

# ATROCITIES AGAINST ADIVASIS

## The implicit dimension of social exclusion

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<https://research-ebSCO-com.rp.nla.gov.au/c/sjotho/search/details/3awfxti2ff?db=nlebk&db=nlabk>

Historically, the Adivasis, well known as Scheduled Tribes or Tribals, have been the victims of exclusion and marginalisation in India. The Constitution shows the exclusive concern to see that the human rights situation of Adivasi communities is improved, justice and equality in all its facets are secured to them, and they are mainstreamed into the nation's development processes. Within the constitutional framework of 'equal treatment and social justice', special social enactments have come to force from time to time to combat large-scale human right violations against them. The Protection of Civil Rights (PCR) Act, 1976 (Government of India 1976) is laid down to enforce civil rights of Adivasis. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Government of India 1989) is enacted to protect them from atrocities on the ground of discrimination and exploitation and denial of social, economic and democratic rights. The Prevention of Atrocities (PoA) Act delineates specific offences against Adivasis and Scheduled Castes (Dalits) as 'atrocities' and prescribes stringent penalties to counter these offences. The basic conditions for taking cognisance of offences under the act is that the offender should not be a member of Adivasis and Dalit communities and the offences so committed should be made with prior knowledge of the ethnicity or caste background of the victims. The objectives of the two acts clearly emphasise the intention of the state government to deliver justice to both Adivasi and Dalit communities to enable them to live in society with dignity. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Rules, 1995 (Government of India 1995) provide guidelines to the state in terms of specific administrative mechanisms to enforce the act effectively, vigorously monitor the situation of atrocities taking place against Adivasis

and Dalits, and ensure social safeguards and support measures to the victims of atrocities. However, despite the implementation of the PoA Act over 25 years, atrocities against the Adivasis and Dalits have been continuing unabated in several spheres of society.

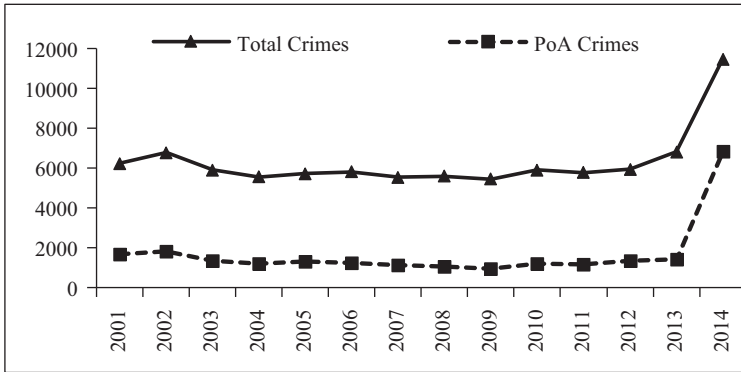
Although a large section of Adivasis and Dalits have been subjected to atrocities, the problems of Adivasis remain unique for various reasons. A large section of Adivasis live in Scheduled Areas and their level of social and economic interaction with the dominant mainstream society is much less than that of the Dalits. The underlying causes of various forms of oppressive and exploitive behaviours against Adivasis therefore remain qualitatively different. While the factor of ‘untouchability’, by and large, governs everyday interactions of the Dalits in mainstream society, and they are expected to live under the caste-based rules, the confinement of the Adivasis in remote areas makes them subjected to various forms of disadvantages, exploitations, abuses, violence and deprivation. Their isolated living pattern and unwariness very often make them prey to different forms of human rights abuses. As their socio-economic life, to a larger extent, is governed by multiple authorities within the local governance structure, they have to face many restrictions under laws. A large proportion of them therefore have to live with the lowest security of life and livelihood, keeping them at the lowest level of society and economy (Krishnan 2009). The Asian Centre of Human Rights recognises that Adivasis are among the most exploited communities in the country. According to Gill *et al.* (2015), they have been victims of social exclusion not simply because of the geographical isolation, but recent dispossession of their traditional habitation and rights to resources and erosion of their autonomy because of other development interventions. The nexus between different departments of the state administration largely become responsible for their human rights violations (Saravanan 2010). In many of the cases, non-Dalit and non-Adivasis perpetrators also align with the enforcing agencies to underperform the laws (Pal and Lal 2010). Further, it has been recognised that the changing nature of atrocities often marginalises the law. Several of the offences such as ostracisation or social boycotting, forced migration, custodial death, displacement, denial of basic rights to livelihood etc., which are highly true for the Adivasis, are not adequately addressed under the various clauses of the PoA Act. The Report Card of National Coalition for Strengthening SCs and STs (Prevention of Atrocities) Act (2010) recognises that misinterpretations of clauses of the PoA Act sometimes defeat prosecution, leading to denial of justice to victims of atrocities.

Thus, the limitations in the laws to deal with various forms of atrocities against Adivasis and lack of proper implementation invite serious attention of the state and human rights organisations, as it involves larger consequences on the life conditions of Adivasis.

Notwithstanding the fact that Adivasis are vulnerable to different forms of atrocities, the issues related to atrocities against Dalits have been a dominant factor in the discourse of human rights violations and social exclusion. The atrocities against Adivasis, on the other hand, have been more implicit, very often kept stubbornly in place and get less percolated to mainstream society. As a result, it has not drawn much attention of social science researchers. There are several critical issues that need to be understood in the context of atrocities against Adivasis within the existing social and legal contexts. What have been the magnitude and patterns of atrocities against Adivasis? Who are the actors normally commit these atrocities? In what ways the nature and patterns of atrocities against Adivasis are different from that of against Dalits? What have been the responses of the state machinery towards atrocities against Adivasis? How atrocities affect Adivasis regarding enjoyment of their fundamental human rights. This chapter draws on evidence from the official data on atrocities against Scheduled Tribes compiled by the National Crime Record Bureau (NCRB) to reflect on the overall patterns of atrocities against Adivasis, although the data has limitations in terms of poor reflection of actual magnitude of atrocities. Besides, it uses media reports, fact-finding reports of non-governmental organisations, official documents and limited literature to build up an understanding of the nature, causes and potential trend of atrocities against Adivasis. Based on insights from the analysis of the both macro- and micro-level data, the chapter sheds light on emerging critical issues that would have implications for the protection of human rights of Adivasis.

### **Patterns of atrocities against Adivasis: an analysis at macro-level**

Despite the strong enforcement of various social policies and special measures for the protection of rights of Adivasis, incidence of cognisable crimes registered against them continues to increase in recent years (figure 11.1). According to the NCRB data, a total of about 88,000 crimes were registered against the Adivasis in India during the period 2001–14, with an annual average of about 6,000 cases. Although the number of registered cases showed an increasing trend from 2011 onwards, it went up drastically in 2014. The number of



*Figure 11.1* The trend of registered cases of the total and PoA crimes against Adivasis, 2001–14

Source: Crimes in India, National Crime Record Bureau, Ministry of Home Affairs, Government of India.

cases registered in 2014 was 11,451 as against 6,793 in 2013, 5,922 in 2012 and 5,756 in 2011. A similar trend was observed for the registered PoA crimes against Adivasis, offences considered as atrocities. The number of cases registered under the PoA Act rose to 6,826 in 2014 from 1,390 cases in 2013, 1,311 cases in 2012 and 1,154 cases in 2011. The proportion of registered PoA crimes to the total crimes against Adivasis during 2001–14, on an average, was about 22 per cent. However, the figures on PoA crimes might not be reflecting on the actual magnitude of atrocities against Adivasis if we consider protests of Adivasis against such repressive acts, experiential accounts of human right activists, and reported cases in various media on a day-to-day basis. Many of the crimes against Adivasis committed by state officials and other powerful members in the society, as a matter of fact, are either non-registered at all or registered under the law other than the PoA Act.

Although noticeable change has not been observed in the number of registered PoA crimes between 2001 and 2010, the steady increase from 2011 and sudden upsurge in the year 2014 may be attributed to the special efforts of many civil society organisations who have been active in the tribal belt to raise awareness among Adivasis about various laws, and also help them to register the cases. A nation-wide demand for amendments in the PoA Act in the wake of several heinous atrocities committed against both the Adivasis and Dalits in recent

times drew the attention of the government not only to take a serious note of such human rights violations, but also to bring key amendments in the Act in 2015. As a result, new offences have been added to the list of atrocities, with a shift in focus towards greater protection for Adivasis and also women from these two marginalised communities.

### *Forms of atrocities*

Various forms of crime are classified under different special laws. Major crimes registered under the Indian Penal Code include murder, rape, kidnapping and abduction, arson, physical hurt and other economic crimes such as dacoity, robbery and burglary. The incidence of these crimes against Adivasis has, however, not been uniform. According to the NCRB data, among various forms of crimes against Adivasis, the incidence of grievous physical hurt constituted the highest proportion followed by rape and murder. During the period 2001–14, on an average, 739 cases of physical assault, 644 cases of rape and 149 cases of murder were registered annually. But, the number of registered rape cases increased to 1,159 in 2014 from 847 in 2013. Similarly, there was a significant increase in the number of registered murder cases showing an increase from 122 cases in 2013 to 247 cases in 2014. While the number of registered cases of physical assault decreased considerably during the same period, it slightly increased in the case of kidnapping and abduction, arson and other economic crimes such as dacoity and robbery. The overall trend of crimes against Adivasis indicated that registered cases of rape and kidnapping and abduction increased over the years, but no such noticeable changes were there in other forms of crimes. The number of registered rape cases against Adivasis during 2001–14 was higher than the registered cases of murder, kidnapping and abduction, dacoity and robbery and arson put together. There were over 9,000 registered rape cases against Adivasis women over 14 years. The data, thus, indicated that Adivasi women are highly vulnerable to such atrocity.

### *Regional variations in atrocities against Adivasis*

The concentration of the Adivasi population widely varies across states. The central belt of India consisting of Madhya Pradesh, Maharashtra, Chhattisgarh, Jharkhand, Orissa, Gujarat and Rajasthan together account for more than two-thirds of the total Adivasi population in the country. Other major states in the central belt with moderately

large Adivasi populations are Andhra Pradesh, West Bengal and Karnataka. All the northeastern states are predominantly populated by Adivasis. It may be mentioned that although substantial proportion of Adivasis lived in the northeastern part of the country, they faced lower incidence of crimes, perhaps living in a more ‘unified’ culture. The macro-level analysis therefore is confined to some selected states in the central belt, keeping in view the proportion of Adivasi population and registered cases of crimes against them in these states. Figure 11.2 presents data on crimes against Adivasis for nine major states with a higher percentage share of registered crimes.

The data indicated that states like Madhya Pradesh and Rajasthan, on an average, contributed about 45 per cent crimes to the total crimes against Adivasis in India annually during 2005–14. Other states which had a substantial proportion of crimes are Odisha, Andhra Pradesh and Chhattisgarh. Thus, in terms of actual number of registered crimes, these five states remained at the top of the country’s crime map for Adivasis. About three-fourth of total crimes against Adivasis were registered in these five states. Other states like Karnataka, Maharashtra and Jharkhand with higher concentration of Adivasis also witnessed higher incidence of crimes.

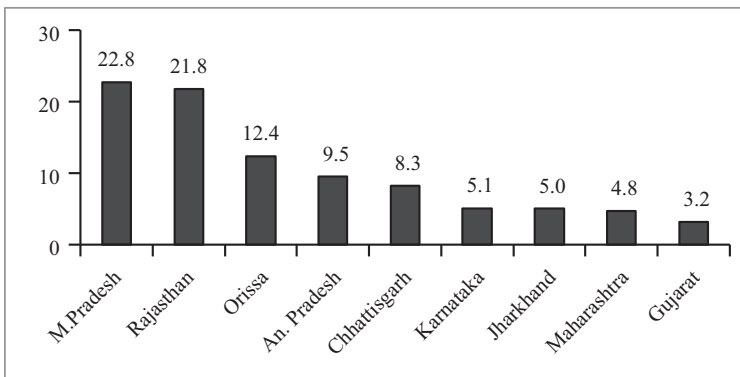


Figure 11.2 States with percentage contribution of registered crimes to all India crimes against Adivasis

Source: Government of India (2005–14).

Note:

- (1) Figures indicates annual average during 2005–2014.
- (2) The figure for Andhra Pradesh in 2014 includes figure of undivided state of Andhra Pradesh though it was divided into two states in 2014.

The percentage share of crimes against Adivasis in different states to all India crimes showed slight increase for Rajasthan, Andhra Pradesh, Chhattisgarh, Karnataka and Maharashtra, whereas it slightly decreased for Madhya Pradesh, Jharkhand, Orissa and Gujarat. The proportion of registered PoA crimes to total crimes against Adivasis revealed a higher percentage of PoA crimes against Adivasis in Karnataka, Andhra Pradesh, Jharkhand, Orissa and Rajasthan.

The rate of registered crimes against Adivasis in the states (i.e. incidents of crime per 1 lakh tribal population) showed that in 2014, a distinctively higher rate of registered crimes against Adivasis was in Rajasthan. It also showed a significant increase in recent years. Other states which had a higher rate of crimes than that of the national rate were Madhya Pradesh, Odisha, Andhra Pradesh and Karnataka. The trend of rate of crimes indicated that states like Andhra Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa, Rajasthan and West Bengal showed an increasing trend over the period from 2005 to 2014. A relatively higher increase in the rate of crimes was noticed in states like Madhya Pradesh, Orissa and Rajasthan.

The percentage share of the PoA crimes to total crimes against Adivasis over the years revealed interesting findings. The year 2014 witnessed a distinct pattern than the earlier years (table 11.1). It showed a significantly higher percentage share in the majority of states than previous years. In the states like Bihar, Maharashtra and Gujarat, almost

*Table 11.1* State-wise percentage share of the PoA crimes to the total crimes over the years

<i>States</i>	<i>2005</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
Andhra Pradesh	38.1	27.9	28.9	19.1	18.8	60.4
Bihar	72.0	46.5	73.2	99.2	74.7	100.0
Chhattisgarh	18.7	26.0	0.3	0.0	0.0	65.9
Gujarat	30.8	21.9	15.0	29.4	25.9	97.4
Jharkhand	31.5	32.1	33.7	46.3	49.2	93.1
Karnataka	52.8	57.1	56.8	43.9	56.6	81.5
Madhya Pradesh	15.6	0.3	0.1	0.0	0.0	69.2
Maharashtra	23.2	18.8	19.0	17.2	10.8	100.0
Orissa	33.9	60.3	83.9	84.2	64.9	42.3
Rajasthan	10.5	2.0	1.6	2.3	1.5	42.5
West Bengal	25.0	44.7	46.3	5.5	21.3	75.9

Source: Crimes in India, National Crime Record Bureau, Ministry of Home Affairs, Government of India.

all the crimes against Adivasis were registered under the PoA Act. It might be noted that at all India level while less than 30 per cent of cases got registered under the PoA Act in the last decade, it increased to more than 50 per cent in 2014. In Madhya Pradesh, no crimes were recorded under the PoA Act between 2010 and 2013, but in 2014, the share of registered PoA crimes were 69 per cent. Except Odisha, which had a declining trend in PoA crimes against Adivasis in recent times, the share of the PoA crimes in other states increased significantly.

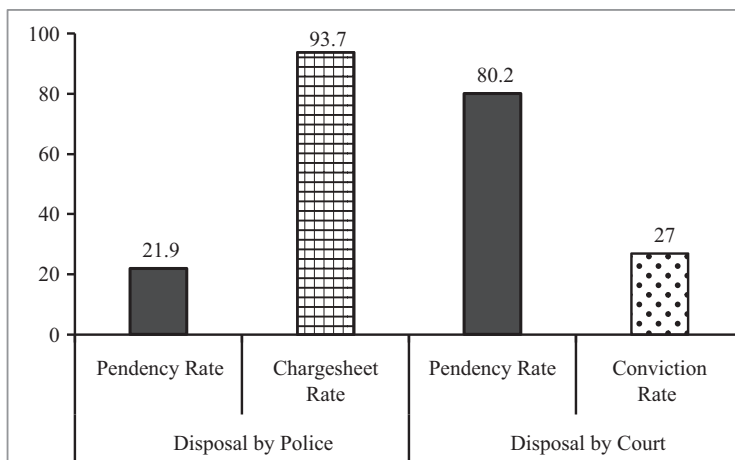
Although the official data revealed wide variations in the number of registered crimes across states, it would be noted that these state-wise variations on registered crimes against Adivasis might not reflect upon the prevalence of crimes only, rather the efficiency of the administrative system in a few states in ensuring registration of a higher number of cases. Further, proactiveness of civil society organisations and Adivasis organisations in the states might have played a significant role in registering more cases.

### **Disposal of atrocities against Adivasis: access to justice**

Notwithstanding the fact that there has been poor registration of atrocities against Adivasis, and there are specific Rules under the PoA Act for the speedy disposal of cases, still many cases of atrocities remain pending for investigation and court trials. The disposal of overall crimes against Adivasis by police revealed that on an average about 22 per cent of registered cases remained pending for investigation at the end of each year during 2001–14 (figure 11.3). The average annual pendency rate for PoA crimes during the corresponding period was found to be higher. The average annual chargesheet rate by police was 94 per cent during the same period. The data, thus, revealed that on an average about 6 per cent of the total registered cases were not chargesheeted by police in each year during 2001–14. It might be mentioned here that the chargesheet rates for crimes such as kidnapping and abduction, dacoity and robbery, and murder were found to be relatively lower than other forms of crimes. This might be due to the time taken for collecting evidence as these crimes normally take place under concealment.

The disposal of cases by courts was different from that by police. The data revealed that during 2001–14, the yearly pendency rate was considerably high but the conviction rate was quite low. Despite special provisions of special courts and prosecutors under the PoA Act Rule 1995 for speedy trial of atrocities, during 2001–14, on an

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*Figure 11.3* Disposal of crimes committed against Adivasis by Police and Courts

Source: Crimes in India, National Crime Record Bureau, Ministry of Home Affairs, Government of India.

Note: Figures indicate annual average percentage over the period 2001–2014.

average, about 80 per cent of total crimes against Adivasis remained pending for trials at the end of each year. The pendency rate for the PoA crimes was found to be slightly higher. Further, the pendency rates for crimes such as arson, murder and kidnapping and abduction were relatively higher than other forms of crime. However, the matter of concern is that on an average, about 27 per cent of total crimes against Adivasis were resulted in conviction yearly. The conviction rate for the PoA crimes was even about 4 per cent lower than that of total crimes. The conviction rate for various crimes revealed that it was considerably lower for rape and arson. However, Krishnan (2009), based on the analysis of the Annual Reports on the PoA Act for the years 1999 to 2003, reported that convictions were secured in only 11 to 13 per cent of the cases that were trialled in courts.

The trend in the disposal of crimes against Adivasis indicated that the pendency rates at police stations for overall crimes slightly increased from 2001 to 2013 (figure 11.4). But there was no significant change in the pendency rate in the courts. The chargesheet rate showed considerable decrease in 2014 from previous years. On the other hand, the

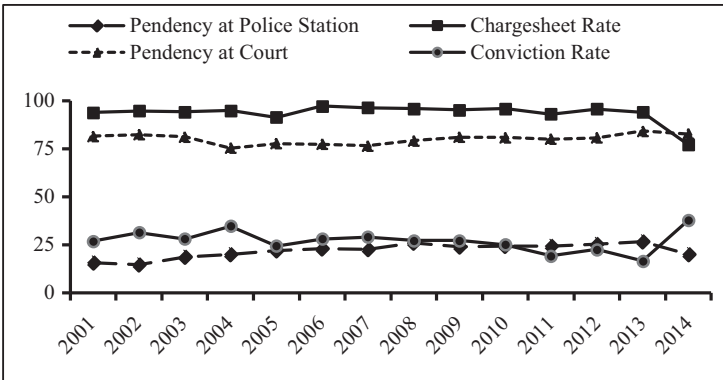


Figure 11.4 Trend in the disposal of crimes against Adivasis by the Police and Courts, 2001–14

Source: Crimes in India, National Crime Record Bureau, Ministry of Home Affairs, Government of India.

conviction rates which were declining after 2009 showed a significant increase in 2014.

State-wise variations in the disposal of cases against Adivasis by police showed that the states like Jharkhand, Andhra Pradesh and Orissa had consistently higher percentage of pending cases for investigation at the end of the year. On the other hand, Madhya Pradesh, Chhattisgarh, Rajasthan, Karnataka and Maharashtra witnessed relatively lower percentage of pending cases. The chargesheet rate by police over the years was found higher in majority states. The disposal of cases by courts in different states showed that like the pendency rate in police stations, Jharkhand and Orissa had a higher pendency rates in courts at the end of year than the national pendency rate, besides other states like Gujarat, Karnataka and Maharashtra. State-wise variations in conviction rates indicated that in Gujarat, Karnataka, Maharashtra and Andhra Pradesh it was significantly lower over the years. On the other hand, the states like Chhattisgarh, Jharkhand, Madhya Pradesh and Rajasthan had relatively higher conviction rates. Evidence suggests that the factors such as lack of awareness among victims about laws, difficulty in access to state machinery, complexities in administrative processes etc. slow down the processes of investigation and court trials. The lower conviction rate across states reflect a dismal picture in the functioning of the criminal justice system in the

states, which is also believed to be one of the reasons for perpetuating crimes against Adivasis.

### **Atrocities against Adivasis: an analysis at micro-level**

The official data on atrocities against Adivasis do not reflect on the actual magnitude of atrocities due to non-registration or under-registration of many cases of atrocities. Under the disguise of many forest-related laws, Adivasis remain vulnerable to exploitations, abuses and repressions. Many of them are subjected to structured violence of different kinds perpetuated by the state officials like forest department officials, police personnel and civil administration officials; often in cohort with the local political leaders, timber mafia, moneylenders, contractors and other influential persons in society. An attempt is made in this section to highlight some patterns of atrocities against Adivasis, the role of various state actors in these atrocities and other critical issues based on evidence drawn from over 100 individual cases of atrocities against Adivasis collected from media reports and fact-finding documents of non-governmental organisations pertaining to the period from 2008 to 2010. The results clearly indicated that structural atrocities by state forest officials, police, paramilitary forces, armed opposition groups were prominent. Unlike atrocities against Dalits where the main perpetrators are dominant caste groups, in case of atrocities against Adivasis, the main perpetrators were police officials and special security forces, constituting about 40 per cent of the total perpetrators. Forest officials were involved in about 10 per cent of cases of atrocities against Adivasis whereas officials from other departments were involved in another 4 per cent of cases. While in about 20 per cent of cases, the perpetrators were members from the dominant caste groups, in another 5 per cent of cases both dominant caste members and police personnel were offenders. Furthermore, in 6 per cent of cases, the perpetrators constituted leaders/activists. Notably, in 14 per cent of cases, Adivasis were victims of the actions of Maoists/Naxalites, and militant outfits particularly in northeastern states.

In the name of laws, the common forms of atrocities that the state officials commit against Adivasis include killings/murder, arbitrary arrests, illegal detentions, torture, custodial and extrajudicial killings, destruction of properties, rape and other acts of awful cruelty. Of the total cases, one-fourth were associated with killing or murder, whereas 20 per cent were rape and gang rape cases, 13 per cent with humiliation

and insult, 11 per cent with physical assault and torture, and 7 per cent each with sexual exploitation and kidnapping and abduction. In about 40 per cent of the cases, there were individual victims and in another 17 per cent of cases there were two victims. Notably, in about one-third of cases, the number of victims was found to be more than ten persons, of which, in the majority of cases, it was either a group of Adivasis families or members of a whole Adivasi community.

An examination of the contexts of atrocities against Adivasis revealed that about one-third of the cases were linked to police excesses under an 'atmosphere of suspicion and intimidation' (branding/suspecting as Naxals/Maoists or their sympathisers/supporters during anti-Maoists operations, encounters between police and Maoists etc.). In about 27 per cent of cases, atrocities were committed on protests by Adivasis against illegal acts of officials or non-fulfilment of demands on development issues or demand for release of arrested/jailed Adivasis and forced eviction from forestland. In 9 per cent of cases, Adivasis were suspected on petty issues (e.g. theft, use forest resources, as activists etc.). Among other cases, 11 per cent were linked to sexual exploitation/outraging modesty, 5 per cent to 'going against wishes of dominant caste' and 11 per cent to repressive behaviours by Maoists and others relating to revenge taking, non-payment of loan, discriminations, pointless harassments etc. Thus, more than three-fourth of the cases were linked to the oppressive behaviours of different state officials.

There is numerous evidence of violations pertaining to different rights of Adivasis by different actors. Some of the cases of atrocities against Adivasis perpetuated by different state actors in the name of law as well as non-Dalits/Adivasis during 2008–10 are presented in the following sections to understand the causal dynamics and other interrelated issues pertaining to atrocities against Adivasis.

### *Repression under laws*

In recent years, one of the major concerns has been the state violence against Adivasis. Krishna Iyer (2010) views that 'even the judiciary and executive treat Adivasis as the fourth world within the third world', signifying how the rule of law in the state blinks at them and Adivasis, as a micro-community, remain victims of social deprivation. In terms of perpetrators, when it comes to committing direct atrocities against Adivasi communities, forest officials and civil administration are involved in many cases of atrocities under the rule of state law. They

are involved in illegal acts in the name of implementation of ‘forest law and order’. They use their official power under the law in the area to prevent Adivasis from asserting their rights to forest resources. Atrocities that they perpetrate against Adivasis include arrest for accessing minor forest produce, eviction from their forest lands, and forcing to migrate with constant torture and threaten. Officials are also involved in supplying false information or evidence to police officials, causing them to act against Adivasis. They also pass false information to protect other non-Adivasi perpetrators. Adivasis are often suspected to be smugglers of forest products with an outside nexus. Sometimes, official control over traditional life resources of Adivasi communities make Adivasis feel helpless, and they have fear of retaliatory acts from them. There are many instances where the laws are misused to impose violence on Adivasis. A few cases in point are illustrated, as follows:

On 11 January 2008, a team from forest department swooped in on two villages in Burhanpur district, Madhya Pradesh, to evict the Adivasis from land occupied by them for almost 30 years. Adivasis faced the destruction of their houses and looting of their property. Instead of punitive action against the forest department personnel responsible for inciting violence and terrorising the hapless Adivasis, in the name of carrying out inquiry, the officials got scot free. Angry Adivasis protest against such atrocities.

*(The Hindu 2008a)*

In two villages in Harda district, Madhya Pradesh, land titles were issued to some of the residents with no proper process. When other residents complained against arbitrary practices, they were prevented from cultivating plots that they had been operating for a number of years. Such actions by forest departments were aimed at establishing that the plots have not been under cultivation by the villagers and thus deny residents to obtain an ownership to their lands. In the process, there had been intimidations, registration of false cases, repeated attacks, detention and arrests of residents in the two villages, leading to continued violence. This was confirmed by the fact-finding team who found the flawed implementation of the Forest Rights Act, 2006 and repeated atrocities on Adivasis by officials of the State forest department in the district.

*(Central Chronicle 2009)*

In Tamil Nadu, more than 1500 Adivasis from several villages living generation after generation on the hill, took out massive rally and staged a demonstration before the district authority demanding adequate protection to the life and property. They expressed grave concern over the persistent threat from forest officials on the hill.

(*The Hindu* 2010a)

### *Terrorisation by police and security forces*

Another powerful force who violates Adivasis' right to security of life through perpetuation of atrocities against them is the police and special task forces where they are in operation in Adivasis areas. The perpetrators are being part of the law and order machinery; they easily inflict a sense of helplessness. According to the Government of India (2004), in areas affected by insurgency and Naxalite activities, the Adivasis face dual violence – from dominant caste (caste-Hindu) landlords, who often have private militias and from the state. The two operate with a certain degree of nexus but with different motivations. The Report also points that the police and security agencies in the name of maintaining public order while carrying out combing operations to check the growth of insurgency tend to unleash violence on residents of Adivasi villages. The police machinery often resorts to various machinations to inflict violence directly besides playing a role in shielding other dominant caste accused. The common strategies used against Adivasis are illegal detention, arbitrary arrests, torture, custodial killing and extrajudicial killings. There are also instances where Adivasis directly face excesses and violence of police and security forces. Often Adivasis with no faults are caught between security forces and militant groups. A few illustrations of gross human right violations against Adivasis by policy/security force are as follows:

The residents of 19 Adivasis villages in Manipur protested against the killings by police and security forces, what the latter term as 'encounter killings'. The Adivasis demanded to bring an end to the actions of the security forces who bring people out of village and kill them in custody.

(*The Telegraph* 2008)

In North Cachar Hills district of Southern Assam, at least 40 houses belonging to one Adivasi group was burnt down by

unidentified militants, leaving about 160 Adivasis homeless. The Security Personnel had taken away the licensed guns of affected villagers. The miscreants took advantage of the situation. One week earlier, at least five Adivasis were killed and 10 injured by separatist militants who set ablaze an entire village in this trouble-torn district. With the incidences, many continued to flee from this Hill district and took shelter in another district of an adjacent state.

*(Kangla Online 2009)*

Hundreds of Adivasis families caught in the crossfire between security forces and Maoists in the vast forest terrain of Dantewada district of Chhattisgarh. Many deserted their homes in anticipation of an intensified conflict after the Maoists massacred 75 Central Reserve Police Force (CRPF) troopers and one policeman. With the anticipation that CRPF might attack their villages and other areas of forest where the troopers had a night stay before being killed by Maoists, a fear ran deep in the minds of these Adivasis and they fled away.

*(Deccan Herald 2010)*

In Koraput district of Orissa, 17 Adivasis were detained for questioning after an exchange of crossfire between Maoists and Security Forces. Adivasis were picked up as a part of a joint operation conducted by the police of Orissa and Andhra Pradesh along the inter-state boarder and held in custody for three days. They were also brutally assaulted in custody, interrogated on the movement of Maoists companies.

*(The Hindu 2010b)*

### *Atrocities against Adivasi girls and women: soft targets*

The women from minority communities always remain targets of violence and atrocities, as a strategy by perpetrators to subjugate the communities (Pal 2014, 2016). Large-scale violations of Adivasi women's rights can be evidenced by the significant increase in the incidence of registered rape cases against Adivasi women over the years. Gender atrocities against Adivasi women normally takes place in the form of physical assault, sexual abuse and exploitation and sexual harassment. A study by Aloysius and Mangubhai (2003) revealed that these offences are mainly committed by non-Adivasis, forest officials, revenue officials, police, estate/farm owners, moneylenders and security

forces. Further, the study revealed that the main perpetrators of physical assault against Adivasi women were forest officials whereas other non-Adivasis were perpetrators of sexual exploitation and sexual harassment. State officials and police look for opportunities to visit houses under some pretexts, particularly when the male members remain out of village. Adivasi women sometimes have to bear the brunt of state officials' actions when the latter are in search of their husbands on several false accusations. However, many cases of gender atrocities are not reported, and even where reported, they are not registered by the police. The main reason for this non-reporting is fear of retaliation by non-Adivasis, fear of losing their jobs or wages, poverty entailing dependence on forest officials or market traders to secure their livelihood, or feelings of shame especially in cases of sexual exploitation.

Given the higher vulnerability of Adivasi women to broad-ranging of gender atrocities on the one hand, and indifferent attitude of the 'law and order' machinery, on the other, the sense of insecurities among Adivasi communities always get heightened. Some cases of such atrocities are presented here to understand the vulnerability of Adivasis girls and women to different forms of atrocities at the hands of the law enforcement personnel, the armed opposition groups, local leadership and dominant caste villagers among others.

A 10 year-old tribal girl was raped by a cop in a remote village of Giridih district in Jharkhand while the cops were in the village for an anti-Maoist operation. The incidence took place when the girl had gone to collect firewood along with her six-year-old brother. While a group of three policemen were involved in the incidence, two of them kept her brother in their custody and one policeman took the girl to the nearby jungle. When the girl did not return home after several hours, the mother of the girls with other neighbours traced the girls in jungle and found the girl unconscious. The three cops gave Rs. 500 to her younger brother not to disclose the incident. The accused was later arrested and suspended following a complaint by the victim's family.

*(Times of India 2008a)*

Two Adivasi teenaged girls were gang-raped by four special police officers in Dantewada district of Chhattisgarh. The victims allegedly were whisked away from the huts when they were living in with parents, and were taken into the

forests and raped. While villagers could catch hold one of the accused, three others who were in possession of weapons fled the place after the incident. Under the Adivasi Mahasabha, a road blockade was organised to lodge a protest at local police station seeking action against the accused. However, instead of taking immediate action against the accused, police forces were deployed in the town to control the tribal protests.

*(The Hindu 2008b)*

In Damoh district of Madhya Pradesh, a 15 year old girl was burnt to death by a policeman's son when she resisted his rape attempt. The victim was alone at her house when the son of a constable forcibly entered and tried to rape her. When the girl opposed, the accused allegedly poured kerosene over her and set her afire making the victim succumbed to burn injuries.

*(The Hindu 2010c)*

Despite the fact that majority of Adivasi population stay away from mainstream society, girls and women from Adivasi communities remain vulnerable to atrocities committed by dominant caste members and local leaders. Due to the social power and close association with local administration and police, the perpetrators sometimes escape after committing atrocities due to the police inaction even after being informed about such atrocities. Some of the incidents are as follows:

An Adivasi girl was gang-raped in front of her family in Theni district, Tamil Nadu by a group of three upper caste people. The accused dragged the girl into a nearby mango grove and a three member gang raped her. When her parents tried to intervene, the accused brandished weapons and threatened to kill them. When the victim's parents approached the police station, a woman constable discouraged them from pursuing the case. The family of victim fled the village and stayed with a relative in a nearby village. However, police registered a case against the accused after about one month of the incidence when the victim gathered courage to register a complaint and informed about the incidence to a human rights organisation to take up the issue. On the other hand, the police constable entrusted with the petition enquiry along with others advised parents of victims, not to antagonise caste-Hindus (dominant castes) in the area. However, with the intervention of a local

human rights organisation, a special team led by a higher police official investigated the case and booked the accused under the PoA Act.

*(The Hindu 2008c)*

In another case, cops inaction against molestation led a 13 year old Adivasi girl committed suicide. The victim in her suicide note charged the police refusing to take action against the accused who tried to outrage her modesty. The local police and Tehsildar who conducted an enquiry into girl's complaint declared as false case. It was allegedly reported that this investigating officials following oral complaints from the girl tried to sort out the issue amicably. However, based on the official committee report on girl's charges, no case was registered. Being upset with police decision, the girl committed suicide by jumping into the village well.

*(Times of India 2008b)*

### ***Power and dominance by local leaders/village council***

Local leadership mainly in the hands of dominant caste groups plays a pivotal role in perpetuating atrocities against Adivasi girls and women. These atrocities are taken as strategies to keep Adivasis caught up in a culture of fear, silence and submission so that they are prevented from asserting or voicing their rights which would go against their vested interests and in turn would help them to hold on to their authority. The power and dominance by local leadership can be understood from some cases of atrocities against Adivasi women, as follows:

On 28 May 2008, two tribal women (identified as two sisters), one being a minor, were raped by two persons. The victims alleged that the local village heads conducted an inquiry and offered Rs. 2,000 to them as compensation for the act and advised them to settle the issue. The accused were not punished. The police filed cases against the accused following the help of a non-governmental organisation.

*(The Hindu 2008d)*

In Sirohi district of Rajasthan, an Adivasi woman was seriously injured after being tortured allegedly at the order of the Village Panchayat (village council) which found the victim

guilty of being a ‘witch’. She was summoned to the Village Panchayat court on the charge of killing two persons by her witchcraft. The Village Panchayat allegedly directed the victim to undergo an ‘Agnipareeksha’ (trial by fire) test by dipping her hands twice in a vessel filled with boiling oil to retrieve a silver coin to prove her innocence. If she could retrieve the coin, her innocence would be proved, otherwise she would be held guilty. When she refused to undergo the test, she was allegedly beaten up with hot iron rods.

(ACHR 2009: 169)

A 19 year old Adivasi teacher was held captive, raped and burnt allegedly by a local leader in Jhabua district of Madhya Pradesh. The leader held her captive for two days during which he raped and set her on fire.

(*Times of India* 2010)

Many times, Adivasis face atrocities while demanding for their rights. They are not only denied their rights but also made to suffer through various oppressive behaviours. One such case in point was seen where:

Six persons from non-Adivasi communities in Madhya Pradesh, including the husband of a female village ‘sarpanch’ were arrested for allegedly forcing two Adivasis to consume human excreta in full public view for demanding job cards under the MNREGS. The victims while approached the husband of village sarpanch who handles all her official affairs and sought their job cards under the scheme, infuriated by their demand, the sarpanch’s husband and his other five associates forced them to consume human excreta in front of the villagers.

(*Indian Express* 2008)

To sum, Adivasis are made to suffer from human rights violations in two ways – denial of civil rights and atrocities. In both the situations, Adivasis have to suffer physically and mentally. But the increased number of atrocities by law enforcement personnel makes them to live under constant fear and sometimes forces them to migrate from their traditional territory. But ‘According to the Asian Indigenous and Tribal Peoples Network’s Report (2009), more than four lakh Adivasis have been displaced due to extremists’ activities by Maoists in various

parts of India. These displaced Adivasis have been living miserable lives without basic amenities . . . and livelihood opportunities' (*Hindustan Times* 2009).

### **Atrocities against Adivasis and Dalits: a comparative perspective**

Although the Adivasis face many problems similar to that of the Dalits, the nature, magnitude and causes of atrocities against these marginalised groups vary. The officially registered data suggests that Adivasis are subjected to atrocities but not to the same extent as Dalits. As evident, atrocities against Dalits are about five to six times larger in number than those against the Adivasis, although the population of Dalits is only about twice as large as that of the Adivasis. However, it should be noted that the proportion of different forms of atrocities against these groups and the main perpetrators are different. Adivasis are more prone to arson, destruction of property and rape as compared to Dalits. The registered cases of various forms of atrocities against Dalits and Adivasis revealed that the proportion of these atrocities against Dalits was about two times higher than Adivasis, whereas other atrocities were higher by more than four times.

While atrocities against Dalits are regularly reported from almost every part of the country over the years, there has been a significant increase of atrocities against Adivasis in recent years, where the Naxalite movement is especially active (National Commission for Scheduled Tribes 2010). Although women of both Dalits and Adivasi communities face denial of justice on the ground of gender, unlike Dalit women who face atrocities largely of dominant castes, Adivasi women face atrocities at the hands of the law enforcement personnel, the armed opposition groups and village Panchayats due to their isolated living conditions.

So far as the causes of atrocities against the two groups are concerned, Dalits are vulnerable to atrocities mainly due to the 'traditional caste practices' coupled with economic dependence on other social groups. They are largely being a part of the Indian hierarchical mainstream society and face the dominance of caste-Hindu in an attempt to rise against the social oppression. On the other hand, Adivasis remain vulnerable to exploitations and abuses under the disguise of many forest-related laws. The intersection and flawed implementation of the Forest Rights Act (2006) and the PoA Act make the Adivasis more vulnerable to exploitation. Although atrocities against the Adivasis

are included in the list of offences under the PoA Act, many of the offences are not directly addressed under the provisions. Subramanian (2009) argues that although the development process has contributed significantly to the increasing atrocities against both Dalits and Adivasis, for Dalits, it is the socio-economic mobility of the community that breaks the power relations between communities whereas for Adivasis, it is the state development process that distorts the livelihood of Adivasis, and any resistance leads to atrocities committed by official agencies colluded with powerful members of society. Many of the atrocities against Adivasis, thus, arose from the development process itself. A study by National Commission for Scheduled Castes and Scheduled Tribes (Government of India 1990) revealed that many atrocities against Adivasis were related to land. The predatory expansion of non-Adivasis into Adivasi areas and the dispossession of Adivasis through fraud, debt and other means was a continual source of violence and atrocities against Adivasis. Similarly, the Ministry of Rural Development (Government of India 2009) points that interfering with Adivasis rights over land has been the important factor of atrocities against them.

With the implementation of the Forest Right Act atrocities very often are submerged with the influence of administration mechanisms. While the role of the dominant caste in committing atrocities against Dalits is widely recognised, Adivasis in their territories are subjected to atrocities not in the hand of this dominant social group but of police and other officials when they protect their age-old traditional rights and resources. However, often they face this type of atrocities at the behest of non-Adivasi influential persons like traders, estate owner etc., who under the government rules try to own the resources occupied by Adivasis. As atrocities in police action is not covered by the PoA Act, 1989, the non-Adivasi members escape from any legal action against them. In many cases, Adivasis, because of lack of awareness of the legislations such as the Forest Rights Act and the PoA Act, are not able to take advantage of the laws. Lack of access to administration and community support due to their unorganised living pattern also put them into a position of helplessness in the face of exploitation. Moreover, as in the case of Dalits, the human rights movement is very weak among Adivasis to make the administration to be responsive. Incidences of atrocities against Dalits, by and large, take place in the mainstream society, easily draw attention of the media, public and administration, hence remains in the limelight. But atrocities against Adivasis do not find due space in the media domain. Although many cases of atrocities

against Adivasis are documented by non-governmental organisations in the tribal belt, the information remains confined to knowledge of local administration and becomes a neglected agenda of human rights violations.

## Conclusion

Analysis of atrocities against Adivasis from both macro and micro perspectives suggest that atrocities of different natures have been an integral feature of Adivasis life. They are more vulnerable to exploitations and specific forms of atrocities. Due to the geographical isolation and lack of constant sources of livelihood, their socio-economic lives, to a larger extent, are governed by multiple administrative authorities. As a majority of Adivasis follow their traditional lifestyles, the lack of awareness of legislations, specifically about the Forest Rights Act and the PoA Act, make them vulnerable to face the excesses of officials in the local governance such as forest officials, policemen, revenue officials, and other officials at the local level administration. In many cases of atrocities, the members of the law enforcement agencies themselves are being the offenders. Adivasis are not in a strong position to take advantages of protective legislations meant for the fulfilment of their rights. They have to depend upon the mercy of local officials to use the forest resources, hence, any assertive behaviours are treated as offences under law.

From the perspective of legal safeguards, the PoA Act which attempts to curb the atrocities against Dalits and Adivasis through various clauses has not been equally meaningful for these two groups. Unlike Dalits, in many cases of atrocities faced by Adivasis, the members of government security forces and other state administrative officials have been the biggest abusers of their rights and privileges. Many offences committed by these state actors are not directly addressed in various sections of the PoA Act. Based on the views of a large number of social activists who have taken up tribal issues from within the communities as well as from outside, Mahaprashasta (2009) points that ‘the PoA Act which has attempted to include the exploitation of the Scheduled Tribes in its list of “atrocities”, does not actually address the specifics and the unique dimensions of the problems faced by these communities’. It is argued that the act needs to be amended in order to address the issues of Adivasis specifically. While reviewing the implementation of the PoA Act and other related issues, National Commission for Scheduled Tribes (2010) suggests that there is a need of specific provisions under the PoA for Adivasis as these

groups very often do not face atrocities for the reasons similar to Dalits. Notwithstanding limitations in the existing law, state government has a constitutional duty to protect Adivasis communities from exploitation and social injustice. The major obstacles to implementation of laws have been the primary enforcers of the legislations. The state being an actor by itself or in collusion with non-state actors has failed to a large extent to fulfil its responsibility in protecting rights of Adivasis. This asks for addressing the structural roots of atrocities and strengthening institutional mechanisms aimed at addressing issues of atrocities against Adivasis. Given the large-scale rights violations against Adivasis, it is significant to monitor the situation of implementation of existing law vis-à-vis protection of human rights of Adivasis vigorously.

The exploitations and harassments faced by Adivasis very often do not get well manifested in different forms of crimes. Despite the numerous forms of atrocities being inflicted on Adivasis by various actors both at societal and state levels, a majority of cases are not registered because they are prevented by powerful perpetrator groups. Atrocities faced by Adivasis therefore remain highly implicit. Considering that several rights violations interplay to influence the livelihood and security of life of Adivasis, and perpetrators of violation of rights are mainly 'actors with power', these restrict the 'access to justice' for many victims of atrocities. Efforts of Adivasis to gain justice following atrocities are further suppressed by the indifferent attitudes and negligence of state machinery. All these create social conditions which perpetuate the cycle of violations of rights of Adivasis.

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