NOTES AND COMMENTS

CASTE-BASED VIOLENCE : THE INDETERMINACY IN THE LAW

Abstract

Contemporary legal theory has witnessed a movement against formalism in law. Classified as a post-realist movement, critical legal studies (CLS), through its self-developed critique entitled the indeterminacy thesis, stated that law deliberately ensures indeterminacy in its content and interpretation, thereby sustaining the social structures it does so through often apparent and sometimes latent conflicts and insufficiencies within its normative structure. This paper attempts to present the indeterminacy thesis to demonstrate the flawed approach in the intervention strategy of the state against caste-related violence in India. Illustrating through the features of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA Act) and an appraisal of the performance of the legislation, the paper attempts to present the inherent and structural hiatus and insufficiencies that help sustain the unequal nature of power as reflected in the institution of caste, often in violent ways.

I Introduction

IT HAS been a truism of contemporary times that legal principles often do not yield the desired results as determined in their vision statements and as conceived within the philosophy that guided the drafting of those legal principles. While this truism is a reality with much of the normative structure in many legal systems, the reality is more pronounced with regard to the normative structure on the caste, and in the space of the legal regime concerning caste violence.

Caste is descent-based and hereditary in nature. It is a characteristic determined by one s birth into a particular group. Caste denotes a system of rigid social stratification into ranked groups defined by descent and occupation. Social exclusion of certain groups of population has been a historical and cultural derivation in India. This exclusion founded upon cultural practices of marginalisation has been significantly acknowledged in the policy space with many affirmative action programmes since Independence. The Constitution of India has been drafted as a social vision with significant space being created to enable future affirmative action programmes within the fundamental rights chapter enshrining liberty and equality as the inalienable

rights of the population.[1] It recognised the special needs and interests of socially, educationally and economically backward sections of society. It proscribed discrimination based on caste and provided the constitutional basis for an affirmative action programme that allowed for special and percentage-based proportional representation in state offices and services and educational institutions.

Yet caste continues to reveal itself in every space of public life and inter-personal interactions with its manifestation creating deprivations and intolerance in the society. The incidence of violence founded upon the institution of caste and its perpetuation has increased, in spite of the efforts of the state through a legislation prohibiting and penalising acts of violence, the POA Act.

The paper begins with a narration on an important theoretical construct derived by the scholars from the CLS group the indeterminacy critique. This narration attempts to draw parallels between the CLS theorisation and the example of indeterminacy that is fostered within the provisions of the POA Act. There is a brief research statement on the concept of caste as a social institution. The narration further attempts to examine the efficacy and effectiveness of the legislation in addressing the issue of caste-based violence, by referring to its inherent and structural flaws. Inherent weaknesses in the legislation refer to flaws in the definition of offences and the justice implementation systems envisaged in the system; structural lacunae refer to the difficulties faced in the establishment of the exclusive institutions conceived in this legislation and their overlapping powers *vis- -vis* the general criminal law of the country. The paper also analyses the law to point out the inherent gaps in the legislation with regard to the definition of atrocities. It further critiques the legislation, based upon an appraisal of its performance from the perspective of the number of complaints of atrocities against the scheduled castes and the volume of complaints decided upon by the institutional structure established under the legislation. Since the legislation has established an institutional structure for implementation, the paper draws upon the data made available through the National Crime Records Bureau (NCRB), in support of the preliminary inferences based upon a doctrinal analysis of the legislation.

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1 The Constitution of India, preamble.

II Indeterminacy in the law

The view taken by a subscriber to legal formalism would invariably be that law, a system of rules, is structured to be reflecting determinacy within the rules and therefore, in the expected outcomes when these rules are put to use. However, the existence of this intuitively acceptable idea has been rigorously tested, firstly by the realists, and then by a group of scholars grouped as critical legal scholars, critiquing the legal liberalism.[2] These scholars, especially the latter group, opine that there is an indeterminacy within the legal text and further indeterminacy within the rule when applied to a case in hand. Legal indeterminacy occurs as much in the interpretation of the law as within its notion of rule of law, the result being a denting of the expected outcomes of the rule. Mark Tushnet defines indeterminacy in the context of a rule being indeterminate:[3]

> [A] proposition of law ...is indeterminate if the materials of legal analysis ... the accepted sources of law and the accepted methods of working with those sources such as deduction and analogy ... are insufficient to resolve the question, ... is this proposition or its denial a correct statement of law?

CLS scholars feel that law's legitimacy is affected because of the indeterminacy.[4] Singer claims that liberal legal theory requires substantial determinacy to satisfy the requirements of the rule of law.[5] Indeterminacy is grounded in the general nature of the rules, the nature of language especially the vagueness associated with it, gaps or contradictions within the law and the expansive exceptions to legal rules, inconsistent rules and principles that

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2 Sercan Gurler, The Problem of Legal Indeterminacy in Contemporary Legal Philosophy and Lawrence Solum's Approach to the Problem 57 *Annales XL* 37-64 (2008), *available at*: www.journals.istanbul.edu.tr/iuafdi/article/download/.../1023009607(last visited on Mar. 15, 2016).

3 Mark Tushnet, Defending the Indeterminacy Thesis 16 *Quinnipac Law Review* 339 (1996-97), *available at*: http://www.quinnipiac.edu/prebuilt/pdf/SchoolLaw/LawReviewLibrary/24_16QLR339(1996-1997).pdf (last visited on Mar. 21, 2016).

4 Ken Kress, Legal Indeterminacy 77(2) *Cal. L. Rev.* 283 (1989), *available at*: http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1873&context=californialawreview (last visited on Apr. 1, 2016).

5 Joseph W. Singer, The Player and The Cards: Nihilism and Legal Theory 94 *Yale L.J.* 1, 12-13(1984), *available at*: http://www.jstor.org/stable/pdf/796315.pdf?acceptTC=true (last visited on Apr. 21, 2016).

overlap in particular cases, the overarching nature of the precedent, and the indeterminacy that creeps in while applying the general principles of the written law to particular cases.[6]

Gurler further writes that owing to the indeterminacy, the ideal of rule of law and especially the notion of legal justice may not be a complete realisation.[7] It could also be a truism that the exalted vision of the legislation may not be achieved because of the gaps and contradictions within the language and the law, and the scope for hiatus between the language of the law and the intent of the law during its interpretation.

The above narrative finds a picture perfect example in the legislative intervention strategy against caste-based violence in India. The desired results are often not the reality, as the following narrative based on the figures made available by the NCRB demonstrate. The results, taken as a whole relating to the administration of the legislation, point to the alarming derivation about the law itself – that the law has not made a significant contribution to the elimination of caste-based violence. Often this derivation has its genesis within the legislation thereby not resulting in determinate answers to specific concerns. When extrapolated to the caste relations scenario that is wrought with hierarchies, the legislation inadvertently contributed, through its inherent and structural lacunae as well as tardy administration, to the continuation of illegitimate social hierarchies. Borrowing theoretical strength from the CLS scholarship, it could be said that the instant legislation allowed indeterminacy to creep into its content and administration. The specific theoretical construct applied here is the indeterminacy critique- a given set of legal principles could be applied to yield competing or contradictory results. Legal principles could be indeterminate in two ways:

i. The rules in force contain substantial gaps, conflicts and ambiguities. CLS scholars argue that such gaps or conflicts or ambiguities are not exceptions but are found even in otherwise simple normative structures. They demonstrate that liberal scholars like Dworkin accept moderate indeterminacy as being no bar to the legitimacy of law. Kress argued that indeterminacy would bar legitimacy for Dworkin only if it reflected a substantial breakdown in community thereby preventing a dialogue on the best interpretation of legal practices in

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6 Brian Bix, *A Dictionary of Legal Theory* 97 (OUP, Oxford, 2004).

7 *Supra* note 2 at 42.

that community. Kress further opined that in acceptance of the liberal rights traditions, the law has overlooked the indeterminacy that has been left to be supplemented by judicial decisions.[8]

ii. The rules are positioned on conflicts within the underlying norms or normative structure including the conflict within the larger vision that is the genesis of such normative structure.

CLS scholars opine that conflict arises because the same norms allow for a choice between stability and predictability as well as fairness and utility, and often such choice being informed by different considerations could lead to different results.[9] While predictability as a value favoured by the norm prefers consistent application of the norm, fairness and utility could counsel against the consistency objective and favour creation of new norms/exceptions to the norms.[10]

This strand of the critique is very much a truism when applied to the POA Act. For example, the normative structure within the law provided for an exclusive special court of the status of a sessions court. Successive administrations have designated an existing sessions court as a court under the legislation, which only added to the docket of work in such court, thereby defeating the purpose of the legislation: an effective remedy a purpose that remained largely unachieved because the existing courts were neither trained to handle complaints under this legislation, nor did they have the time and resources to do. The normative structure allowed this indeterminacy by being ambiguously worded on the exclusivity feature of the special courts under this law.

It is not to say that there is an absence of structure, instead indeterminacy results from the normative structure which is not sufficiently insulated from conflicting visions/goals and implementation provisions. Further, indeterminacy stems from the fact that, often in the briefs and judicial opinions, there is an identifiable pattern of arguments and counterarguments, much repeated, leading to predictability largely and creativity on the lesser quotient. Thus

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8 *Supra* note 4 at 293.

9 Mark Tushnet, The Critique of Rights 47*S.M.U. L. Rev.* 23 (1993).

10 Guyora Binder, Critical Legal Studies in D. Patterson (ed), *A Companion To Philosophy of Law and Legal Theory* 267-278 (2010); Buffalo Legal Studies Research Paper No. 2012-023, *available at* : ssrn.com/abstract=1932927 (last visited on Mar. 21, 2016).

indeterminacy results from the oft-repeated choice between binary pairs of opposed concepts, each of them not providing the desired result in a given situation. Indeterminacy in the application of the law thus is derived from the mechanical application of the law without realising the need to customise it to a given situation. How is it that the indeterminacy in the law could lead to predictable results? CLS scholars explain that the predictable pattern of the explanation of the normative structure, is attributed to the larger patterns of power and privilege.[11] The critique of the performance of the POA Act could be analysed by drawing the theoretical construct from the above-mentioned CLS scholarship and testing it upon the legislation its provisions as well as its implementation. For example, the legislation states that to be visited with liability under the law, the said act(s) of atrocity must have occurred in a place of public view. Research commentators have pointed out that it has been often interpreted as act(s) of atrocity occurred in public view. This interpretation could possibly mean that acts of atrocity, as listed out in the legislation, are just not that till the time they happened when there was a group of people around.

Caste: A social derivation

Caste refers to a social institution composed of endogamous descent groups, ranked hierarchically. Herbert J. Risley held that caste was more than a social system but rather...a congenital instinct, an all-pervading principle of attraction and repulsion entering into and shaping every relation of life...form[ing]the cement that holds together the myriad units of Indian society. [12] The Hindu society was largely organised into four groups *brahmins* (priests and scholars), *kshatriyas* (rulers and warriors), *vaisyas* (traders) and *shudras* (forming the agriculturists and the working class).[13] The mutual relationship of one caste with the other is established on the principle of lineage and the resultant purity of blood, making inter-personal relationships between castes distant.

Hierarchy is the method of ranking by which elements of a whole are ranked in relation to the whole, the understanding being that in majority of

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11 *Supra* note 5 at 6.

12 Sasha-Riser Kositsky, The Political Intensification of the Caste: India Under the Raj 17 *Penn History Review* 32(2009), *available at*:http://repository.upenn.edu/cgi/viewcontent.cgi?article=1012&context=phr(last visited on Mar. 10, 2016).

13 De Zwart, Frank, The Logic of Affirmative Action: Caste, Class and Quotas in India 43 *ActaSociologica* 3, 235-249 (2000).

societies religion provides the view of the whole, and thus the ranking would be religious in nature it draws its essence from the religious texts, Hindu texts in this context.[14] Caste mobility was absent in the discussions in academic space till M.N. Srinivas discussed this in his book, *Caste in Modern India.*[15]He was of the opinion that caste mobility has also resulted in strengthening caste consciousness and increased intra-caste and inter-caste conflicts, especially with such mobility not being universal across the country.

Constitutional and legal conception of caste

A legal conception of caste is necessary and of practical importance because being an organic institution of historical derivation, it has had significant influence on the legal system in the preparation of policies and programmes of the state, including the content of the fundamental rights, especially the constitutional commitment to affirmative action within the right to equality.[16] Galanter s organic view sees the standing of a caste as determined, not by its Hindu ritual values status as in the sacral view, but is founded upon its mundane accomplishments and resources. It does not perceive caste as an isolated entity, but positions it in terms of resource allocation.

In dealing with the exclusionary practices and issues resulting from caste, courts confined themselves to claims involving civil or property rights as opposed to claims merely for standing or social acceptance. The prevailing notion was that social and religious matters did not give rise to legal rights unless the right was the sort of thing that could be possessed and made use of. For example, assertion of caste superiority by members of one caste over another and withdrawal of social intercourse does not amount to criminal defamation as was held in *Babulal* v. *Tundilal*;[17] such practices were held not amounting to criminal annoyance or nuisance.

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14 T.N. Madan, On the Nature of Caste in India A Review Symposium on Louis Dumont s Homo Hierarchicus : Introduction 5 *Contributions to Indian Sociology* 1-13 (1971), *available at*: http://cis.sagepub.com/content/5/1/1.full.pdf(last visited on visited June 1, 2016).

15 M.N. Srinivas, *Caste in Modern India And Other Essays* 18 (Asia Publishing House, Delhi ,1962).

16 Marc Galanter, Changing Legal Conceptions of Caste in M. Singer and B.S. Cohn (eds.), *Structure and Change in Indian Society* (Aldine, Chicago, 1968).

17 33 CRLJ 835, Nagpur 1932; *id.* at 307.

Castes were recognised as juridical entities with the right to sue and be sued, to sue on behalf of their members, and to acquire, hold and manage property. The core of caste autonomy consisted in the power of a caste to make rules for itself and to constitute tribunals to enforce these rules; the decisions of these tribunals would not be disturbed by the government. On many matters grouped as caste questions (excluding criminal law matters) the caste groups could make, modify and revoke its rules. The majority or the established authorities within the caste could not be overruled on these caste questions by the civil courts. Such caste questions included all matters affecting the internal autonomy and social relations of a caste.[18] In all these cases, the resultant behaviour as guided by the rules framed by the caste groups could not be brought in question before the civil courts.[19] Courts jurisdiction could be invoked when the claims were not for social acceptance and dignity but involved specific claims of enforceable civil or property rights such address was directed at procedural rather than substantive supervision.

The Constitution sets forth a vision for the reconstruction of the Indian society plagued by caste discrimination. While not addressing the institution of caste and its existing hierarchical social structure, it nevertheless sets out to secure equality of status and opportunity, abolish invidious distinctions among groups and protect the integrity of a variety of groups religious, linguistic and cultural, to give free play to voluntary associations. The effort of the constitutional vision against marginalisation and social exclusion is directed at:

i. replacement of ascribed status by voluntary affiliations,

ii. an emphasis on the integrity and autonomy of groups within society, and

iii. a withdrawal of governmental recognition of rank ordering among groups.[20]

It abolished the ignominious practice of untouchability - the anathema of all the discrimination through an affirmative action policy ingrained into the

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18 Marc Galanter, Law and Caste in Modern India 3 *Asian Survey* 544-559, 546(1963), *available at*:http://marcgalanter.net/Documents/lawandcasteinmodernindia.pdf (last visited on May 25, 2016).

19 *SukratendarThritha Swami of Kashi Mutt* v. *Prabhu,* AIR 1923 Mad. 587.

20 *Supra* note 16 at 310.

fundamental rights (articles 14, 15, 16 and 17 empower the designated groups with educational and economic empowerment for social and economic amelioration. Article 38 mandates the state to secure a just social order. Articles 243, 330, 332 and 338 provide for political empowerment of the marginalised sections of the society). The constitutional scheme of addressing caste inequalities has been through an elaborate policy of affirmative action to secure equality; this policy otherwise known as compensatory discrimination[21] authorises government to provide special benefits and preferences to previously disadvantaged sections of the population.[22]

In furtherance of the constitutional scheme related to caste marginalisation and social exclusion, the Untouchability (Offences) Act, 1955 outlawed the imposition of disabilities on grounds of untouchability in religious and public spaces, public institutions and public facilities. Enforcement of disabilities is punishable and the power of civil courts to recognise any custom, usage or right which would result in the enforcement of any such disability was withdrawn.[23] However, the legislation did not provide for a definition of untouchability, it rather addressed a few instances of the practice of untouchability which now stand proscribed. The legislation did not include every instance in which a person is treated as ritually unclean or polluting. Further, it did not apply to instances where membership in a lower caste resulted in the treatment as untouchable and the usage of *varna* distinctions to demarcate *shudras* from the twice-born. It would not include practices based upon avoidance due to a difference in caste. It did not include such temporary and expiable states of uncleanliness as that suffered by women,

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21 Termed so because while making policies and measures to remove the disabilities attached to the lower castes, the government is authorised to depart from indifference to caste to favour the untouchables, tribes and backward classes; Galanter called this as protective discrimination. *Supra* note 16 at 316.

22 *Supra* note 1, art. 15 (4) reads: Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. (5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.

23 *Supra* note 16 at 312.

mourners *etc.* It did not include attribution of impurity to certain classes of people, for example worshippers in sacred places.[24] In *Devarajiah* s case[25] the court held that untouchability as forming part of the constitutional scheme in article 17 and the Untouchability Offences Act, 1955 criminalise only those practices directed at those regarded as untouchables in the course of historical development *i.e.*, persons relegated beyond the pale of the caste system on grounds of birth in a particular class. Untouchability would not include practices based on avoidance due to a difference of religion or caste. For example, where sanctioned by custom, the caste tribunals may still dissolve marriages.

The legal conception of caste was largely aimed at addressing the organic view of caste - caste is seen as occupying a particular place in a social order made up of many such groups and this place is determined by a certain level of resources and attainments relative to other groups in the society. It was aimed at correcting the relative position of certain castes affected by the caste discrimination as is reflected in their mundane accomplishments and the resource availability. Marginalisation and social exclusion of these communities in terms of ritualised practices resulting in victimisation and violence did not feature in the legal conception till the Protection of Civil Rights Act was enacted in 1974[26] with the result that the sociological conception of untouchability and caste had no impact on the legal conception of caste and untouchability. Without sufficiency of definition, the situation created enough space for the state officials entrusted with the administration of the legislation to read an individualised understanding of the concept. Thus, it could be safely vouched that the then contemporary legal conception of caste contributed to the incidence of caste violence in two ways, *firstly,* the absence of normative structure that addressed the violence, physical and ritualistic, acted as a significant filip for the institution of caste to continue, and *secondly*, indeterminacy within the then existing normative structure on caste allowed much of the caste-related practices to survive outside the realm of the legal system, and thus be addressed by the power and privilege equations that existed within the community. Therefore, drawing parallel from Robert Gordon s argument, legal victory resulting in constitutional entitlements did

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24 *Id.* at 313.

25 *Devarajiah* v. *Padmanna,* AIR 1958 Mysore 84; id. *at* 314.

26 Protection of Civil Rights Act, 1974 did not provide for a definition of untouchability.

not succeed in fundamentally altering the social power structure[27] in the context of caste-related violence in India.

Statutory intervention against caste-based violence

Parliament enacted the POA Act to intervene against caste based violence through an institutional mechanism for speedy trial and justice and ensure relief/rehabilitation of the victims of caste atrocities. Upendra Baxi commented that the legislation was a significant instrument aimed at the promotion and protection of human rights of scheduled castes/scheduled tribes (SC/SCTs).[28]

Significantly enough, the statutory statement of the Government of India and in all its other documents related to caste, has never used the terminology of the dalit. Dalits are often threatened with economic and social ostracism from the community for refusing to carry out various caste-based tasks. The forms of social ostracism vary from social and economic boycott to various types of physical punishments meted to the erstwhile untouchables, particularly those who initiate change and display mobility of sorts as against the traditional rules of caste behaviour. Caste operated as coercive as well as disciplining mechanisms, either through direct violence, or by hegemonic imposition.[29]Also, there were instances of alternating between the two mechanisms with the intensity of violence dependent on the resistance offered by those who were subjugated.[30] Caste violence takes many forms extending over a wide spectrum of human activity, all such activity being directed at ensuring continuance of the social stigma attached to the membership of a certain community.[31]Often there was spatial segregation, rules governing physical proximity with the members of such identified communities (sociologists like Louis Dumont refer to this form of segregation in their explanation of the caste as commensality theory, an inference of the *varna*

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27 Robert Gordon, Some Critical Theories of Law and Their Critics in David Kairys (ed.), *The Politics of Law* (1998).

28 Upendra Baxi, Historic New Law: Protecting SCs/STs Human Rights *Times of India* Sep. 15, 1989.

29 Prasheel Anand, Disciplinary Power as Discriminatory Power: Caste and Hierarchical Observation (2012), *available at:* http://www.academia.edu/1773515/Caste_and_Hierarchical_Observation (last visited on Apr. 12, 2016).

30 Gail Omvedt, *Dalit Visions: The Anti-Caste Movement and the Construction of an Indian Identity* 39-40, 98-100 (Orient Blackswan, Hyderabad, 2006).

31 Rusi Jaspal, Caste, Social Stigma and Identity Process 23 *Psychology and Developing Societies* 27-62 (2011).

theory),[32] sexual violation, insults and epithets demeaning the value of the labour performed by these communities, caste massacres and such other forms of physical violence and abuse, individually as well as collectively.[33]

Studies on the incidence of caste violence

Based on three major incidents of caste violence (1968-Kilavenmani dalit massacres in Tamil Nadu; 1977- Dharampura dalit atrocities in Bihar and 1981-Gujarat riots between SC/ST and Patels), Barbara Joshi was of the view that violence against SCs/STs is rooted in the economic relations of communities, the societal values and the inability of the state to enforce a new form of social contract based on the constitutional values and a secular legal framework.[34] She observed: [35]

> The significance of this relationship has been all too thoroughly overlooked in analyses that have assumed a simple dichotomous equation: economic conflict equals class ; only conflict over ritually defined norms equals caste . Unfortunately, class and caste make misleading synonyms for economic and ritual . Especially when used as mutually exclusive opposites, this casual vocabulary all too easily leads us from recognition of very real economic components in conflict to the unexamined assumption that economically based identity class consciousness has superseded primordial identity in this case, ritually defined caste identity-as the organizing principle of conflict.

Debashish Chakraborty and others,[36] find linkages between atrocities and the social mobility of the marginalised. Using secondary data reported in Crime in India the authors concluded:[37]

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32 *Supra* note 14 at 4.

33 S. Thorat and P. Negi, Exclusion and Discrimination Civil Rights Violations and Atrocities in Maharastra 2 *Indian Institute of Dalit Studies, Working Paper Series* 1, 7 (2007).

34 Barbara R. Joshi, Whose Law, Whose Order: Untouchables , Social Violence, and the State in India 22(7) *Asian Survey* 682 (1982).

35 *Id.* at 682.

36 Debashish Chakraborty, D. Shyam Babu, *et.al.* (eds.), Atrocities on Scheduled Castes and Scheduled Tribes: What the District Level Data Say on Society-State Complicity *Economic and Political Weekly* 2478-2481(June, 2006).

37 *Id.* at 2480.

> One shortcoming of the country s approach towards welfare of scheduled castes and scheduled tribes is that atrocities are mostly taken as a law and order problem, divorcing them from the larger strategy for social justice. Atrocities do represent a significant hindrance to socioeconomic mobility of the community. Policy-makers should take into account that ending violence on scheduled castes and scheduled tribes is a basic requirement for success of the redistributive policies, rather than assuming that those policies would result in termination of violence/discrimination.

Caste-based atrocities, deriving from the hierarchy in the social structure, are essentially human rights violations with the added association of extreme levels of brutality and inhumanness in the kind of violence and also the manner in which these violations are performed.[38]

The Indian experience related to caste violence is often related to the caste-class dichotomy involving socio-cultural values of hierarchical social order, and also the feudal and semi-feudal agrarian relations in terms of demand for land and just wage.[39] Anupama Rao opined that the dalits are often forced to work as bonded labourers in upper caste fields, and a refusal to persist in such employment often results in the denial of further employment in the village, another instance of social ostracism or ritualized violence.[40] Baxi was of the opinion that the provocation for resistance and repression has also come from a variety of material factors demand for higher wages, distribution of surplus land or persistent demand for land distribution or occupancy rights.[41]

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38 Anand Teltumbde, *The Persistence Of Caste The Khairlanji Murders And India s Hidden Apartheid* 29 (Zed Books, London, 2010).

39 Prakash Louis, Class and Caste Violence in Central Bihar: Restructuring Social Order towards Reconciliation , *available at*: http://www.unisa.ac.za/contents/faculties/humanities/sosw/docs/ASPJ-2005/ASPJ2005-3-1-08-Caste-and-class.pdf (last visited on May10, 2016). Prakash Louis opined that feudalism, with its extra-economic coercion and economic monopoly by a few, is responsible for the divided Indian society.

40 Anupama Rao, *The Caste Question: Dalits and the Politics of Modern India* 27 (University of California Press, Berkeley, 2009).

41 Upendra Baxi, Dissent, Development and Violence in R. Meagher (ed.), *Law and Social Change: Indo-American Reflections* 84 (Indian Law Institute, New Delhi, 1988).

III Features of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities Act), 1989

Legislation, especially in pluralist societies, has been an important mode of ushering in social change. In the furtherance of constitutional goals and to protect the life, dignity and rights of SCs/STs, the state has time and again enacted special protection laws like Untouchability Order, 1950; Untouchability Offences Act, 1955; Protection of Civil Rights Act, 1955 (as amended in 1976); Protection of Civil Rights Rules, 1976; and more importantly the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the rules under the Prevention of Atrocities Act, 1995. The POA Act, driven by the affirmative action philosophy, has three stated purposes:-

i. prevent violence and atrocities against the members of the SCs/STs,

ii. establishment of special courts for expedited trial, and

iii. provide relief and rehabilitation of the victims of atrocities.

The legislative structure addresses these three purposes, by putting in place a definition mechanism outlining conduct/behaviour categorised as atrocity/atrocious, an institutional structure with a format of expedited justice delivery system, and a compensatory mechanism aimed at relief/rehabilitation measures for the victims of caste violence. Some of the features of this legislation are:

i. Definition of atrocities: Section 2(1)(a) defines atrocity as an offence punishable under section 3 by identifying 22 types of behaviour indulged in by a member belonging to communities other than those of the SCs/STs, as punishable. Such behaviour could include forcing a member of SCs/STs to eat and drink inedible or obnoxious substance; wrongful occupation of the land belonging to SCs/STs; institution of false and frivolous cases against the SCs/STs; deprivation from exercise of voting right; intimidating and outraging the modesty and rape of dalit women, murder, arson or abuse and insult a dalit on caste line *etc.* Verbal abuse could also be characterized as stigmatization and hence, an atrocity. As opined by Rao, the POA Act in succinct detail, specified that acts ranging from humiliation to economic terror to ritualised violence fall within the definition of atrocity, thereby ensuring that all forms of violence against the marginalised are criminalised.[42]

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42 *Supra* note 40 at 256.

Ritualised violence could be explained as a form of violence, reflecting in conflicts and mayhems, centred upon violation of traditional taboos for example, an attempt to draw water from sources traditionally reserved for higher castes is perceived as a resistance to the caste hierarchy and hence, met with violence.[43]

ii. Caste identification: The defining feature of this legislation lies in the caste identification of both the offender and the victim. The offender must be from other community and the victim should be a member of SCs/STs. Thus, the legal construction of the term atrocity includes practices that were not included under the Protection of Civil Rights Act, 1955 and within the Indian Penal Code, 1860 (IPC).

iii. Establishment of special legal institutions: Aimed at speedy trial of complaints and to deliver justice to the victims of caste atrocities, special courts are established with a provision for appointment of special public prosecutors to conduct the trial of offences under the Act in the special courts.

iv. Special measures under the Act: The POA Act provides preventive and correctional measures for offenders and potential offenders. They include removal of potential offenders, attachment of their property, cancellation of their arms licences and restrictions on grant of probation for convicts under the Act. Licences could also be given to the members of the SCs/STs for holding arms in self-defence.

v. Applicability of criminal law: The provisions of the general criminal law and procedure apply as usual. All offences of atrocities are cognizable and non-bailable (anticipatory bail not available).The deterrent aspect of the Act is reinforced by providing enhanced punishment for offences punishable under the IPC with imprisonment for 10 years or more. Public servants are liable for enhanced punishments and also for neglect of official duty.

vi. Relief and rehabilitation: The Act provides for relief, rehabilitation and compensation to victims of atrocities or their legal heirs. The norms of compensation are specified in the rules notified under this Act.

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43 *Supra* note 41 at 85.

Inherent weaknesses in the legislation: Indeterminacy in the normative structure

An important development under this legislation has been the penalisation of certain practices of stigmatisation of caste and its identities. Taking note of the hegemonic practice of marginalisation and its ill-effects on the socio-economic structures within the communities, the legislation attempted at penalising overt and covert practices laced with caste hegemony.

Some of the common forms of atrocities need to be included in the definition of atrocity under this legislation. It has been found that the economic relations in the rural areas have been based upon the caste equations. Untouchability and atrocities have come to characterise the wage payment in the landlord-employee relationship in rural India where the landlord invariably belonged to the upper-caste. The existing legislation does not take care of the tension in the economic relationship which has a caste angle to it, and often manifests itself in the form of non-payment and under-payment of wages, violence when a demand for payment of wage is made, practice of untouchability in the payment of wages, as in throwing of wages at the employee belonging to the dalit communities.[44] The existing definition of atrocities within the legislation also does not take care of backlash and retaliatory violence on the dalits who have made complaints of atrocities against the upper caste offenders. There has been an increasing incidence of false cases filed against dalit victims of atrocities as a backlash.[45]

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44 See for example, dalit labourers from Pindari village, Chiraiya P.S, in East Champaran District, were brutally beaten up for asking their remuneration from a landlord on Apr.15, 2007. Two of the victims lost their eyesight. Dalits were tortured and trapped in a false case when they claimed their full wages at Cuddalore under Pondicherry on Jan.31, 2007. Dipak Kumar a daily labourer was murdered by landlord electric shock when he claimed for his wage in Bhopur District of Bihar on Feb 26, 2007. The forest department officers denied giving wages to 50 dalit labourers at Chafel, PS Rajauli in Nawada District of Bihar on June 1, 2007.Case briefs submitted by National Coalition on Strengthening the Schedule Castes and Schedule Tribes Prevention of Atrocities Act, 1989, *available at*:http://annihilatecaste.org/wp-content/uploads/2012/10/SCST_Postion-Paper-Amendments-Proposed-2010.pdf (last visited on May 20, 2016).

45 Punnaiah J Commission Report states that it is surprising to note that the same Sub-Inspectors or Inspectors of Police are showing over enthusiasm to arrest those SCs and STs who were the complainants (even before the Deputy Superintendent of Police takes up investigation), though the very same Police officers do not arrest the assailants of the SCs and STs on their complaints , *available at*: http://annihilatecaste.org/wp-content/uploads/2012/10/SCST_Postion-Paper-Amendments-Proposed-2010.pdf (last visited on May 20, 2016).

Incidents of caste violence have increased in spite of the efforts at legislative intervention, and even after the enactment of the POA Act. The nature and intensity of the incidence of violence is also an alarming fact, aptly summarized in the following observation:[46]

> The incident of assault and abuses is nothing but because he [the victim] belongs to SC and he is lower in the eye of [the] upper caste *Reddy* person accused. The offence is not only against [the victim] but against society and ultimately the nation.

The above statement only reinforces the fact that violence is a result of the unequal caste equations in the society, despite political and economic empowerment.

Structural lacunae in the legislation: Indeterminacy in the functioning of the law

This section shows how the indeterminacy within the law has been sustained through a weak institutional system envisaged within the law. An attempt has been made here to highlight the manner in which indeterminacy within the language of the provisions has allowed the institutional structure to choose the predictable option, which could be in line with the language of the general criminal law, and yet not in sync with the vision of the POA Act. While the mandate of the legislation has been the establishment of exclusive special courts to address the caste-based atrocities, many states have designated their existing district (a geographical sub-division within the federal units, known as states) sessions courts as special courts under this law. It goes to demonstrate the absence of sensitisation towards the reasons and objectives of this legislation. When a general criminal court is designated as a special court under this law, concerns emerge about the nature of procedure that may be adopted in such courts and its compliance with the legislation s objectives. As few as nine states have established exclusive special courts in 171 districts in the country. Attempts need to be made to extrapolate this example across the country, at least in the districts identified as atrocities-prone.

The legislation prescribed the presence of the exclusive special courts for the purpose of expedited trial without the trappings of an ordinary criminal

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46 N. Balayogi, Special Sessions Judge, Guntur, Case Guntur 55/S/2003, *available at*:http://annihilatecaste.org/wp-content/uploads/2012/10/SCST_Postion-Paper-Amendments-Proposed-2010.pdf(last visited on June 20, 2015).

court of sessions, but it was found that many of the special courts, being nominated as such because they were already functioning as sessions court. As a few of the judgments discussed here would point out, such practice of designating an existing sessions court as special court turned out to be a major hindrance in the implementation of the avowed goal of expedited justice delivery. Most of the special courts followed the same procedure as was applicable in sessions court. Even the high courts on appeal also held the view that since these special courts were given the status of the sessions courts, they ought to follow the procedure of those courts and absence of adherence to any such procedural formality would render the orders of these special courts as void.[47]

A related issue that has been a subject of much judicial debate is the issue of the cognizance of atrocities cases. The Act provides for the establishment of special courts (court of session) for speedy trial of the offences of atrocities. Section 14 of the Act reads: For the purpose of providing for speedy trial, the State Government shall with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for each district a Court of Session to be a Special Court to try the offences under this Act. In *Gangula Ashok* [48] it was held that the special court envisaged in the Act of 1989 could take cognizance of an offence only after committal of the case by the magistrate. In the case of *Vidyadharan* v. *State of Kerala*[49] it was held that special court s jurisdiction is available only through the committal process as envisaged by the general criminal law, the Criminal Procedure Code, 1973 (Cr PC) in this case, and the special law is to be read subject to the provisions of CrPC. Such technicalities could only lead to defeating the purpose of the legislation *i.e.*, expedited trial, as has happened in the above two cases and many more.

One of the structural lacunae of the law has been the method of apprehension of the offender, an alternative mechanism not being prescribed if the arrest could not be affected by a police officer of a certain official cadre. The Supreme Court in *Kailas* v. *State of Maharashtra*[50] said that the inherent or manufactured technicalities (problems in the rule of the law)

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47 *Gangula Ashok* v. *State of Andhra Pradesh,* AIR 2000 SC 740.

48 *Ibid.*

49 (2004) 1 SCC 215.

50 (2011) 1 SCC 793.

have been utilised to subvert the basic objective and purpose of the Act thus denying justice to the victim/s of the atrocities. The court expressed concern on the conviction of the accused being set aside on flimsy and equally hyper-technical grounds like non-submission of category certificate and that the investigation process was technically not on the lines prescribed by the legislation.

The provisions of the legislation explaining the availability of bail for alleged criminal behaviour under this law have also been called in question before the court. Often it has been found that owing to a mistaken reading of the law, bail was granted to the offenders under the general criminal procedure law, the CrPC when the offence was sought to be made out under the special criminal law, in this context, the POA Act, leading to a possibility of tampering with evidence and pressurising the complainant and the witnesses, in efforts to either withdraw the complaint or desist from being a witness in the case. The legislation in its miscellaneous provisions[51] stated that nothing in section 438 of Cr PC, would apply to arrest of an accused under the POA Act.[52] If the legislation could have been more clearly worded with regard to the circumstances of the availability of bail, it would have been a significant help in ensuring that many offences under this legislation would have passed the portal of trial and conviction. A recent judicial statement gave the much needed clarity on the availability of bail and the interpretation methodology with regard to the bail provisions under this legislation. In *Vilas Pandurang Pawar* v. *State of Maharashtra*[53] through a special leave petition for an application for anticipatory bail under the CrPC for an alleged offence under section 3(10)(x) of the Act, the court made an exclusive reading of section 18 of the Act. Dismissing the special leave petition, the court held that section 18 of the Act is applicable to the case in hand and in view of the same, the petitioners are not entitled to anticipatory bail under section 438 of the CrPC. The following words provide enough guidance to the special courts on the procedure to be adopted for grant of bail in offences under the Act:[54]

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51 Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989, ch. V.

52 *Id.*, s. 18 reads: Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.

53 AIR 2013 SC 3316.

54 *Id.* at 3319.

> The scope of Section 18 of the Act read with Section 438 of the Code is such that it creates a specific bar on the grant of anticipatory bail. When an offence is registered against a person under the provisions of the SC/ST Act, no Court shall entertain application for anticipatory bail, unless it *prima facie* finds that such an offence is not made out.

To strengthen the views expressed in the paper that the POA Act furthers the indeterminacy within the normative address against caste-based violence - a modest attempt is made at an empirical analysis of the information resourced from the database of the NCRB, a department of the Ministry of Home Affairs, Government of India. A few derivations from the data are:

i. The status of the special courts needs to be further elucidated.

ii. The exclusive nature of these courts needs to be clarified so that existing district sessions courts may not be designated as special courts.

iii. The legislation does not provide for an awareness and sensitisation activity against the atrocities on dalits. This has resulted in an increased incidence of crime under this legislation.

iv. The legislation has not provided for an adequate witness protection programme, with the result that there have been cases of withdrawal of complaints, from the victim/complainant and the state, a fact that has also been pointed out in the data presented below.

v. The legislation does not provide for any clarity on the procedural law to be adopted. It was found that most of the courts were adopting the same procedures followed in the general courts of criminal jurisdiction. This situation could be attributed to the fact that the legislation has not prescribed a methodology to achieve an expedited trial. Also, because these courts have been given the status of a sessions court, they followed the procedures of the sessions court jurisdiction, thereby defeating the purpose of the legislation. This only replicated a similar scenario in the sessions courts - huge docket of pending cases.

vi. Indeterminacy within the normative content of the law has resulted in a diluted implementation of the law through its institutions, especially the courts.

vii. Indeterminacy derived from the absence of clarity on the special courts status resulted in the existing courts being designated as

special courts under the POA Act, leading to an extra burden on the docket of the sessions court.

viii. Indeterminacy resulting from positioning the special court as being of the status of sessions court resulted in a dilatory procedural law, and not a procedural law driven by the need for an expedited trial. This also has a significant role in the increased cases pending before these courts.

To supplement the argument of this paper on the indeterminacy within the law through the inherent weaknesses and the structural flaws within the legislation, a brief analysis of the incidence of atrocities punishable under the POA Act was made using the NCRB data.[55]

The data represents the incidence of crime against SCs during the period 2007-2011. This five-year table was accessed from the report of the NCRB entitled Crime in India to understand the annual change with regard to the incidence of crime under the specific categories of offences. While there has been a significant increase in the incidence of crime against the marginalised communities grouped as SCs/STs, the data also allows a derivation that there has been callousness within the recording of crime referred to as atrocities against these communities. Atrocities penalised under the POA Act have been subjected to an umbrella categorisation. Such documentation could be effectively prevented by a legislative provision prescribing specificity as the norm. Further, it could also be seen that much of the grave offences have been grouped specifically and there is every likelihood of such offences being charged under the general criminal law, thereby making the stringent provisions of this legislation inapplicable to the trials for such offences. The legislation only allowed this scenario to exist and continue by being indeterminate on the aspect of exclusive charge under this offence.

On the structural flaws within the legislation, the legislation continues the indeterminacy feature highlighted above, especially with regard to the institutions that it has established under this law. Very few states have established exclusive special courts for trial of offences under this law. The legislation is silent on the reporting mechanism with regard to the case management in the special courts. For instance, there is no provision requiring filing of explanation for withdrawal of complaints, either by the complainant/

55 See data available by the NCRB, Table I - Comparative incidence of crime against Scheduled Castes (2007-2011); Table II Cognizance of Complaints before the Special Courts (2001-08), *available at*: www.ncrb.nic.in (last visited on May 10, 2016).

victim or the state. Moreover from 2000-2008 a significant number of complaints were withdrawn during the stage of trial either by the complainant/victim or the state. The withdrawals, by state and also the victims, could also be because of the absence of justice systems within geographical proximity making it difficult for the victims/complainants to participate in the pursuance of the complaint. Another alarming feature represented by the data was the volume of the number of complaints and the rate of their disposal over the period. While the number of crimes reported during the stated period has significantly increased over the years, cases pending disposal are recorded at approximately 80%. As Debashish Chakraborty states,[56] the low conviction rates reflect a lackadaisical attitude on behalf of the state justice system, thus allowing a permissive environment for the atrocities perpetrators to sustain and, often vigorously.

IV The Prevention of Atrocities (Amendment) Bill, 2014

The bill[57] presented to the Parliament in July 2014 attempted to address the criticism of the Act, especially with regard to a few inherent and structural flaws discussed above. Some of the features[58] of this amendment bill are:

i. The definition of acts amounting to punishable atrocities by this legislation gained more content. Civil, political and economic rights of the members of the SC communities have always been vulnerable within the economic equation of their employment with the members of the upper castes communities. The amendment attempts to remove this vulnerability by categorising acts impeding and influencing the voting behaviour of a member of the SC either through force or intimidation or prevention. Further, it also penalises any act that impedes or prevents a member of the SCs from filing nomination as a candidate for any electoral position or forces withdrawal of such nomination.[59]

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56 *Supra* note 36.

57 The Prevention of Atrocities (Amendment) Bill, 2014. *Available at*: http://www.prsindia.org/billtrack/the-scheduled-castes-and-the-scheduled-tribes-prevention-of-atrocities-amendment-bill-2014-3327/ (last visited on Apr.15, 2016). The bill has, since, been approved by the Parliament and is now waiting to be notified as law after the completion of the constitutional process.

58 *Available at* : http://www.prsindia.org/uploads/media/SC%20ST%20Atrocities%20%28A%29,%202014/SC%20ST%20%28Prevention%20of%20Atrocities%29%20%28A%29%20bill.pdf (last visited on Apr. 24, 2016).

59 *Supra note* 57, s. 4 (c).

ii. The amendment also seeks to address the concern regarding the land reforms programmes affected by maladministration and hence a cause of frequent friction, sometimes leading to wrongful occupation of land belonging to the members of the SCs/STs. Such acts of wrongful occupation have now been made punishable; the amendment defines wrongful as being against the will of the complainant, or without the consent, or with consent where such consent was obtained through creating fear of death or hurt, or by fabricating the records of such land.[60]

iii. Recognising the intersection between caste and gender that manifests itself within the caste paradigm in India, the amendment specifically address the sexual exploitation dimension within the marginalisation trajectory. Acts amounting to assault and sexual exploitation of a woman belonging to the SC/ST communities is punishable. The amendment further defines a few acts that would be punishable intentionally touching an SC/ST woman in a sexual manner without her consent, using words or gestures of a sexual nature, dedicating a woman to the *devadasi* practice where there was no consent from the woman, such consent being a voluntary agreement, either through verbal or non-verbal communication.[61]

iv. A few practices are sought to be added to the list of atrocities punishable under this legislation. They include stigmatisation, using caste names for abusing members of that community, imposing or threatening social or economic boycott, compelling manual scavenging and promoting ill-will and disrespect to the members of the SC/ST or any deceased person held in high regard by them.[62]

v. Further to promote integration of the members of these communities into the social fabric any acts of imposing forced withdrawal from public property and common resources like

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60 *Id.*, ss. 3, 15. S. 3 (i) of the principal Act was sought to be amended to add new sub-cl. (f) and (g) detailing the atrocities definition with respect of dispossession from land and (or) its cultivation.

61 *Id.*, ss. 4,5,11 and 16.

62 *Id.*, ss. 2,4,6 and 12.

places of education, places of workships and of healthcare have been penalised.[63]

vi. An important feature of the amendment bill has been the concerns regarding the absence of presumption of knowledge. The Protection of Civil Rights Act, 1955 enacted a provision allowing the court to draw a presumption of knowledge where the victim belonged to an SC/ST community, a feature that was missing in the principal legislation. The amendment bill sought to restore this presumption thereby ensuring that the impunity that was sought to be claimed by the perpetrators of violence owing to the fact that they could prove absence of knowledge of the caste identity of the victim, could no longer be possible.[64]

vii. While POA Act made it punishable for a public servant involved in a dereliction of duty under this legislation, the amendment bill specifies the duties, dereliction of which is punishable.[65] They include failure to register a complaint or a FIR, failure to read out the information document from the oral statements of the complainant before taking their signature, failure to provide a copy of the information to the informant, and such.

viii. To address the structural indeterminacy in the law that has contributed to the growing pendency of complaints before the courts, the amendment bill seeks to create exclusive special courts, exclusive in all respects,[66] especially in districts that are known to be atrocity-prone. While the establishment of these exclusive courts is welcome, yet the amendment could have made it mandatory for all districts to have these exclusive special courts, especially taking note of the large number of unresolved complaints before them since the enactment of this legislation. It is also reasonable to have these exclusive special courts in all districts especially because of the history of the working of this legislation in the last decade of its existence in terms of certain unnecessary technicalities and formalities, that are otherwise part of the sessions

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63 *Id.*, s. 5.

64 *Id.*, s.6. Amendment to s. 8 of the principal Act, wherein sub-cl. (c) was proposed to be added to s. 8 (ii).

65 *Ibid.*

66 *Id.*, ss. 2, 7,8.

courts, creeping into the institutions under this law, thereby leading to denial of speedy justice. Similar analogy applies for the appointment of exclusive public prosecutor and public prosecutor, in case of a special court under this Act, for districts with fewer number of complaints of atrocities, an existing public prosecutor may be designated, with additional duties under this Act.

ix. A novel feature of this amendment bill is the chapter on rights of victims and witnesses. It enjoins upon the state to make arrangements for the protection of the victims, their dependents and witnesses. While talking about protection the amendment requires the state government to announce programme of socio-economic rehabilitation for the victim during the inquiry, investigation and trial. While this provision is a welcome feature, its utility may be limited and hence not of significant value addition to the complainant/victim. As with other features of this legislation, the amendment also proposes that the state governments shall design and initiate this protection programme. The proposed amendment has not provided significant and mandatory guidance for such activity to be undertaken by the state governments. Further, the amendment proposes a limited protection and only during the trial, a feature riddled with insufficiency, especially given the fact that there is an inequality and violence pervading the social and economic relations. Suggesting the judiciary for concealing the names of the complainants/witnesses and immediate action against complaints of harassment of witnesses, would only be of limited value, when not extended beyond the trial.

V Conclusion

Indeterminacy breeding from insufficiencies within the POA Act needs be effectively addressed structrally and entails adding much strength to the proposed amendment. A few pointers need to be remembered for this capacity building into the legislation.

i. Exclusive special courts be established in all the districts, especially in identified atrocity-prone areas. For example, in the state of Chattisgarh, there are only six special courts[67] whereas the state has 20 districts.

ii. These courts are exclusive in their establishment and functioning. Designating existing sessions courts to function under this legislation could hinder the working of this legislation as the sessions courts may not be sensitized to the vision of this law.

iii. A comprehensive and empowered witness protection scheme which could include creation of a secure identity for the complainant/victims and witnesses, if need be.

iv. A few possible structural changes within the investigation process could include creation of a special cell with female police officers for receiving complaints in all police divisions of the district declared atrocity-prone; victims of atrocities in filing their complaint, would then no longer need to travel to the district headquarters town to file their complaint. Also investigation upon the complaint becomes easier for reasons of being nearer to the scene of crime. Officers appointed to the special cell ought to be trained in the legislative intention. Investigation should be completed and reported in a prescribed time-frame.

v. Special public prosecutors trained on the legislative vision need to be appointed. The performance of these courts, volume and methodology could be monitored by a special cell of the high court as an appellate authority.

vi. A supervisory mechanism needs to be envisaged to review such acquittal orders and also to ensure that there is an appeal by the state in such cases.

Violent victimisation of the marginalised could only be prevented through efforts at deconstruction of caste in the social hierarchy, and also by special efforts to ensure that the benefits of deconstruction and the existing affirmative action programmes penetrate at all levels of the caste subaltern sphere.

Sai Ramani Garimella[*]

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67 See Ministry of Social Justice and Empowerment, information as published on July 31, 2014, *available at*: http://pib.nic.in/newsite/mbErel.aspx?relid=107767 (last visited on May 21, 2016).

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