Oppression of Dalit Women in India: A Fact Finding Report on Gang Rape of Women in Bhojpur, Bihar

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THE PERSISTENCE OF FEAR:
A Fact Finding Report on Sexual Violence Against Dalit
Women in Bihar
(6th – 8th November 2014)

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Like other states of India in Bihar too there are talks of ‘ghar waapasi’ i.e. reconverted back to the so-called ‘original’ religion - Hinduism. Under the saffron leadership of a Member of Parliament Yogi Adityanath a huge reconversion ceremony was organized at Vaishali in the mid of Dec, 2014. The very next day it was reported that in Bhagalpur, 5 Dalits accepted Christianity as their religion and a couple of weeks later 200 Mahadalits said good bye to Hinduism and converted into Christianity in Gaya district in Bihar. This is certainly a paradoxical phenomenon, especially when the saffron leadership giving a call for people to leave Islam and Christianity and return to Hinduism. In Yogi Adityanath’s “ghar vapsi” interestingly, a poster of Ram Vilas Paswan, a Dalit political leader was used to advertise the ‘ghar waapasi’ initiative. The irony is that Bihar has had a long history of feudal oppression of Dalits at the hands of the dominant castes yet; a Dalit political leader’s poster was used to urge people to return to a religion that has killed tortured and subjugated Dalits for centuries.

On the same day of “ghar vapasi” ceremony, a gang of dominant caste people shot four Dalits dead in Ahiyara village situated by the Sone River. The killings were done on a petty incident that the victims had refused to hand over the fish that they had caught from the river. The victims were simply asserting their legitimate right over the fish. This simple assertion of right led to the killings of the four Dalits. Therefore, in a society where a simple assertion of legitimate rights leads to violence, oppression, killings and massacres at the hands of feudal castes the discussions around politics of religion and caste is nothing but a gimmick of electoral politics.

The gaining of political power by Nitish kumar in 2005 with the agenda of promoting ‘development’ and in opposition to Lalu Prasad who he portrayed to be preoccupied with caste brought him in alliance with the upper – caste dominated BJP. He ran coalition with the BJP for two consecutive terms. Claiming to be socialist he still maintained his alliance even in the face of the Babri demolition and 2002 Gujarat riots. Last year, in 2013 he broke his alliance with BJP calling it ‘communal’.

In past one year, after the BJP split with JD(U), some more dynamics have however come into play. After Modi gaining power at the Centre and the beginning of the open propagation of Hindutva agenda upper
caste feudal elements which had earlier scattered have become more confident and begun to reemerge. Shockingly, every month 3, 4 incidents of rural violence are being reported. There is recurrence of waves of gang rapes and Dalit massacres.

Here we need to understand the basic difference between the two major patterns of violence seen in the society of Bihar: 1. Violence of Domination and 2. Violence of Resistance. Violence is called violence of dominance when it is caused by a powerful person/section of the society over the weaker person/section of the society in order to create or to maintain the hegemonic position or the position of dominance. While on the other hand, violence is called violence of resistance when it is caused by a weaker and subjugated person/section of the society in order to get rid of the position of subjugation or in order to dismantle the hegemonic or dominant position of the powerful person/section of the society, as the case may be. Ultra left movement in Bihar can be taken as an example of violence of resistance. The violence of dominance is just opposite to the Violence of Resistance and as a crude sociological reality caste violence against Dalits in Bihar is essentially a violence of dominance. Violence of resistance may have legal and moral justifications but violence of dominance can have none. The past history of Bihar tells us that even simple assertion of a right by Dalits invites fierce violence from feudal castes, even to the extent of massacre. Caste violence indeed is directly proportional to the degree of assertion of rights i.e. more assertion, more violence. The massacres of Laxmanpur Bathe and Bethani Tola can be cited as perfect examples where simple assertion of demand for wage hike by Dalit agricultural labourer invited bloodshed of 80 Dalits approximately. However, violence of dominance sometimes is caused even when there is no assertion of rights as violence of dominance against Dalits as a crude sociological reality is an integral part of broader cultural psyche of Hindu society. The present case of gang rape of six Dalit women is yet another live example where sexual violence was caused without any assertion of right. Here it is also significant to understand that as a matter of historical reality rape against Dalits women is not caused for the purpose of psycho-sexual pleasure rather sexual violence is used as a time tested weapon of collective humiliation and collective psychological subjugation of Dalits. Public glorification of rape of more than 200 Dalit women between the ages of 6-70 years committed by the Savarna Liberation Army in July 1992 can be cited as perfect example to that. Each of these incidents was given publicity by the perpetrators of the crime. The present gang rape must be seen in the perspective of this socio-historical reality. To delve into the same, the five members Fact Finding Team (hereinafter referred as FFT) representing Delhi Solidarity Group and other civil rights organisations visited village Kumuri located on the other side of the river Sone in Bhojpur district of Bihar where six extremely poor women belonging to Musaahar, a Maha Dalit caste of the nearby village Dumaria were brutally raped on Oct. 8, 2014. This brutal gang rape was
committed by the members of the disbanded Ranbir Sena which was an illegal private army of Bhumihars, a dominant feudal caste.

The FFT first visited village Dumaria. Visiting Dumaria was a heart wrenching experience for the members of the FFT. The Team saw the real picture of “India Shining” in village Dumaria. Without struggling against oneself it is still difficult to wipe out the pathetic images from the prism of memories what the members saw there. The people of Musahar Tola (the hamlet) are so acutely impoverished that in the name of property they had literally nothing except dilapidated huts and mutilated utensils. They work as labourers in the agriculture farms of the dominant caste feudal lords. Though, all seasons are harsh to them, the season from August to October is particularly harsh and severe as agricultural labour is not needed during this season. In order to survive during this period girl, women and children go out for rag picking while the male members go out for fishing in the local water bodies emerge out temporarily due to water logging during the rainy season. Sometimes when they fail to find fish in the water bodies they even go for hunting rats as the last resort of survival. Impact of chronic hunger and starvation was evident from their pathetic body mass index (BMI) and stunted growth. Literacy rate is nil and mortality rate is strikingly above average of Bihar. No access to education and no access to health care system. No govt. welfare scheme reaches them as they are either non entities for the state or just the registration numbers in the voter list of the election constituency. Feelings of despair were all pervading as feudalism and caste subjugation has completely smashed the morale of the community. Musahars are the worst victims of casteist feudal structure of the society in Bihar. Musahar Tola of Dumaria was the worst face of broken humanity.
The Facts of the Incident:

Oct. 8th, 2014 was the unfortunate day for the six victims of the gang rape. All the six victims were seemingly minors, though the FIR and the Charge Sheet say otherwise.

The victims (the Report avoids disclosure of their identity) of Musahar Tola along with two boys of approximately age 10 years went out in the morning for collecting scrap/rags from the nearby villages. After collecting scrap/rags during the day around 2 P.M, they all reached the nearby village Kuruturi (nearly three kilometres away from their own village) for selling out the scrap/rags. The scrap dealer shop i.e. Saraswati Enterprises run by one Neel Nidhi Singh (age 35 years), the former District Commander of the disbanded Ranbir Sena. Neelnidi was assisted by his brother J.P. Singh (age 40) and the servant Jagu Pandit (age 50 years). The victims sold out their scrap/rags and demanded money for the same. The culprits told them that they had no cash to pay their dues and have sent somebody to get it. Right from 2 p.m. to 10 p.m. the culprits illegally detained all the victims and the children putting lock on the exit door of the shop. Meanwhile in the evening the little boys were tied up with a rope around the tree within the premises of the shop. After apprehending some untoward incident victims tried to escape but could not succeed as the exit door was locked. The victims were made to consume liquor at gun point. Then one of the victims was forcibly tied down, thrashed and one by one the culprits committed brutal rape upon her in front of all other victims including the little children who were tied up with the tree. The trio reportedly thrashed the boys when they cried on seeing the plight of the victims. The ghastly act of brutalising the dignity of the victims went on till 10 p.m. After this ghastly incident the victims requested the perpetrators to let them go out for urinating. While the victims were out for urinating, taking benefit of darkness of the night they jumped into the canal and swam across the other end to escape. Five victims managed to run away with the young children while the sixth one was caught by the perpetrators, taken inside and raped again. She was later dropped off on a bike to her village and threatened if anything is disclosed about the incident to anyone.
Meanwhile the parents of the victims were desperately making search for them in all the nearby villages as it was too late. Their usual time of returning home was 5 p.m. At around 11 p.m. somehow the victims finally reached home in bleeding conditions crossing the canal, named Kurumi Rajwaha that passes near the Kurumi village. Saraswati Enterprises lies next to this canal at the far end of Kurumi village. After reaching home victims first could not depose anything even to their parents as they were extremely traumatised and frightened of the consequences which could ensue. They could not report anything under the threat of massacre extended by the culprits. Musahar Tola was already living under a constant fear of feudal-caste onslaught as one massacre in the village had already taken place in 1999.

However, the victims could not hide the truth for too long as everyone was bleeding from their private parts. By the late night after much consolation victims narrated the incident. Immediately police was informed with the help of some community people and the cadre of CPI (ML) present in the nearby area. Police as usual, did not register FIR for next 18 hours. But when CPI (ML) made lot of hubbub calling for Bhojpur Band police were forced to register FIR and the culprits were arrested. However interestingly, members of Akhil Bharatiya Rashtrawadi Kisan Sanghathan (ABRKS) which is actually a part of disbanded Ranbir Sena headed by Indu Bhushan, the son of Ranbir Sena’s slain head Brahmeshwar Singh staged a protest and also called for across Bhojpur Band soon after the arrests of the 3 perpetrators which actually signifies the rise of dormant feudal-casteist forces in Bihar. BJP was also in support of the rally and the JD (U) which on the face seems as the opposing force to BJP had its local MLA Sunil Pandey participating and supporting in this rally quite actively.

The investigation was conducted and charge sheet was filed within 4 days from the date of the incident. The case is now in the Fast Track Court specially constituted at the initiative of the Chief Minister who himself hails from Maha Dalit community. The case has taken fast track mode probably because of the apprehension that the incident might take a political colour in the volatile political environment before Vidhan Sabha elections. After the initiative of the Chief Minister the administration also became proactive in its response. Police administration was proactive right from arresting the perpetrators, conducting fast track investigation to providing security to the victims till the time of their depositions in the court. The depositions of all the victims and the witnesses have now been completed in the court. Civil administration was also quick enough right from creating Bank accounts to transfer the interim compensation to the victims to providing 50 Kg of food grains to the victim families and about 20 Kg to each family in rest of the Tola. Judiciary also conducted trial with unprecedentedly pro-active ness. However it did not happen on its own, much of the credit goes to the cadre of CPI (ML) who took up the
issue right from the beginning and followed it up with the required determination which has actually provided courage to the victims and their families to fight for justice. It goes without saying that without CPI (ML) this case also would have met the fate as any other case of sexual violence against Dalits have met in the past. Their constant support to the victims and their families have made the issue survive and hence, raising hope for justice to them.
Perpetrators:

J.P. Singh - 40 - Married
Neelnidhi - 35 - unmarried
Jagu Pandit - 50 - widower

We went to the site of gang rape i.e. scrap dealer's shop in Kurmuri village and interacted with the villagers regarding the perpetrators.

J.P. Singh and Neelnidhi Singh are brothers and the third perpetrator Jagu Pandit is their servant who runs the scrap shop.

Neelnidhi Singh has been the district commander of Ranbir Sena in past which is now a banned organization. The two brothers are son of Gahit Singh, who was State President of Freedom Fighters Organization (Swatantrata Senani Sangathan). They are from Kurmuri village which has some 50 'freedom fighters'. The people at Kurmuri told that Gahit Singh did a business of selling freedom fighter certificates. In this way he managed to earn some 30 lakh rupees in 1960-70s but later he lost every penny during a long bout of illness. Their mother is Saraswati devi, a widow who sold all the farm land. The scrap shop has been named after their mother as "Saraswati Enterprises", the same place where the gang rape occurred.

Neelnidhi Singh was a part of the gang that perpetrated Dumaria - Dehri massacre (1999) when he was just 20. This is the same village where the victims of gang rape belong. This was his credential for being appointed as the Ranvir sena commander. People also told that J.P. Singh murdered a person known as Ram Jag Singh who was close to his mother. After this, no one was ready to marry their daughter to Neelnidhi and hence he stayed unmarried all this while.

In addition to this, as per the record (vide D. D. No. 127372 55-60) produced along with the Charge Sheet before the Special Designated Court in this case all the three perpetrators of the offence have long antecedent of criminality ranging from multiple murders, attempt to murder, grievous hurt, illegal possession of arms and explosives, criminal conspiracy, kidnapping, abduction and habitual causing violence against Dalits and tribal.
Legal Aspects:

After perusal and scrutiny of the 82 documents of the case file, the FFT is very much hopeful about the fate of this case. The case is strong enough to result into conviction of all the three perpetrators of the offence who have brutalised the dignity of the victims by committing the brutal gang rape. The depositions of all the victims before police and the magistrate are coherent without any material inconsistency which further raises hope for justice. However, the FFT would like to highlight a few legal dimensions and the lacunae in the case which might cause a dent to the hope for complete justice.

- First, it was an utter shock to the FFT that the victims were still bleeding even after one month of the incident on 7/11/14 when it visited the victims Tola and interviewed them. As per record despite reporting it to the judicial magistrate by the victims during the depositions U/S 164 CrPc. that they were consistently bleeding due to the brutal rape, the magistrate failed to provide any medical intervention to the victims. This is a gross negligence of the legal duty in the part of the magistrate. The Special Designated Court also culpably failed the same way. Not only this, the doctor and the government hospital where the medical examinations of the victims were conducted as a mandatory legal duty did not provide any sustained treatment for curing their bleeding problem. Rather the victims were discharged from the hospital shortly after the medical examination got over. This is certainly a penal offence U/S 166 B of IPC read with Section 357C of Cr. P.C. under which a doctor and the govt. hospital conducting medical examination of a victim of rape are under mandatory duty to provide immediate medical treatment to the victim and that too free of cost. Due to chronic state of hunger and starvation and no access to health care their physical conditions were deteriorating day by day. This is not only a culpable negligence but also a gross violation of human right (right to health) of the victims at the hands of the criminal justice system and the state administration both. Apart from this no counseling or psychological intervention has been provided by the court or the administration. The victim were undergoing emotional and psychological trauma at multiple levels. From the victimological perspective there is no institutional support system in place for their physical and psychological wellbeing as the poor and illiterate victims have no coping skill and mechanism.
Further, in the FIR and the Charge Sheet all the victims, but one Soma Kumar (name changed), have been shown as above the age of 16 years. However, it was found by the FFT during interview of the victims and the family members that except Soma Kumari all other victims were below the age of 16 years and therefore, this is a case of gang rape with minor Maha Dalit girls. The judicial magistrate conducting pre-trial inquiry however did not bother to get their medical examination done for the determination of their true age. The court failed to perform its legal duty. It is worth mentioning here that age determination of the victims is crucial in order to determine the nature and quantum of sentence to the perpetrators of the offence. As a matter of fact that the court has failed to perform its duty the obvious result would be that the perpetrators would get the benefit of doubt. In this sense injustice has already been caused to the victims.

Further, even after reporting it to police and the judicial magistrate about the threat to life of the victims and their families from Ranvir Sena and other feudal lords belonging to the caste of the culprits the Charge Sheet does not contain any charge of criminal intimidation U/S 504 of Indian Penal Code, more so when the village has a history of feudal violence against Dalits. Looking at the threat to lives and the extreme vulnerable socio-economic position of the victims and their families’ concrete arrangements for their protection should have been provided. Here also the state administration has failed. Though a police camp has been established within half a km radius of the Tola but it serves no purpose as in the event of apprehended violence neither people of the Tola would be able to call for police for help nor police themselves from the camp would be able to know anything about it. Their right to life and physical safety U/A 21 of the Constitution of India is seriously at stake. Apprehending violence of retaliation as a result of arrest of the perpetrators there is deep fear psychosis among the members of the community. The persistence of fear is more among women of the community as they might be subjected to retaliatory sexual violence. On account of this fear psychosis no member of the community had dared to step out of the village to earn livelihood even after one month of the incident. People were surviving on whatever food grains were distributed to them by the district administration. This is surely a gross violation of their fundamental right i.e. right to food and livelihood U/A 21 of the Constitution of India. The entire Tola was in a state of shock since the day of the incident. Further, the families now have feelings of greater vulnerability in the sense that in the coming harvesting season they will have no means of livelihood given the fact that they are fighting case against Bhumihars. As a matter of reaction other Bhumihar farm owners will not give Musahars any job in their farms.
The incident has left not just stains on the memories of the victims but also on their lives for all times to come in future. The incident has severely impacted their family ties, relations and expectations from their own lives. Women of the community do not get opportunity to receive education hence, their only aspiration is to have a settled married life. Even this little aspiration has been shattered now as the victims are facing social stigma of being raped. The unmarried girls have developed a feeling of having no chances of getting married on account of the stigma of rape. One Asha (name changed) who is married has already been evicted from matrimonial house by the in-laws after her rape. The incident has devastated all their future prospects of leading a normal and dignified life. Yet, one must salute the courage of the victims that despite all odds like, constant fear of death at the hands of Ranvir Sena, acute poverty and hunger and starvation they did not succumb to the circumstances. Rather the victims dared to depose before police and the magistrate boldly. They still hold their courage to fight against injustice and exploitation. Their struggle in deeper sense is the struggle for freedom, justice and human dignity which Dalits have historically been denied.
Land Reforms and Dalits:

Bihar constitutes 8.7% of the entire population of the country. Around three-fourth people are involved in agriculture for earning livelihood but in agriculture the distribution of land is extremely skewed. According to 2003-04 census data, about 46.4% households cultivated less .001 hectare of land, 38.3% cultivated more than .001 hectare and the rest 14.8% of the households cultivated above one hectare each. In Bihar, most people live in rural villages and illiteracy and poverty is high. Also, according to 2001 census data, around 42% of the total population was identified to be living below poverty line.

Land reforms are central to any real battle against Bihar’s feudal casteist structure. With 90% of the state's population living in villages and 74% workforce employed in agriculture, Bihar is still predominantly rural or agrarian. Despite having perhaps the most fertile soil in the world and copious water resources agricultural growth remains sluggish in Bihar. Agriculture accounts only 33% of the state’s GDP. The landownership pattern in Bihar remains acutely skewed even now. Marginal and small farmers who constitute 95.5% of the total landowning community owned 66% of land while medium and large farmers who constituted only 3.5% of the total landowning community owned 33% of the total land. Such a high concentration of landholdings in the hands of a minuscule number of zamindars and with archaic production relations a major roadblock against increased productivity in agriculture in Bihar.

In order to address this highly asymmetrical agrarian relationship soon after Independence Zamindari Abolition Act, 1947 was passed by the Bihar legislature which was amended in 1948. Later on Bihar Land Reforms Act was passed in 1950. The congress enjoyed votes from all castes including the Dalits and Muslims in initial phase. The congress initiated the process of abolition of Zamindari system in order to bring about substantial changes in landholdings with the objective of seizing surplus lands and their distributed among the landless including Dalits and tribal. However, these attempts have always been half hearted lacking the true spirit of land reforms. The subsequent amendments in the legislations and the land reforms policy took care of the interests of Zamindars rather than the interests of the landless by ensuring cheap labour to Zamindars and therefore, the agenda of land reforms remained unfulfilled. The conflict of interests between Zamindars and the landless peasants and agricultural labourer was never
reconciled. The reason was simple that the Zamindars themselves were the political class and the bureaucrats implementing the agenda of land reforms. Hence, the land reforms legislations contained inherent impossibilities of land reforms. Land reform legislations were actually designed to fail.

One of the key promises made by Nitish Kumar after becoming the Chief Minister of Bihar was to carry out land reforms as the deepest source of Bihar’s backwardness lies in the near-total absence of land reforms. Govt. of Bihar appointed Land Reform Committee under the Chairmanship of D. Bandyopadhyay. The Bandyopadhyay Committee submitted its report in June 2007. The Committee recommended assignment of at least 10 decimals of land to shelter less household of 5.84 lakh non-farm rural workers each who are in the state of semi-bondedness. It essentially covered Dalits and tribal. However, the state SC/ST Welfare Ministry during Nitish Kumar’s regime diluted the recommendations of the Bandyopadhyay Committee and told the Bihar Assembly that the government would be giving only three decimal plots to shelter-less people. That too has yet not been implemented. Like all other predecessors, Nitish’s government too gave the agenda of land reforms quite burial as his govt. also represents castaist feudal forces rather than Dalits and tribal. Utter lack of political will led to the deliberate failure of land reform agenda of Bihar.
Though the case is going well in the trial court and there is vibrant hope for justice. There is however, reasonable apprehension of injustice at the higher level of judiciary looking at the judicial history of Bihar in last two decades. In the cases of Laxmanpur Bathe and Bathani Tola massacres of Dalits by Ranveer Sena trial courts had convicted the perpetrators. However, when the cases reached the High Court of Patna, reversing the judgments of the trial courts the High Court acquitted all the convicts. It happened in both the cases. Therefore, in the interest of the victims the burden lies on the civil society to ensure that the present case may not meet the same fate. The complicity of state governments irrespective of political parties is already evident. When the political situation in the state is volatile the government appoints judicial commission to investigate the cases of violence against Dalits but once the volatility gets subsided the inquiry commissions are forced to wind up even without completing their task. Justice Amir Das Commission is an apt example. Justice Amir Das Commission was appointed by Lalu Prasad Yadav, the erstwhile Chief Minister to look into Bathani Tola massacre as a result of much social and political furore. However, in the changed political situation when Nitish Kumar government came into power the Commission was forced to wind up even before the truth could come out. The reason was not difficult to understand. Justice Amir Das Inquiry Commission in its Report had clearly indicated a clear political and caste collusion of the political class with Ranbir Sena. The Commission’s Report contained a whole list of the politicians belonging to almost all the major political parties of the state to be in collusion with Ranveer Sena. This was a clear indication that all the government, irrespective of the political parties had succumbed to the power feudal-casteist forces in the past.

The Role of Media:

The most unfortunate aspect of this case is that unlike all other cases of rape committed against upper caste, educated, urban middle class women, this case did not find space in the mainstream media. After the FFT concluded its inquiry into the facts of the case it held a Press Conference in Patna on Nov. 8, 2014 for giving brief about the finding. However, it was of utter shock to the FFT that all the Press persons present there were already well information about the incident. Yet, there was no news in any of the newspaper even after one month of the incident. This is precisely because of the deep rooted caste and class bias of the mainstream media. Here comparison between the much hyped and celebrated Nirbhaya case and the present case of gang rape of six Dalit women is neither uncalled for nor unjustified. Rather the comparison would expose the caste ridden morality of the mainstream media. When there is case of gang rape belonging to the Dalits women media and the civil society also consciously ignore their plight. Rape against Dalit women neither fetches TRP for the mainstream media nor does it become a matter of serious concern for the civil society as Dalits do not have any say in media because of the conscious policy of exclusion. Hence, no media coverage is given to their structural and institutionalized victimization. No Dharna, no demonstration and no Candle light Marches on India Gate for the Dalit victims of rape. Dalits as equal citizens and equal human being are given as only in the Constitution of India but they have no existence for the mainstream media. Their dignity is always taken for granted as a matter or cultural norm. While on the one hand Nirbhaya being an upper caste, that too urban educated middle class media throughout the country made unprecedented pandemonium. Corporate Brahminal media manufactured and mobilised “public conscience”. Through that manufactured public conscience the investigating agency was compelled to cause third degree torture to the poor illiterate perpetrators. However, when it comes to Dalit victims, media and the civil society are in implied complicity to maintain silence. It is not that Nirbhaya did not deserve media coverage and justice under the law. She undoubtedly deserved. But the question is whether Dalit victims of rape do not deserve media coverage and justice under the law, whether daughters and sisters of Dalits deserve lesser dignity than that of Nirbhaya.
Kumar representing the Yadavs on one side and the Koeri-Kurmis on the other. Lalu Prasad Yadav continued to rule the political arena for 15 years symbolising izzat (self dignity) of Dalits and backwards. However, his poor performance in controlling crime, lack of building infrastructure and involvement in Fodder Scam led to decline in his mass support and ultimately RJD licked dusty in the Vidhan Sabha elections of 2005.

Political submergence of RJD symbolised the emergence of Janta Dal (United) (JD(U)) as the ruling political force in alliance with BJP under the leadership of Nitish Kumar. Nitish Kumar became the Chief Minister of the state. Yadavs, Koeris and Kurmis gained the status of upper middle (intermediary) caste while they were head-on with the forward castes, still united against the lower OBCs and SCs. With the political empowerment of OBCs both forward caste Hindus and the upper middle castes have hence been seen forming various Senas (private illegal armies) like the Bhumiha sena, Yadav sena, Thakur sena, Lorik sena, Kunwar sena etc. to counter the power of each other. Although the political leadership came into the hands of OBCs in the changed political scenario, the struggle for dominance between the feudal caste and the intermediary castes is still continuing. This historical contextualisation of this sharp caste – class conflict is helpful to understand the emergence of rural caste violence in Bihar.

Following the Naxalbari movement in West Bengal in 1967, a call was given by the Marxist—Leninist (ML) factions for an armed peasant struggle against the upper caste landlords in Bihar. The movement took most Dalits in its fold and its influence spread over time. The formation of militant Senas by the upper castes is said to have been a response to the armed struggle of Dalits to safeguard their dignity and land rights. In 1959 the Rajputs formed Kuer Sena; the Kunwar Sena in 1979; the Sunlight Sena in 1988; Brahmarshi Sena in 1981; Bhumiha dominated Savarna Liberation front in 1990 and then the Ranvir sena in 1995. The formation of the Ranvir Sena was actually triggered by the victory of two CPI (ML) MLAs in Sahar and Sandesh in 1995.

However, Ranvir Sena was distinct from earlier caste Senas, in the sense that it had a very specific violent political agenda of suppressing the growing political assertion of the agrarian poor and landless while the initial Senas were predominantly formed by the Rajputs and Bhumihaars did not have the same violent political agenda. With the passage of time as Dalits and tribal became a part of the revolutionary armed struggle and the backward castes became politically stronger Rajputs and Bhumihaars also created their private armed militia to deal with the same. At the same time intermediary OBC and upper middle Hindu castes also formed their private armed militia, Bhumiha sena formed by Kurmis, Lorik sena formed by Yadav landlords of Jehanabad district and Kisan Sangh formed by militia of middle – caste landlords can be cited as examples.
"According to government statistics, instances of atrocities against Dalits rose dramatically after 1977, the period when the political identity of the backward castes of the State found assertive expression in the elevation of Karpuri Thakur, a leader from a backward caste, as Chief Minister. Similarly, there has been an upsurge in atrocities against Dalits between 1989 and 1999, the period which coincided with the tenure of Laloo Prasad Yadav as Chief Minister and then his wife Rabri Devi”. In 1980s and 1990s, Bihar came to be known for the large scale mass violence and atrocities that prevailed there at that time. The first massacre was reported at Rupaspur Chandwa in Purba district in 1971. The period between 1990-1999 witnessed about 35 instances of caste-based massacres including, Bathni Tola (1996) and Laxmanpur Bathe (1997) in Bihar. The total number of victims lost their lives in these massacres is about 400. More than 350 of those killed were from among the lower castes. In this sense Bihar can be equated with a few countries like Ravanda and Somalia in Africa notoriously known for such ethnic cleansing. The Dalit atrocities and massacres increased many folds over past few decades. Such massacres continued throughout 80s and 90s and only in past ten years this type of violence has decreased due to changes in socio-political scenario of Bihar. One of the reasons has been the increased employment opportunities under the MGNREGA which has reduced the direct conflict between the landholding and landless castes and another is the large scale movement of people, mostly youth to the cities in search of livelihood. Bihar itself has remained less industrialized and hence the old feudal ties have been able to sustain the tides of time. The youth however have not moved to something great as the poverty has converted them from being landless laborers to being lowly paid labor in a largely informal sector economy. However, at the same time the illegal feudal caste Senas like Kisan Suraksha Sangharsh Simiti argue to be merely saving their landholdings. Large scale rapes of Dalit women committed by these Senas tried to maintain their caste dominance. The present gang rape with the six Musahar girls can be counted as the most heinous among ones.

Here it is interesting and pertinent to discuss the amusing history of the Bhumihar Caste Bihar. This was a caste which was not given the recognition of upper caste initially. Swami Sehjnanand Saraswati waged a struggle to make the Bhumihars have a status like that of Brahmins. The Bhumihars constituted the people those who took land on lease for cultivation. The Bhumihars were not even absentee landholders, they were actually those who used to cultivate and hence had maximum immediate clash with the working labor. This caste was the only one that used a plough. Post 1947 when the Muslims who were landlords left for Pakistan their land was overtaken by mostly the Bhumihars and some by Yadavs, Kurmis and Rajputs. Jwala Singh was one of those who got land in this manner. Bhumihar had immense class division within earlier however; in post partition they underwent complete caste and class transformation
into a ‘zamindar’ caste as now they had grabbed some lands from the Muslims who left India from this region. In 70s and 80s with the emergence of Naxal movement Bhumihars emerged as a counter force with its brute and oppressive image.

After the present incident of gang rape in October, nearly all the political parties have said that government should help the victims but at the same time, except CPI (ML) no other political party has condemned the incident. All the political parties are silent on the question of justice to the victims and punishment to the perpetrators. Except Pappu Yadav of RJD none of the political leaders has even visited the village of the victims so far. The feudal castes, Bhumihars and Rajputs are the dominant political force in Bihar decisive in electoral politics therefore; no political party has guts to displease this powerful and dominant political force. At the State level, RJD, JD(U) and Congress are aligning to challenge the BJP but on the ground level where feudal forces are involved in the most blatant communal, casteist-feudal mobilization against the weakest sections of the society, this so called secular alliance is either totally silent or somehow aligning with these oppressive forces.

In broader socio political perspective this gang rape is an indication of caste mobilization by the feudal-communal forces before the Vidhan Sabha elections in Bihar. There is a factional fight going on to capture the ground of Ranbir sena. Indu Bhushan Singh, son of Bhrameshwar Mukhiya (the slain Sena chief) sensed an opportunity to mobilize Bhumihsar caste behind him by giving call of Bhojpur Bandh against the arrest and trial of the perpetrators in the case. There is a buzz in Bhojpur that this gang rape is a ploy to get Assembly ticket or contest independently. During this Bandh, some big goons from Kurmuri, Chanda and Nurbhay Dehra villages went to Fateful pur market and created a ruckus threatening local people, especially Muslims and warning them of a brand new massacre. There is a trend of turning the feudal - caste mobilization into a broad communal mobilization against Muslims. The riot like situation in which many Muslim owned shop were looted in the Sahar market is prior indication as the market is just 6,7 kms from Kururi and Dumaria.

Communalism is being propagated to hide the dominant castes versus Dalit conflict that has stayed unresolved even after all the political parties that have come and gone. Attempts are now being made to divert the attention of masses from such instances of atrocities and ‘ghar waapsi’ initiative is one such attempt whereby a collective communal ‘Hindu’ identity is being promoted to hide the most fundamental contradiction of Caste within Hindu fold. Dalits and Minorities both are in weak positions. The only difference is that Muslims strive hard to protect their identity while Dalits asserts for their sociological identity differentiating themselves from Hinduism. However, both are the victims of the common enemy of saffron communalism. Invariably in all communal massacres not only minorities are massacred, Dalits
also become the equal targets. Saffron communalism plays the time tested macabre tactic of pitting Dalits against minorities during communal riots and whoever dies either Dalits or minorities, invariably saffron communalism is the ultimate victor. Hence, the instances of reverse conversion on one hand and killing of Dalits over dead fish on the other must be seen in the broader socio-political perspective of communalism.

Another important aspect that requires critically analysis at the politics behind creation of Dalit and mahadalit divide which is a gift of Nitish Kumar’s regime. This divide did not exist earlier. Traditionally, the Paswans though had the same socio-economic status as other Dalits but had a distinctive image of being more assertive. Post Jag Jivan, Ram Vilas Paswan was the only prominent Dalit leader left. Nitish’s mahadalit card has been his strategy to overrun the influence of Paswan on Dalits by making Jitan Ram Manjhi, a Musahar caste mahadalit as the Chief Minister of Bihar. Nitish Kumar has been able to co opt the maha Dalits to give tough fight to BJP.

Here it is equally important to recognise that both BJP and the RJD, JD(U) are equal allies of oppressive casteist feudal forces the therefore, oppressive for the Dalits for all practical purposes. Dalits are equally victims of both these parties. Till the system of Electronic Voting Machine (EVM) was initiated both the parties were involved in booth capturing and electoral plundering. Therefore, the conception that the parties of Lalu and Nitish are the forces counter to the feudal casteist forces is certainly a misconception as the history has proved otherwise. While it is seen that caste is decisive in politics it is clear that these castes are serving oppressive feudal class interest. As a well recognised sociological reality, in India Caste is Class and therefore, both serve the purpose of each other.

In the broad political scenario in Bihar there seems to be two broad divisions i.e. BJP on the one hand and RJD and JD (U) on the other. However, the third political force is yet to be recognised in the context of Caste- Class discourse which may truly represent Dalits, mahadalits, minorities and other oppressed sections. CPI (ML) may be recognised as one such political force exists in Bihar. However, looking at the current socio-political scenario it does not seem to have enough mass support of the oppressed. Therefore, as long as strong socio-political movements of the oppressed i.e. Dalits, tribal and minorities do not manifest themselves as decisive struggles against the oppressive feudal-casteist-capitalist forces, their oppression at the hands of these forces will continue.

These atrocities have been happening since time immemorial and yet their increasing number is much more shocking in such times where we claim to have achieved “independence” and be living in a “liberal developing economy”. The atrocities of such devastating nature stand to question our independence, development and every idea of progressiveness which has failed to get rid of the menace that Caste is.
Caste being a resilient institution has capacity to impact politics and democracy. What is most important to note is that the "state and the government try to manage and administer caste in a manner whereby the ruling elite can gain legitimacy of its rule and enjoy the support of majority sections of the society."

The FFT’s mandate was to enquire into this particular case of gang rape and also to analyze the kind of socio-political change that is emerging. We wanted to see if the earlier kind of rural violence is re-emerging now and how the present change in political equation is impacting those in the lowest rung who are a target of conversion and reverse conversion and what’s their part in this political equation.
Recommendations of the FFT:

- The first and the foremost need of the victims and their families are immediate relief, rehabilitation and restorative justice. The victim should be provided immediate medical intervention including psycho-social help to deal with the Post Traumatic Stress Disorder (PTSD) caused by the incident. Medical treatment needs to be given to help cure the internal injuries. The village Dumaria has a history of Dalit massacre. In the past also 6 Dalits were killed by the same feudal caste in 1999. As stated above there is a very strong sense of fear among the Mushar Toal the police camp which is half a k.m. away from the Toala it must be located at the nearest possible location from the Toala in order to ensure their safety and security. Moreover, given the gravity of the situation, people from the dominant caste in the nearby villages who already have criminal records should be put to surveillance and their weapons, licensed or unlicensed should be ceased immediately, at least till the situation comes to normalcy.

- As a matter of fact that no government welfare scheme reaches this community and the amount of hunger and vulnerability are severe, measures for dealing with hunger and vulnerability therefore, should also be proportionate. There is need to provide immediate relief in terms of food grains, clothing and pucca shelters in view of the chilling winters ahead. Whatever little food grains were given to them in the name of interim relief has already exhausted. Individual bank accounts have been opened for all the girls and an amount of Rs. 90,000 has been deposited on 16.10.2014. This is the first instalment of the total 180,000 that was promised by the state government. In terms of people who visited the Toala after the incident; Mr. Sudama Prasad of the Kisan Sabha which is a part of the CPI (ML) was one of the first persons to visit the tola and extend support and solidarity; Pappu Yadav of the RJD visited the victims and also handed over Rs. 25,000 as support to them; R.K. Singh of the BJP also visited but only much later. The local MLA never visited the Toala.

- For livelihood instead of keeping the community at the mercy of the feudal lords, government must provide them required support. It is necessary to create a sustained means of livelihood for
them. Fishery is one skill that they know and therefore, fishery can be one such sustained means of livelihood. Govt should create a local pond in the area creating facility for fishery with their exclusive right of fishery. Empowering them economically this will make them self reliant on the hand, this will help to bring them into the mainstream of the society on the other hand. Apart from this, it has to be ensured that every child of the community must go to schools with zero dropout rates for opening up new vistas of social and educational empowerment.

- There is a dire need of implementing the Bahyopadhyay Committee Recommendations in order to address the serious crises of agrarian relationship which has rendered Dalits almost in the position of agriculture bonded labourer.
“...Release me from my infernal identity.
Let me fall in love with these stars.
A flowering violet has begun to crawl towards horizons.
An oasis is welling up on a cracked face.
A cyclone is swirling in irreducible vulvas.
A cat has commenced combing the hairs of agony.
The night has created space for my rage.
A stray dog has started dancing in the window’s eye.
The beak of an ostrich has begun to break open junk.
An Egyptian carrot is starting to savour physical reality.
A poem is arousing a corpse from its grave...”

(From Dilip Chitre’s translations of Namdeo Dhasal’s poems published by Navayana: Namdeo Dhasal—Poet of the Underworld, Poems 1972-2006.
The poem is titled as ‘Cruelty’)