

RESISTANCE AND RETALIATION OF CASTE-BASED VIOLENCE AND ASSERTION: EVIDENCES FROM ODISHA STATE

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Abstract: Even after 75 years of Indian freedom, the ascriptive nature of caste resistance has not been able to totally outlaw the empirical separatist practices of segregation, untouchability, and caste discrimination. Over 200 million people in India are classified as “Untouchables,” a group stained by birth who are placed under the Hindu caste system, which regards them as impure and less than human. The practice of “untouchability” is a form of social discrimination that is prevalent in many parts of India, particularly in rural areas. Despite the constitutional abolition of “untouchability” in India under Article 17, the practice still pervades society, particularly towards the lower castes. Among these castes, the Dalits face a particularly harsh reality. Caste-based violence is byproduct of a centuries-old custom. This inequality has far-reaching consequences for the Dalits, hindering their ability to legitimize their claims to access education, employment, housing, religious rights and all basic human rights, dignity and respect. This paper looks into the issue of the above said violence with conceptual understanding with qualitative approach through case study method and focus group discussions for understanding resistance and retaliation of caste based violence and assertion in the state of Odisha, Kendrapara district.

Keywords: Caste-based violence, dalits, human rights, gender, Odisha

Introduction

The caste system in India is arguably the oldest social hierarchy still in existence, having an impact on structural changes and social separation from the subjectivity of contemporary socialisation. Caste is a complicated system of social groupings in Hinduism that is founded on ceremonial purity via trials and tribulations. A person is considered to be a member of the caste into which they are born, and they typically remain members of that caste until their demise. This becomes a more complex determinant of one’s social role, where notions of inferiority or superiority are implicit. Although the specific ranking of a caste may vary among regions and over time, societal changes are integrated into the further development of the power nexus. Rooted in Hindu beliefs, karma serves as a foundational principle shaping societal hierarchies, reinforcing the notion that individuals’ present circumstances reflect the consequences of their previous actions in a cyclical pattern of rebirth. The varnas act as a structural framework, The Brahmins (priests and teachers), the Kshyatriyas (rulers and soldiers), the Vaisyas (traders and merchants), and the Shudras (labourers and artisans) are these, in order of priority. Those classified as “untouchables” or Dalits make up a fifth category that is outside the traditional varna system. They are frequently given chores that are too ritually filthy to be included in

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the system. The caste system is set up hierarchically, with people at the top holding positions of power and those at the bottom holding positions of weakness. Those at the top of the caste system are regarded as “pure,” while those at the bottom are seen as “impure.” The term ‘Dalit’ derives from the Sanskrit word ‘dal’, which means ‘broken’ or ‘oppressed’ or ‘untouchable’.

Untouchability

The practice of untouchability is based on the caste system, which divides society into different hierarchical groups, with Dalits (formerly known as “untouchables”) being at the bottom of the social order. The practice of “untouchability” is enforced much more strictly in areas where Dalits are a minority group, as the ruling caste groups aim to hold onto their social and economic dominance. Dalits who make individual attempts to challenge the social system are often met with social boycotts and violent reprisals. Odisha activists noted that Dalits’ attempts to access a “forbidden” well or their unwillingness to carry out assigned tasks have frequently resulted in widespread conflicts between caste communities in the state’s chosen areas. The enforcement of “untouchability” has serious consequences for the social, economic, and political rights of Dalits. It also perpetuates a cycle of poverty and exclusion that is difficult to break.

What is Caste Discrimination

Caste Discrimination is a social phenomenon that is defined as discrimination based on a person’s occupation and ancestry. It is a system that excludes individuals from society, deprives them of economic opportunities, and subjects them to violence and abuse. Caste discrimination is a socially constructed system that is perpetuated over generations, making it an immutable aspect of a person’s identity. Unlike class discrimination, which has some potential for upward mobility, caste discrimination is fixed by birth, and individuals are relegated to a particular caste for life. The effects of caste discrimination are far-reaching and pervasive. It restricts their access to basic services such as water, education, and healthcare, housing and limits their opportunities for social and economic mobility. Such discrimination has made it extremely challenging for Dalits to overcome their social and economic disadvantages on every day basis and lead a life of dignity and equality. They are also subject to violence, including sexual assault, and rape. This paper looks into the issue of the above said violence with qualitative approach in the state of Odisha, Kendrapara district.

Dalits, Social Boycotts and Violence

Caste clashes manifest in Indian society through various forms of feudalism, a system characterized by social stratification, land possession, and power structures

based on caste and gender hierarchies. Caste conflicts stem from the same fundamental idea, regardless of whether they are social, economic, or political in nature: any attempt to change village customs or to demand land, higher wages, or political rights is met with violence and economic retaliation from those who are most threatened by the status quo. For a considerable amount of time, feudal lords have retaliated against Dalits who have attempted to exercise their rights. This has led to widespread Dalit murders, gang rapes, looting, and fire in Dalit bestis and villages (National Crime Record Bureau (NCRB), 1995-2015). Dalits in India have long been fighting for their rights and equality in society, facing opposition and backlash from feudal lords who perpetuate the cycle of discrimination as sum up by the National Commission for Scheduled Castes and Scheduled Tribes (2004) and even till date.

Whenever there has been an uprising among the underprivileged lower caste to fight for their own rights they were oppressed by the use of influence of political and executive mechanism which is majorly at the disposal of the influential higher caste people with huge lands and ancestral wealth (Narula 1999).

Here the official ban on untouchability in India's constitution of 1950 did not eradicate pervasive discrimination against Dalits. The upper-caste Hindus and the Brahmanical elite have made sure that this archaic hierarchical structure persists in India despite attempts at social reform. Even Dalit children bear the brunt of such discrimination, not just from teachers but also from upper-caste fellow students. In cases where there is an attempt to reform the dynamics of such ancient inhumane social constructs, it is often met with retaliation and even more inhumane violence. In India, the majority of police officers and judges come from higher caste backgrounds, and crimes against Dalits are frequently motivated by bigotry.

Dalit women bear a disproportionate burden of caste-based violence. Often targeted as a form of retaliation against male relatives, they endure frequent rape or physical assault, perceived as punishment for perceived transgressions by upper-caste individuals. They face the threat of arrest if their male relatives evade authorities, compounding their vulnerability. Dalit women endure rape as a tool of suppression wielded by upper-caste leaders, aiming to quash movements advocating for minimum wages, resolving sharecropping disputes, or reclaiming lost land.

Despite the widespread public perception that caste-based violence is a thing of the past and does not occur in the contemporary world, we continue to witness this phenomenon as normal and no need to address these numerous instances of caste-based violence against members of the lower caste.

Research Methodology

The state of Odisha is selected for the study, which did not have the 19th century renaissance (revival) or left movement like Maharashtra or Karnataka or west Bengal

or Kerala. Caste is socially present but it is not manifested politically. Odiya society is priest-ridden society for time immortal (O'Malley, .1906). In Odisha the most of the positions are occupied by the forward castes like Brahmins and Karnas and they dominate society and politics (Mohanty, 2001)

The study area includes Kendrapara district, situated in central coastal plain zone of Odisha which was earlier part of Cuttack district. Geographically, Kendrapara is bordered by Cuttack from west, Jagatsingpur is southern border, north side is bordered by Bhadrak and eastern part of village is bordered by Bay of Bengal. Statistical information about the district shows a municipal corporation, has 9 blocks, 9 tahsils and 1 sub division. It has 249 gram panchayats and 15 police stations. The economy of the district is mainly dependent of agriculture, 68 percent. "The 75 percent of the total population earns a livelihood from primary sector. The district is one of the relatively developed particularly in education field" (<https://kendrapara.nic.in/>). District celebrates many festive, has prominent tourist places, and has produced well-known personalities.

This study is qualitative in nature supported by primary data, collected through frequent visits of the field from December- January, 2024. A total of 20 respondents from dalit community living in Aul village, Kendrapara district were interviewed as part of this research. The basic questions for the semi-structured interview were formulated suiting particular respondents and also implemented focus group discussion to uncover the case studies. Some questions were newly formulated during the time of interview, and some were modified according to the response of the person being interviewed.

Three Oriya newspapers —Sambad, Samaja, Dharitri are selected for content analysis. These are most circulated newspapers in the state with maximum readership. Similarly, Odisha Post, other national newspapers, Indian express, the Hindu, Times of India have been used as part of the study. Some Oriya social media is also taken into account for this research. Similarly, government documents published in connection with the violence, locally published souvenirs and pamphlets have been used as third method of data collection.

Since this is an empirical study in a village of Kendrapara, understanding the social and economic context of respondents is very important because it provide necessary information about the nature of intra-community relationship and also a valuable key to understand the dynamic of community in violence and post violence scenario.

Unlike many other Indian states, in Odisha, Dalit are not powerful in in the presence of right wing parties and other denominated religious and political organizations played a key role in subjugating dalits from their human rights. For instance, below are the case studies of resistance of caste based violence and retaliation of assertions from Kendrapara district of Odisha State.

1. A Dalit Woman's Fight for Water: Encountered Caste-Based Violence

In the rural landscape of Kendrapara district, Odisha, a Dalit woman's quest for potable water led to a harrowing encounter with caste-based violence (September 04, 2013). A female member ("X", 25 years) of the Scheduled Caste community, was allegedly beaten up by upper-caste individuals for drawing water from a government-dug deep tube well in their area (<https://www.thehindu.com/news/national/other-states/odisha-dalit-woman-enters-caste-area-draws-water-beaten/article5093263.ece>.)

The incident unfolded when the woman X, along with other Dalit families, was forced to subsist on polluted water from a pond due to the defunct tube well in their locality. As a result, X "decided to fetch water from a tube well in front of the house of an upper-caste person, Y". This act of defiance led to a confrontation with some upper-caste persons, who "assaulted her and took away her bucket". The incident is emblematic of the cultural framework's ideological imposition at its most detrimental. Humiliation, exploitation, and violence collectively encapsulate the social-psychological phenomenon inherent in the subject matter. "The woman also alleged that some influential upper caste persons have been preventing the Dalits, including women and children, from taking water from the village tubewell". Facing such a disability aspect books another slot for the list of caste-based violence surpassing gender and children.

"Earlier also, upper caste members abused some Dalits for using the tubewell to draw water but the frightened people did not lodge any FIR against them, X claimed". As a case in point, the animosity of dominant caste can be understood from the voices of the victims and accused in a case of caste violence (Pal, Sukumar and Lal, 2010). In recent times, a large number of empirical studies have identified the gaps in implementation of law (Krishnan, 2009; Pal, 2019a; Thorat, 2018). But this incident was reported to the local police station, and X filed an FIR against A, B and C (all belonging to the upper caste). In her complaint, X alleged that the upper-caste individuals "hurled abusive language and assaulted her for drawing water from the village tube well".

The local authorities have taken cognizance of the matter and registered cases against the accused under relevant sections of the "Indian Penal Code (IPC)" and the "Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act". This dire situation exemplifies the harsh reality faced by marginalized communities when essential resources are withheld from them, perpetuating cycles of poverty and disenfranchisement.

Ambedkar (1989) is of the view that:

"When law enforcement agency- the police and the judiciary, does not seem to be free from caste prejudice- since they are very much part of the same caste ridden society- expecting law to ensure justice to victims of caste crimes is rather

an impractical solution to this perennial social problem”.

2. Segregation of Crematorium “Only For Brahmins”

In the second case the “Locals and Dalit leaders had expressed shock over the revelation that the civic body had been maintaining a crematorium exclusively for Brahmins” (22 Nov 2023). The Kendrapara municipality in Odisha found itself the centre of controversy when it was revealed that a crematorium in the Hazaribagicha locality was to be exclusive for Brahmins. This part outraged among the locals and the Dalits who condemned the discriminatory practices and demanded equal access to the crematorium for all castes. The crematorium, originally named ‘Brahmin Samsan,’ reflects the historical and cultural dominance of the Brahmin caste in India, which has traditionally held a privileged position in society. This name reinforced the idea that the crematorium is a space reserved for the Brahmin community, perpetuating exclusion against other castes. Residents and Dalit leaders expressed shock and dismay upon learning such a practice. The Odisha Dalit Samaj and locals demanded accessibility to all castes for cremation rites. The additional district magistrate (ADM) intervened, directing the municipality to allow all Hindu community members access to the crematorium. The Crematorium was renamed after outrage (<https://www.newindianexpress.com/states/odisha/2023/Nov/22/crematorium-renamed-after-outrage-in-odishaskendrapara-2635208.html>).

The ADM stated, “We directed the executive officer of the civic body to change the name of the crematorium and allow all people of the Hindu community to perform the last rites of their kin.” Consequently, the Kendrapara municipality took a proactive attempt to address systemic injustices and promote social cohesion. By relabelling the site as ‘Swargadwar’ and affirming the right of all Hindu community members to perform funeral rites irrespective of caste, the local authorities have taken a crucial step towards dismantling institutionalized discrimination and fostering a more inclusive social fabric.

The executive officer affirmed that “all Hindu people are entitled to perform the last rites of their loved ones at the crematorium, and pledged to take legal action against anyone who attempted to obstruct or prevent individuals” from exercising this right based on caste discrimination. However, the subsequent acquisition of the crematorium by the civic body in the post-independence era continues to affect contemporary society by the rules of power, hence the caste rule. This ideology layers over and over time across various caste hierarchies.

3. Dalit woman raped, one arrested in Odisha

In Kendrapara district of Odisha, a distressing incident has brought attention towards the exploitation of Dalit women in India (03, DEC 2013). A 25-year-old Dalit woman, who is a mother of two children, became a victim of sexual violence in

Patalipanka village, situated under the jurisdiction of the Marshaghai police station (<https://www.kractivist.org/india-dalit-woman-raped-in-orissa-one-arrested-vaw/>).

The perpetrator committed the heinous act by trespassing into the victim's home and forcibly tying her up. This act of sexual assault occurred during the night, in the absence of any male members of the victim's family, leaving her particularly vulnerable to the attack. This points to the broader nature of this case between the Dalit woman and the Patriarchal hierarchy. This act sounds worse on an individualistic level, especially the biological frailty of each gender.

The arrest of the accused, the legal ramifications of the incident established a social control for deviance. He has been charged under various sections of the Indian Penal Code (IPC), including sections 376 (rape), 457 (trespassing with intent to commit offence), 342 (wrongful confinement), and 506 (criminal intimidation). Subsequent investigations have led to the confession of the accused, and both the victim and the perpetrator have undergone medical examinations to corroborate the evidence. The Inspector of the Marshaghai police station had confirmed the arrest and legal proceedings against the accused and is set to be presented before the court for further adjudication of his crimes.

“The empirical evidence also confirms susceptibility of the women to all forms of violence” (Aloysius, et al., 2011). The Hague Report (2006) clearly states that “gender violence is often accompanied by a systemic pattern of impunity for the perpetrators. The intersectional violence thus, is highly structural and systemic in nature, and likely to expose the subordinate caste women to a greater risk of cyclic violence”.

“The consequences of such intersectional violence are found more pervasive and multifarious. Because incidence is often attached to the notion of moral character, dishonour, integrity and dignity of women victims” (Aloysius, et al., 2011).

4. Dalit Family ‘tortured’ for not giving donation for puja in Kendrapara

The term “kangaroo court” refers to a self-appointed group that metes out summary justice, often without regard for the law or fairness (20 April 2022). The reported incident in Odisha's Kendrapara district illustrates a disturbing case of caste-based discrimination and social injustice within rural communities. Allegedly, a Dalit family was tortured for not paying a donation of Rs 500 for a puja. According to reports, two villagers visited the family's house to collect their contribution towards the village deity's festival, but an altercation broke out when the family members told them that they had already paid their contribution, leading refusal to their ostracization and degrading punishment. In this case, the family members were subjected to degrading punishment, including “forcing a man to rub his nose in his own spit in full public view in a kangaroo court at Tikhiri village under Marshaghai village in Kendrapara district”. Such acts not only violate human

rights but also reflect the deep-rooted social inequalities and prejudices prevalent in certain communities. The reported incident highlights the urgent need to address caste-based discrimination and to ensure the protection of the rights of marginalized groups, such as Dalits, in the country. The involvement of the Sarpanch and her supporters suggests a power struggle, with the family potentially targeted due to personal vendettas or political rivalries. The imposed punishment, involving the rubbing of one's nose in spit, underscores the use of humiliation as a means of social control and caste-based oppression (<https://www.indiatoday.in/pti-feed/story/dalit-students-allegedly-denied-puja-rights-case-registered-468346-2015-09-19>).

The response from the accused Sarpanch and her supporters is characterized by denial and deflection, dismissing the allegations as baseless and attributing them to ulterior motives aimed at tarnishing the village's reputation. However, beneath the surface lies a deeper societal malaise rooted in caste discrimination and impunity. The Dalit family's plight sheds light on the entrenched inequalities and injustices faced by marginalized groups within rural communities, where systemic discrimination and violence persist. Moreover, the village's collective decision to ostracize the family highlights the pervasive influence of caste norms and community consensus in shaping social behavior and enforcing conformity. This underscores the urgent need for broader societal introspection and structural reforms to challenge entrenched caste-based discrimination and ensure the protection of marginalized communities' rights and dignity.

5. Dalit Students allegedly denied Puja rights, Case registered

The incident reported in a government-operated school in Kendrapara district, wherein Dalit students were allegedly deprived of their religious rights to perform rituals honoring Lord Ganesha, has evoked significant attention and led to institutional responses (19 Sep, 2015). At Andara Upper Primary School, it has been reported that approximately 25 Dalit children were allegedly barred from participating in the traditional ceremony of breaking coconut shells and offering prayers to Lord Ganesha during the celebration of Ganesha Chaturthi. "Brahmins who follow the priestly occupation believe that even the slightest bodily contact with a Dalit brings pollution" (O'Malley, 1906). As stated earlier, "Odiya society is priest-ridden race from time immemorial" (ibid). In contrast, their upper-caste peers were permitted to take part in these customary practices. This act of discrimination based on caste has caused concern and raised questions about the school's policies and practices towards marginalized communities. After a complaint was filed, law enforcement authorities took legal action under the Scheduled Caste and Tribe (Atrocity Prevention) Act of 1973. The investigation is ongoing and Kendrapara Superintendent of Police has confirmed their commitment to taking the appropriate legal actions based on the outcome of the investigation. Furthermore, an independent inquiry has been launched by the Schools and Mass Education department to ensure

impartiality. (<https://odishatv.in/news/miscellaneous/kangaroo-court-dalit-family-tortured-for-not-giving-donation-for-puja-in-kendrapara-175253>)

The Collector has taken cognizance of the issue and directed authorities to conduct a thorough investigation. This incident highlights the systemic discrimination that still exists in educational institutions, particularly towards marginalized communities. A social activist has condemned the propagation of caste-based biases in state-run schools and demanded swift action against the perpetrators. Such incidents not only violate the fundamental human rights of students but also perpetuate the existing social hierarchies, hindering progress towards a more equitable society. It reproduces the stratification in modern society, an educational institution gets carried away by the hierarchical knowledge bestowed previously raising questions on the social well-being of each individual academia.

The District Education Officer has corroborated the initiation of an inquiry into the purported caste-based discrimination. He has stated that any punitive actions would depend on the results of the investigation. Here, Dalit children suffer the most from discrimination, not just from their teachers but also from their classmates who belong to higher castes. When attempts are made to change the dynamics of these long-standing, cruel societal structures, they are frequently met with reprisals and even greater brutality. Dalits face significant prejudice from India's largely upper-caste police and judiciary systems.

The report of the Standing Committee on Social Justice and Empowerment (2014-15) states “the high acquittal to the biases and ‘willful negligence’ by officials involved in the investigations; and loopholes left by the investigating officials with a purpose of helping the accused of their social belonging”.

In sum, their struggle for equality, dignity, and justice within India's caste-based social fabric is imperative for addressing deep-seated prejudices, promoting social inclusion, and upholding the principles of human rights and social justice to build a more equitable and inclusive society.

Dalit's Resistance and Other's Retaliatory Violence

Retaliation was always met with violence, as the masters localized stratified violence, creating a closed society instead of abandoning it, thereby enslaving their existence to debasement or people transitioning face severe beatings to set an example. When victims seek recourse through judicial mechanisms, they often find themselves perplexed by unfamiliar legal processes, rendering them into a vulnerable identity and helpless against the influential higher castes.

They make do to what they have to avoid potential mistreatment, as backlash threatens the maintenance of basic human rights—a very rigid thought. This is such

a firm psychology that behavior is institutionalized among certain communities; forget progressiveness, it becomes more pathetic for Dalit women and girls to establish their rights in such conditions. In actuality, they serve as easy pickings and weaker section for a lack of basic self-respect. During these disputes, men from higher castes abduct and sexually abuse the women. When it comes to rape committed out of lust, such people's untouchability conveniently disappears.

Caste-based oral abuse is a common occurrence in rural areas, and it affects individuals of all ages. The social and psychological impacts of caste-based discrimination can be severe, leading to feelings of shame, isolation, and low self-esteem. However, these issues are often not discussed openly, and victims may be reluctant to report incidents of abuse due to fear of retaliation or lack of trust in the justice system. This requires a concerted effort from civil society, media, and political leaders to promote a shared understanding of the importance of human dignity.

The persistence of the caste system in India's areas is explored and it has been observed that, the atrocities committed against the lower caste communities have only increased in recent decades in spite of enactments of legislation in relation to it (Ambewadikar, 2016). According to the human rights activists, "among other factors, resentment, retaliation, and revenge-taking are found to be prominent causes of caste violence" as stated in 2010 by (Pal and Lal).

Only a few states have actively established special courts as of now, despite the Act's mandate for their establishment. Cases involving such crimes can be expeditiously prosecuted with the assistance of these courts. Given that these cases mentioned in the study are socially unique in comparison to other types of crime, specific and explicit guidelines for the procedures to be followed in cases under this Act are also required. Additionally, specialized legislation will be created to address the specific circumstances of these cases by incorporating knowledgeable prosecutors into the process of identifying issues at the local level. There should be stricter application of relevant laws, such as the SC/ST Atrocities Act, and inclusion of additional measures to provide procedural flexibility bringing individuals from different communities together and educating them about the evils of caste inequality in rural places. After the SC/ST Atrocities Act case is filed, protection for the complainant and witnesses should be provided. Then only the lawful outcome of the cases will be seen for the establishment of justice for the victims of caste based violence.

Conclusion

To create this niche in India, there is a drive and debate among the anti-caste citizenry gaining grip. Throughout the discourse, grassroots movements have emerged as an uprising against caste-based violence. There is a growing grassroots movement

of activists, and NGOs that are organising to democratically and peacefully demand their rights in Odisha. There is resistance for caste based violence but at the sometimes as usual there is more ferocious retaliation for assertion by the perpetrator of violence and injustice. Although the dalit movement of Odisha is gaining momentum and Kendrapara is one of the district. Agitation of 2007, lead by the “dalits who were earlier denied access into the temple and were only allowed to peep through the inbuilt holes on the temple boundary wall to catch glimpse of the lord”.... “However, after days of simmering dispute, the upper castes agreed to let dalits in the temple premises on January 14, 2007”. This agitation was a significant phenomenon of dalit uprising of resistance and retaliation against caste based violence, justice and equality with the means of Indian constitution and not Puri Temple Constitution. But this agitation continued. Later, on 4 May, 2018, Kendrapara’s Jagannath temple management was deliberated to remove barricade for darshan for the dalits. This agitation is still continuing because the community and society of Odisha is yet to get ready for social mobility and change.

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