

## THE CONSTITUTIONAL PROVISIONS AND THE STATUS OF ATROCITIES ON SCHEDULED TRIBES OF ODISHA, INDIA

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**Abstract:** Both the Central Government and the State Government has enacted laws for the protection of human rights of the marginalized, especially Dalits and Scheduled Tribes considering their historical marginalization, gender, caste and ethnic-based discrimination, exploitation and violence against them. The Constitution of India shows the exclusive concern to human rights situation of Scheduled Tribes. Within the Constitutional framework, special social enactments have come to force to combat large-scale human right violations against Scheduled Tribe communities. According to the Minister of State Social Justice & Empowerment Govt. of India Ramdas Athawale also revealed from the recent White Paper of 2015 by the Home Department presented in State Assembly that Odisha the third highest number of cases of atrocities against the Scheduled Tribes (STs) in 2015. It's a matter of concern that there has been constant increase in atrocities against the marginalised sections, Dalits and Scheduled Tribes of Odisha.

Given the background, the present paper will discuss about the three major aspects- firstly, the constitutional provisions with regards to the protection of the STs and to save them from external aggression; secondly, the magnitude of atrocities inflicted on the Scheduled Tribe in Odisha; and lastly, the responses of the state machinery. Evidence is drawn from selected relevant literature on atrocities on STs, official data on crimes against Scheduled Tribes, and cases of atrocities reported in various media in recent times.

**Keywords:** Scheduled Tribes, Atrocities, Protection of Civil Rights, Odisha, Constitutional Provisions.

### INTRODUCTION

India is committed to the welfare and development of its people in general and of vulnerable sections of society in particular. Equality of status and opportunity to all citizens of the country is guaranteed by the Constitution of India, which also provides that no individual shall be discriminated against on the grounds of religion, caste or sex, etc. Fundamental rights and other specific provisions under the Article 38, 39 and 46 in the Constitution of India stand testimony to the commitment of the State towards its people. The strategy of the State is to secure distributive justice and allocation of resources to support programmes for social, economic and educational advancement of the weaker sections in general and persons belonging to Scheduled Castes and Scheduled Tribes in particular.

The Indian Constitution vides Article 15 lays down that no citizen shall be subjected to any disability or restriction on the grounds of religion, race, caste, sex or place of birth. It also guarantees that every citizen shall have equality of status and opportunity. The problems of social inequality and class divide in a country

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like India with heterogeneous groups and sub-groups need to be recognised and resolved by all available democratic measures including special legislations to deal with particular Acts constituting offences against such weaker sections of the society. 'Scheduled Castes' and 'Scheduled Tribes' are two such identified social groups. Article 46 of the constitution of India expressly provides that the State shall promote the educational and economic upliftment of the weaker sections of the society, in particular of SCs & STs with special care and shall protect them from injustice and all forms of exploitation.

Both the Central Government and the State Government has enacted laws for the protection of interests and rights of the marginalized, especially Dalits and Scheduled Tribes considering their historical marginalization, gender, caste and ethnic-based discrimination, exploitation and violence against them. The Constitution of India shows the exclusive concern to human rights situation of Scheduled Tribes. Within the Constitutional framework, special social enactments have come to force to combat large-scale human right violations against Scheduled Tribes communities. The Protection of Civil Rights (PCR) Act, 1976 enforces civil rights of Scheduled Tribes along with SCs. The Scheduled Castes and Scheduled Tribes Prevention of Atrocities (PoA) Act, 1989 protects these two social groups from atrocities on the ground of discrimination and exploitation; and denial of social, economic and democratic rights. The PoA Act delineates specific offences against STs and SCs as 'atrocities', and prescribes stringent penalties to counter these offences. The basic conditions for taking cognizance of offences under the Act is that offences so committed by members of non-STs and non-SCs should be made with prior knowledge of the ethnicity background of the Scheduled Tribes victims. The objectives of the above two Acts clearly emphasize the intention of the state government to deliver justice in case of human rights violations against them. However, despite the implementation of the PoA Act over two decades, atrocities against the Scheduled Tribes have been continuing unabated.

According to the Minister of State Social Justice & Empowerment Govt. of India Ramdas Athawale also revealed from the recent White Paper of 2015 by the Home Department presented in State Assembly that Odisha the third highest number of cases of atrocities against the Scheduled Tribes (STs) in 2015. It's a matter of concern that there has been constant increase in atrocities against the marginalised sections, Dalits and Scheduled Tribes of Odisha (Ayaskant, 2016).

Given the background, the present paper will discuss about the three major aspects- firstly, the constitutional provisions with regards to the protection of the STs and to save them from external aggression; secondly, the magnitude of atrocities inflicted on the Scheduled Tribe in Odisha; and lastly, the responses of the state machinery. Evidence is drawn from selected relevant literature on atrocities on STs, official data on crimes against Scheduled Tribes, and cases of atrocities reported in various media in recent times.

### MEANING OF ATROCITY

In common parlance, the term “Atrocity” denotes an act of extreme heinous cruelty. The term “Atrocity” has not been defined in law. Even the Act has not defined this term. In the absence of any legal definition, its meaning has been derived from the various instruments issued by Government of India from time to time. The states have tended to apply their own interpretations about the term “Atrocity”. Ministry of Home Affairs has clarified this term as “any offence under the Indian Penal Code committed against members of the Scheduled Caste by any non-Scheduled Caste person. Similarly, all offenses under the IPC committed by non-Scheduled Tribe against the member of the Scheduled Tribe are atrocities. Caste consideration as a motive is not necessary to make such an offence in case of atrocity”. Ministry of Home Affairs has again clarified the term “Atrocity” as, “Crime which have ingredients of infliction of suffering in one from or the other should be included for reporting.” This is based on the assumption that “where the victims of crime are member of SCs and the offender do not belong to SCs, caste consideration are really the root cause of the crime, even though caste consciousness may not be the vivid and immediate motive for the crime”

### CONSTITUTIONAL RIGHTS, SPECIAL ACTS AND COMMISSIONS FOR THE TRIBALS

Several safeguards are guaranteed to the Scheduled Castes and Scheduled Tribes by the Constitution of India and Article 46 says:

*The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.*

Based on this, the government has enacted several legislations viz., The Protection of Civil Rights Act, 1955, Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 and formed a statutory panel, the National Commission on SCs and STs to protect the Scheduled Castes and Scheduled Tribes, who are placed on the same pedestal considering their socio-economic conditions.

#### Constitutional Provisions

##### ***Protection of Civil Rights Act, 1955:***

In India, the problem of untouchability, ill-treatment and inequality of the Scheduled Castes and Scheduled Tribes is an age-old one with manifold social, economic and political implications. In order to tackle the problem of Untouchability, the Constitution of India provides various provisions in favour of Scheduled Castes and

Scheduled Tribes. Untouchability has been abolished and any practice of it will be an offence according to Article 17 of the Indian Constitution and it says:

*Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law.*

Eventually, the Parliament passed the Untouchability (Offences) Act 1955, which again was an improved version of the Untouchability Order, 1950, in order to give effect to the declaration made in Article 17 of the Constitution and it came into force on first June 1955. The object of this special social Act was to prevent the untouchables at par with other section of society.

Though Untouchability (Offences) Act 1955 has brought some effect on the process of eradication of evil of untouchability, but it was also felt in the course of implementation that there was still enough scope and need to amend it for further comprehensive grounding (broad basing). In 1965, the Government of India appointed a Committee under the chairmanship of L. Elayaperumal on untouchability and economic and educational development of the SCs and STs.

The Committee submitted its report in 1969, and after examining the recommendations made by the Committee, Govt. of India introduced a Bill known as the Untouchability (Offences) and Amendment and Miscellaneous Provisions Bill, 1972 in Lok Sabha in April 1972. The Parliament amended the Act of 1955 in November, 1976, renaming it as the *Protection of Civil Rights Act, 1955* which came into force in 19<sup>th</sup> November 1976. In this Act the term *Civil Rights* has been defined as:

*Any right accruing to a person by reason of abolition of "Untouchability" by Article 17 of the Constitution.*

### ***The SCs/ STs (PoA) Act, 1989:***

In spite of the deterrent penal provisions, the PCR Act, 1955 proved in adequate in curbing the atrocities on the number of STs and SCs. On 16<sup>th</sup> August 1989, the Parliament passed another act named The Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act, 1989 in order to check and deter crimes against persons belonging to SCs/STs. And this Act was brought into force from 30th January 1990. These enactments have extended the positive discrimination in favour of SCs and STs to the field of criminal law in as much as they prescribe penalties that are more stringent than the corresponding offences under Indian Penal Code (IPC) and other laws. Special Courts have been established in major states for speedy trial of cases registered exclusively under these Acts.

The term '*atrocities*' has been defined for the first time in this Act. Provision has been made for more stringent punishments for committing such atrocities.

Besides protecting the marginalized tribals from economic exploitation, the legislation aimed at ensuring their human dignity. For example the following were listed as grave offences under the Act: disrobing or parading naked or any similar act which is derogatory to human dignity; wrongful dispossession of land or premises or interfering with the enjoyment of rights over any land, premises or water; compelling or enticing to render forced labour or bonded labour; filing false cases; giving false information to a public servant causing the misuse of lawful power to the detriment of a member of SCs/STs; intentional insults or intimidation with the intent of public humiliation; assaulting or forcing a woman to dishonour or outrage her modesty; using one's dominant position to sexually exploit SC/ST women; corrupting or spoiling drinking water sources any spring, reservoir, tanks and wells; and forcible eviction from house.

These would attract imprisonment from six months to five years. Section 2 of the act even provides for the death penalty to anyone who tenders false evidence leading to conviction and resultant execution of an innocent tribal in a fabricated case. Willful negligence of duties required under this act by a non-ST public servant, would attract imprisonment for one year. Further, section 21(2) (iii) deals with provision of economic and social rehabilitation of the victims of atrocities. **It was amended in 2015 to make relevant provisions more effective and was enforced from 26 January 2016.**

#### *National commission on SCs and STs:*

For effective implementation of various safeguards provided in the Constitution for the SCs & STs and various other protective legislations, the original constitution had provided for appointment of a Special Officer under Article 338 of the Constitution. This special officer, called **Commissioner for SCs & STs** was assigned the duty to investigate all matters relating to the safeguards for SCs and STs in various statutes and to report to the President upon the working of these safeguards. In order to facilitate effective functioning of the office of the Commissioner for SCs & STs 17 regional offices of the Commissioner were set up in different parts of the country.

However, there was a concern of the politicians that that the Office of the Commissioner for SCs & STs alone was not enough to monitor the implementation of Constitutional safeguards. So, it was proposed to amend the Article 338 and put in place a Multi-Member Commission for the SC and STs. But even before the amendment was passed, the government changed the system via administrative decision and established the first Commission for SCs & STs in 1978 under Shri Bhola Paswan Shastri as Chairman and other four Members.

It was later renamed as **National Commission for Scheduled Castes and Scheduled Tribes**. It was set up as a *National Level Advisory Body* to advise the Government on broad policy issues and levels of development of Scheduled Castes

and Scheduled Tribes. However, till that time, it had no explicit constitutional backing.

Later, the National Commission for Scheduled Castes and Scheduled Tribes was given constitutional backing via the Constitution (Sixty fifth Amendment) Act, 1990. The previous Bhola Paswan Shashtri commission was replaced by the NCSCST chaired by Shri Ram Dhan.

- In 1995, second NCSCST was established under H. Hanumanthappa as Chairman.
- Third NCSCST was set up in 1998 under Dileep Singh Bhuria as the Chairman.
- Fourth NCSCST was set up under Dr. Bizay Sonkar Shastri in 2002.

However, 89th amendment of the constitution in 2003 bifurcated the NCSCST and made provisions for *NCSC under Article 338* and *NCST under new Article 338A*.

This statutory panel is empowered to direct the law enforcement agencies in a state to provide relevant details and the action taken whenever an atrocity is committed. It has to ensure:

- (i) Whether the collector and superintendent of police of the district concerned have visited the spot on receipt of information;
- (ii) Proper filing of first information report (FIR) in the local police station and inclusion of all the accused;
- (iii) Investigation by a senior police officer as per provisions of SCs & STs Prevention of Atrocities (POA) Act, 1989;
- (iv) Apprehension of culprits without loss of time;
- (v) Filing of a proper charge sheet invoking relevant sections of the IPC together with the Protection of Civil Rights (PCR) Act, 1955 and SCs & STs POA Act, 1989 in court;
- (vi) Appointment of special public prosecutors and whether the cases are tried by special courts, and;
- (vii) Monitor police assisting the courts in bringing forward witnesses and see that the culprits are suitably punished.

### **Magnitude of Atrocities Inflicted on the Scheduled Tribe in India and Odisha**

Indian social structure is based on its rigid caste system. In Indian caste system historically, Scheduled Tribes are been misunderstood with Scheduled Castes and they are also considered as untouchables. Consequently, they have been denied to their basic rights and socially excluded and discriminated and isolated from the mainstream community. The issues of exclusion and discrimination assume special importance in the Indian context wherein Scheduled Castes (SCs) and Scheduled Tribes (STs), who together constitute nearly one-fourth of the Indian population, have traditionally suffered from social exclusion.

The Scheduled Tribe (ST) population of the State of Odisha is 8,145,081. This constitutes 22.1 percent of the total population of the State and 9.7 per cent of the total tribal population of the country (Directorate of Field Publicity, Bhubaneswar). It's a matter of concern that there has been constant increase in atrocities against the marginalised sections, women, Dalits and Adivasies of Odisha. It is revealed from the recent White Paper of 2015 by the Home Department presented in State Assembly. The number of cases of murder, rape, humiliation and sexual harassment on tribes is increasing day by day. Neither the state nor the law-enforcing machinery has managed to protect them from the humiliation and atrocities by the non-tribes. The human rights of tribals have been violated in the sphere of employment, education, health, land acquisition and especially in their social, political and economic life. In this context, this section has tried to cite the magnitude of atrocities inflicted on the Scheduled Tribe in India and Odisha.

**TABLE NO. 1: CRIME /ATROCITIES AGAINST STS-SATE-UTS FROM 2014-2016**

<i>Atrocities against STs</i>	<i>Crime Incidence</i>			<i>Crime Rate</i>			<i>Percentage Variation</i>	
	2014	2015	2016	2014	2015	2016	2014 - 2015	2015 - 2016
	6,827	6,276	6,568	6.5	6.0	6.3	-8.1%	4.7%

(Source: National Crime Records Bureau)

The major source of data on crimes is National Crime Record Bureau (NCRB), which provides district-wise information of various kinds of crimes. The latest report of NCRB for the year 2016 reported 6568 cases of cognizable crimes committed against STs in India. Though the number of crimes against STs has increased from 5922 in 2012 to 6827 in 2014 but the rate has substantially declined in the year 2015 to 6276 and again the rate has increased in the year 2016 to 6568. Table no.1 shows that the crime rate was 6.5 in the year 2014 and it decreased to 6.0 in the year 2015 and the percent of variation was -8.7% between the year 2014-2015. In the year 2016 again the crime rate was increased to 6.3 with the percentage of variation of 4.7% between the year 2015-2016.

**TABLE NO. 2: CRIME/ATROCITIES AGAINST SCHEDULED TRIBES (STs) (PREVENTION OF ATROCITIES) ACT R/W IPC IN INDIA AND ODISHA FROM 2012-2016**

<i>Sl. No</i>	<i>Units</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
1	States	5914	6783	6815	6270	6556
2	UTs	8	10	12	6	12
3	Total	5922	6793	6827	6276	6568
4	Odisha	688	791	533	691	681

(Source: National Crime Records Bureau)

The table No. 2 depicts that out of total crime against STs in India, Odisha solely witnessed 681 atrocities against STs in the year 2016. The number of crime against STs was highest in the year 2013 i.e. 791. The decline in rate however has been slow during the year 2014 but then again it's increased to 691 in 2015.

With regard to the major variation of atrocities in 2016 over the year 2015 in different major States/UTs, it can be observed from the table no.3 that the total cases was reported in the year 2015 is 6276 which was increased by 4.7% in the year 2016 i.e. 6568 in number. A total 952 rape cases was reported in the year 2015, which was again increased by 2.3% in the year 2016. Murdered cases have been decreased by 3.5% in the year 2016 over 2015.

**TABLE NO. 3: MAJOR VARIATION OF ATROCITIES IN DIFFERENT STATES AND UTS FROM 2015-2016**

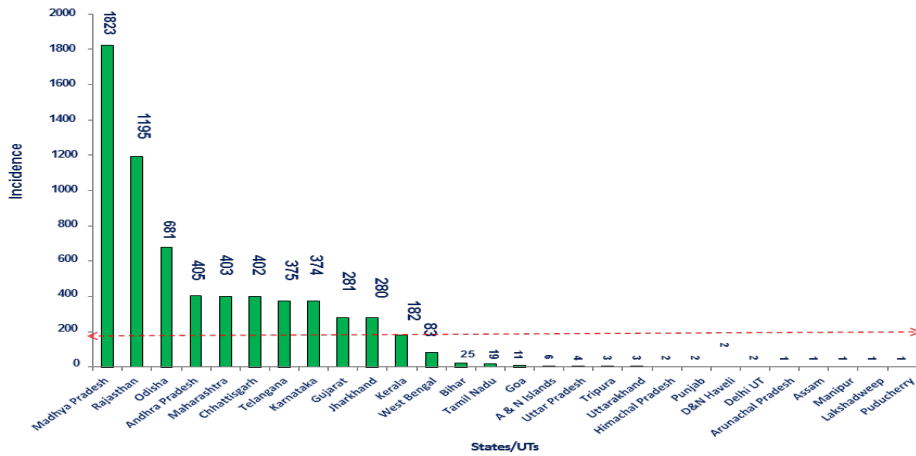
<i>Crime Head</i>	<i>Total Cases Reported (2015 / 2016)</i>	<i>% variation 2016 over 2015</i>	<i>Major State/UT during 2016</i>		
Total Atrocities against STs	6276 / 6568	4.7%	Madhya Pradesh (1823 cases)	Rajasthan (1195 cases)	Odisha (681 cases)
Rape	952 / 974	2.3%	Madhya Pradesh (377 cases)	Chhattisgarh (157 cases)	Odisha (91 cases)
Murder	144 / 139	- 3.5%	Madhya Pradesh (41 cases)	Maharashtra (18 cases)	Rajasthan (16 cases)
Arson	25 / 13	-48%	Madhya Pradesh (4 cases)	Odisha (2 cases)	West Bengal (2 cases)
Assault on Women to outrage her Modesty	818 / 835	2.0%	Madhya Pradesh (399 cases)	Maharashtra (109 cases)	Chhattisgarh (88 cases)

(Source: National Crime Records Bureau)

This is the state wise graphical representation of incidence of crime/atrocities against STs in 2016.

The National average Incidence 182 (i.e. 6568 and total cases divided by number of 36 states). MP comes first with 1823, Rajasthan comes second with total 1186 Incidence and Odisha comes third with total 681 incidences. Hariyana, Jammu Kashmir, Meghalaya, Mizoram, Nagaland, Sikkim, Chattisgarh, and Dam & dui, these States/UTs reported zero cases hence not depicted in the bar chart.

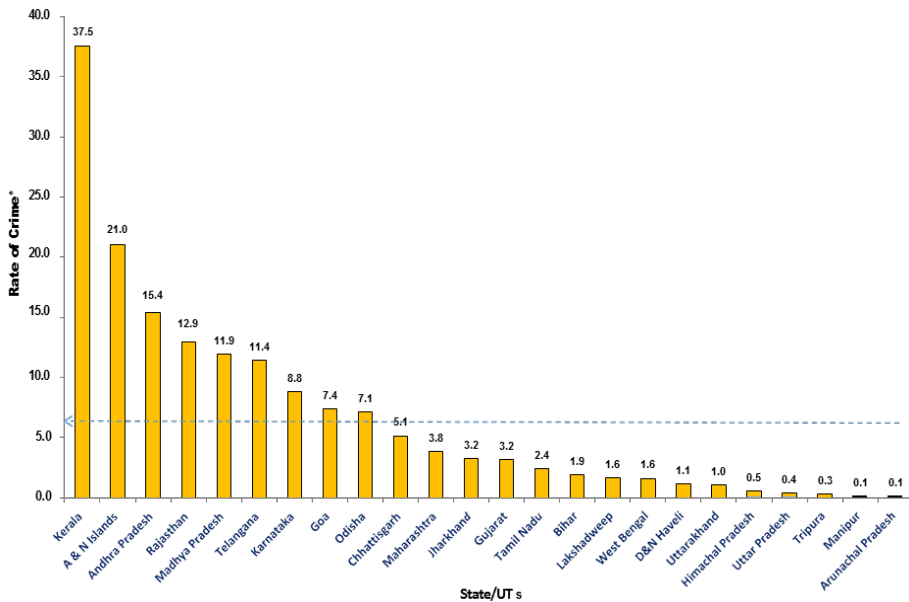




(Source: National Crime Records Bureau)

**Figure 1: Crime/Atrocities against Scheduled Tribes-2016 (State/UT-wise Incidence)**

This is the States/UTs-wise graphical representation of Rate of atrocities against STs in 2016.



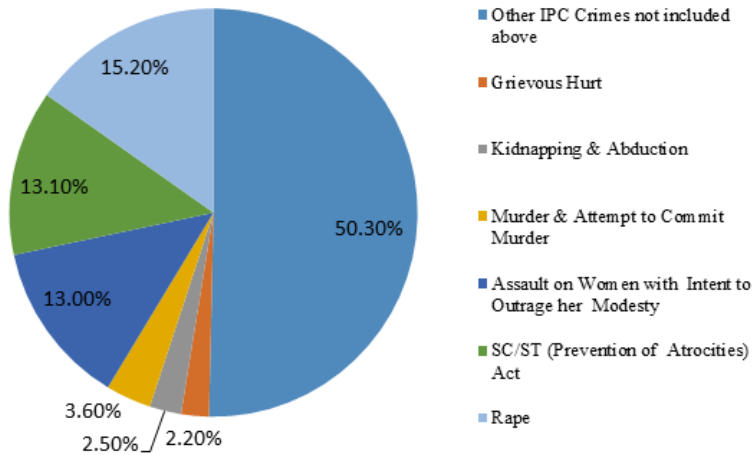
(Source: National Crime Records Bureau)

**Figure 2: Crime/Atrocities against Scheduled Tribes-2016 (State/UT-wise Rate of Crime)**

\*Rate = Incidence Per lakh of ST population

The Atrocity/Crime National average Rate is 6.3. The crime rate is highest in Kerala with 37.6 and Odisha comes nine with 7.1 crime rate. Hariyana, Jammu Kashmir, Meghalaya, Mizoram, Nagaland, Sikkim, Chattisgarh, and Dam & dui, these States/UTs reported zero cases hence not depicted in the bar chart.

### *Category Head-wise of Atrocities on STs in India during 2016*



(Source: National Crime Records Bureau)

**Figure 3: Crime/Atrocities against Scheduled Tribes – 2016 (Crime head wise)**

Other IPC Crimes not included above slot in the pie chart is composition of the crimes includes Insult to the Modesty of Women, Attempted to Commit Rape, Arson, Robbery, Dacoit, and Protection Civil Right Act, 1955. Other IPC Crimes component may include cases under Simple hurt, Trespass, Mischief and Criminal Intimidation etc. This data includes all cases of atrocities on STs registered under the various section of IPC, PCR Act. 1955; SCs & STs (PoA) Act, 1986; and any other relevant Acts. It may be noticed from the by and large the incidents of crime against STs in the country have shown increasing trend. The distribution of crimes against STs during the year 2016 shows a highest 50.30 per cent related to other offences under IPC Act. The share of serious crimes such as murder, robbery, hurt, etc. stands at about 22 per cent. The crimes registered under SC & ST (PoA) Act account for as high as 13.10 per cent of total crimes against SCs. Similarly, the percentage share of crimes registered for rape stands at second highest i.e. 15.20 per cent after the crime registered under IPC Act.

### **CRIME AGAINST ST WOMEN**

Cases of outraging the modesty of women is the second highest in Orissa in the country after New Delhi, says a new report of the National Crime Records Bureau

(NCRB) released 30<sup>th</sup> November 2017. The national database on crime says that in 2016 Orissa reported 8,252 cases (crime rate 39.1) of assault on women with intent to outrage their modesty.

This included both cases of sexual harassment under Section 354A of IPC as well as assault on women to outrage their modesty under Section 354 of the Indian Penal Code (IPC). In this category Orissa is second after New Delhi which reported a crime rate of 43.6 in this category. Moreover, in the category of crimes registered under IPC Section 354 Orissa tops the list with a crime rate of 23.1, which is the highest in the country. Other alarming crimes in the state which received national attention are atrocities against STs. Orissa is reportedly third in this category after Madhya Pradesh and Rajasthan.

**TABLE NO. 4: CASES UNDER POA ACT REGISTERED BY THE POLICE AND THEIR DISPOSAL BY COURTS DURING THE YEAR 2016**

Sl. No	Units	Registered and Disposal Cases		
		Number of cases registered with Police during the year	Percentage of cases pending in Court	Percentage of cases ending in conviction
1	India	2895	87.1	20.8
2	Odisha	317	89.8	5.7

(Source: National Crime Records Bureau, Ministry of Home Affairs, 2016)

The table no. 4 depicts the Cases under PoA Act registered by the Police and their disposal by Courts during the year 2016. There were all together 2895 number of cases registered with Police during the year 2016 and in Odisha 317 number of cases has been registered for the same. An considerable percentage of cases pending in the court in India as well as for the Odisha, and the percentage are 87.1 and 89.8 respectively.

### **ROLE OF THE STATE MACHINERY**

Under the STs (PoA) Act, 1989 the Ministry of Social Justice and Empowerment is required to take necessary steps to coordinate measures by the state Government and to place on the table of both the houses of the Parliament, each year, a report on the measures taken by itself and by the State/UTs Government in pursuance of the provisions of this Act. The Ministry of Social Justice and Empowerment operates Centrally Sponsored Scheme, under which financial assistance is provided to the States/UTs Governments in the ratio of 50:50 (100% to UTs), over and above the committed liability to be borne by the State/UT Governments for various measures taken for effective implementation of the Acts and Rules. Such measures may include strengthening of the administration and judicial machinery, publicity and relief and rehabilitation.

With regards to the Odisha a State Level High Power Vigilance & Monitoring Committee under the Chairpersonship of the Chief Minister reviews implementation of the Act. Likewise, the District Level Vigilance and Monitoring Committees have been functioning in all the districts to review the incidents of atrocities and implementation of the Act. The State Government has constituted District Human Right Protection Cell. The Additional District Magistrates of districts are the Special Officers under Rule 10 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. The Courts of all the District and Session Judges and Additional District and Session Judges function as Special Courts for the trial of the offences under the Act.

The Odisha government is taking steps to set up three special courts in Cuttack, Bolangir and Balasore districts to try cases of atrocities against SC and ST people. The chief minister said the government has approved 390 legal aid cells in the state to provide free legal services to people from SC/ST communities (business-standard, 2015).

### **Publicity and Awareness Generation**

Copies of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, have been translated into Oriya language and circulated amongst various Departments and field functionaries. Wide publicity about the provisions of the Act was given by the Information and Public Relation Department through various mass media. Further, for sensitization of the police personnel and elected representatives about the provisions of the POA Act, all Collectors /Superintendents of Police have been requested to conduct workshops/training camps at the district level.

Legal Aid is given to persons belonging to Scheduled Castes under the Legal Aid and Advice Scheme, 1981, which is administered by the Law Department. Besides, the Scheduled Castes and Scheduled Tribes litigants are also given legal aid under a Scheme in operation by the Scheduled Tribes and scheduled Castes Development Department to fight-out cases to establish their right, title, interest and possession over the disputed land.

### **CONCLUSION**

India has the second largest tribal concentration in the world. In India, Scheduled Tribes are spread across the country mainly in forest and hilly regions. They are treated as low castes, despised and made untouchable by the prevailing adherence to manmade social norms and a still rigid caste system. Needless to say, such barbaric incidence of rape will isolate the tribal population which is already living on the margins of Indian society

There is no paucity of protective and other safe guards for the protection of STs but despite comprehensive constitutional provisions and subsequent policies and

programs, the situation of SC as well STs has improved at less than desired rate. They still suffer with high incidence of poverty, vulnerability and atrocities largely due to their social exclusion and discrimination. The experience of Odisha indicates that the existence of broad-based social reform movements is no guarantee for STs human rights and also highlights the limitations of previously existing movements of STs emancipation. Hence the implementation of protective laws needs political and administrative will and above all legal awareness among public and especially among the marginalised communities. Our existing hegemonic social structure, resource ownership and unequal power relation are contributing to the violence, which can be arrested through changing social policies in favour of the excluded and discriminated social groups of our society. Therefore, along with enforcement of protective laws, the spread of human rights education and legal awareness can contribute to change the mindset of the people involved in violence against the poor and marginalized.

(Note: The present study is based on the secondary sources available in National Crime Records Bureau, Ministry of Home Affairs, 2016 and some news articles.)

### *References*

- Atrocities against SCs, STs: Odisha to set up three special courts. (2015, June 5). Bhubaneswar: Business-Standard.
- Ayaskant. (2016, December). Odisha ranks third in highest cases of atrocities against STs. 19, Bhubaneswar: Odisha Sun Times Bureau.
- [http://www.censusindia.gov.in/2011census/PCA/PCA\\_Highlights/pca\\_highlights\\_file/Odisha/Executive\\_Summary.pdf](http://www.censusindia.gov.in/2011census/PCA/PCA_Highlights/pca_highlights_file/Odisha/Executive_Summary.pdf).
- <http://dfp.nic.in/bhubaneswar/Census.aspx>.

