



Prevention of Atrocities on Scheduled Tribes: Legal Perspectives (1976–present)

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ABSTRACT

Caste-based discrimination has long been a serious problem in India's social structure, leading to various atrocities against the Scheduled Tribes. In this context, the 'Prevention of Atrocities Act' (SC/ST) has been adopted as an important legal measure aimed at preventing atrocities on marginalised people, ensuring the punishment of criminals and providing justice to the victims. However, despite the enactment of this Act, the incidents of atrocities against Scheduled Tribes are increasing day by day. Therefore, this study highlights the prevalence and nature of abuse through an analysis of the law from a legal perspective. Various amendments have been discussed under the Act to keep pace with the changing social and technological environment and to enhance the effectiveness of the law, such as improving the justice system, enhancing the training of law enforcement agencies, strengthening awareness programmes and providing stringent safeguards for the victims. Although the Prevention of Atrocities Act is a progressive law, its proper implementation and regular review are expected to further strengthen its positive impact in establishing justice, equality and human rights in the society.

Introduction:

Scheduled Tribes (STs) have historically been excluded, exploited, and marginalised communities in India's social structure. From the British era to independent India, many constitutional and legal efforts have been made to grant these communities equal status socially, economically, and politically.



Despite this, atrocities like caste discrimination, social exclusion, sexual violence, land disputes, and physical attacks continue against these communities even today. They were treated as inferior human beings, thereby denying them human rights. These communities were victims of social humiliation, slavery, and inferiority. The framers of our Constitution were well aware of the discrimination against the Scheduled Castes and Scheduled Tribes, so they included provisions for affirmative action alongside fundamental rights in the Constitution, aiming to eliminate this social injustice. Additionally, several protective laws were also enacted to eliminate atrocities and social prejudice against the Scheduled Castes and Tribes. Yet, despite equal rights and safeguards provided by the Constitution, caste-based discrimination still prevails in society. Due to historical, social, and economic reasons, these communities are still facing humiliation and discrimination, and atrocities against them have become a common social problem.

In order to bring such social injustices under legal control, the Government of India enacted various Acts periodically, one of them is the Protection of Civil Rights Act of 1955 and then its revised version of 1976. But due to the limitations of this act and the weakness of compliance, the incidents of atrocities could not be reduced significantly. It was against this background that the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act came into existence in 1989, which gave a legal definition to these atrocities and ensured stringent penal provisions.

Atrocity:

The term “atrocity” is generally assumed to be a situation in which physical violence is committed by a person, group, or community against another person or community, such as looting, forcible possession of property, property grabbing, and murder, and so on. But this interpretation of atrocity is incomplete, as it ignores the hidden or indirect forms of mental torture, such as humiliation, abuse, neglect, contemptuous remarks, or social contempt by caste slurs. In fact, both physical and mental atrocities are clearly visible in the context of the Scheduled Tribes. The phenomenon of atrocities exposes a larger social reality, varying from visible discrimination to blatant violence, perpetrated by a dominant section against the Scheduled tribes and the Scheduled Caste, whether in rural settings or urban life. Atrocities against Scheduled Castes and Scheduled Tribes have been treated as punishable offences, and stringent punishment has been provided under Section 3 of the "Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989".



Major causes of Atrocities in India:

i. Social Structure and Prejudice:

Casteism is a historical and social problem of Indian society, and its structure is based on a hegemonic pyramid. Dr. B.R. Ambedkar described the Varna system as a permanent system of 'social slavery'. The traditional social structure of India, especially Hindu society, has been based on Brahmanical domination, where Shudras, Untouchables, and Adivasis were placed at the bottom of the social ladder. This structure has been accepted not only at the social level but also at the religious, cultural, and psychological levels. This casteist mentality still survives in most areas of rural India and gives rise to atrocities.

Hathras rape case (2020, Uttar Pradesh), A Dalit woman was gang-raped and murdered by four upper-caste youths. After this, the administration burned the body at night without permission, which caused outrage across the country.

ii. Conflict over land, resources, and economic rights:

Extreme poverty, lack of land rights, and the struggle for control over water-forest-land resources make SC/ST communities vulnerable to atrocities.

In the context of the Pathalgadi movement in Jharkhand (2022), tribal communities faced police repression, arrests, and social harassment. The Pathalgadi movement was about the rights of the Fifth Schedule of the Constitution.

iii. Reaction against political participation and self-empowerment

When SC/ST communities move towards social and political empowerment, the upper castes see it as a "threat to domination". As a result, incidents of violence and exclusion occur.

In many districts in Tamil Nadu (2023), Dalit sarpanches were prevented from hoisting the flag, sitting on the chair, and presiding over the gram sabha.

iv. Failure of the legal system:

Despite having this Act, problems such as laxity in registering FIRs, delays in arresting the accused, and discrimination in the judicial system remain. According to the 2022 NCRB report, out of the total 63,786 cases registered by the ST community, only 37.3% of the accused were convicted.

**v. Violation of cultural rights:**

Denying Dalits and Adivasis access to religious sites, crematoriums, ponds, and schools is an attempt to deny their cultural identity.

In Madhya Pradesh (2022), a tribal man was beaten up in public for entering a temple. The matter came to light when the video went viral.

vi. Religious Identity and Persecution:

Dalit and Adivasi communities are forced to convert to Hinduism or face violence when they convert to Buddhism or Christianity in the name of "ghar wapsi".

Attacks on Adivasi Christian families in Chhattisgarh (2023) when they refused to participate in the local temple festival.

Historical Background and Legal Endeavour of 1976

The history of caste-related discrimination in India dates back thousands of years. Manusmriti, Dharmashastra, and the traditional Varna system gave the Shudras and tribal communities a socially inferior position. Under the social systems of traditional Hindu society, communities considered untouchable (such as the Scheduled Castes and Scheduled Tribes) were not allowed to use public spaces and common resources such as ponds, parks, wells, etc. They were deprived of temples, places of worship, roads, vehicles, boats, schools, and public amenities. Their attire also reflected their low social status, with men often wearing only loincloths. The social discrimination had increased to such an extent that even their shadow was considered impure, due to which they were declared socially impure by being called 'untouchables' and forced to live in separate settlements from other people. Due to all these social deprivations, the life of the Scheduled Castes has been very painful and humiliating. Therefore, after independence, the Protection of Civil Rights Act (1955) made caste-based discrimination a punishable offence. But for years, this law was not very effective, because of no clear definition of 'atrocities', a lack of sensitivity in the police and judiciary. And there was no special security for the victims.

In view of this situation, the Act was amended in 1976 to add some stringent provisions aimed at:

- Criminalise the prevention of entry into public places, wells, temples, and other similar areas.
- Imposing penalties on forced labour or social exclusion,
- Effective action on incidents of casteist insults or violence.



While this amendment was a significant move, there was no significant decline in the trend of atrocities. The biggest reason behind this was that this act was only like 'common law', in which atrocities were not seen as a special crime. This made it clear that there was a need for a special law in respect of the Scheduled Castes and Scheduled Tribes, which could determine the nature of punishment and justice in the society, keeping in view the nature of the offences committed against them and their impact on society.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

Despite the amended Protection of Civil Rights Act of 1976, there has been no significant decline in atrocities against Scheduled Castes and Scheduled Tribes. Incidents of social exclusion, eviction from land, forced labour, public humiliation, and violence continued to increase. It became clear that ordinary crime laws alone could not protect these communities. Motivated by this need, on September 11, 1989, Parliament passed the **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**. The law was a landmark initiative that declared crimes against SCs/STs "particularly punishable" and provided a legal definition to the term 'atrocities'.

Salient features of the Act

(a) Legal definition of Atrocities

Section 3 of the Act specifically defines 'atrocities'. It criminalised the following:

- Hurling racist slurs or insulting in public,
- Forced labour,
- Social exclusion,
- Deprivation of traditional rights (e.g., water, pasture, worship),
- Illegal occupation of land or property,
- Sexual violence against women.

(b) Establishment of Special Courts

The Act provided for special courts at each district level to ensure speedy justice in cases of atrocities. As per Section 14, the State Governments are obliged to appoint Special Courts and Special Public Prosecutors.

(c) Stringent penal regime

Under Section 3, the punishment for most of the offences ranges from a minimum of 6 months to life imprisonment.



(d) Rehabilitation and compensation for the victims.

It is the responsibility of the state government to provide financial assistance, rehabilitation, and legal aid to the victims. Also, compensation is compulsorily paid to the victim if the relevant offence is proved. According to the SC/ST Atrocities Rules, 1995, issued by the government, interim relief is given to the victims in several phases.

Amendments to the Act (2015, 2018, 2019)

To prevent social injustice, violence, and discrimination against Scheduled Castes (SCs) and Scheduled Tribes (STs), the Government of India enacted the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in 1989. However, there has been a steady increase in the incidents of atrocities on the Scheduled Caste and Scheduled Tribe communities. The reports of the National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST) pointed to shortcomings in the implementation of the Act, such as low conviction rates, ignorance of grievances, and delays in justice. For these reasons, the need was felt to make the Act more effective, which led to the Amendment Act of 2015 coming into force with effect from 26th January, 2016.

The 2015 Amendment Act: This Act broadened the definition of atrocities and included new crimes such as social boycott, cultural domination, and mob violence. In addition, various institutional measures were taken to ensure the protection, rehabilitation and speedy trial of the victims and witnesses.

The 2028 Amendments Act: This Act was passed in response to widespread protests after the Supreme Court's verdict in the Subhash Kashinath Mahajan case. Through this amendment, the obligation to conduct a preliminary investigation before filing an FIR was abolished, and anticipatory bail for the accused was prohibited

The 2019 amendment Act: Through this amendment, special courts were established and directed to deliver the verdict within two months for the speedy disposal of cases.

Table [1]- State wise Crime against Scheduled Tribe 2018 to 2022

SL.	State/UT	2018	2019	2020	2021	2022
	STATES:					



1	Andhra Pradesh	330	330	320	361	396
2	Arunachal Pradesh	0	0	0	1	0
3	Assam	6	4	10	16	9
4	Bihar	64	97	94	103	146
5	Chhattisgarh	388	427	502	506	516
6	Goa	5	2	2	5	1
7	Gujarat	311	321	291	341	330
8	Haryana	0	1	0	0	0
9	Himachal Pradesh	1	1	3	7	4
11	Jharkhand	224	342	347	250	283
12	Karnataka	322	327	293	361	438
13	Kerala	138	140	130	133	172
14	Madhya Pradesh	1868	1922	2401	2627	2979
15	Maharashtra	526	559	663	628	742
16	Manipur	1	2	2	0	1
17	Meghalaya	0	0	0	0	0
18	Mizoram	0	8	0	0	29
19	Nagaland	0	0	0	0	0
20	Odisha	557	576	624	676	773
21	Punjab	0	1	4	0	0
22	Rajasthan	1095	1797	1878	2121	2521
23	Sikkim	1	2	0	1	4
24	Tamil Nadu	15	31	23	39	67
25	Telangana	419	530	573	512	545
26	Tripura	0	2	2	0	3
27	Uttar Pradesh	145	721	3	4	5
28	Uttarakhand	7	8	13	6	1
29	West Bengal	101	101	90	92	90
	TOTAL STATE(S)	6524	8252	8268	8790	10055
	UNION					



	TERRITORIES:					
30	A&N Islands	1	3		3	3
31	Chandigarh	0	0	0	0	0
32	D&N Haveli	3	0	3	5	5
33	Daman & Diu	0	0		1	0
34	Delhi	0	2	1	5	0
35	Lakshadweep	0	0	0	0	0
36	Puducherry	0	0	0	0	0
37	Jammu & Kashmir	0	1	1		
38	Ladakh	0	0	0	0	0
	TOTAL UT(S)	4	5		12	9
	TOTAL ALL INDIA	6532	8263	8273	8816	10077

Source: ncrb.gov.in (2018, 2019, 2020, 2021, 2022)

Conclusion:

The State has taken several important legal steps to prevent atrocities against Scheduled Tribes. Since independence, various laws have been enacted to establish social justice and protect the rights of this community. In 1955, the Protection of Civil Rights Act was enacted to prevent untouchability and discrimination. Subsequently, it was seen that there is a need for a stronger law to deal more strictly with violence and social oppression against the Scheduled Castes and the Scheduled Tribes. In 1989, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was enacted, which made certain types of crimes against these communities strictly punishable. Later amendments in 2015 and 2018 widened the scope of the law and strengthened legal protections for victims.

However, enacting laws alone does not solve social problems completely. In the practical situation, it is seen that in many cases, there is no proper implementation of the law despite the existence of the law. Due to administrative negligence, delay in the judicial process, lack of adequate awareness and social mentality, many victims are deprived of justice. As a result, the effectiveness of the law is often limited. For this reason, it is essential to ensure proper and effective implementation of the Act. Increasing the accountability of the administration, improving the efficiency of the police and judiciary, and introducing a speedy trial process can play an important role in preventing atrocities.



It is also very important to raise awareness in society. We have to create awareness among the common people about the rights, dignity and constitutional safeguards of the Scheduled Tribes. Discriminatory mindsets can gradually change if the values of equality and human rights are strengthened through education, social movements and mass media.

Thus, it can be said that while the law is an important tool in preventing atrocities against the Scheduled Tribes, it is essential to ensure its effectiveness, a concerted effort of administrative will, an effective judiciary and social awareness. It is only through this concerted effort that social justice will be established in the true sense, and the people of the Scheduled Tribes will get the right to a safe and dignified life.

Reference:

- Smita Narula,(2002). “Equal by Law Unequal by Caste: The Untouchable Condition in Critical Race Perspective”, p. 255.
- Sanjay Paswan and Paramanshi Jaideva (2002). Encyclopaedia of Dalits, p. 53.
- NHRC. (2021). *Hathras case fact-finding report*.
- The Wire. (2022). *Jharkhand: Adivasi rights and criminalisation of protest*. <https://thewire.in>
- <https://www.indiaspend.com>
- National Crime Records Bureau. (2022). *Crime in India 2022*. Ministry of Home Affairs. <https://ncrb.gov.in>
- NDTV. (2022). *Madhya Pradesh tribal man thrashed for temple entry*. <https://ndtv.com>
- Christian Solidarity Worldwide. (2023). *Adivasi Christians in Chhattisgarh face mob violence*. <https://csw.org.uk>
- R. Singh and V. Singh. (2008), Socio-Economic Offences in India, p. 215
- Government of India, Ministry of Law and Justice, *Protection of Civil Rights (Amendment) Act, 1976*, The Gazette of India, Notification No. S.O. 2476, dated 30 December 1976
- Bakshi, P.M. (2007). *Framework of the Indian Constitution*, Universal Law Publishing, p. 11.121–123.



- The Government of India, Ministry of Home Affairs, has notified the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Notification No. 33rd of 1989, Gazette of India.
- SC/ST (Prevention of Atrocities) Rules, 1995, Rule 12–15, Ministry of Social Justice and Empowerment.
- Ministry of Law and Justice. (2016). The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Gazette of India. Retrieved from <https://legislative.gov.in>
- IndiaSpend. (2023). *Dalit Sarpanches Still Face Discrimination in Tamil Nadu*.