have an age-old relationship.”

When the discussion is all about atrocity, one has to take a note of who are these groups who suffers from this identity-based discrimination and atrocity. There are so many social groups victim of this identity based hate crime, but the category which is reference point of discussion is race, sex and caste. In the following section a detail analysis of hate crime has been discussed in the light of construction of identity and discrimination. This analysis locates the situation and position of the victims of the atrocity crime. It is important for sociological understanding of atrocity in the context of racial crime and gender crime which gives a perspective to evaluate atrocity with different social group; because every social group do not face same kind of atrocity in same magnitude.

2.2. Atrocity on African-Americans

The atrocity and violence against African-American are widely known as a racial crime. What is the race all about? It is a spontaneous question that does race exists? Does it exist biologically in medical science or it exists in society? Until the late nineteenth century, it was believed that race is a biological distinction, but the scientists disprove the belief. How the term used to denote different category of people according to their colour, culture, nationality etc. the historian George Fredrickson point out “*the word derive from the late 15th century Spanish designation for Jewish and Muslim origins, came frightened with Christians’ beliefs that such people embodied an innate, permanent and negative essence.*”¹³ It is clear that the term Race used as a negative sense from its inception. The further question can be asked does it matter; however, it exists in society. The answer is affirmative; it is real in African-American society as a concept and as a complex social process of exclusion and discrimination. Therefore it does matter and shapes the life of colour men and women. It is largely unquestioned belief that race is a self-evident and visually obvious defined by colour, facial feature, hair style and other visual cues (Obasogie: 2010).

Therefore a racial community constitutes a separate nation. Racism is a particular form of oppression where certainly differently appear group is discriminated against the other racial group dominating the public spaces. In America, African-American treated as inferior because of their skin colour which is not fair or dark.

The concept racism as a dominant ideology emerged in the colonial period in the context of African slave trade where the native people of Africa were brought to America and other parts of Europe by the colonial invader. They were treated as inferior, unworthy, uncivilised and

¹³ Theorizing race and racism: focusing our discursiveness. Author George J. Safadei, Leeno Luke Karumanchery, Nisha Karumanchery
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subhuman. The only qualification they possess as a slave in the eye of the white colonialist. A slave had no right in the social sphere as well as in legal domain until the end of civil war. The African-American were never treated equally with the white by the white dominated racial society. The American fought against the British to free their country but still, they colonised the Black as a slave (Ann:2005).

They have identified as nigger a derogatory term used for African-American by white people. In reality, they have treated no more than a commodity, they can buy and sold. They did not have any citizenship rights, even if the erstwhile slave denied the citizenship rights by the supreme court of USA. Atrocities against the racial people were rampant, physical and psychological torture, humiliations, lynching was the everyday reality of black life. The stigma of racism is so ingrained that even blind people can see and sense it. So, it is not all about physical cues but an ideology to deprive African-American of all socio-political-economical participation¹⁴. A study on the experience of blind people on race conducted by Obasogie has a view,

“race and racial thinking are encoded into individuals through interactive social practices that train people to think a certain way about the world around them. In short, these practices are so strong that even blind people, in a conceptual sense, “see” race.”

According to the Hate Crime Statistic Act in its most recent reports 2013, it counted 5928 incidents resulting in 7242 victims. On the other hand, Federal Bureau of Investigation (FBI) reported most hate crime which is motivated by race accounting for 48.5 percent among of all such hate crime. The statistics report by ‘Department of justice on Race and violent Crime’

¹⁴ See Do blind people see race? Social, legal and theoretical considerations. From: law and society review. (Vol 44. No3/4, sept-dec 2010) Author: Osagie K. Obasogie

shows that low annual income black face more violence than the high-income black. The term nigger is widely used by the white as they are unworthy to govern over any white.¹⁵

The racial and the caste problem differ from each in certain sense. The history of black starts with colonial intervention and slave trade whereas the problem of untouchability and caste has a history before the colonial intervention. The context of the problem differs from each other. For Ambedkar, untouchability is worse than the racial problem in the certain ground. Both these problems exist till today but the situation of Black is much better than the untouchable of India. Black culture and music are celebrated in America but the culture of untouchable still treat as impure.

Like racial and untouchability there is another problem which found irrespective of caste and colour that is the problem of women. The women as a category encounter the world with multiple forms of discrimination which is endemic to women and other forms of discrimination as well.

2.3. Atrocity on women

The atrocity against women is an age-old phenomenon, prior to birth to death women face a lot of violence and atrocity because of the misogynistic character of male-centric society. On the other hand, the society never entertains women problem as a social evil. In some cases, it became the issues of a private matter rather than a social problem. It is evident that in the beginning, the family was the mother-centric. Mothers were playing the key role in family and social processes like animals. The mothers in animal kingdom take care of their children and played a major role in worldly life unlike mother of human beings in the present context. It does not mean that

¹⁵ <https://ucr.fbi.gov/hate-crime/2013>

human never possess mother-centric society. The hunting-gathering society is the example of matrilineal society. What the historical trajectory indulge male domination in the society is a historical question yet to answer.

There are many theory and perspective to look into the enslavement of women. And it is also evident that in long past women were the sole protectors of children and family in a mother-centric society. But what leads to the mother-centric society to the father dominated society. No theory has explained about it and how patriarchy became globalised is a wonder. In the dominant discourse women life divided in public and private where it is believed that women are safer in domestic sphere in contrast to the public sphere. But many studies found that women are more vulnerable in the domestic sphere. If we look at the frangibility of women which start from feticide to child marriage, marital rape to domestic violence, ill-treatment to property deprivation etc are self-evident atrocious life a woman has to passes through. The non-domestic environment is not women friendly as well, because it comprises from male gaze to eve teasing, following to abduction, physical assault to gang rape etc is some horrific example of atrocities against women. All these atrocities on women are not confined to any particular society or community, it pervasive phenomena of all human society. However, the degree of oppression may vary. Therefore, the radical feminist author Taslima Nasrin asserts, “Women have no country”, which means the patriarchy is operated across the globe to hound women (Nasrin: 2013).¹⁶

Patriarchy means a man ruled society where exclusive power and privileges enjoyed by the man. Women are denied from socio-economic and political space and enslaved. The religion and culture indulge in legitimization and perpetuation of women enslavement. All the ill tradition and practices such as child marriage, Sati, widowhood, infanticide, prostitution and female genital

¹⁶ See the book “Narira Kaunosi Desha Nahi” by Taslima Nasrin translated by Yogal Kishor in Odia

mutilation (FGM) etc have a direct connection with the religion and traditional values. Apart from these, they are deprived of their rights, albeit in some cases they possess right but unable to exercise with free will. Their will is the will of their husband or father. Their life is a life of mercy and full of indignities.

If we see the obscene language of any dialect all are full of abusive hatred toward women. From this language, it can be imagined how the male dominated society hate them, whether or not we use the derogatory language against women consciously or unconsciously. Religious dogmas always want to subordinate women because of women play a role of the agency to socialise or to transmit cultural values. The family is one of the oppressive institutions where a woman has to compromise throughout her life. She sacrifices his job, family, aspiration, child rearing and taking care of home affairs etc. Marriage and religion are entangled with each other that oppress women more. Service and sacrifice to her husband and laws family are the sole purposes of married women (Bhasin: 2000).

The statistical data shows that known offender involved in 95 percent of the cases of crime against women. Forcing women into a marriage continues to be the chief reason to kidnap her. All India Crime reported 337922 in the year 2014. 9.2 percent increase from 2013-14. Uttar Pradesh (16.89), West Bengal is listed top in the crime against women (NCRB: 2015).

Sexual violence is the violence which man never face or very rarely face by man. Women's oppression and violence varies with respect to their various affiliation of identities such as religion, caste, region, ethnic group etc. patriarchy became globalised and matrilineal society became a patriarchal society. Patriarchy is also an ideology based on superior and inferior where man has privileges over women exercising willpower and decision making. Women become a

machine of child production nothing else. The word used to the husband is Pati or Swami which means master, therefore husband is a master than wife must be a slave. Pati paramesara means the husband is not less than God for a wife. Women are treated as a sex slave. Marx and Angle say it is the family which deprives women of material resources leads to the subordination of women. But the women who are self-dependent also face difficulties everyday life which has no relation with the material freedom (Angel: 1884).

Women as a category confronted multiple forms of oppression and violence in the gendered line as well their social location in the society. Patricia Collins (1990) asserts in a study on Black women that Black women encounter intersectional violence which is applicable to the women belongs to the oppressed communities such as Dalit women, Muslim women etc. In the context of India, Dalit women not only oppressed by Dalit men but also by Savarna men and women.

It is known that atrocity inflicted on Blacks, women and untouchables but it will be incomplete without looking at the response of the state towards these vulnerable groups. The modern states are democratic in nature and believe in citizenship among all social groups though the practice may differ.

2.4. Law and Atrocity

Why do we need law and that on atrocities? Because might always never right, to smooth function and regulating of society law is very much essential. The English Oxford Advanced Learners' dictionary (2009) defines, law as a system of rules which a particular country or community recognises as regulating the actions of its members and which it may enforce by the imposition of penalty.¹⁷ It is like a medicine where any body part of society sick it must be

¹⁷ See oxford advanced learner dictionary, 9th edition, 2015

applied to cure. The existence of law indicates the persistence of social problems and because to deal with social evil laws are enacted. The prevention of atrocities acts 1989 in India is one of such legislations. It is already mentioned that law and society are evolving themselves, so it is all about the interpretation of existing law according to time. Anyway, law has its own limitation to reforming the society (Ambedkar: 1989).

However, the modern law is better than the religious and traditional law because the modern laws require evidence, reason and rationality where the accused get chance to prove innocence unlike the religious law which is based on dogma, superstition and prejudice and the verdict of priest or king is final. Still, it cannot conclude that modern laws are full proof to establish justice because the judiciary is the product of society. Therefore, the law does not define society rather it reflects society. But the importance of judiciary cannot be out rightly denied because in many cases in most of the country, judiciary plays a major role in reshaping the society in a right direction. There are many perspectives to study judicial system (Wacks: 2008).

Marxian perspective (1859) accuses law and judiciary as the superstructures uphold the dominant culture and value reinforces the inequalities.¹⁸ For functionalist, it is established rule of law for protection and disharmony. However, the majority of masses believe in the judiciary and legal system. But it can be said that interpretation of law also differs from jury to jury because it depends on human nature and reason along with it comprises of a social element called human being which may be suffering from bias and prejudices (Marx: 1859).

The most of the laws especially criminal laws are impartial in nature but the Prevention of Atrocity Act, 1989 is an exception. No country in world has made criminal law for certain

¹⁸ see A Contribution to the critique of Political Economy by Karl Marx

community (Ramaiah: 2007). In this context the Indian laws need to be studied in a proper context because, no special laws available in the western countries to deal with atrocity. The western countries use same law for crime and atrocity crime as well.

The law can sometimes use as an instrument of discrimination or repression and sometimes an instrument of protection. On the other hand major limitation that it does not have any executive role in enforcing the law, it is the sole duty of the executive or administrative to execute and implement the law on the ground. Therefore, legal measures cannot redress the entire problem but it can work as a medicine of body politics; when the body is sick it can be applied. The prevention of Scheduled Caste and Scheduled Tribe (Prevention of Atrocity) Act is one of the medicines to cure the disease of untouchability and caste violence (Ambedkar: 1989).

The Scheduled Caste and Scheduled Tribes (Prevention of Atrocity) Act 1989 does not define specifically what atrocity is. But it overtly says any criminal act committed by any person other than SC/ST which is punishable under Indian Penal Code (IPC) of the section is treated as an atrocity. This includes not only physical violence as well as the verbal abuse, discrimination, torture etc. further, it adds any act which is derogatory to human dignity.

“The preface of the act states “an act to prevent the commission of offences of atrocities against the member of scheduled caste and scheduled tribe, to provide for special courts for the trial of such offences and for the reliefs and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto”.

It includes intentional insult or intimidates with intent to humiliate a member of SC/ST in any place within public view, accessibility of water, using public places. It recommends establishing the special court and public prosecutor to deal with matter pertaining to atrocity cases. There are

provisions to compensate the victims according to the nature of the crime. All the atrocity crimes are a non-bail able offence where accused has to prove his innocence (Ramaiah: 2000).

This act is most stringent compared to other acts which were/are dealing with untouchability and atrocities. This is the only criminal law which is specific for certain social group; nowhere in the world have such criminal law existed for a specific community. Why a criminal law is enacted only for certain groups or communities with stringent punishments. Many people argue that there are so many legislation which deals with the untouchability such as Protection of Civil Right Act 1955 (PCRA was previously known as Untouchability act), article 17 which declare abolition of Untouchability. After all this legislations, why do we need this draconian law, many people argue. There are many allegations of misuse of the act to counter their rival caste groups. In this juncture, we need to discern POA act in proper context and its relevance in the society (Ramaiah:2007). If we look at the background of POA act than it goes back to 1985 infamous Karamchedu incident eight people were brutally killed and more than twenty people severely injured by the so called upper caste mob of more than two hundred.¹⁹ In this incident, Kamma was the perpetrator and Madiga were the victim of caste atrocity. The magnitude and intensity of the incident had shaken the whole country. Therefore the caste question along with terrible caste violence came into the national discourse. This discourse put forward by the subsequent post-Karamchedu movement against caste violence led by then Dalit activists, civil society especially Kathi Padma Rao, Bojja Tarakam, K. Balagopal and many more (Balagopal: 2011).

¹⁹ Karamchedu is a Village located in state of Andhra Pradesh

Summary

There are different dimensions of understanding of atrocities. It also put forward the psychological atrocity in the society in different forms. It find a connection between identity and atrocity and expound the atrocity on colour people in America and other parts of European countries, women across the globe and Dalits in the context of India. It evaluates the importance of laws in the society to deal with atrocity in the society or nation state.

Chapter-III

Atrocity in India: A sociological Analysis

Introduction

The present chapter will analyze the forms and pattern of atrocity in India. It deals with the regional and ethnic form of atrocity and how the society in the Indian subcontinent ingrained racial bias and prejudiced in every form of discrimination and violence. Thus, this chapter will discuss and analyze the sociological perspective of atrocity, laws and society. It further analyzes the 'National Crime Record Bureau' (NCRB) data from a sociological point of view where registration of 'First Information Report' (FIR) to conviction rate has been included. After the critical analysis, it is observed that there are multiple loopholes while collecting the NCRB data. It also visualises the causes of atrocity with a special reference to the Ambedkar's understanding of atrocity. The objective of the chapter broadly discusses several forms of atrocity especially the caste atrocity and its causes.

The practice of atrocity is a common phenomenon across the world and India is not an exception. India is a country which is witnessing and observing all kinds of atrocities ranging from caste to racial, ethnic, regional and gendered. The major problems of atrocity lie on disdain for accepting the differences. However, there is a dogmatic value such as gender discrimination and caste hierarchy based on the notion of purity and pollution legitimised by the religion which ensued caste and gender atrocity in India. Therefore, Indian society sternly distresses from racial bias, ethnic hatred and regional enmity in the veil of the modern and secular nation. The prejudice, discrimination and disregard towards other caste, communities, religion, ethnic, regional and gender groups is an everyday social reality. The majority of Indian practised, behave and

communicate the same without any guilt or remorse. These majorities of the people practice it, follow it in their everyday life and perpetuate it and propagate it.

There are several incidents which can trace out it out from the newspapers that people from other states especially Bihar and Uttar Pradesh are victims of regional atrocity and discrimination in a state like Maharashtra. It also noticed that there is a threat to their life and livelihood in states like Maharashtra and Delhi. People usually make a mockery of Bihar and Biharis by saying *Bihar se bhage ho* (have you ran away from Bihar). Nitu Singh a student of Delhi University from Bihar, writes in “*Being a Bihari in the land of stereotype*” where she claims that non-Bihari in Delhi thinks that *Bihari* means old fashioned, dirty, poor and filthy (Singh: 2015).²⁰ The poor labour, a small shopkeeper who comes to the Mumbai, Pune or other parts of Maharashtra for the livelihood always in fear of attack from anti-Bihari or pro-Maharashtrian outfit.

The incident on 27th March 2017 where Indian attacked Nigerian and African students is a clear indication of racial hatred. On the other hand, Tarun Vijaya’s (An Indian author) defence that India is not a racist country because of Indian subsumes South Indian. The statement itself was unconstitutional, derogatory, biased and racial in nature. Apart from this, the Indian print and electronic media continuously busy with the promotion of fairness cream where television/film actors/actresses to athletes and sports persons are allied with such ads, which reflects that Indians are racial in nature and behaviour. Indian people not only practice racism but also promote with full of pride.²¹

The South Indian film industries are not free from racial bias as well. It could never be seen any heroine and hero of dark skin, albeit those who are dark in colour also appear as fair in the

²⁰ http://zeenews.india.com/blog/being-a-bihari-in-the-land-of-stereotypes_1484544.html

²¹ <http://www.hindustantimes.com/india-news/bjp-s-tarun-vijay-stokes-racism-row-we-have-south-india-we-live-with-black-people/story-rmaP8qguUK7zr1mWem2e4O.html> Retrieve on (26/05/2017), 8:50 am, IST

movies. The attack on north-east students in different parts of country unveils the racial and ethnic violence (Dhankar: 2014). In the matrimonial market fair skin bride has more value than the dark skin which is evident in matrimony newspaper and online site. The Hindu social order is a division of people on the basis of colour; that colour is called Varna. In this context, Beteille (1977) writes,

“Since one of the most common contemporary meanings of Varna is colour, it was assured by a Western scholar in the last century that the fourfold hierarchy reflected a difference of skin colour among people, and that the association of two was evidence of the racial origin of social division among Hindus. Today we find it more reasonable to see the association between particular categories of persons and particular colour (Brahman, white; Kshatriya, red; Vaishya, yellow; Sudra, black) as symbolic rather than material.”

The Indian society is a caste based unequal society. The structure and ideology of caste is very much atrocious for lower caste and fortune for upper caste people. Caste is an ascending scale of reverence and descending scale of contempt. According to Ambedkar (1989) words, caste is a graded inequality. But there are many scholars like Dipankar Gupta (1992), G.S. Ghure (1932) having a different take on this matter. They bring their reference point only from Hindu religious text where the book view and field view places oppositely. Caste for Indologist merely a difference and an ideal form of society based on the division of labour. So the practice of sociology of India has two distinct vantage points to discern caste or *jati*. This contradiction is not only confined to academia but among public discourses as well. The denial mode of the persistence of caste by the government/state and the main stream public discourse intensify the caste atrocity.

Omar Abdullah in 2001 made a clear stance of the Indian government at World Conference Against Racism that caste discrimination should not be a matter for the UN. Arguing that, it was an internal matter not an issue for the United Nations. The activists in the National Campaign for

Dalit Human Rights (NCDHR) were of opinion that caste discrimination continues after fifty years of constitutional safeguards. So this caste a problem ought to be brought to the attention of the world community.

The government of India is indifferent to acknowledge caste and atrocities are serious problems. However, the NCRB reports have a different connotation in this matter unlike the government of India and mainstream newspapers. Everyday news in local media and social media capture the intensity and gravity of the problem which is a problem of diseased mentality, culture and society. In every year thousand number of cases registered under POA (prevention of atrocity), act and PCR (protection of civil rights) Act along with other section of IPC (Indian Penal Code) and CRPC (criminal procedure code).

3.1. Sociological Analysis of Law and NCRB Report

The Constitution of India protects each and every citizen through fundamental rights which are basic human rights and different legislation which ensure equality of status and opportunity with a dignified life. Further, it guaranteed by Article 15 that no citizen shall be subjected to any disabilities or restrictions on the ground of religion, race, sex or place of birth. Article 17 says that the practice of untouchability in any form punishable under law.

And it directs the state to make provision to protect the weaker section of the society especially Scheduled caste/tribe, women, children etc from time to time. The Constitution of India also contains an array of provision for removal of disabilities and discrimination against the weaker section of the society such as scheduled caste/tribe, women, children and physically challenged. When it was observed that all these rights are not enough to protect life, liberty property and

interest than Protection of the civil right act, 1955 and prevention of atrocity act 1989 came into force.

As we know that the Indian society is a society is full of disability. Over the seventy years of independence those who have been suffering from disability of social, political, economic, spiritual, untouchability, patriarchy etc yet to include in mainstream society. Scheduled castes are one among the other discriminated social group in India. They are not disabled because they are less capable of mental and physical strength but they are denied equal opportunities, status and share in accessing symbolic (education, knowledge, titles) or material (land, money, trade) resources for their developments.

The NCRB (national crime record bureau) records crimes against victims of disable identity along with other kind of crimes against them. The crime against scheduled castes is common in India because of the lowly status, poor economic background, less access to education make them more vulnerable in society, in reporting their cases and fighting legal battles. (Touchable vs. untouchable)

Table:1 Survey of Crimes in India

Year	Total no of cases registered	Cases Registered under POA Act	Total population in lakh	Rate of Cognisable crime	Percentage of increase/decrease of crime
2015	45003	38564	2013.8	22.3	-4.4
2014	47064	40300	2013.8	23.4	+19.0
2013	39408	13975	2013.73	19.57	+17.0
2012	33655	12576	2013.78	16.71	NA
2011	33719	11342	2013.78	2.8	NA

Sources: “Crime in India”, National Crime Record Bureau, Ministry of Home Affairs, Government of India, (2011-2015).

Rate of cognizable crimes = (incidence of crime/ total population belongs to SC)* 100,000

Every year thousands number of cases are registered which are the crime against scheduled caste. The table:1 shows the five years of crime from 2011 to 2015. In the year 2015, the number of crimes reported is 45003 which is 2061 less than the reported crime of the previous year. But the difference between reported crime and atrocity crime has decreased to 325, though it is minimal. It is found that in the year 2011, 2012 and 2013 the difference between reported crime and atrocity crime was huge. From this trend, we can imagine the application of the POA act by the police. The rate of cognizable crime has an increase of 20.6 in the five years. The acute growth found in 2012 of 14.63 compared to 2011.

The reason for the less reporting against POA act is that in many cases the police hesitate or reluctant to register cases in the provision of POA act. Sometime the tribal people committed atrocities against Dalit where POA act cannot be applied. That is another reason. The charge

sheet or final report excludes the section of POA act or the defense in the court of law prove/convinced that his/her client is not aware of the caste background of the victim then POA act cannot take its course. Many cases compromised outside the court. Many people do not register or pursue the case because of life threat or dire consequences. In many cases the police does not register the case at all. Most of the time, it has been observed that cases are not registered until the intervention of NGO or local Dalit organisation.

Table:2 Top Ten Atrocity Prone States of The year 2015

Name of the State	Total No of cases Reported	Rate of Cognizance crime	Total SC population in Lakhs	Crime per lakhs population
Utter Pradesh	8358	18.6	413.6	20.2
Rajasthan	6998	15.6	122.2	57.3
Bihar	6438	14.3	165.7	38.9
Andhra Pradesh	4415	9.8	84.7	52.3
Madhya Pradesh	4188	9.3	113.4	36.9
Odisha	2305	5.1	71.9	32.1
Karnataka	1987	4.4	104.7	19.0
Maharashtra	1816	4.0	132.4	13.7
Tamil Nadu	1782	4.0	144.4	12.3
Telangana	1678	3.7	54.3	30.9

Sources: “Crime in India”, National Crime Record Bureau, Ministry of Home Affairs, Government of India, (2015).

Every state in India contributes to atrocity crime against SC, unlike the union territory. Among all union territories, Delhi recorded the highest number of the crime of 87.09 percent of total crime reported in the union territory. The state like Utter Pradesh, Rajasthan, Bihar, Andhra Pradesh and Madhya Pradesh consistently contribute highest number of atrocity crime to the NCRB. The highest number of atrocities committed in the state of Uttar Pradesh every year but the rate of crime per lakh population very less as compared to other states. The atrocity per lakh

population is highest in Rajasthan followed by Andhra Pradesh, Bihar, Madhya Pradesh, Odisha, Telangana and Uttar Pradesh.

Table 3 Year wise Conviction Rate of Cases and Accused

Year	Case/Accused persons	Total case on trial/ Total Accused	Total charge sheeted Persons	Trial Completed	Total No. of conviction
2015	Case	140340	-----	17012	4702
2014	Case	127341	-----	17712	5102
2013	Accused	85748	60527	39691	8719
2012	Accused	79112	56410	38507	9086
2011	Accused	79246	55926	48238	15303

Sources: “Crime in India”, National Crime Record Bureau, Ministry of Home Affairs, Government of India (2011-2015).

The enumeration of crime is not complete without taking into consideration of the trial and conviction which is the ultimate outcome of any crime. To get a whole picture of the atrocity it is necessary to look into from registration of cases to the process of conviction. From the table 3, it is very much clear that the conviction rate is very minimal. The conviction rate of trial completed cases never reaches to at least 50 percent. The highest conviction executed in the year 2011 which is 31.72 percent and the lowest record is 21.96 percent in the year 2013 which is less compared to the conviction of IPC crime. In every year the conviction of IPC crime is more than 40 percent. The police charge sheeted nearly 70 percent out of total FIR. The rate of completion of the trial is not better than the conviction rate. In the year 2015, the completed trial cases are 17012 which 12.12 percent of total cases to trial and a negative difference of 1.87 percent as compared to the year 2014. In the year 2011, 2012 and 2013 the percentage of charge sheeted accused completed their trial are 86, 68, and 65 respectively.

It indicates that the police does not work properly or they are reluctant to pursue the cases of scheduled caste. At every stages the number of accuses are reduced and finally less than 15 percent cases come to the conclusion where a very less number of the accused get punished. The police and law system do not ensure justice and the punishment of the culprit. That is one of the major reasons for the increasing rate of atrocity crime in India.

3.2. The Problem with the NCRB Statistic

The data on crime against scheduled caste is collected by NCRB put forward a picture of victimisation of Dalit in contemporary India. Still, there are so many aspects which are essential in nature not available or not collected by NCRB. The table 1, 2 and 3 highlights the atrocities against Dalits but there are so many other very important data sources is missing such as crime against scheduled caste women and children. Except for rape cases, there is no other way to know other forms of atrocities against Dalit women; which reflects the gender and caste bias of the report. The secondly there is no record of police atrocities against SC and SC women; because in many instances police found guilty of atrocity where custodial rape and death are reported in the media. The data of accused and convict women are available but not the victim women.

3.3. Cause of Atrocities

No one will deny the pervasive atrocity against scheduled caste which is evident from NCRB, and different reports and academic studies. The gross atrocities against Dalit could not be understood without considering the reason behind it. The major reason that causes the atrocities is untouchability based on spiritual purity and pollution. Because, Dalits are placed in the lowest of low position in the *Varna* hierarchy of Hindu society known as *avarna*. Though the Hindu

social order is based on the graded unequal structure and status, but the society basically divided by savarna and avarna, the caste Hindus and untouchables where the untouchables are unfit for human association with the Hindus, because they do not possess spiritual purity at all in the eyes of Hindus. Therefore, Dalits were never treated as a human being, nor as an animal rather treated less than the animal. This situation has not changed much in the village or semi-urban spaces but in urban and metros it seems to be vanishing or less relevant today. But the caste and untouchability operate covertly and overtly through different means and modes of social, economic and political life of Dalit and non-Dalit people. Many studies academic and non-academic, as well as news report, brings out time to time the caste question in urban modern secular spaces. Surinder S Jodhka (2012) in his book Caste admits that,

“Though hierarchy had a religious sanction its production also depends on the prevailing economic relations of structures of power and domination. The rigidity of caste relations and hold of a traditional mindset, the Dalit situation has not seen a radical change. Caste based social exclusion continues to be a fact of urban life in contemporary India as well.”

If caste is a subject matter of exclusion in urban spaces, then what would be the situation of Dalit in rural villages. Kancha Ilaiah (1996) writes, “Hinduism has a socio-economic and cultural design to manipulate the consciousness of the Dalitbahujans systematically. It has created several institutions to sustain the hegemony of the brahminical forces. Through the ages it has done this by two methods: creating a consent system which it maintains through various images of Gods and Goddesses, some of whom have been co-opted from the social base that it wanted to exploit; and when such consent failed or lost its grip on the masses, it took recourse to violence. In fact, violence has been Hinduism's principal mechanism of control.” The cultural and religious organisation of Hindu society is not less than a calamity for Dalits in this country. In both ways,

Dalit faces atrocity if they accept their lowly inhuman position or reject the system. Consent to the Hindu social order means indignities, oppression whereas rejection leads to murder, rape, arson, social boycott etc. Dalit does not enjoy freedom in either case. Ambedkar says discrimination and exclusion are merely other names of the absence of freedom (Ambedkar: 1989). Hinduism made to plunder the Dalit lives. In this context, we can refer Ambedkar to understand the atrocities in villages.

3.4. Ambedkar's Perspective on Atrocities

Ambedkar has done an in-depth study on Indian society, culture, polity and religion. He has immensely contributed to understanding caste, untouchability and atrocities against untouchables. A close reading of Ambedkar suggests three major points such as Hindu social order, village society and less numerical strength in a locality is the problem for untouchables. The Indian village is projected as the ideal form of Indian society but for Ambedkar, it is a den of superstition. For him, the village society is divided basically into two classes the touchable and untouchables where touchables are numerically strong having economic control over the land and business. On the other hand, Dalits are dependent on touchables for their livelihood and survival. They do not possess any land and they cannot take any business for their livelihood because no one will go to the untouchables in a fear of pollution. The untouchables in every village are in a small number. The untouchables of the neighbour region or village do not support the untouchable of another region or village. In other words, the untouchables do not get help from other untouchables community from outside at the time of need, unlike Muslim. The numerical strength of Muslim and untouchables are more or less same in the village but no Hindu dares to harm any Muslim because of the fear of blood feud. The other parts of Muslim

rush to rescue their brother. The consciousness of kind is lacking among the untouchables (Ambedkar: 1989).

For him, the Indian village is not a single social unit it consists of a collection of castes. The population of the village is divided into two sections; Touchables and Untouchables. In the Indian villages, the Touchables have a code which the untouchables are required to confirm. Any deviation of the prescribed code leads to dire consequence. The important thing to note is that the punishment for this offense is always collective. The whole community of untouchable is liable for punishment though the offence may have been committed by an individual (Ibid).

Ambedkar, in the final analysis, writes,

“The Indian village is a negation of Republic. It is a republic of the touchables, for the touchables by the touchables. The Hindus are prepared to use every means to suppress the untouchables wherever the untouchables try to upset it even in the slightest degree. The ordinary non-violent Hindu will not hesitate to use the utmost violence against untouchables. There is no cruelty which he will never practice against them to sustain the established order. The Hindus do not find any sin to kill torture beat the untouchable. For them, it is the untouchables who responsible for the injury because untouchable transgress the social order. To restore the social order atrocity wage on. It is not that Hindus do not have good and bad, moral and immoral but their morality is restricted to a certain class that is caste. They have the only obligation towards their caste.”

Atrocity is nothing but the structural violence and Dalits are in an institutional crisis. Any attempt to change their social position end with severe punishment. Though the Hindus claims untouchables are an integral part of Hindu society and religion but in reality, they constitute a different nation opposite to Hindus. The studies on caste violence, caste conflict and caste tension are the tension between touchable and untouchables.

The touchables consist of the upper-caste Hindus, tribes and in some cases religious minorities. There are people who were/are unseeable, unapproachable, even if, their shadow is enough to pollute the Hindus. The situation has changed much in the horizontal direction, but yet to change in the vertical direction both in urban and rural society. Whatever the changes occurred, it is not because of any effort or measures made by caste Hindus, but because of constitutional safeguards to protect the interest of Scheduled caste through special provisions such as reservation policies, the abolition of untouchability, Prevention of atrocities act, land reform etc. Along with the constitutional provision and state protection atrocities, exclusion, discrimination and oppression exist side by side. The access to constitutional provisions on the part of SC directly links with the atrocities committed by the Upper-Castes in many cases (Berg: 2015).

The educated youth no longer interested in accepting the enslaved position which their ancestors were forced to follow; rather they want to exercise their constitutional rights and resist any injustice inflicted upon them. For this matter, the previous social relations are breaking day by day, which causes indigestion on the part of other caste groups. The atrocities against Dalit are of two related processes: Dalit self-assertion and state's provision to protect Dalit from upper-caste violence and humiliations (Shah: 2006). Most of the incidents took place due to the scheduled castes' refusal to follow the age-old caste system.

3.5. Major Incidents of Atrocities in India

It is impossible to narrate all the incident of atrocities but the nature and reason of atrocities are same everywhere. Pan-Indian atrocities followed by the so called upper caste people. It executed in caste and communal line but the communal nature of caste has very less attention in the public

and academic domain as compared to the religious angle of communalism. The gist of all these incidents is enough to convince that everything goes wrong on the part of Dalit whether they confirm the age old system and suffer or they made an effort to change their lot. Whatever the position they take it culminate with violence, torture, rape, arson, murder, public humiliation and what not else. Therefore Dalit life is a life of full of atrocities from birth to the death. After knowing all these infamous incidences everyone will concede the deep rooted caste prejudice against Dalits in our society.

3.5.1. Karamchedu Massacre

The incident in Karamchedu village of Andhra Pradesh was a historical incident of brutality in India. It will always be remembered for many reasons. This kind of massacre has never happened earlier with such brutalities. This incident raises many questions not just about caste and untouchability but also the Indian society in general especially those who believe that economy will change everything over a period of time. This incident conscious many people especially Dalit in the state and country.

In this entire atrocious act, Kammas²² were the main perpetrators of the caste violence against the Madigas. Madigas in Karamchedu are full of self-respect and never compromise in this regard. This was not the incident occurred at a sudden. It was preplanned to butcher the Mala to teach a lesson for their assertiveness. On July 16, 1985, Madiga were attacked by the upper caste Kammas mobilising Kammas around several villages. Dalit women were raped and men were axed, stabbed with sharp deadly weapons. In this incident, nearly 200 people were engaged but police register case against only 92 people where 72 of them arrested.

After the incident, Dalit outrage began and many social activists engaged with the case and the movement. The movement had a great impact on the struggle for justice. Due to this movement

²² Kammas is a dominant caste and Madiga is an untouchable caste in Andhra Pradesh and Telangana

POA was enacted. The close reading of the incident suggested that caste, political power and numerical strength played a vital role in the entire incident (Balagopal: 2011).

3.5.2. Chunduru Carnage

The Chunduru case is the first case of atrocity after enactment of POA Act, 1989. This massacre reinforced the need for a stringent law for the protection of Dalit in the society. How a minor mistake on the part of Dalits leads to horrendous consequence for Dalits reflected in the entire episode of violence. The barbaric act by the Reddys²³ shocks the human conscience of the entire world.

On July 4, 1991, Govathoti Ravi, from an SC community went to watch a movie in the local theatre. He was watching with a chair ticket specially meant for upper caste. A close relative of the sarpanch, Kurru Srinivasa Reddy had also gone to see the film. As the film began, Srinivasa Reddy suddenly felt somebody's foot touching his back. It was the Ravi whose feet touched the Reddy youth. For that reason, Ravi apologized, but this incident did not stop in the cinema hall. The further development was beating of Ravi, insulting his father along with a social and economic boycott of entire Dalit community in the village. The Dalits were denied work in the village, the barber, potter and other shops denied to provide goods and services to the Dalit. Even after all these oddities and troubles the Dalits did not bow before the Reddys. The arrogance nature of the Dalits enraged the Reddy. To teach a lesson to the Dalits, the Kamma attacked Dalits colluding with the two police officials. On 6th August 1991, a rumoured was spread by the police that the Reddy were planning to kill the Dalits. When the Dalits tried to flee the Reddys had already blocked all the entrances of the village. Dalits were chased, killed and thrown into

²³ Reddy is a dominant Caste in Andhra Pradesh and Telangana

the Tungabhadra canal. In this incident twenty-one men went missing and eight were killed on the spot (Shatrughna: 1991).

The case was registered under the prevention of atrocity act after a lot of struggle by the Dalit organisations. This was the first case after enactment of POA. The special court verdict came after 16 years of the incident where 21 persons were convicted out of 50 accused (Kannabiran: 2007).

3.5.3. Kherlanji Massacre, Maharashtra

The Kherlanji massacre is the real story of Dalit life in a village setting. This is the story of struggle, helplessness, hopelessness and vulnerability of the Bhotmange family in the entire episode. They were brutally killed, raped, tortured, humiliated by a mob of 60-70 people not excluding women with sticks, axes, cycle chains, iron rods, knives. According to eyewitnesses, it were the women who played an active role in the entire violence. The inception of the incident lies in caste rather on a conflict of land the way most of the newspapers, magazines and books have inscribed. The Bhotmange family comprises of Bhaiyalal Bhotmange (55, at the time of the carnage), his wife Surekha Bhotmange (40), and their sons Sudhir (21), Roshan (19) and daughter Priyanka (17). They had 4.79 acres of land close to village main irrigation canal was surrounded on all sides by lands belongs to OBC landowner. However, it was not easy to access canal water for the Bhotmange to avoid problems with the neighbour. They would draw water either during the night or by daybreak. Secondly, they were denied to build a pukka house and electricity connection was denied by the Panchayat, though they had the money to do so. The family also reportedly faced traditional discrimination in accessing drinking water at the village well. On several occasions, the caste Hindus drove their tractors and bullock cart through the

Bhotmanges' field, set their livestock to graze and often damaged the standing crops (Teltumde:2010).

Notwithstanding their poverty, the family possesses all that symbolises progress in the Indian village context: education, Ambedkarite rationality, a bicycle and even a mobile phone. With her Ambedkarite spirit, she had internalised the value of education and was determined to educate her children to the highest extent possible. Sudhir the eldest son could not continue his education beyond standard three because of vision impairment. However, Roshan was in his first year of college and Priyanka was a good student stood first in her school in class 10. In 2005, Surekha bought Priyanka a bicycle. All these features, coupled with the family's fierce refusal to conform to the expectation of their caste-Hindu neighbours, generated envy and resentment. As most of the fact-finding reports have revealed, the villagers often gossiped about the need to 'straighten out', i.e. punish, 'these Mahar'.

On 29, September 2006 the Bhutmange family was attacked by the upper caste mob. The women of the family were raped and murdered. The two sons of Surekha beaten to death and it was heard that the two brothers were asked to rape Priyanka and Surekha. When they refused to do so their private parts have been chopped off.

3.5.4. Laxmanpur Bathe Carnage

Laxmanpur Bathe is a village in Arwal district of Bihar where 61 Dalit were killed, including 27 women and 16 children by Ranveer Sena on 1st December in 1997. Ranveer Sena executed this massacre 11 pm at night when the entire village slept, they indiscriminately fire and burn down all the houses. All the victims were from the mahadalit community. The attackers were upper caste Bhumihar land lords. It is supposed to be believed that it was a revenge of 1992 killing

where 32 upper caste men were killed by Maoist in Gaya district. The Bhumiar found a connection because Dalits were member of a peasant organisation called Mazdoor Kisan Sangrami Parishad, which was fighting for the peasant cause. Some narratives claim that Dalits were killed because the Bhumiards believed Dalits to be the foot soldiers and sympathisers of Maoist movement. Some of the researchers, social activists compare this incident with Jalianwala Bagh police firing in the colonial period. Former President K.R Narayan called it a 'National Shame'. It was not the first incident in Bihar where Dalits were butchered mercilessly. In between 1976 to 2001, around 700 Dalits have been killed by upper caste private armies and police (Krishnan: 2013).

3.5.5. Villupuram Atrocity, Tamil Nadu

Periyaparaichery is big Paraiyar Colony located near the vegetable market and bus station which is considered as the centre place of Villupuram City. Because of the marketplace, most of the Dalits are engaged in loading goods and work as labourers. In this marketplace, most of the shops belong to the dominant caste of Mudaliar, Nadar, Vaniar and also Muslim. The Vanniyar caste was involved in most of the atrocities prior to this incident while other castes Hindus and Muslims provided moral and economic support for all these violence.

In the Villupuram City Dalit population is more than that of the other castes and religious groups. Due to their numerical strength Dalits never face serious physical violence, though, they encounter some level of caste abuse. Some people from Dalit community, such as M. Jothilingam and T. Loganathan were respected in the locality. The former was a business man and later was the Congress party man. Both of them were not only respected in the locality, but also from other neighbour area. Loganathan was a strict Gandhian follower and always against the opening of the liquor shops in the market. Jothilingam owned a truck and also ran a

cooperative store, in which around 300 Dalits worked. This respectable position of Dalits and their presence in the centre place of the city always irked the caste Hindus (Balasubramaniam: 2013).

Once a Dalit woman Salammal was assaulted by a man called Kaliyan. Kaliyan was a vegetable vendor in the market. Thalamus husband Shanmugam, who worked as a truck driver with Jothilingam, went into Kaliyan's place with seven other Dalits to inquire about the molestation which ended in the attack of Kaliyan by Shanmugam and the other Dalits. Based on the advice of Kamaraj Vegetable Market Vendors Association's President Annamalai, Kaliyan lodged a complaint against Shanmugam and others. But the caste Hindus assumed that the police will not take any action against the Dalits, so they called for the closure of shops and a procession demanding police action against the Dalits who attacked the vegetable vendor. In that procession, anti-Dalit slogans were raised such as "Displace Dalits from the central part of the city", "Paraiyans' wives our concubines". The accused Dalits later surrendered at the police station. After this, the police convened a peace meeting between the two parties. But the caste Hindus boycotted the meeting and instead summoned a secret meeting at a place called Muthuthoppu. They collectively decided to attack the Periyaparaichery. In the same night, a few cycle rickshaws of the Dalits were torched and the rickshaw men were attacked by the caste Hindus. They also torched nearly eight huts of the Dalits. The next morning (25th July) Dalits, in order to retaliate, attacked the caste Hindus and also torched their houses. At the end of the violence, twelve Dalits were brutally murdered and many huts were burnt down. After the two days of violence twenty-two more huts of the Dalits were torched and also many were damaged (*Ibid*)

Summary

Atrocity in India is not just about caste, but it about racial, regional, communal and ethnic in nature. It talks about how different legislation which deals with atrocity are ineffective in the ground. It is clearly visible from the increasing trend of atrocity crimes. This chapter also highlights the people with NCRB data collection and it raises many pertinent questions. It also addresses the causes of atrocity in the Indian society where religion, economy and assertion are the major cause of atrocity towards Dalits. How village society is vulnerable for Dalits became evident from Ambedkar's understanding. It takes four cases to justify the above analogy. The cases which have been described.

Chapter-IV

Atrocities and resistance: A Sociological Analysis of Contemporary Odisha

Introduction

The objective of the chapter is to visualise life of Dalit in Odisha in general and atrocity on them in particular. In order to do so, this chapter discusses four verticals which predefines their lifeworld. First, it discusses the socio-economic background of the Dalits in Odisha. Second, it pose this with data with the demography of the Dalits as state defined scheduled castes vis-à-vis other communities. Next, it focuses on the situation of education among the major scheduled castes and their land holding patterns. Finally, it juxtapose the preceding discussions by bringing to perspective four narratives that situate the facts and figures, derived from NCRB reports, with the processes by which untouchability is practiced in the state and the nature of perennality of these crimes.

Sociological inquiry into the nature of caste violence in Odisha reveals the failure of the social scientists in general and sociologists in particular to capture the social reality of Odia model of caste oppression and reflect its manifest and latent forms of caste violence against Dalits, both by the dominant castes²⁴ and dominant tribes²⁵. Odisha is always projected as a peaceful and harmonious state by the intellectuals from Odisha, but when we look at Odishan society from the subaltern perspective it reveals diverse forms of oppression. Such projections lack concrete evidence on the ground and moreover, it is the projection of urban-based upper caste, class of coastal Odisha.

²⁴ Dominant Caste means specially upper shudra and Other Backward Caste

²⁵ The tribe who possess caste nature and plays a significant role in the local caste hierarchy are the dominant tribe

On the other hand atrocities, public resentment, crime against women, labour migration, unemployment, bonded labour, farmer suicide, child malnutrition, displacement etc. are less known to people outside Odisha. All these issues never get the attention of national media and to some extent mainstream state media for serious issues of discussion. Because of that, the academia inside and outside the state are completely ignorant of all these serious social problems altogether, except for some studies on communal violence and state politics.

According to Bishnu N Mohapatra (1996), Odisha is a Dalit-Bahujan state because nearly half of the total population constitute by Scheduled castes and Scheduled tribes. The state is a Dalit-Bahujan state in numerical strength but not at conscious level. The consciousness yet to be developed among Dalit-Bahujan masses. This is a clear indication that even Dalit-Bahujan and Adivasis are embroiled within a false consciousness. That is also evident from the fact that even after seventy years of independence, Odisha is yet to produce a Dalit Chief Minister. All these malaise do not produce resentment among people and strong opposition to state and society. There is no counter discourse at all.

Among all these problems atrocities is one of the major problems of Odisha. Very few atrocity cases got national attention except for example, cases like Kandhamal riots. Though it was a problem of caste and untouchability, it eventually took a religious turn.

The atrocity in Odisha is steadily increasing day by day. Many heinous and brutal forms of violence are faced by Dalits in everyday life. Bebinda and Snehalata brutal gang rape and murder cases were in no way less horrific than the Nirbhaya case in Delhi, but these two victims of Odisha are yet to get justice. According to the national crime record bureau on crime against scheduled caste, Odisha is placed at the sixth position among all states from 2012 to 2015; but

Odisha ranked fifth according to cognizable crime²⁶ in the year 2012, 2014 and 2015 whereas it placed third in the year 2013.²⁷

According to the Odisha police, “in the year 2015, 1816 atrocity cases were registered out of which 571 cases have charge sheeted, 17 cases return as FRT, 53 cases return as FRMT/ML, 251 cases returned as false, 71 cases closed due to other reason and remaining 853 cases under investigation; which means 33 percent of cases are charge sheeted and 49.97 percent cases are under investigation. Among all these the total number of conviction of cases is not available in their website.”²⁸

On the one hand, Dalit suffer with the indignity of the age-old caste system at the hands of caste Hindu communities and on the other hand, they are perceived by tribal communities as “exploiters” and at times, bear the brunt of their fury too. This has been seen in both Kandhamal and Narayanpatna. Such a perception not only accentuates the hatred against Dalits, it also seems to justify attacks on them. In such a hostile atmosphere, even minor incidents involving individual Dalits lead to horrendous consequences (Khuturam and other: 2012).

Table: 4 Position of Odisha in Cognizable Crime against SC

Year	Cognizable percentage of crime	Position of Odisha in rate of incident all India level	Position of Odisha in rate of cognizable crime
2015	32.1	6	5
2014	31.5	6	5
2013	36.3	6	3
2012	24.87	6	5
2011	3.5	7	6

Source: National Crime Record Bureau (2011-2015)

²⁶ Cognizable Crime means rate of crime per lakhs population

²⁷ NCRB data and <http://timesofindia.indiatimes.com/city/bhubaneswar/Pipili-rape-points-to-pitiable-state-of-women/articleshow/14330280.cms>

²⁸ <http://odishapolice.gov.in/?q=node/36> retrieved on 25/04/2017, 11.00 am IST

The contribution of Odisha in crime against Scheduled Caste has very much significance to the national crime. The table-4 shows that Odisha bears 6.58 percent of national crime in the year 2013, which is the highest and 4.3 percent which is lowest recorded in 2011. The percentage of cognizable crime rate from 2011 to 2015 has increased in a large scale. Odisha is placed sixth position consistently from 2012 to 2015 though the rate of cognizable crime varies from time to time.

Table: 5 Total Number of Atrocity Cases Registered in Odisha

Year	Percentage of contribution of Odisha to national crime against SC	Total no of Cases Registered
2011	4.3	1455
2012	6.73	2265
2013	6.58	2592
2014	4.8	2266
2015	5.1	2305

Source: National Crime Record Bureau (2011-2015)

The number of atrocity cases is increasing in every year though there is a slight downfall in the year 2015. There may be two reasons for explaining less number of crime registered in Odisha as compared to other states. In Odisha nearly 23 percent of population are identified as Adivasis. The prevention of atrocity act cannot be applied to scheduled tribe persons. The second reason is that less educational and economic status forces Dalit not to register cases against the perpetrator because of their economic dependency and dire consequences.

The nature and magnitude of crime also vary with a different parameter which determines the status of a person or community where the socio-economic condition is one of them. The following tables present the socio-economic and educational status of SC in Odisha.

4.1. Socio-Economic Background of Dalits in Odisha

The Scheduled Caste (SC) population of the State of Orissa, as per 2011 census is 71.9 lakhs. This constitutes 17.13 percent of the total population of the State. The State has a total of ninety-three (93) Scheduled Castes. Among all these caste group Pano, Ganda, Dom, Dhoba, Kandra, Keuta/Dewar, Bauri are major as well as advanced developing caste group in Odisha.²⁹ The interesting thing is that Pano, Ganda and Dom identify themselves as one caste. They intermarry and inter-dine albeit they have a distinction with regard to language and occupation determined by geography. Dhoba and Keuta are the touchable Caste group whereas Pano, Dom and Ganda are untouchable caste group. The Dhoba and Keuta sub-caste included in OBC category in other states of India.

Table 6 Population of Odisha

Total Population	4,19,74,218
Scheduled Tribe Population	95,90,756
Scheduled Caste Population	71,88,463
Percentage of ST Population	22.85
Percentage of SC Population	17.13
S.T. Communities	62
S.C. Communities	93

Source: SCs, STs Welfare Department, Government of Odisha (Census Report: 2011).

According to the Census 2001, the Scheduled Castes are predominantly rural with 88.4 per cent residing in villages. Among the districts, the SCs have the highest concentration in Subarnapur district with a share of 23.6 per cent to the total population, followed by Jajapur, and Baudh with a share of 23 percent and 21.9 percent respectively. Gajapati district has the lowest proportion of the SC population with a share of 7.5 percent. As many as thirty-two Scheduled Caste

²⁹ Pan/Pano, Ganda/Gana, Dom/Dam are the untouchable sub-caste names of Odisha

communities have a population below 1000. The caste who has less than 100 populations is Pamidi, Musahar, Godagali etc.

In the demographic distribution, the Kandha tribe found in every district of the Odisha. But Kandhamal is a case in point where Kandha as single majority community constitutes 52 percent in Kandhamal (where the communal riot and caste conflict is infamous not only in Odisha but also in India). The Kandha outside Kandhamal are not so powerful because of their poor socio-economic condition as well as less numerical strength. It does not mean that tribes or Adivasi does not commit atrocity. They do and actively participate but unlike in Kandhamal they attack Dalit by colluding with other communities.

4.2. Literacy Rate among Scheduled Caste

The overall literacy rate of the SCs is 55.5 per cent at 2001 census, showing an improvement from that 36.8 percent recorded at 1991 census. This figure is marginally higher than the national average of 54.7 percent aggregated for all SCs. Male literacy has increased from 52.4 per cent to 70.5 per cent while female literacy has gone up from 20.7 per cent to 40.3 per cent during 1991-2001. Among the numerically larger castes, Dewar and Dhoba have more than 50 per cent female literacy followed by Kandra (46.5 per cent). Dom have shown the lowest female literacy (24.9 per cent)

Literacy and atrocity have a direct link if one can consider the untouchable caste communities in scheduled caste list. Among untouchable caste Ganda with 55.6 percent literacy rate confronted more atrocity as compare to Bauri, Pano, Hadi, Chamar and Dom. The Dewar and Dhoba are the touchable scheduled caste communities in Odisha. The literacy or education leads to the assertion of rights.

Table: 7 Literacy Rate among major SCs Castes

Literacy Rate	All SCs	Dewar	Dhoba	Kandra	Ganda	Pan	Bauri	Dom
Persons	55.5	66.3	65	61.3	55.6	55.4	50.2	39.4
Females	40.3	51.6	50.7	46.5	39.8	39.5	33.5	24.9

Source: Census of India 2001

Among SC literates, 40.1 per cent are either without any educational level or have attained education below primary level. The proportion of literates who have attained education up to primary and middle levels constitute 30.1 per cent and 14.4 per cent respectively. Literates who are educated up to matric / higher secondary constitute 12.6 per cent only. This implies that every 8th SC literate is matriculate. Graduates & above are 2.3 per cent while non-technical & technical diploma holders constitute less than half per cent (0.4 per cent) only.

Those who can write their names are literates hence, become a literate is not going to help to raise their status in the society. Therefore it is necessary to evaluate the educational attainment of SC which helps them to progress in different aspect of life. Further the higher education helps them to raise their economical and educational mobility. Access to higher education also indicates the socio-economic condition of the SCs. Higher the education more is the access of judicial and administrative institution.

Table: 8 Levels of Education among the major Scheduled Castes

Name of the SCs	Literate Without Educational	Below Primary	Educational Levels Attains				
			Primary	Middle	Matric/ Secondary/Higher Secondary	Technical & Non-technical diploma etc	Graduate and above
All SC	2.6	37.5	30.1	14.4	12.6	0.4	2.3
Pan	2.5	40.6	29.9	14	10.9	0.3	1.8
Dom	4.7	38.1	30.1	14.4	11.1	0.3	1.4
Ganda	3.3	36.6	31.2	13.7	13	0.3	1.9
Dewar	1.8	34.5	30.7	14.3	14.8	0.7	3.3
Dhoba	1.8	31.4	29.5	16.1	16.8	0.7	3.7
Kandra	1.7	36.6	29.1	15.9	13.8	0.3	2.5
Bauri	3.2	43.3	28.6	13.4	10.1	0.2	1.3

Source: Census of India 2001.

Among SC, 40.1 percent are literates either without any educational level or have attained education below primary level. The proportion of literates who have attained education up to primary and middle levels constitute 30.1 percent and 14.4 per cent respectively. Literates who are educated up to matric or higher secondary constitute 12.6 percent only. Graduates & above are 2.3 percent while non-technical & technical diploma holders constitute less than half percent (0.4 per cent) only. Among numerically larger groups, Dhoba have the highest proportion of matriculates, followed by Dewar and Kandra etc. Bauri have the lowest proportion of matriculates.

The data on the education levels attained by all SCs shows that the drop-out rate is high after middle level as the percentage of middle level literate is almost half of the primary level literates and declines sharply from the higher secondary level onwards. The higher education brings social prestige only to the person but also to family and community.

The higher education culminates with economic prosperity. Economy plays a major role in the modern society where one can access different means to uplift his/her position in the society.

Though the change will be horizontal and not in vertical direction. The horizontal mobility also produces ire among upper caste which is a precondition of atrocity.

4.3. Land Holding in Odisha

Caste and land holding entangle with each other from time immemorial and this relation has not changed with the passage of time with different developmental policies. There is no intervention of government to alter the relationship between caste group and their land holdings. This is why Dalit as a social group across the country possess less land among other social groups. Though the life of Dalit has changed in educational and other sphere of life but the Dalit are excluded accessing the till today. The major problem is that a small section of population especially upper castes concentrated major chunk of landed property which has serious socio-economic implication (Anand: 2016). This implication is the emergence of dominant caste in the rural village economy.

The land ownership is an important variable affecting the educational level of household which widen the opportunities for occupational mobility (Yadu: 2016). The land is the main source of power and prestige which ensures economic independence and land ownership pattern till now follow caste hierarchy reflecting the dominance of upper caste. According to a study, Dalit face triple exclusion accessing the land resources i.e. historical exclusion, exclusion from the land reform and exclusion from the market. Because of this exclusion, in all India level 58.4 per cent of rural Dalit household are landless much higher than any other social group.

In this context, the state of Odisha is much worse than any other state. More than 60 percent are dalit household are landless in Odisha. On the other hand 67 per cent of Dalit population lives

below poverty line³⁰. According to the NSSO report 2013 Scheduled Caste posses 19.23 percent of total household whereas 11.45 percent is landowner share.

Table No: 9 Share of Household and Share of Land Owned by different Social Group in Odisha: 2013

Social Group	Share of Household	Share of Land Owned
SC	19.23	11.45
ST	26.82	30.56
OBC	37.52	39.47
Others	16.42	18.44

Source: Report on Household Ownership and Operational Holding in India, National Sample Survey Office, Government of India, 2013, report no. 571(70/18.1/1)

In the matter of land owning, Adivasi are much better than the scheduled caste. Except Dalit, every social group in Odisha possess more land as compare to their household share. On the contrary Dalit possess less land *vis-a-vis* household share. Most of the Dalit dependent on the upper caste land lord for their survival. In the recent times when agriculture is less lucrative and expensive; dalit are disengaged from the agricultural activity by the land owner. For this reason most of the Dalit migrate as labourer and bonded labourer to different parts of the country. Now a days land owner become contractor or labour supplier and agricultural labourer become bonded labour in brick factory. Therefore, historical dispossession of land of Dalits has a serious socio-economic implication in the Dalit's lives.

³⁰ See Expropriation of Land and Culture: The Odisha Story and Beyond. By Subrat Ku Sahu and Mamata Das, Social Change, 41,2 (2011): 251-270.

4.4. Forms of Untouchability and Exclusion

Untouchability is a form of atrocity as laid down by law. The practice of untouchability towards Dalit is a common phenomenon in the society. Hence, Dalit faces atrocity on day to day basis. Verbal abuse, humiliation, calling by caste name is so normal in our society that we never think of that it could be offensive to the recipient. All these occur because ‘the concept of untouchability rooted in economic and political inequality, and reproduced by the ideology of caste hierarchy’ (Shah: 2004).

A study conducted by Ghanshyam Shan, Thorat and other (2006) found various kind of untouchability practice in Odisha. In Malmunda Village (Western Odisha) where Dalit women Sanjukta, Padma Suna and others cannot sell their products in their pada³¹ and the nearby market of Balangir town. However, non-Dalits do not purchase bread made in their bakery. Similarly, they are not allowed to sell milk and its products either to the non-Dalits or the milk cooperative society; hence they have to sell milk and milk products in Bolangir town. The survey showed that the Ghasi, Panos and Dom are not accepted as labourer especially in farming because some time or other they involved in leather or sweeping profession. The discrimination and abuse are highest at the water sources which the women have to face. When Dalit water sources dry up in the Dalit locality, they are not allowed to use tube wells in the non-Dalit areas and if permitted have to wait until all the non-Dalit women collect the water. In the southern parts of Orissa Dalit, women face exclusion in panchayat meetings, because the Savana women never informed Dalit women (Ghanshyam Shah: 2006).

³¹ Pada is the local term which means locality

Pralaya Senapati an ANM (Auxiliary Nurse Midwife) from Telipalsh village of Kalahandi faces discrimination when she visits any non-Dalit house to give medicine and injection. The upper caste women and children change their clothes after she left home.

There is a pada named Salepali which is one of the oldest pada in Balangir town. This pada situates on the roadside. The entire road is concrete except for the portion which passes through the pada. The intention was that Dalit should not walk on concrete roads. Dalits are never allowed to buy the land which is available on roadsides, albeit they have money. The reason is that no one wants to pass through a Dalit house. In the summer season, the municipality supplies water by the water tank, but the water never reaches sufficiently to the Dalit locality because it always passes through all the savanna locality and reached Dalit locality at the end.

4.5. Major Incidences of Atrocities in Odisha

It is clear that Odisha is an atrocity prone state in India, though the NCRB indicate that the case registered under POA Act is less than that IPC crime against SCs. The data on atrocity cases were not documented properly. The researcher when asked about the data through RTI application number RTI0550775, on 7th April 2015, the PIO (Public Information Officer) of SP (Superintendent of Police) office of Balangir did not provide the data. But the PIO said over the phone that every year nearly 90 atrocity cases registered in the district of Balangir. However, from the following atrocity cases, it could be clear how heinous and cruel crime committed against Dalit of Odisha and vulnerable situation of Dalit victim before and after the incidents.

4.5.1. Babina Behera gang rape and Murder case

Babina Behera was a nineteen years old girl from Arjunguda village of Puri District. She belongs to Keuta community which is a scheduled caste community in Odisha. Keuta is the fishing

community in Odisha. She was the only child of her parents. She became a victim of caste atrocities of upper caste man because she stood for the truth and justice. She was raped because she was the prime witness in the rape case of her friend. The incident did not happen abruptly; it was a planned rape and murder case. This case has a historical background.

Once Babina and her friend Parvati Behera returning from the college to home; meanwhile four men of the village try to rape them, but Babina managed to escapes and Parvati was raped. Babina informed Parvati's family about the incident. Parvati's family rush to recover her. After that the victim family reached to Pipili police station to register the case. Though the case was registered the police did not inquire the case promptly and properly. In the whole episode Babina was the prime witness of the case. The culprits threaten Babina and her family not to pursue the case. But Babina was strongly determined to not give up the case. In between that her friend mysteriously died giving rise to speculation of a well thought out murder and not suicide as officially stated (Pattanaik: 2012). This incident happened in 2008. Three years later Babina paid the price in the fight for justice to Parvati and became a victim of caste violence. Babina was missing for two days, but the local administration did not take the matter seriously.

On 29th November, 2011, morning she was found unconscious from a paddy field near Arjunguda village. The then I.I.C. (Inspector Incharge) Amulya Champati refused to register the FIR (First Information Report) against the rapist because of the involvement of then agriculture minister, Pradeep Maharathi. The crime branch arrested all accused from the farm house of Pradeep Maharathi. Then case transferred to the Crime Branch by the state government, because of media outcry and public protest. The rape victim was denied preliminary medical service by the local hospital because police did not register a case and they do not have any copy of FIR asked by hospital authority. The local hospital referred to the Capital Hospital, Bhubaneswar on

the same day without giving any treatment. But in the Capital Hospital, the doctors also asked for a copy of the F.I.R. and the victim family on the same day rushed to the Pipili Police Station to obtain a copy of the F.I.R., but the I.I.C. Pipili P.S. seeing them again in the Police Station became angry and asked the petitioner to leave the Police Station immediately. Otherwise, he would be detained in custody for attempting murder to his own daughter. After application of some kind of primary treatment to Babina in Capital Hospital, she was referred to the S.C.B. Medical College and Hospital, Cuttack on the same day. The Causality Ward of the Medical College and Hospital also declined to provide medical assistance without the police requisition. She was admitted to the S.C.B. Medical College and Hospital with the condition that on the next day her family should bring a copy of the F.I.R. from the Pipili Police Station.

Therefore, on 30.11.2011 Babuli Behera along with his younger brother Kabuli Behera went to Pipili Police Station to receive a F.I.R. copy. But the I.I.C. said that he had lost the F.I.R. and asked them to lodge an another F.I.R. On that day they again lodged an F.I.R. on 30.11.2011, and that was also not registered by the I.I.C. The I.I.C. also stated that when the victim girl would return to normal condition and able to speak, he will register the F.I.R. and arrest the offenders. With much persuasion, the doctor in the S.C.B. Medical College and Hospital attended the deceased girl without police requisition. After passing of five days the Amulya Champati came to the S.C.B. Medical College and Hospital and discussed with the doctors, and after that, the attitude of the doctors changed. They behaved rudely and asked the Babuli Behera to take away his daughter from the hospital. The doctors also threatened to drive her out from the hospital with the help of police if he did not take away her from the hospital. Finally, the rape victim was forcibly discharged by the S.C.B. Medical College and Hospital on 14.12.2011 being influenced by the ex-Minister who was made to resign from his portfolio. Later on, with the intervention of

the high court, she has admitted again in the SCB medical college, Cuttack, where she breathed her last breath on 21 July 2012.³²

The protest erupted when it was spread that a Dalit girl was brutally raped by four men and found unconscious nearby village of Arjunpur. These four men were arrested from the farm house of Pradeep Maharathi the then MLA and agricultural minister from Puri district. After spreading of this message series of protest rallies were organised by civil society organization, opposition political parties and common man in the state capital. For the first time, political parties actively participated in a protest against atrocity crime. It was not that they were sympathetic towards Dalits or women, but they want a political advantage out of it because a minister of ruling party supposes to be accused in the entire episode. Dalits and Dalit organizations were the center stage of this protest demonstration. Among all Dalit organization ‘Odisha Gana Samaj’ was more active and leading the movement forward by demanding CBI probe. In between the different left parties including Congress and BJP joined the protest and came on the road demanding immediate arrest of all the accused.

The death of Babina Behera led to a massive protest by the people who were gathered to pay their last homage to the victim and her family; because the police cremated the dead body after postmortem without giving custody to the family. The protestor blocked roads by stones and burning tires etc. In this protest, police arrested a large number of people. The protestor of ‘Odisha Gana Samaj’ condemned the apathetic attitude of the government toward the Dalit in general and victim in particular. Milita Dalit Mahamanch staged a massive rally in front of the state assembly.

³² For details refer to, court affidavit submitted by the victims’ family in the High Court of Odisha, in the case “Babuli Behera vs State of Odisha and Others.”

This case bears the sociological relevance to understand the vulnerable situation of Dalit in the state of Odisha where state machinery was reluctant to help the victims. The victim and her family harassed by all the government agency to protect life and dignity of the citizen of this country. Here the nexus between caste, class, gender and politics play a major role to oppress Dalit. In this case, the entire system did not favor the victims. How power operates through different avenues to silence the Dalit.

4.5.2. Chanutmal Double Murder Case, Balangir

In the Chanutmal case, the victims were from Ganda sub-caste whereas the perpetrators were from Mali³³ sub-caste and Binjhal tribe. The family of Dasrath Kumbhar and Manbodh Kumbhar were the victim where these two people murdered in the attack.

The village Chanutmal is infamous for the caste atrocities from time to time, but the incident on 7th April 2012 terrifying one surpasses earlier incidence in the village. The incident has a long history of communal conflict over possession of the land, practice of untouchability in Nama Yajna³⁴, Prahari and Village Festival, access to water and bathing ghats. The village subsumes 127 families with five caste group reside such as Ganda, Binjhal, Gond, Gauda and Mali. Among these entire caste group, Ganda is only untouchable community having 50 families followed by Binjhal 40, Mali 25, Gond 7 and Gauda 5 families residing in the village. Historically Binjhal (scheduled caste by the constitution) were the Gaontia (village Headman) and rest of the castes were subordinate to them. But the situation has changed, at present the Mali caste control the entire socio-economic and religious affair; though Mali were believed to be outsider. According to the villagers, Malis came to trade and reside in the village and acquired most of the land from

³³ Mali is the sub-caste name of Gardener in Odisha belongs to OBC category

³⁴ Nama Yajna means chanting god's name without any break

Binjhal by illicit manner. The local politics of entire block is dominated by Mali caste who support the ruling B.J.D government. The most of the villager from Binjhal (ST) and Gauda (OBC) are daily wage labourer. This village has two tube wells one for Ganda the Untouchable and one for rest of the caste. In no circumstances, Ganda are not allowed to fetch water from sarvarna tube well, but savarna can use tube well meant for Ganda wherever they required. According to the Biswamitra Kumbhar (one of the members of victim family) there was a village meeting held when he bathed along with his Savarna friend meant for Savarna in the childhood. He was warned not to repeat the mistake again.

In the year 1993-94 the government of Odisha started a scheme for Scheduled Caste called 'Income Generation Scheme for Scheduled Caste Beneficiaries' which was executed by the Soil Conservation Department in the village. The soil conservation department started cashew plantation over an area of 25 hectors land including the plot No.61 of Khata No. 43 possessed by Manbodh Kumbhar. After that the plantation was handed over to twenty families of SC beneficiaries including Dasarathi Kumbhar and Kalakanta Kumbhar one hector each to take care of the plantation and maintenance for their livelihood. But the village Panchayat obstructed the path of SC to get the full benefit out of it, and the savarna asked a major share of the profit to the village developmental fund. At that point of time, the majority of the Dalits were landless with poor and living at the mercy of the savarna, so the Dalits were not in a position to disobey the decision made by the village council. Since then the entire villagers were taking care of the cashew to get a share of the village fund and land. The village funds have been utilized towards Namayajna, Prahari, Kirtan, village mela etc. The Dalits were managed to uplift their condition through the plantation with the adverse village welfare fund. This was clear exploitation of Dalit in the name of village welfare; the Dalits were never getting full economic benefits.

Among all these SC families, the family of Manbodh Kumbhar grows faster than all other families in all sphere of life especially education, employment. The mobility of education, employment and economic independence cause fury among upper caste. The upper caste had a plan to dispossess the family from the plantation land. The upper (Mali and Gauda) caste in the village council proposed to build a temple on the land possessed by Kumbhar family where all village affairs can be held. For this reason, small disputes arose over time to time.

To eschew from every day disputes Dashrath Kumbhar and his three brothers namely Murali Kumbhar, Bidyadhar Kumbhar and Kalakanta Kumbhar demanded separate cultivation over one acre ninety-five decimal of cashew plantation which was earlier possessed by their late father, Manbodh Kumbhar. But the entire village did not allow them to cultivate separately in fear that every SC family will ask the same if they allow to the son of Manbodh Kumbhar. The consequence will be harm to the interest of the upper caste. On 4th April 2012 evening, the villagers summoned Dashrath Kumbhar and his brothers to attend the meeting for settlement. But Dashrath and his brothers did not attend the village meeting. To claim over their land, Kumbhar family guarded cashew nut orchard of their possession. The villagers, therefore, reported the matter to Tikrapada S.I, B.C. Mishra indicating cashew nut orchard belongs to the villagers of Chantal. On 7th April, 2012 at 1.10pm Dashrath and his brother appeared before the S.I (Sub-Inspector) with relevant documents to claim over the land and alleged that the villagers namely Mahesh Putel, Chudamani Putel, Sahadev Putel, Manoj Putel, Pintu Putel, Sukadev Putel, Masad Haripal, Pabitra Dharua, Manoranjan Putel, Uddhaba Putel and others were claiming possession of their land. The police refused to take any action against Dashrath Kumbhar and advised opposition party that they do not possess land according to the documents. This was an insult in the part of upper caste. The victim alleges that the Police suggested to Uddha Putel and other

villagers that they cannot get right over the land by the court of law rather it can be restored through forcible possession. On the same day evening, at 7.30 to 8pm Mahesh Putel, Chudamani Putel, Manoj Putel, Kishanlal Putel and other attacked Dashrath and his brothers along with other relatives who had no relation with the case. They were equipped with sticks, stones, sharp weapon like axe, bhujali etc. to kill the entire family. First they killed Dashrath and cut into pieces, and his brother Kalakanta was severely injured and died in the hospital. The women were chased to rape and killed but they managed to escape with their children. The dark night helped them to escape and hide in the nearby jungle. They planned to kill the entire family.

In this case, many organisation and conscious individuals reached to the district hospital and collected the information from the victim and helped financially as well. According to the statement of victim AIMBSCS (All India Mulnivasi Bahujan Samaj Central Sangh) helped him in the registration of case and provided preliminary help in medical and administrative work. On 25th May, 2012, Dalit organizations protested in front of the office of Superintendent of Police. After that police arrested 18 accused out of 54 mentions in the complaint. When the case was not progressed the Dalit Vichar Manch on 26th November 2013 went on a hunger strike. They draw out the lapses on the part of police investigation and administration in providing proper compensation and rehabilitation. They point out how Uddhaba Patel a prime accused become absconded in the police charge sheet and mention his occupation as a farmer but in reality, he was a school teacher attaining school regularly.

4.5.3. Lathore Village Arson Case

The Khaprakhhol Blok is infamous for its regular incidents of atrocity. The Lathore village of Khaprakhhol Block got the attention of national media and NCSC when Dalits across the Odisha protested against the burning of forty houses of Scheduled caste family. All the family belongs one Gana/Ganda sub-caste community. They not only became homeless but they lost their cattle, cash, ornament, utensils, cloth, and certificates of educated persons. They come to the street in a sudden. They were crying, praying, pleading. Lathore became a tourist place for the Dalit activist for more than one year.

On 22 January 2012, around 9 am, Ganesh Suna a fifteen-year-old Dalit youth had gone to buy a shirt from Laxmi Cloth Store run by Dayasagar Meher and Bharat Meher. He bought the shirt with proper payment and came back home. In the home, the family members did not like it and asked him to return. He went to return it but Dayasagar refused to take it back and accused Ganesh of stealing the shirt. There was a quarrel between Dayasagr and Ganesh where Ganesh was beaten up. He came back and narrated the incident in the pada. Some Dalit youths met Dayasagar while taking Ganesh to the local public health center and beat him up. Then the Dayasagar's family took him to the sub-divisional hospital at Patnagarh and then to the district hospital at Balangir, and finally to Cuttack Medical College. Conspiringly a rumor was spread that Dayasagar died in the hospital. When the message spread of, some people from the Meher community closed the village market in protest and held a meeting in the Hanuman temple of the village where an oath was taken to teach a lesson to the Dalit. The Dalits alleged that Ghasiram Agrawal, owner of a country liquor store and Jagannath Agrawal, owner of petrol pump freely supplied liquor and petrol to those who indulged in arson (Sunani: 2012).

On the other side Ganesh along with other youth went to the police outpost but the officer-in-charge had gone to Khaprakhol; so they went to Khaprakhol. All the male members of the pada had gone to participate in the death ritual of a relative in another village. Hence, when both the families involved in the incident were outside the village and busy either at the police station or at the hospital, events took the form of a communal clash along caste lines, specifically just a rumor can play such a role in precipitating such situations.

Evidently, there was some level of planning and mobilisation with an intention to attack Dalit families. After receiving the first information report (FIR) from Ganesh Suna around 11 am. On that day people had gathered on the main road of the village and were planning to about blocking the road and burning down houses of Dalits. On the other part People from victims' families had also been repeatedly informing the district police administration, including the superintendent of police (SP) about the situation. But help did not come in time. Around 4 pm, the burning started; the entire Dalit pada of 45 families was reduced into ashes (ibid).

The victims were rescued and put in a temporary relief camp set up in Durgeswari High School in the village. This was the first case in Odisha where Dalit activists, employee and individual rush to the village with their sympathy and helping hand with in immediate effect. They provide food, clothes, and money to the victims. Students from Odishs who were studying in different part of the country came to spot especially student of JNU, HCU and EFLU. In this case JNU student group protest in front of Odisha Bhavan on 26 January and send a fact-finding team to the village. On 25th January 'Paschim Odisha Ganda Samaj' staged a protest in the district headquarter and blocked the NH 26 for more than three hour which passes through the office of district collector. In this protest, Ganda Samaj representatives across the state participated. Their key demand was ten lakhs compensation to each victim family, providing a house to all victim

family, supply of hygienic food at the relief camp along with medicine and everyday life product. They demand SIT (Special Investigation Team) to investigate the case, life imprisonment of all culprits, the speedy trial of all case of atrocity pending before different courts, action against police and magistrate who neglect their duty to protect the Dalit in time though they had information. Along with all these, they demand to provide certificates related of education and land, books for school going children. They put forward all these demands to the Chief Minister on a memorandum through the district collector.

After Dalit outrage, 42 people from the Meher community were arrested, but those named in the FIR who were from the Marwari community were allowed to go free. The state commission for scheduled castes made a visit. Compensation for the victims was declared, and a peace committee was set up.

This episode was the resultant of an earlier clash over social and religious issues among Dalit and non-Dalit. In 1997 when a Dalit man entered the premises of yajna in the time of Durga puja the ghee was declared impure by the priest. As a solution, the Dalits were asked to pay for the 20 kilos of ghee.

On 11 May 2009, a Dalit girl named Kedar Gauri Tandi with her younger brother had been to the Siva temple. The priest Biranchi Thanapati was furious and rebuked and drove them. She made a police complaint and the priest was booked under the Atrocities Act and sentenced to jail.

In 2007, During Durga puja Dalits of the village under the leadership of the Krishna Club demanded that they should be allowed to participate in the Yajna ceremony (ritual sacrifice). Otherwise, they will no longer beat the drum in the puja. Gana are the traditional musician for rituals and ceremonies. The Marwari and Bhulia were furious about the assertion of Dalits but to

perform the puja ceremony they planned to hire musician from a nearby village. The musician of the neighbour village did not accept the proposal in solidarity with Gana of Lathore village which raged the tension between savarna Marvari and Bhuila verses Dalit Ganda.

4.5.4. Snehalata Rape and Murder Case

Snehalata was a sixteen year school going girl. She belonged to the Ganda sub-caste. Her mother Dalimba is a labourer and head of SHG group and her father was an agricultural and construction worker. She was murder and raped by the upper caste liquor mafia. There were several reasons behind this rape and murder.

The brutal murder and rape case is the rarest of rare case in the history of Odisha which shocked everyone across the state by seeing the mutilated body of Snehalata. It surpasses all the cases of brutalities happen earlier. From this incident, one can imagine the rape attitude of Upper caste towards Dalit. Snehalata, a 15-year-old school going child, had fallen victim to caste atrocity. Snehalata had just passed her matriculation keen to continue the studies.

On 22 May at 7 am Snehalata picked up a steel bucket, kept in it the laundry, her toothbrush, a tube of toothpaste, soap and a pouch of detergent and headed for the nearby jor (rivulet). Usually, she returns home in 40-45 minutes, while she didn't arrive by 8.15 am, her mother, Dalimba, 36, began to worry. For Dalimba, it touched a raw nerve and triggered age-old fears. The reason is that over the past three years, some of the locally dominant upper-caste men had been openly threatening that they would kill at least four Dalit women.

Snehalata did not return after passing couple of hours then Dalimba the mother of Snehalata walked towards the river in search of Snehalata. She did not find her daughter on the riverbank,

or her belongings. She did not find Snehalata in other bathing ghats as well which were meant for savana women. Then she returned home and took another Dalit girl along and went to the nearby Tambi Padar village in the hope that her daughter might have gone there to visit some relatives. She also sent a message to her husband, Arta Chhatria, who was twelve kilometers away in another village where he works as a construction worker.

In the afternoon, all the Dalits in the neighborhood joined the search for Snehalata. They formed teams and spread out in all directions, looking for the missing girl in every village she could have gone. At sunset, the teams returned one after another, defeated and drained. No one slept on that night. The search was resumed in the very next morning. Arta went to the Khaprakhol Police Station and lodged a missing person report. Then, around 4 pm, a naked female body found. Later it was confirmed that it was the body of Snehalata. All the Dalits in the neighbourhood gathered around the mutilated body that spoke of the unimaginable torture Snehalata must have gone through for more than a day at the hands of the perpetrators. Her eyes were gouged out, her throat had a deep cut, her tongue pulled out, her breasts chopped off, her upper belly and back stabbed several times and her vagina mutilated with sharp objects. They had also poured acid on her face. Relatives and neighbours did not allow Dalimba to come near the body, fearing that the horrifying sight of her daughter's corpse might be too much for her. Nevertheless, she fainted several times. Snehalata's father, who had been looking for her in another village, arrived on the scene later amid heart-wrenching wailing and cursing and collapsed the moment he saw the body.

After this inhuman incident, everyone was in shock and anger. From that day they mobilised the Dalit and Adivasi activists' organisation along with man and women of Dalit community for a

massive protest rally. On June 19th, 2015 the district of Balangir witnessed a massive rally by different Dalit and Adivasi organisation demanded justice for Snehalata where the immediate arrest of the perpetrator, declare Khaprakhhol black as atrocity prone area, demanded for CBI inquiry of the case. In this historic protest social activist, human right activist, Dalit right activist and concern Dalit masses jointly protested under the umbrella of ‘ Jati o Nari Atyachar Birodhi Sangharsha Samanwaya Samiti’ which was formed to fight against Caste and gender issues. The protestor held a meeting in the heart of Balangir town where more than five thousand people participated. In this meeting president of Lokashakti Aviyan Prafulla Samantara demanded CBI inquiry, where as Paschim Odisha Krushaka Sangha (Western Odisha Farmers’ Organisation) criticised the police inactiveness in the entire case. Niranjan Bisi On behalf of Paschim Odisha Adivasi Mahasangha (Western Odisha Adivasi Organisation) demanded the execution of culprit without any mercy irrespective of their caste, creed and community affiliation. Nimai Charan Tandi, President of Dam-Ganda Samal alleged the government irresponsibility and caution government for its consequence. Arta Chhatria the father of Snehalata stated that he will burn himself if justice is not delivered. Among Dalit women, Mandakini Bag and Surusuta Mahanada were prominent in the meeting. Abhiram Mallik founder of Mulnivasi Samata Parishad criticised the government inaction on rising atrocity against Dalit. A PIL was filed in the Supreme Court by Dalit Sangha. The former central minister Bhajamana Behera also joined the protest and assured to take this movement to the state capital. Mukesh Suna and Lambodar Takri were the key players in the entire episode by mobilising and organising the events. After the meeting, the protester rallied across the town and then came back to the collector office for gherao. They submitted a memorandum to the President of India by the collector. After the protest, SC/ST vice chairman Raj Kumar Verka visited the village.

The reasons are many which has direct link with Snehalata rape and murder case. Once Dalits of the village were slammed for allegedly not picking up their plates after a community feast; to commemorate the end of the three-day Prahari or Naam Yagnya (non-stop chanting of god's names along with Brahmanic fire rituals) organised by caste-Hindus. Though the Dalit never left any leftover but they falsely implicated.

The Dalits were outraged and they knocked on the doors of various government bodies to get some relief but to no avail. It only got worse for the Dalits thereafter and they were forced to give written apologies for not having picked up their plates at the feast, something that they had not done. The social boycott continued for a year until the police intervened and worked out a compromise. No one was booked even though such atrocities come under the purview of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

Even after the so-called compromise, the social boycott did not stop. In 2013, the customary village committee was formed without any Dalits. The caste- Hindus refused to allow the Dalit wage labourers to work in the village. Labedi Bariha, a local Adivasi resident who went to the Dalit neighbourhood looking for labourers to hire, was later stabbed and severely injured by some drunken youth. This incident prompted a self-help group (SHG) run by Dalit women in the village to launch a campaign to close country liquor vend run by caste-Hindus, leading to its eventual closure. The episode infuriated the caste-Hindus and they threatened to kill four Dalit women who were at the forefront of the fight.

The greatest hatred was reserved for Dalimba, who heads the SHG. The other three Dalit women facing the ire of caste- Hindu men were Bhanumati Chhatria, 45, Srimati Chhatria, 40, and Laxmi Chhatria, 32. All three were Snehalata's kin. In fact, a couple of months earlier, Laxmi

and Bhanumati had to run for their lives when they were stalked and abused by two caste-Hindu villagers on the riverside.³⁵

When they could not get hold of any of the four women after months of waiting, the culprits perhaps found a soft target in Snehalata, kidnapped her and tortured her brutally for a day-and-a-half. All the four incident of atrocity questioned the law and justice system in Odisha and state government who is the sole custodian of the law of the land.

4.6. Law and Justice System in Odisha

There are so many laws available in the legal discourses, but no law is effective to ensure justice for Dalits. Law became a mockery in the name of justice as the conviction rate is less than five percent. The law of the land never prevails it is the law of the upper caste guided all agencies. It seems that the police, the paramilitary and judiciary are set up to protect upper caste and their property and oppress Dalit on behalf of them. In many cases the police are the accused of atrocity, they involve directly and indirectly.

Among all this are the measures taken by the state of Odisha to tackle crime against Dalit. The PCR (Protection of Civil Rights) Act is not implemented; there is no PCR unit to handle the situation in the initial stage unlike Maharashtra and Tamil Nadu. There is no vigilance and monitoring committee to look into the matter of practice of untouchability, exclusion and discrimination. After twenty-two years of implementation of POA Act there is no special court to hear the plea which is laid down by section 14 of POA Act.

³⁵ 'No Home Land for Dalits: Not Yet' published in Tehelka

4.7. Sociological Analysis of Atrocity in Odisha

The state of Odisha was a part of Bengal, Madras Presidency in colonial India which formed as a separate state on 1st April 1936 before the independence of India. In the process of consolidation, many regions subsumed in the formation of Odisha. Due to these regional differences, the sub-caste groups are not found pervasively across the state. Certain sub-caste groups found in certain geographical region and this is mostly applicable to the Dalit caste groups. The Dalit sub-caste communities found in Odisha are Pan/Pano, Dambo/Dom and Gana/Ganda, Hadi/Ghasia etc. The Pano caste is especially found in the coastal and southern districts of Odisha, Dom are found in Kalahandi, Koraput and Nuapada whereas Ganda caste is found in Balangir and Subarnapur district of Odisha. Therefore, it is not that the caste dynamic changes with the state, but in Odisha and it changes with region to region. Caste and atrocity have an intrinsic relationship. That is the reason why the dynamics of atrocity changes with the region and culture.

All these incidents of atrocities above raise many questions about the Indian society in general and Odisha society in particular which needs a sociological understanding and analysis. Though all these incidences seem to differ from one another in many ways, it has a resemblance and can be generalised to draw a conclusion. For a sociological analysis the village society, caste, culture and social structure are the reference point.

All these incidents happen to occur in the village settings. The village society has not been changed as the urban society, but the social relationship has been changed due to the different measure was taken by the government in the independent India. Due to the government measures, especially affirmative action in education and employment has brought revolutionary changes among the Dalit, which affects the social relationship with other caste groups.

“The rural village system is relatively closed and rigid existed till today and does not accept disorderliness by allowing its members, especially of the lower social strata, to be socially mobile than social mobility or any effort for that either in vertical or even horizontal direction may produce negative consequences for member or group of member. This may also generate tension and conflict between them and others (Ram: 2009).”³⁶

That is the reason why caste atrocities are rampant in the villages. All the victims of atrocity in Odisha: Babina, Snehalata or the Dalits from Lathore and Chanutmal were well educated and advancing in their life. The educational advancement brings not only social prestige, but also makes them self-conscious and assertive. To restore the age-old status on the part of caste Hindus, they resort to violence and exclusion. In a village social system social boycott, caste abuse, name calling is normal in Dalit life. For Ambedkar, ‘village society is a negation to the republic; if it is a republic it is a republic for the Hindus, by the Hindus, of the Hindus’.³⁷

Whether in the village or urban society the relationship is changing day by day when Dalits are accessing the modern avenues and asserting through constitutional means. For that reason, the earlier social structure is breaking albeit not dissolving. According to the Varna model, the Untouchable constitute fifth varna and unclean, inferior to clean caste. For Dumont caste is structural in nature based on purity and pollution where Dalits placed bottom of the pollution line.

The state of Odisha is divided into coastal Odisha and western Odisha according to their culture and language. The sub-caste name also varies with the change of culture and language. Along with this line, the nature of atrocity and victims also changes. It cannot be generalised that one sub-caste group is the victim of atrocity throughout the state. In the western part of Odisha

³⁶ Nandu Ram (2009), p. 217-233

³⁷ BAWS, Vol.5

Gana/Gamda caste is the victim of caste atrocity. This sub-caste is found in Balangir, Bargarh and Subarnapur district of Odisha. In Kalahandi and Nuapada Dambo/Dom are the victims of caste atrocity. In the coastal region, Dhoba and Keuta communities' face discrimination and violence. The perpetrator's caste background is non-Dalit especially upper caste and tribal. Brahmins are nowhere engaged in the direct caste violence, though they are dominant in the ritual hierarchy and other aspects of social life. The cases of Odisha and India show that the ground reality is Tribes and OBCs are the main perpetrators of caste violence. It happens because OBCs are the dominant caste in ritual status, economic condition and in numerical strength. In Odisha, the tribes play a dominant role in the local hierarchy along with non-Dalit communities. As shown in the data the tribes possess more land as compared to Dalits in Odisha. Therefore, there is a commonality between tribes and OBC caste groups. Dalits have a direct relationship with the OBCs and the tribes for their everyday survival. In this context, Kandhamal and Chanutmal case is the nexus between the OBCs and the tribes. In the Villupuram atrocity in Tamil Nadu, Muslims were the perpetrators. This implies that every caste and the non-caste community has the same lens towards Dalits in the society. Sudha Pai (2003) says that OBCs are the real Brahmins in the ground reality.

Therefore, the discourses of Dalitbahujan and Bahujan seems to be false on the ground. For Telumde it is a political gimmick only for political mobilisation.

Caste and gender relation can be discussed in the sociological lens in the case of Babina and Snehalata. The patriarchy operates at the utmost level. It has been evident that Dalit women are targeted wherever there is a conflict between Dalits and non-Dalits. Dalit women are more vulnerable in the caste violence. There are very less number of cases where Savarna women are

physically assaulted in caste violence. Women's body is the site to justify the power and masculinity.

The victims in all the cases discussed here are more vulnerable in the entire episode. But the vulnerability varies with their status and the status of the accused.

In the Pipili rape and murder case, the victim faced an utmost level of atrocity. Her case was not registered by the local police; further preliminary medical treatment was denied, and no support was extended from the government agencies. In this condition, the assertion is not expected from the victim family. The victim family was also economically poor, they were daily wage labourers. They do not have any educational qualification which certainly affects in the engagement with government administration. This case became a big issue, because of the involvement of the agriculture minister. Otherwise, there are so many cases reported in regular interval, but it is very rare that a case gets any media coverage in Odisha. Snehalata case has the same fate like Babina Behera case due to uneducated and economically dependent background of their parents.

On the contrary, the case of Lathore and Chanutmal are different from that of Snehalata and Babina Behera case. In these two cases the victims were well educated and have some economic independence. That was the reason for the victims of Lathore to get direct attention from the then government. All the victim families got pakka house after one year, though the accused are yet to come into the purview of law. In the Chanutmal case the victim families did not get any initial help from the local administration. The survivors pleaded before the High Court of Odisha about state apathy to compensate in time. Due to the intervention of the High Court some economic compensation has been granted to victim families. According to Biswamitra Kumbhar, (a

survivor in the case) is educated and have little knowledge about administration, still he is struggling to get compensation and justice and feels helpless sometimes. Further he says, “I could not have got anything if RTI (Right to Information) was not available to me. The government officials are trying to suppress the facts and do not forward the file to the respective department without any RTI application. I am in a dilemma whether to pursue the case or look after my family. Since the incident, we have left the village and residing in exile. If an educated person like me is confronting this kind of trouble what about poor and uneducated atrocity victims”, says Biwasmitra.

Caste atrocity whether in coastal Odisha or western Odisha had a conspiracy behind the incident. The conspiracy is to target certain Dalit caste groups who were questioning the authority and domination of the upper-castes whether it is symbolic or in reality. Therefore, these incidents cannot be defined as an inter-caste or inter-community conflict because the conflict is one caste versus rest of the village community. The religious and economic aspects cannot be denied in the cases. But, it is not solely an economic problem but also a cultural problem which arised out of religious status and power unlike the western society where economy and politics is the site of conflict.

This indicates that the Indian society is a caste based undemocratic society where the status, economic and spiritual power and the dignity of human beings are distributed on the varna model of social hierarchy. Though India has political democracy, but there is no social democracy in society. So, it is evident that social democracy is more relevant than the political democracy. Until and unless social democracy is established, the vulnerability and suffering status of Dalits and other caste groups is not going to change. In this context Ambedkar (1936) asserts that,

“Democracy is not merely a form of Government. It is primarily a mode of associated living, of conjoint communicated experience. It is essentially an attitude of respect and reverence towards fellowmen.”

Summary

This chapter explores the sociological understanding of atrocity against Dalits in the context of Odisha. The vulnerability of Dalits in the state is much worse than that of the other states and the socio-economic profile of Dalit communities is low as compared to other social groups in the state. This socio-economic background obstructs Dalits to access education in general and higher and technical education in particular. In the share of house hold and land holding the situation of adivasis’ is much better than the Dalits. It also visualised the different forms of atrocities and the Dalit resistance and assertion in Odisha. Four cases were examined and explored to study the situations of Dalit in Odisha.

Chapter-V

Conclusion

The state of Odisha seems to be peaceful and normal without any serious problems besides some economic parameter. The social, cultural and religious problems are not given attention by the mainstream social scientist and media groups. All these issues are never discussed widely in Odisha or outside the state. The same is the situation with the caste, untouchability and atrocity in Odisha; the problem is so normalised that no one discusses that caste atrocity is a problem of Odia society.

The distinction of purity and pollution has been fractured and Dalits are moving forward beyond the pollution line. The deviant Dalits face the brutal form of resistance from the caste Hindus. While analysing Kandha-Pano conflicting relationship of Kandhamal district, F.G. Bailey suggests that one needs to understand the social structure to understand the nuances of a social relation between Kandha and Pano. In the general sense, Bailey's analysis can be applied to understand the relationship between Dalits and non-Dalits. An elementary knowledge of Hindu culture and values is indispensable in this regard. It means the values and cultures are reproduced which maintain the hierarchical and discriminatory structure of the society. For Hindus, the social order is sacred and divine which shapes the behaviour of the Hindus. In the case of Lathore, Dalits were challenging the ritual dominance and hegemony of Marwari and Bhulia upper caste in the locality. This attack was an attack on the fundamental principle of the morality of caste Hindus. That is why the incident in Kandhamal, Balangir and Puri has been executed. The structure of morality is in their psyche; so that the social structure and behaviour cannot be

separated. It can be concluded that atrocity on Dalits is a structural problem. To put it in other words, atrocity is a structural violence.

The structure varies with region and culture though the core principle is the same everywhere. As it has been said, that one sub-caste group is not distributed evenly, so nature of caste and caste atrocities differ from region to region. In this context, a regional appraisal of caste dynamics is necessary for better understanding of atrocity crime.

The NCRB data and some studies say that Dalits of Odisha are not in a better position as compared to other atrocity prone states in India. The atrocities in the state is occurs so frequently. Lathore and Kamadhenu village arson, Kandhamal Caste conflict and riot, Snehalata and Babina Behera rape and murder case are some of the cases which are just few examples of caste atrocity. But apart from that there are many more cases that have happened in Odisha. The cases which are mentioned above come from the public because some of the Dalit organisations protested over the incident; otherwise, the media as well as political parties do not take atrocity as a serious problem of Odia society. The political parties of the state whether regional or national do not find any problem in Dalit lives or for them Dalits of Odisha is are not a politically important category. That is the reason why caste atrocity never became a political issue in Odisha. In this context, the district of Balangir is a case in point where Lathore, Chanutmal and Snehalata case got attention by media and Dalit organisations which demolished the preconceived idea about Odisha. Therefore, it is important to locate Dalits in contemporary Odisha and their everyday life.

The central theme of the study was to understand atrocity, atrocity on Dalits in India in general and Odisha in particular and to study Dalits' response to the atrocity in the form of protests,

resistance and assertion. The goal of the study was not to restrict to the conventional understanding of atrocity but to extend it for more sociological analysis. That is the reason why it has subsumed the position of Dalits in the society in relation to the different aspects of social life such as social, economy, education, numerical strength, political power. The objective behind this study is to get a comprehensive picture of atrocity and how it is socially constructed through religion, culture and identity. It further tried to trace the legal discourse to understand atrocity because in modern nation state citizenship and justice is ensured by the constitution.

The required primary data and information has been collected through informal discussions and interviews with some of the victims and social activists who were engaged directly in the protests and agitations. FIR copy and Court Affidavits have been used as a reliable source of information. Academic books, journals, news reports, NCRB, NSSO and Census data contributed as secondary sources in the study. The tables which are used in the dissertation has been drawn from NCRB, NSSO and census data where some tables are directly taken and some tables are prepared by the researcher to fulfil the objectives of the study.

The dissertation is broadly divided into five chapters including introduction and conclusion. The major theme of study is atrocity, resistance and assertion in Odisha. Chapter one subsumes introduction of the study, the background of the study, research question, objectives methodology, principal sources of data collection and the prime concepts used in the study. This chapter proposes the area of study.

Chapter two discusses important themes and perspectives to understand atrocity and reason behind it. It analyses atrocity through different sociological lens. In this chapter different theories and perspectives have been used due to lack of conceptual and theoretical literature on the

subject. The dissertation accepts the conventional understanding of atrocity but also proposes new ways to recognise atrocity which is psychological in nature. It emphasises that construction of the identity of superior and inferior is the sole problem of atrocity crime in the world. In this binary, the dominant superior group justify their oppression, exclusion and even atrocity. Here it is suggested that every human being does not possess same worth even as a human because of their caste, colour, sexual orientation and material possession. Foregrounding this conception, it explains the atrocious life of women and African-Americans with a historical understanding of gender and racial orientation. Everyone claims that we are living in a modern or post-modern world where law and judiciary play a vital role to shape the society. In this context Prevention of Atrocity Act 1989 has been analysed with a special reference to India.

Chapter three centre on atrocities in India. It argues that India has not only caste or gender atrocity but also racial atrocity. The attack on north-east student and student from Africa is the clear indication of racial nature of Indian society. This analysis refers how caste which is the soul of Indian social structure has a theory of racial origin. But the government and Indian people oppose that caste has any relation with race. To some extent it is true that caste is not a race but both the categories bear some kind of commonality and can be discussed and generalised.

The NCRB data shows an increasing trend of crime against scheduled caste. The conviction rate of atrocity case is not satisfactory because the conviction rate has never been reached a percentage of fifteen when compared to a total number of registered cases with total conviction. This situation reflects that Indian police system and Judiciary have many loop holes of which irresponsible police investigation is one of them. This may be one of the major reasons where the perpetrators do not fear the law. If we put it in other words, law of the land has failed to protect the lives of Dalits and ensure justice in the court of law. It has been seen that upper caste women

actively participate in most of the atrocity crime. But, the NCRB report does not mention the number of women perpetrator in their reports. This implies caste morality is more influential than the gender morality. To know the reason behind this inhuman crime the section 'Ambedkar's Understands of Atrocity' bear relevance.

Chapter four is the core chapter of this dissertation. This chapter scrutinises the Odia society in general and Dalit life in particular. In this chapter social, economic, land holding, literacy and education level have been discussed to highlight the vulnerable situation of Dalits in Odisha. In this context excerpt crime table from NCRB has been used which shows the number of increasing atrocity crime against Dalits. The involvement of tribe in the caste violence is a setback for Dalits because POA is not applicable to the tribes. Due to this advantage many upper castes persuade tribes to attack Dalits. Tribes are used as shield in the caste atrocity.

This chapter not only explains the Dalits' atrocious life but also Dalits' response to atrocity. It expounds victimisation of Dalits in one hand and their assertion and resistance on the other. The protest and resistance of the Dalits of Odisha cannot be compared to states like Maharashtra or Uttar Pradesh. These trends of resistance have been started after the year 2000. The consciousness level of Dalits is very low in Odisha because of their socio-economic scenario.

The situation of Dalits in India as well as in Odisha has the same fate. Their position in the society as well as the attitude of Upper caste has not changed. On the contrary, the situation is worse than ever before when it comes to physical violence. The assertive, educated and economically uplifted Dalits encounter more physical violence than the uneducated and poor Dalits. It does not mean that they do not face violence. The poor and uneducated Dalits face more brutal manner of caste abuse, public humiliation and mental torture in everyday life. In the

whole episode of atrocity, government do not take any major step to deal with such violence. On the other hand, the state agency such as administration, police and Judiciary are colluding with the perpetrator of the violence.

The attitude of the state, civil society and media clearly indicates that nobody cares for Dalit's life. Dalits have been reduced to as second class citizens of this country. There is no constructive measurable legal framework taken by the government to eradicate caste and untouchability. After seventy years of independence, Dalits are still Dalit in the eyes of the so called the upper castes.

Babina Behera rape and murder case is the burning example of suppression of assertive Dalit woman by inflicting sexual violence. The incident is not about a case of revenge but a case of sexual violence and caste. The women of weaker section faces utmost violence in the hands of upper caste men but the upper caste women are very rarely raped by Dalit man. The question is why Dalit women subjected to most brutal form of caste violence. There may be two reasons; one is that Dalit women are easily available in the public spaces unlike upper caste women. The second reason is Dalit women more vulnerable and voiceless.

The Snehalata rape and murder case has some kind of connections. These two cases seem to be dissimilar but in reality it is not. These cases are evident of the nexus between caste and gender relation. The dynamics and dimension of Snehalata case is distinct from the Babina case. Several incidents in the village of Sargipally narrate a different story. Some of the incidents were related to the purity and pollution line crossed by Dalits. But the important reason was that mother of Snehalata headed a SHG group which was involved in many developmental work of the village. The SHG group was fighting against the local liquor mafia. The intention was to free the village

from the clutches of alcohol. Alcohol is very much connected with village economy and family problem. It plunders the savings of the poor and also destroys marriages and families. Therefore, Dalimba along with her group members was trying to reform the society. The price of the reform was rape. The reformation of society by upper caste women is celebrated whereas Dalit women get the reward of rape, murder and sexual assaults.

The case of Chanutmal is distinct from the other three cases. In Chanutmal the victims' family never opposed Hindu rituals and festivals but their economic prosperity was against caste norms. The violation of caste norms upset the upper caste man and women. The upper caste Mali and Gauda killed the Dalits who were trying to uplift their economic condition. The Mali and Gauda resort to violence rather to competition. So, caste norms are a negation to competition. This incident occurred because caste has a direct relation with material condition/status of Dalits which determines the relationship between Dalits and non-Dalits. The caste based society accepts ascribed status rather than achieved status of an individual or family.

In all these cases Dalits were challenging the dominance and hegemony of the upper caste. Every time whether welfare or ritual, Dalits asked for equal treatment and equal share in all village affairs. The assertion resented among non-Dalit caste groups. That was the reason why the entire Dalit hamlet was destroyed to teach a lesson to the assertive Dalits.

The study is mainly focused on four cases; of which three cases have been taken from one-of the district of Western Odisha, i.e., Balangir. In the district of Balangir Ganda/ Gana sub-caste are the victims of atrocity crime though there are other scheduled caste communities who are a part of Odia society. The caste dynamics changes with region and culture. The Ganda sub-caste is not pervasive across the state. Therefore, it cannot be generalised that the practice of caste,

untouchability and infliction of atrocity in one district will reflect the condition of the rest of the state. This study to some extent has explained about atrocity on Kandhamal and Puri.

The overall analysis of the cases proposes three themes i.e. land, ritual and sexuality. The sexuality of women have been exploited to control the Dalits' assertion especially in Babina and Snehalata rape and murder case. Rape is the reward for reform and death is the reward for economic prosperity and self respect for Dalits in the caste based society this is what the cases strongly recommend.

This study is an attempt to study atrocity sociologically. Atrocity is a subject matter of law but the sociological analysis is very much important to understand atrocity. There are many studies available in the sociology of violence, but all violence is not atrocity albeit in many social sciences literature both these terms are used interchangeably. This study throws light on caste and untouchability in the context of Odisha. There are very less number of studies found on the subject of caste in Odisha. F.G. Bailey, Pralaya Kanungo, Bishnu N Mohapatra have studied caste in the context of Kandhamal. Therefore, this work is going to contribute in the sociological study of atrocity, caste and untouchability in the context of Odisha.

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