

ATROCITY ACT & ITS AWARENESS LEVEL AT KHORDHA DISTRICT

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Introduction

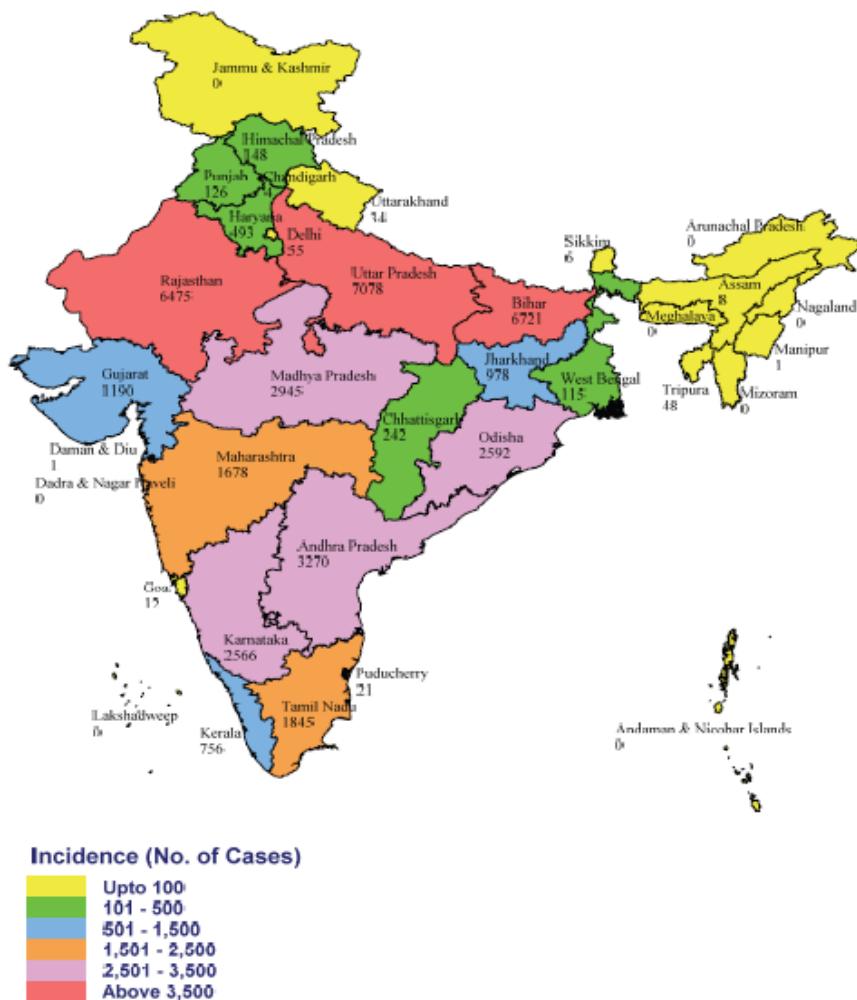
Atrocity means a wicked or cruel act involving physical violence. [1] Atrocity is “an expression commonly used to refer to crimes against Scheduled Castes (SCs) and Scheduled Tribes (STs) in India”. It “denotes the quality of being shockingly cruel and inhumane, whereas the term 'crime' relates to an act punishable by law”. It implies “any offence under the Indian Penal Code (IPC) committed against SCs by non-SC persons, or against STs by non-ST persons. Total Crime against Scheduled Castes includes: Murder, Rape, Kidnapping and Abduction, Dacoit, Robbery, Arson, Hurt, Protection of Civil Rights Act, SC/ST (Prevention of atrocities) Act and Other Crimes Committed Against Scheduled Castes. [2] Caste consideration as a motive is not necessary to make such an offence in case of atrocity”. It signifies “crimes which have ingredients of infliction of suffering in one form or the other that should be included for reporting”. This is based on the assumption that “where the victims of crime are members of Scheduled Castes and the offenders do not belong to Scheduled Castes caste considerations are really the root cause of the crime, even though caste considerations may not be the vivid and minimum motive for the crime [3]

Crime against Scheduled Castes has increased in 2012 to 2013. In 2012 the 33,655 incidence has registered which has increased to 39,408 during 2013, which grows 2.9%. Crime against Scheduled Tribes has also increased in 2012 to 2013. In 2012 the 5,922 incidence has registered which has increased to 6,793 during 2013, which grows 0.8%. Uttar Pradesh reported 18.0% (7,078 out of 39,408 cases), followed by Bihar (17.1%) and Tamil Nadu (16.4%) of total crimes against Scheduled Castes whereas Rajasthan reported 24.3% of total (1,651 out of 6,793) crimes against Scheduled Tribes followed by Madhya Pradesh 19.1% and Odisha 11.6% in the 4 country during the year 2013. • Rajasthan reported the highest rate of crime (52.9) against Scheduled Castes as compared to the national average of 19.6 whereas Kerala reported the highest rate of crime against Scheduled Tribes (27.8) as compared to the national average of 6.5. [Crime records Bureau, Ministry of Home affairs 2013(Page-18)] [4]

State	Total crime against SCs
Andhra Pradesh	1720
Assam	04
Bihar	669
Chhattisgarh	121
Goa	08
Gujarat	528
Haryana	275
Himachal Pradesh	44
Jharkhand	214
Karnataka	811
Kerala	287
Madhya Pradesh	1554
Maharashtra	903
Punjab	39
Rajasthan	5339
Tamil Nadu	173
Tripura	28
Uttar Pradesh	3978
West Bengal	73
Delhi UT	26
Puducherry	01

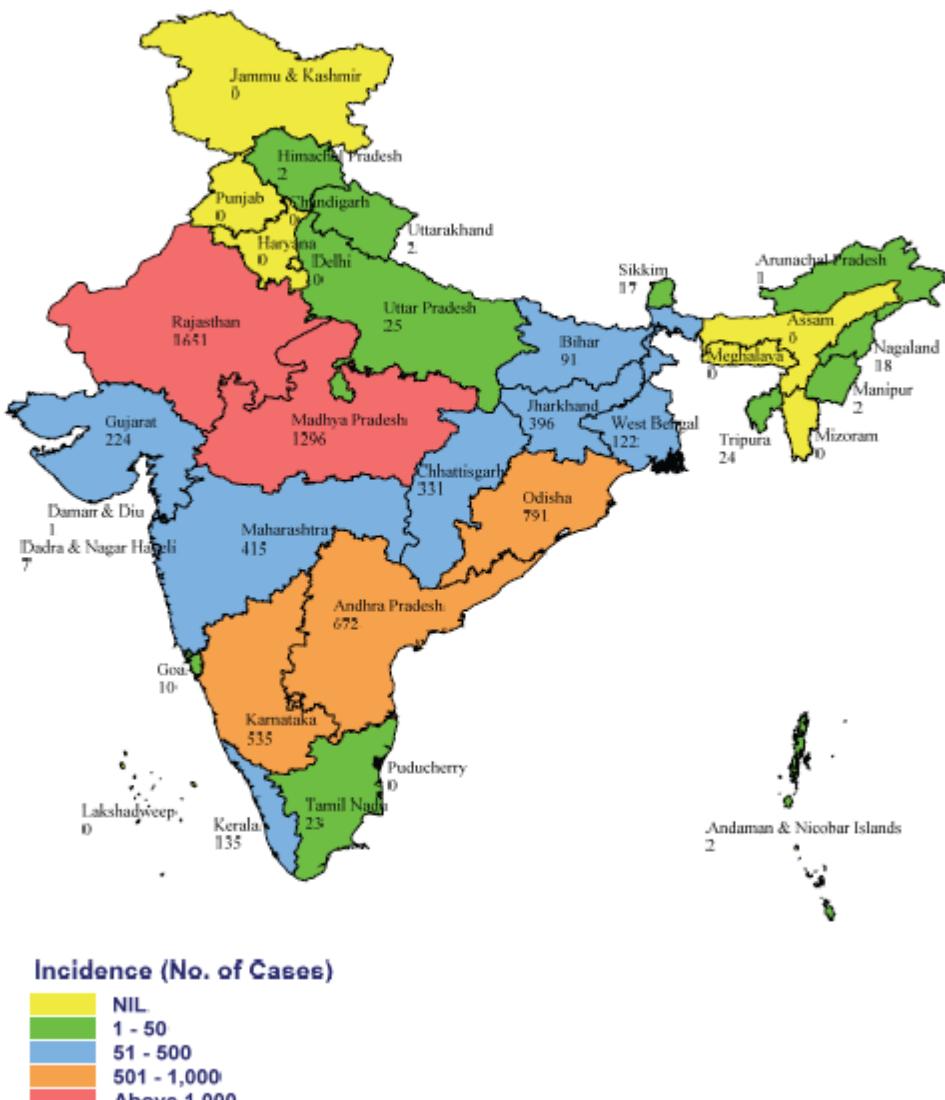
Source : District-wise crimes committed against Schedule Caste during 2013

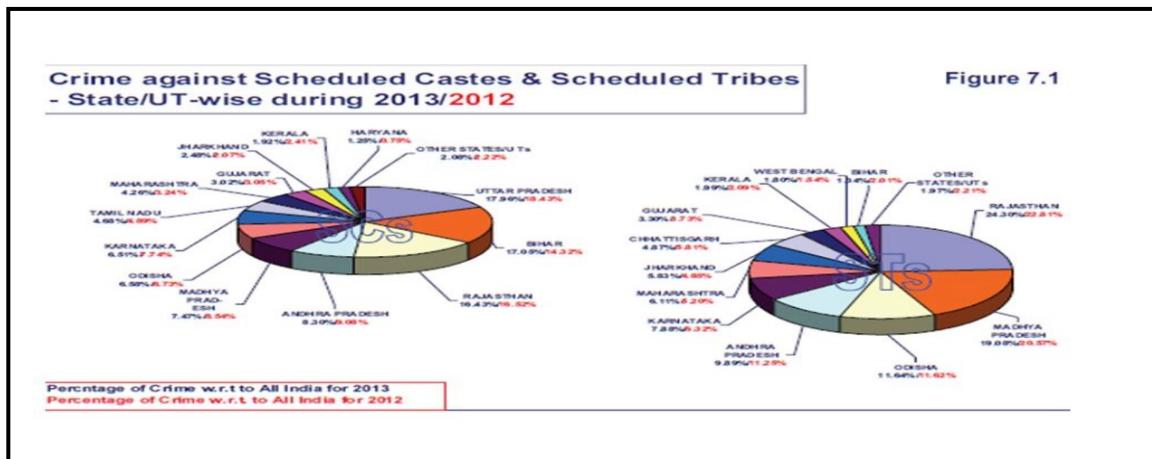
**INCIDENCE OF CRIME AGAINST SCHEDULED CASTES
DURING 2013
(All India 39,408)**



Crime records Bureau, Ministry of Home affairs 2013(Page-121)

**INCIDENCE OF CRIME AGAINST SCHEDULED TRIBES
DURING 2013
(All India 6,793)**





Crime records Bureau, Ministry of Home affairs 2013(Page-130)

Despite various measures to improve the socioeconomic conditions of SCs & STs, they remain vulnerable. They are denied a number of civil rights; they are subjected to various offences, indignities, humiliations and harassment. They have, in several brutal incidents, been deprived of their life and property. Serious atrocities are committed against them for various historical, social and economic reasons. The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 an Act of the Parliament of India enacted to prevent atrocities against scheduled castes and scheduled tribes. The Act is popularly known as POA, the SC/ST Act, the Prevention of Atrocities Act, or simply the Atrocities Act. Article 17 of Indian Constitution seeks to abolish 'un-touch ability' and to forbid all such practices. It is basically a "statement of principle" that needs to be made operational with the ostensible objective to remove humiliation and multifaceted harassments meted to the Dalits and to ensure their fundamental and socio-economic, political, and cultural rights. To prevent the commission of offences of atrocities against the members of Scheduled Castes and Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offenses and for matters connected therewith or incidental thereto. Thus objectives of the Act clearly emphasize the intention of the Government to deliver justice to these communities through proactive efforts to enable them to live in society with dignity and self-esteem and without fear or violence or suppression from the dominant castes [3].

In modern times, atrocities against the Scheduled Castes can be traced back to the 19th century in parts of India when the systemic practice of 'un-touchability' began to be challenged by the 'Untouchables'. A Committee which toured British India in the 1920s to review the working of the Government of India Act 1919 noted that many atrocities were being committed during those days against the 'Untouchables', but were going unnoticed and unpunished because witness would not come forward to give evidence. Dr BR Ambedkar, then MLC of Bombay, cited some early instances of atrocities against Dalits in his submission to the Indian Statutory Commission (Simon Commission) on behalf of the Bahishkrita Hitakarini Sabha on 29 May 1928. A study conducted by the National Commission for SCs and STs in 1990 on Atrocities on Scheduled Castes and Scheduled Tribes: Causes and Remedies pointed out various causal factors for atrocities: land disputes; land alienation; bonded labour; indebtedness; non-payment of minimum wages; caste

prejudice and practice of un-touch ability; political factions on caste lines; refusal to perform traditional works such as digging burial pits, arranging cremations, removing carcasses of dead animals and beating drums; etc Considered ritually impure, SCs have been physically and socially excluded from mainstream society, denied basic resources and services, and discriminated against in all areas of life. Accordingly, they face various forms of exploitation, insults and violence, as well as degrading practices of un-touch ability. The Scheduled Tribes were equally exploited on grounds of not falling within the caste system but having a distinct culture and worldview of their own. "Women belonging to these castes and tribes bore double burden. They were exploited by caste and gender, and were vulnerable to and powerless against sexual exploitation. The objectives of the Act, therefore, very clearly emphasise the intention of the Indian state to deliver justice to SC/ST communities through affirmative action in order to enable them to live in society with dignity and self-esteem and without fear, violence or suppression from the dominant castes. [3] The salient features of the Act are :-

1. Creation of new types of offences not in the Indian Penal Code (IPC) or in the Protection of Civil Rights Act 1955 (PCRA).
2. Commission of offences only by specified persons (atrocities can be committed only by non-SCs and non-STs on members of the SC or ST communities. Crimes among SCs and STs or between STs and SCs do not come under the purview of this Act).
3. Defines various types of atrocities against SCs/STs (Section 3(1)i to xv and 3(2)i to vii).
4. Prescribes stringent punishment for such atrocities (Section 3(1)i to xv and 3(2)i to vii).
5. Enhanced punishment for some offences (Section 3(2)i to vii, 5).
6. Enhanced minimum punishment for public servants (Section 3(2)vii).
7. Punishment for neglect of duties by a public servant(Section 4).
8. Attachment and forfeiture of property (Section 7).
9. Externment of potential offenders (Section 10(1), 10(3), 10(3)).
10. Creation of Special Courts (Section 14).
11. Appointment of Special Public Prosecutors (Section 15).
12. Empowers the government to impose collective fines (Section 16).
13. Cancellation of arms licences in the areas identified where an atrocity may take place or has taken place (Rule 3iii) and seize all illegal fire arms (Rule 3iv).
14. Grant arms licences to SCs and STs (Rule 3v).
15. Denial of anticipatory bail (Section 18).
16. Denial of probation to convict (Section 19).
17. Provides compensation, relief and rehabilitation for victims of atrocities or their legal heirs (Section 17(3), 21(2)iii, Rule 11, 12(4)).

18. Identification of atrocity prone areas (Section 17(1), 21(2)vii, Rule 3(1)).
19. Setting up deterrents to avoid committing of atrocities on the SCs amongst others (Rule 3i to 3xi).
20. Setting up a mandatory, periodic monitoring system at different levels (Section 21(2)v):
 - District level (Rule 3xi, 4(2), 4(4), 17).
 - State level (8xi, 14, 16, 18).
 - National level (Section 21(2), 21(3), 21(4)).

Objective of the Study

- To find out the Atrocity Act awareness amongst the youth.
- To suggest alternative means for the implementation of Atrocity act.

Methodology

Keeping the objective in mind the author has collected responses through a survey from the management students who is basically belongs to the SC/ST community. The research approach was inductive in nature, 219 samples were collected following Non Probability-Convenience sampling method.

Data analysis & results

The demographic profile of the respondent was 43.8% was female (96) and 56.1% was male (123), falling in the age group of 18-25. Only 13.2% of respondents were aware of the Atrocity act. Hence the Government, Academicians, Scholars working for the welfare of these tribes, NGOs, Social activists should try to inform the target group about the act and the do's when faced these kind of vulnerability.

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