



Report on the Evaluation Study of Implementation of PCR Act 1955, POA Act 1989
and POA Rules 1995 in Six Scheduled Castes Concentrated Districts of Odisha

2012



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[2012]

Conducted by

Government of Odisha

Scheduled Castes & Scheduled Tribes Research and Training Institute, (SCSTRTI),

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Out Sourced Organization

Development Initiative

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Profile of Development Initiative

DEVELOPMENT INITIATIVE (DI) is a human rights and developmental organization based in Bhubaneswar. It works with community based organizations and struggle groups for the promotion and protection of human rights and development of Dalits, Adivasies and other marginalized groups in state of Odisha since 1995. The organization has been engaged in the issues of caste-based discrimination, ownership and access to resources like land, education and budget and in building inclusive governance through people's mobilization, research, training and advocacy. It is registered as society under Societies Registration Act, 1860, FCRA, 12A and 80G.

The organization is committed for the development of the state of Odisha through empowerment of the most marginalized sections of the society, i.e. Dalit, Adivasi, women and children in rural areas. The organization undertakes research on issues of the caste-discriminated poor communities and capacitates them through training and undertakes informed people centered advocacy with concern from department, Ministry and policy makers from Dalit and Adivasi prospective. It promotes organization of the people and help communities to represent their cause towards realization of their human rights and development.

It has been promoting awareness on PCR Act, 1955 and SC and ST (POA) Act, 1989 and Rules 1995 in the state of Odisha along with Constitutional Rights and Government programmes for SCs and STs.

DI has been involved with the ST and SC Development Department, Scheduled Caste and Scheduled Tribes Research and Training Institute(SCSTRTI), Odisha Schedule Caste And Scheduled Tribes Finance Development Cooperative Corporation Ltd.(OSFDC) and National Commission for Scheduled Castes(NCSC), National Commission for Scheduled Tribes(NCST) for better Implementation of PCR Act 1955, SC and ST (POA) Act 1989 and Rules 1995, implementation of Scheduled caste Sub-Plan(SCSP) , Tribal Sub-Plan in the state for the protection and development of SCs and STs. DI is also involved with the training programmes conducted by SCSTRTI, as a resource agency. DI also is creating awareness among masses by preparing awareness generation materials like, Books(Nagarika Adhikar, Dalit Adhikar, Jami Adhikar)etc and awareness posters on PCR Act-1955 and Rules-1977 and SC & ST (PoA) Act-1989 and Rules-1995, Universal Declaration of Human Rights-1948, Land Rights of SCs and STs, Basic Services and Education Rights.

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**Prof. (Dr.) A.B.Ota, IAS
Director, SCSTRTI**

LIST OF ABBREVIATIONS USED IN THE REPORT

APP	Associate Public Prosecutor
BSNL	Bharat Sanchar Nigam Limited
CCE	Customer Care Executive
CS	Charge Sheet
CEDAW	Convention on all types of Discrimination against Women
DI	Development Initiative
DM	District Magistrate
DRDA	District Rural Development Agency
DSP	Deputy Superintendent of Police
DSW	District Social Welfare Officer
DVMC	District Level Vigilance and Monitoring committee
DWO	District Welfare Officer
Dalit	The term used for the “Ex-untouchables” (Scheduled caste)
F.I.R	First Information Report
HRPC	Human Rights Protection Cell
HR&SJ	Human Rights & Social Justice
ICU	Intensive Care Unit
IIC	Inspector In-Charge
IPC	Indian Penal Code
ICCPR	International Convention on Civil & Political Rights
ICESCR	International Convention on Economic, Social & Cultural Rights
I.T.D.A.	Integrated Tribal Development Agency
ICERD	International Convention against Racial Discrimination

IIDS	Indian Institute of Dalit Studies
MDM	Mid Day Meal
MLA	Member Legislative Assembly
MP	Member of Parliament
NHRC	National Human Rights Commission
NCSC	National Commission for Scheduled Castes
NCST	National Commission for Scheduled Tribes
NGO	Non-Government Organization
NSS	National Sample Survey
OCAC	Odisha Computer Application Center
PA	Project Administrator
PD	Project Director
PVTG	Particularly Vulnerable Tribal Groups
PCRA	Protection of Civil Rights Act, 1955
PoA Act	The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act) 1989
PP	Public Prosecutor
RDC	Revenue Divisional Commission
SC	Scheduled Castes
SCSTRTI	Scheduled Caste & Scheduled Tribes Research & Training Institute
SDJM	Sub Divisional Judicial Magistrate
SHRC	State Human Rights Commission
SI	Sub-Inspector
SP	Superintendent of Police
SLVMC	State Level Vigilance and Monitoring Committee
ST	Scheduled Tribes

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EXECUTIVE SUMMARY

Odisha is the inhouse of different Castes, Tribes and Communities. The social hierarchy and occupation division, which have a historical tradition, yielded social evils like casteism, social discrimination and untouchability. The victims of all these social evils are mostly the people belonging to the lower caste ladder of the social hierarchy to whom we call as Scheduled Castes and Scheduled Tribes who are subjected to various forms of exploitation and live in the web of poverty. They are denied of Civil Rights and many-a-times subjected to serious crimes.

The framers of the Constitution took the note of this facts and made special provisions in the Constitution to bring them to the main stream of the society and to help them to lead a respectable life with social and economic justice, equality of status and opportunities. Special mention may be made about the Article '17' and '46' of the Constitution, which reads as follows:

“Untouchability” is abolished and its practice in any form is forbidden (**Article 17**), but found still existing. To curb up this practice in public, the Untouchability Offence Act, 1955 came into operation which was subsequently amended and was re-named as Protection of Civil Rights Act, 1955(PCR Act, 1955). Article 46 says that “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”. This is a comprehensive provision comprising both the developmental and regulatory aspects.

It is a fact that the existing laws like the PCR Act, 1955 and the normal provisions contained in the Indian Penal Code (IPC) were found inadequate to check atrocities against SCs/STs and to also provide them protection. It was, therefore, felt necessary to enact a special legislation with stringent penal provisions with provisions of relief and rehabilitation. This was called the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. This Central Act, containing 23 Sections, came into operation on 30th January, 1990. Subsequently, in exercise of the power conferred under section 23 of the Act, Government of India framed Rules in March, 1995 to carry out various provisions contained in Act. Salient features of the PCR Act, POA Act and POA Rules have been given in the text of the report. A mention has also been made about the action taken by the State Government in this regard.

Ministry of Tribal Affairs, Ministry of Social Justice and Empowerment, National Crime Record Bureau, Ministry of Home Affairs, National Commissions for SC & National Commissions for ST, state governments and their sub-ordinate authorities like police and executive magistrates are empowered under this Act. Odisha govt. has introduced Contingency Plan for the victim(s) / their family members based on the extent of the offences as well as legal aid to the victim(s)/persons subjected to any disabilities, cash incentive for inter-caste marriage, grant-in-aid to NGOs for generating awareness and publicity of the act. The state govt. has constituted State Level High Power Vigilance and Monitoring Committee,

District Level Vigilance Committee, functioning of scheduled castes and scheduled tribes Protective Cells in ST& SC Development Department.

Recently, Govt. of Odisha has introduced **Sanjog Helpline** to facilitate the registrations of the atrocity cases, timely monitoring and determining the fate of registered cases under POA Act. This toll free helpline (155335) service is functioning under the HRPC Cell and can be accessed through any corner.

In consideration of the above conditions an evaluation study of “PCR & POA Act and Rules in SC concentrated pockets of Odisha” had been made during the current financial year 2011-12 with the following four objectives like; (1)To examine the level of awareness and find out to what extent the implementing agencies adhered to the PCR & POA Act and Rules.(2) To assess the critical areas of concern which need to be addressed and plugged for effective implementation of the PCR & POA Act and Rules.(3)To find out the factors hindering the non-implementation of the PCR & POA provisions within a timeframe and departmental interventions and (4)To come up with the findings of the study, few suggestions which can be considered by the implementing agencies for timely and effective implementation of the provisions envisaged in the Acts.

The present Report on the “Implementation of the PCR Act-1955, The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules 1995 in six Scheduled Caste Districts” has been prepared by SCSTRTI, Bhubaneswar and is based on the field study conducted by the Development Initiative- a Non-Govt. Organization in Six selected Scheduled Caste concentrated districts of Odisha namely Cuttack, Puri, Khurda, Nayagarh, Dhenkanal and Ganjam. Data were collected from both the primary and secondary sources. The plinth and substances of the Report has been based on the 200 identified case studies (182 from the Study Districts and the rest 18 cases from other Districts), Focused Group Discussions (FGD) and personal interviews with the victims of Atrocities, officials from police administration, welfare administration and judiciary. All the case studies have been critically analyzed to know the Severity of the cases and causes of the Atrocity, circumstances of the crime that led to the incident of atrocity, police action and the relief and rehabilitation provided by the District Administration.

The main objective of this study is to find out the implementation status of the PCR & POA Acts and Rules as well as the critical areas of concerned for their solutions. Efforts were made to examine the following hypotheses like (i) the atrocity victims’ families have been empowered through access to compensation, legal aid, education, healthcare and infrastructure; (ii) The implementation of POA has ensured punishment to the culprits and strongest action against the public servants for dereliction of duty and persons who cause suppressing and weakening the atrocity cases.(iii) Payment of incentives for inter-castes marriages and the midday meal schemes in schools has helped reduce social disseminations (iv) the numbers of the compromised atrocity cases and final reports in the courts for closure of atrocity cases assumed to outnumber the numbers of the convictions indicating poor and

improper implementation of the Act and (v) the atrocity cases relates more to the ignorance and tolerance of the STs/SCs than to the anti Dalit attitude of the so-called higher castes.

The Study was undertaken in 6 Sch.Castes concentrated districts of Odisha where the incidence of atrocity is highly reported and registered namely, Khurda, Cuttack, Puri, Nayagarh, Ganjam and Dhenkanal covering three RDC Zones. Selection of Districts were made on a pragmatic basis giving weightage to Sch.Caste population and their percentage to the total population of the district, registration of more number of atrocity cases in comparison to other Districts of Odisha and prevalence of practice of untouchability in a significant way. Stratified sampling method was adopted covering highly affected, moderately affected and fairly affected pockets. As well as Methods, like case study, interview with the victims/family members, institutions directly associated with the implementation of the act were applied through the questionnaires /interview schedules and Focused Group Discussions as per the objective of the study. Data were collected on number of cases registered, cases under trial, cases pending, cases disposed off through mutual understanding, cases disposed off in the court; extent and types of relief and rehabilitation measures provided to the victims; implementation issues and endeavour taken by Govt. to address those issues and above all on the use and misuse of the Act. 200 cases of atrocities against Scheduled Castes had been studied as sample. These case studies are collected from the above mentioned districts.

Although there are 16 atrocity-prone districts identified in the state, other vulnerable districts were also selected on the basis of secondary sources information collected from HRPC / National Commission for SC/ST and PCR cell, ST/SC Development Department and police records and media records. Requisite information were also collected from districts like- Sonapur, Kendrapara, Jagasinghpur, Jajpur, Bhadrak, Bolangir and Deogarh.

Data/materials for the Study were collected from both primary and secondary sources. Primary data were collected by the use of Data Collection Techniques like Schedule/Questionnaire, Focused Group Discussion (FGD), interview of the victims of atrocities/untouchability, interview of the officials involved in the implementation of the PCR Act, POA Act and POA Rules like officials of Police Administration, Welfare Administration and Judiciary. Twelve Focused Group Discussions (FGDs) were held in selected Police Stations in which the victims of atrocity, witnesses, Dalit Activists and PRI Members had participated. The time line suggested for the study goes back to 2005-06 to 2010-2011 official records. A total number of 400 persons (200 victims of atrocities/untouchability + 200 Government officials) were interviewed their views/opinions and suggestions were reflected in the Report for necessary consideration. Case study method was also adopted and 200 case studies of different nature were collected, analyzed to determine the causes for occurrence of those incidents.(Details at Annexure-XIII). On basis of the data collected from the field and secondary sources following five hypotheses constructed prior to the study were examined; they are (1.)The atrocity victims' families have been empowered through access to compensation, legal aid, education, healthcare and infrastructure. (2.) The implementation of POA has ensured punishment to the culprits and strongest action against the public servants for dereliction of duty and persons who cause suppressing and weakening the atrocity cases.

(3.) Payment of incentives for inter-castes marriages and the midday meal schemes in schools has helped reduce social disseminations.(4).Among the verdicts on atrocity cases delivered, the numbers of the compromised and final reports in the courts for closure of atrocity cases outnumber the numbers of the convictions indicate poor and improper implementation of the Act.(5.)The atrocity cases relates more to the ignorance and tolerance of the STs/SCs than to the anti Dalit- mind-set of so-called higher castes.

On verification and analysis of the field data it is found that only in 63 (31.50%) cases the families were given monetary compensation and legal aid, but little efforts were made for their empowerment through education, extending healthcare and other infrastructure facilities. In regard to award of punishment to the culprits only in 2 (1.00%) cases due actions were undertaken, 172 (86.00%) of the cases are found pending at different level and are under trial. 25 cases are compromised at the village level and only one case is found as false case. Out of 200 cases mass violence had been reported in 15 cases. No cases of strongest action against the public servants for dereliction of their duty and for suppressing and weakening the atrocity cases were found. Incentives for inter-castes marriages and the midday meal schemes in schools have helped appreciably to reduce the social disseminations officially. The verdicts of atrocity cases are still lying in the mind set of the people. The compromised and final reports in the courts for closure of atrocity cases are not found to curb up the convictions caused due to improper implementation of the Act as well as the attitude of higher castes. Out of the five hypotheses established prior to the study four (1, 3, 4 &5) are found proved considerably and one(2) is rejected.

Possible reasons for atrocities as assessed were (i) Existence of Untouchability and caste based discrimination in the society followed by influences of the dominant caste people over the life and property of SC (ii) poverty, illiteracy and economic dependency of SC People and their secluded habitation in the village. (iii) Fear of social boycott and loss of life and property (iv) Little access to the police station and judicial system (v) Lack of awareness on constitutional safeguards and protective laws. (vi) Non- registration of their complaints and cases in the particular time (vii) and forceful compromises made after a grave crime at the village level.

Existences of untouchability in some form or other were still found in almost all the Districts covered under the Study. Some of them are preventing the SC people from entering into the places of public worship; preventing ,worshiping or offering prayers or performing any religious service in any place of public worship; to take bath or using the water of any sacred tank, well, bathing ghat; to access any shop, public restaurants, hotels or places of public entertainment; use any utensils and other articles kept in any public restaurant; use of common burial or cremation ground and road or passages of the village, which other community members have rights to use or access. They are disallowed to participate in any socio– religious-cultural ceremony or procession and also to sale goods in those places. Many places SCs are compelled to do scavenging or sweeping or to remove any carcasses or to stray away animals.

In spite of the enforcement of the POA Act, 1989, containing stringent penal provisions to prevent atrocities on SCs and STs, the atrocities on SCs/STs are in a rising trend, which becomes a matter of great concern. This shows that there is some gap in between the provisions and the implementation of the POA Act and Rules, 1995. Although implementation status of both PCR & POA Act were explored it was found that little cases were booked under PCR Act in the concerned districts during the said period, Therefore, stresses were only given on implementation of POA Act and Rules.

However, following points are evolved from the study and suggestions were made as appropriate:

- Delay in disposal of cases was noticed in the implementation of various provisions of the POA Rules. The scale of monetary relief prescribed under POA Rules was adopted by the State Government from the year 2004 and payment was awarded accordingly. Similarly appointment of Special Officer, nomination of Nodal Officer, identification of Atrocity Prone Areas, provision for TA, DA etc. as specified under Rule 11 of the POA Rules has been addressed categorically.
- Formulation of Model Contingency Plan (specified under Rule 15), Constitution of District Level Vigilance and Monitoring Committees (DVMC) and State Level Vigilance and Monitoring Committee (SVMC) were not done immediately after formulation of the POA Rules in the year 1995. However, in some cases these committees have come up with valid and relevant recommendations that need to be adhered to.
- Delay in investigation of atrocity cases and submission of charge sheet in the Special Courts were noticed. Delay was also noticed in case of visit to the crime spot and registration of cases by the concerned authorities.
- Tardy disposal of atrocity cases resulted in large number of pendency of cases for trial. Expedious disposal of atrocity cases in time bound manner is suggested. Besides, most of the cases are ending in acquittal and conviction rate is found to be very low. Pendencies need to be reviewed at the appropriate level and adequate remedial measures need to be taken.
- The victims failed to get prescribed monetary relief in time due to delay in joint enquiry. Rehabilitation package prescribed under the POA Rules is not reaching out to the victims of atrocities in true sense of the term.
- The existing amount of daily maintenance allowance and diet allowances need to be revised from time to time taking into account the present rate of minimum wages and also the present cost of living.
- The Vigilance and Monitoring Committees set up at the State and at the District Level are not functioning effectively. Meetings are not being held regularly, as per the prescribed periodicity, defined in the POA Rule.

- Sanjog Help Line and Legal Aid Cells at district and block level are established to facilitate the process of implementation. Those are found less effective. SC/ST people failed to get minimum benefit out of these systems.
- Awareness and sensitization programmes so far organized on the provisions of the PCR Act, POA Act and Rules found inadequate to curb up the rate of atrocities and facilitate the process of effective implementation of these acts. Awareness and sensitization training need to be given in sensitive regions and also to the departmental officials
- Identified Atrocity Prone Areas should be kept under vigilant watch by the District Administration. Important provisions like externment, collective fine, forfeiture of property and punishment to public servants should be applied in right earnest for enhancing impact of the Act. There is also a need for reidentification of the untouchability and atrocity prone areas taking into account repetitive occurrences of these types of cases.
- There is a need for giving wide publicity about the Sanjog Help Line and Legal Aid Cells, so that the SC/ST people can take maximum benefit out of the system.
- There is a need for setting up of Exclusive Special Courts for speedy trial of atrocity cases and to reduce the pendency rate. There is also need for effective prosecution. Performance of the Special Public Prosecutor should be reviewed at regular intervals, which is not being done at present.
- More responsive and Pro-people organizations or CBOs be empanelled by the nodal department and be given the task of awareness generation with adequate care and support. IEC Materials in different regional languages are prepared with adequate care not only to protect the interest of the affected people but also to change the attitude of the upper class people.
- Wide publicity, both in electronic and print media, may be given in highlighting the offences and punishment covered by the Act and to spread fear among the general public. The Non-Governmental Organizations (NGOs) having good track record should be encouraged by the Government with financial support in creating and improving awareness (to maintain social harmony between SC/ST and Non-SC/ST people on various provisions contained in the PCR Act, POA Act and Rules.
- The State Government may take necessary action to strengthen the deficient areas for effective implementation of the PCR Act, 1955, POA Act, 1989 and POA Rules, 1995. The action may include large scale awareness campaign & training particularly, change of attitude and mind set of the general caste people. Inter- departmental co-ordination and cooperation may be solicited to enrich these processes.

CHAPTER – I

PCR AND POA ACTS AND RULES:

HIGHLIGHTS AND ITS NEED IN ODISHA CONTEXT

India is a multi-ethnic country having population of different castes, creeds religion & cultural groups having socio-economic variations. Castes system in India is widely followed in many parts of the country, which determines social hierarchy and social distance, and inter-personal and inter-community relationships. Although, the Constitution of India envisages equality of status and opportunity to all its citizens, and incorporated special protective provisions for the weaker and backward communities who are susceptible to all sorts of exploitations. The constitution guaranteed socio-economic and political safeguards and all-round development of scheduled castes and scheduled tribes. In spite of all conscious endeavors the scheduled caste and the scheduled tribe communities in many areas became victims of prejudices by the upper castes people. Therefore, protective acts like Untouchability Abolition Act 1955, which was amended and renamed as Protection of Civil Rights Act 1955, (PCR Act, 1955) & PCR Rules, 1977, came into force for giving immediate and special attention to offences of untouchability related to scheduled castes.

Consequently, when the gravity and occurrences of the offences increased, special efforts were made to redefine the offences and address the problems strictly. A National Act namely, Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act 1989(POA Act, 1989) was made by the Parliament, which came into force since 30 01.1990. This act prescribes punishments for defined offences of atrocities, willful neglect of non-SC/ST public servants, designation of a special court for speedy trial of offences under the act concerning mainly in scheduled area / tribal area, appointment of a public persecutors as well as duties and responsibility of Central and State govt. for ensuring effective implementation of this Act. The comprehensive Rules under this Act known as “Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Rules, 1995” were framed and notified in the year 1995 which provide norms for Punishment ,relief and rehabilitation. POA Act speaks about Protection, Affirmative actions to weed out atrocities and Rehabilitation of the victims. This act is applicable to all states & UTs in India except Jammu & Kashmir.

The State of Odisha is bounded by the Bay of Bengal in the east, West Bengal in the north east, Bihar in the north, Madhya Pradesh in the west and Andhra Pradesh in the south. The territory is divided into four distinct geo-physical regions; the Easternghat Plateau, the Central Table Land, the Northern Plateau and the Coastal Belt. Odisha is regarded as the home land of SC and STs. There are 62 tribal communities in Odisha which constitute 22.13 %(as per 2001 Census) of the total population of the State.

Among them, 13 are Particularly Vulnerable Tribal Groups (PTGs). Similarly, there are 93 SC communities in Odisha contributing 16.53% (as per the 2001 Census) of the total population of the State. In social context, SCs occupy the lowest rank in the caste hierarchy of the Hindu Society. Even after 65 years of Independence, the socio-economic condition of the SC/ST people has not been improved substantially. They are subjected to social discrimination, various forms of exploitation and still living in the web of poverty. Despite uninterrupted development initiatives and considerable flow of funds for the all round development of SC/ST people since 1st Five Year Plan, considerable development have not been made to them. SC People are living in remote and in-assessable areas are still found worst sufferer of stigma of untouchability. This shows that there is short fall either at the plan & policy making stage or at the stage of implementation of the programmes associated with other external factors for slowing down the pace of development. Those factors need to be identified for necessary action.

The SC/ST people have remained Vulnerable in spite of implementation of various socio-economic measures to improve their condition. They have been subjected to various offences, humiliations and harassment. At times they are subjected to several brutal incidents of atrocity and many a times has been deprived of their life and property. Some historical, social and economic reasons are responsible for creating serious crimes against them. Prevalence of social discrimination and untouchability, illiteracy, lack of awareness has made them susceptible to all sorts of exploitation and humiliation. Many a time they are terrorized by higher caste Hindus in fulfilling of their vested interests.

Anthropologist and Sociologist have studied the phenomenon of the crime against SCs and STs, and opined that, ill behavior towards SCs & STs are the manifestation of the tensions created by changes in the political, social, and economic structure of the society. Those changes have generated aspirations among the Scheduled Castes and Scheduled Tribe people and resentments among others, which have resulted in conflicts. The Anthropologist and the Sociologist have also suggested that the causes of atrocities which were previously related to non-economic issues have now become related to political and economic issues and the nature of atrocities have also been changed.

The existing laws like the Protection of Civil Rights Act, 1955 and the penal provisions contained in the Indian Penal Code (IPC) were found inadequate to check the crime against the SC/ST people. It was, therefore, become necessary to bring a special legislation to prevent atrocities and protect the interest of the SCs & STs. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA Act) came into force with stringent penal provisions to prevent atrocity on SC/ST and with provisions for relief and rehabilitation to the victims or its family members. POA Rules came into force in the year 1995 for better implementation of the Act.

PCR Act, 1955 and its Salient Provisions PCR Rule, 1977:

According to Article 17 of the Constitution of India, "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 as per the law.

Article 46 of the Constitution is a comprehensive Article, comprising both the developmental and regulatory provisions. The Article reads as follows:

"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".

On the basis of the above articles of the Constitutional special enactments namely the Protection of Civil Rights Act, 1955(PCR Act, 1955) and later the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA Act, 1989) were enacted by the parliament to safeguard SCs and STs and to protect them from all shorts of exploitation.

To give justice to the Article 17 of the Constitution of India, the Untouchability Offence Act was enacted by the Parliament in the Sixth year of the Republic of India and was notified on 08.05.1955. Subsequently, it was amended and renamed in the year 1976 as the "Protection of Civil Rights Act, 1955". Rules under this Act, viz., "The Protection of Civil Rights Rules, 1977" were notified in 1977. This act contains 21 sections and the rules cover 5 Sections.

Section 3-7A of the Act define the following as offences if committed on the ground of "untouchability" can be treated as an offence and there are some laid down punishment for those identified offences:

- i) Prevention from entering public worship places, using sacred water resources (Section 3)
- ii) Denial of access to any shop, public restaurant, hotel, public entertainment, cremation ground etc. (Section 4)
- iii) Refusal of admission to any public hospital, dispensary, educational institutions etc. (Section 5)
- iv) Refusal to sell goods and render services (Section 6)
- v) Molestation, causing injury, insult etc.(Section 7)
- vi) Compelling a person on the ground of untouchability to do any scavenging or sweeping or to remove any carcass etc. (Section 7 A).

Sections 8-11 of the Act contain certain preventive/deterrent provisions, which are as follows:

- i) Cancellation or suspension of licenses on conviction (Section 8)

- ii) Resumption or suspension of grants made by Government (Section 9)
- iii) Punishment for willful neglect of investigation by a public servant (Section 10)
- iv) Power of State Government to impose collective fine (Section 10A)
- v) Enhanced penalty on subsequent conviction (Section 11)

All offences under the PCR Act are cognizable, non-compoundable and tried summarily. The Act provides that if an offence described in the Act is committed in relation to a member of a Scheduled Castes “the Court shall presume unless the contrary is proved that such act was committed on the ground of untouchability’. The benefit of probation is not given to the offenders.

POA Act, 1989, POA Rules, 1995 and its Salient Provisions:

PCR Act, 1955 covered only the offences of untouchability, but not of atrocities against the Scheduled Castes (SCs) and the Scheduled Tribes (STs), therefore, another Act called, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (hereafter, the “POA Act,”) was enacted and came into force w.e.f. 30th January, 1990. Subsequently, under Section 23 of the Act, Government of India framed Rules in March, 1995 to carry out various provisions contained in the Act. This Act has two main objectives. One objective is very clear from its name i.e. Preventing atrocities against members of SCs and STs and the second objective is to provide relief and rehabilitation to the victims of atrocity.

Salient Provisions of the POA Act are as follows:

- i) The minimum period of imprisonment shall not be less than 6 months which may extend upto 5 years or 7 years or life imprisonment depending on the nature of offences along with the fine (section 3(1) & (2).
- ii) Punishment for willful neglect of duties by non-SC/ST public servants (Section 4)
- iii) Provision for enhanced punishment for subsequent conviction which shall not be less than one year (section 5)
- iv) Forfeiture of property {Section 7(1)&(2)}
- v) Power of Special Court to extern a person likely to commit atrocity (Section 10). This is a preventive action applicable to the area included in the “Schedule Areas” or “Tribal Areas”.
- vi) Designating a Court of Session as a Special Court in each District for speedy trial of offences under the Act (Section 14)

- vii) Appointment of Public Prosecutors/Special Public Prosecutors to undertake cases in special Courts (Section 15)
- viii) Power of State Government to impose collective fine (Section 16)
- ix) Preventive action to be taken by the law and order machinery (Section 17)

Salient Provisions of the POA Rules:

- i) Precautionary and Preventive Measures to be taken by the State Governments regarding offences of atrocities (Rule 3)
- ii) Investigation of offences under the Act to be done by an officer of DSP level (Rule 7(i))
- iii) Investigation to be completed within 30 days and report forwarded to Director General of Police of the State (Rule 7 (2))
- iv) Nomination of a Nodal Officer at the State Level (not below the rank of a Secretary to the State Government) and a Special Officer at the district level (not below the rank of an Additional District Magistrate) for districts with identified atrocity prone areas (Rules 9 and 10).
- v) Prescribed norms for relief (Rule 12(4) and Schedule)
- vi) Constitution of a State Level Vigilance and Monitoring Committee (SVMC)-Rule 16
- vii) Constitution of District Level Vigilance and Monitoring Committee(DVMC)-Rule 17

Penalties under the Prevention of Atrocity (POA) Act are more stringent than those under the Protection of Civil Rights (PCR) Act or the IPC. Most offences under the PCR Act are punishable with imprisonment from one to six months, whereas under the Prevention of Atrocity Act, the minimum period of imprisonment is 6 months which may be extended upto 5 years or 7 years or life imprisonment along with the fine and this fine has no limit. The Court can order attachment of property of the offender, which on conviction can be forfeited to the extent required for realization of the fine.

PCR Act and POA Act are two Central Acts applicable to all States (except Jammu Kashmir) and UTs. Government Odisha implemented this act and taken up requisite steps as appropriate.

Action taken by the Govt. of Odisha, as per the Provisions laid down in the POA Act & Rules:

1. Fifty Two Courts of District Sessions Judge/Addl. District Sessions Judge have been notified as Special Courts in the year 2000 vide Home Department Notification No.40448-HRPC (A-43/2000) dated 26.02.2000 to try atrocity offences as per the requirement under Section 14 of the Act. (Annexure -I)

2. Atrocity Prone Areas have been identified in 16 Districts of the State in the year 2003 vide ST & SC Development Department Notification No.1802-PCR-38/2002-SSD dated 10.01.2003.(Annexure-II)
3. Addl. District Magistrates in-charge of the Judicial/Law & Order Section of the District have been appointed as the Special Officers in the Atrocity Prone Districts under Rule 10 of the POA Rules in the year 2003 vide the above Notification.
4. The State Government agreed to pay monetary relief to the victims of Atrocities as per the scale prescribed in the POA Rules, 1995 only from the year 2004 vide Resolution No.402-PCR-93/2003-SSD dated 07.01.2004 of the ST & SC Development Department. (Annexure-III)
5. The amendment of POA Rules and enhancement of the scale of monetary relief by the Government of India vide Notification dated 23.12.2011, Government of Odisha adopted the said enhanced scale of relief to the victims of atrocities belonging to SCs/STs vide Resolution No.PCR-4/2012/SSD/21179 dated 28.06.2012. (Annexure- IV)
6. The State Government formulated Model Contingency Plan in the year 2004 for economic and social rehabilitation of the victims of atrocity vide Order No.408/SSD-PCR-93/2003 dated 07.01.2004 of the ST & SC Development Department, Government of Odisha. (Annexure-V)
7. Provision for Travelling Expenses, Daily Maintenance Expenses and Diet Expenses were made for ST victims of Atrocities, witnesses, their dependants and attendants by the State Government in the year 2004, as per the requirement under Rule 11 of the POA Rules, vide Resolution No.396-SSD-PCR-93/2003 dated 07.01.2004 of the ST & SC Development Department, Government of Odisha. (Annexure- VI)
8. Revised the Daily Maintenance Expenses and Diet Expenses for SC/ST victims of atrocities, witnesses, their dependants and attendants by state Govt. vide resolution- No. PCR-2/2013-9824/SSD dated Bhubaneswar 28th February 2013. (Annexure- VII)
9. The State Government has constituted the State Level High Power Vigilance & Monitoring Committee vide notification No-41115/SSD, PCR-13/2009, dt the 12th November 2009. (Annexure-VIII)
10. The state Government have created a Special Cell in the ST & SC Development Department vide Notification no- PCR(A)-6/2007/ 13250/SSD, Bhubaneswar on Dated the 5th April 2007. (Annexure-IX)
11. The Government of Odisha have made a Resolution to award incentive in shape of cash grant to encourage inter-caste marriage between the caste Hindus and Scheduled Castes belonging to the Hindu community. Resolution No-PCR-22/2007. 43620 /SSD Bhubaneswar. Dated the 3rd December 2007. (Annexure-X)

12. The Government of Odisha have constituted Human Rights Protection Cells (HRPCs) in all the 32 Police Districts of the State in the year 2000 for implementation of POA Act, 1989 and PCR Act, 1955. The state government has constituted District Human Rights Protection Cells, abolishing the PCR Cells, Grievance Cells in 32 Police Districts of the State vide Notification No. 62181/HRPC ,Dated 6.11.2000 to deal with the atrocities on SCs and STs.
13. The Government of Odisha has introduced 'Sanjog Helpline' a tollfree No.155335 for online registration of atrocity cases in different areas which is working under HRPC. **Sanjog Helpline** is introduced to facilitate the registrations of the atrocity cases, timely monitoring and determining the fate of registered cases under POA Act. This toll free helpline (155335) service can be accessed through any corner.
14. Government of Orissa has opened up 390 Legal Aid Cells in Blocks for providing free legal service consultancy to SC/ST people under the Centrally Sponsored Projects on 50:50 share basis started functioning since July, 2011 in TSP Blocks. Each clinic has two Legal Retainers one will be from SC/ST community and a Data Entry Operator (DEO), who will function as DEO-cum- Office Assistant to assist the Retainers. So far 227 Legal Aid Cells have already been opened vide notification No24452-PCR-22/2011-SSD, Dated 14th July 2011 (Annexure- XI)

CHAPTER - II

BACKGROUND, SCOPE AND OBJECTIVES, METHODS OF STUDY, SAMPLE SIZE AND GEOGRAPHICAL COVERAGE

Background of the Study:

Since ancient days at different times, the SC communities in India have been named as *Panchama*, *Ati Sudras*, *Harijan*, Depressed Class people. Now these ex-unthouchable communities are popularly named as "Dalit". The *Rigveda* provide a supernatural origin of the caste system. According to *Rigveda* the Brahmans were born from the mouth of Brahma, of his arms were made the warrior Kshyatriys, his thighs came the *Vaishya* and of his feet the Shudras were born. Some said, Scheduled Castes are *Avarna* they are outcaste, Scheduled Castes are not to be included in Hindu hierarchy caste order because according to Hindu hierarchy system there are four broad caste categories such as *Brahmin*, *Kshatriya*, *Vaishya* and *Shudra*. But Scheduled Castes communities are not coming under these four categories; they are out-castes and untouchable. (Mani: 2011: 416). Mahatma Gandhi the Father of Nation first felt the plight of SCs and gave a name to these communities and called them as "*Harijan*" (Son of God) which was popularly recognized in India. But in 1930, the Government of India listed the untouchable groups and identified those groups as "Scheduled Castes". In 1935 the then Government of India had fixed certain criteria to select those communities as Scheduled Caste in India.

(Criteria used to identify "Depressed Class" in the 1931 census. As devised by J.H. Hutton, Census Commissioner. These were also effective criteria to identify the Tribes and Castes of India to existed under the Schedules created by the Government of India Act 1935).

- 1) *Whether the caste or class in question can be served by Brahmans or not*
- 2) *Whether the caste or class in question can be served by barbers, water carriers, tailors etc, who serve the caste Hindus.*
- 3) *Whether caste or class in question pollutes a higher Caste Hindu by contact or proximity.*
- 4) *Whether the casts or class in question is one from whose hands a Caste Hindu can take water.*
- 5) *Whether the caste or class in question is debarred from the using public conveniences, such as roads, ferries, wells or schools.*
- 6) *Whether the caste or class in question is debarred from the use of Hindu temples.*

- 7) *Whether in ordinary social intercourse a well-educated member of the caste or class in question will be treated as an equal by the higher-caste members of the same educational qualifications.*
- 8) *Whether the caste or class in question is merely depressed on account of its own ignorance, illiteracy or poverty and but for that would be subject to no social disability.*
- 9) *Whether it is depressed on account of the occupation followed and whether but for that occupation it would be subject to no social disability.*

(Source: Marc Galanter 1984: Competing Equalities, Law and the Backward Class in India, Oxford University Press, New Delhi, PP127-128; this is a citation from the census of India 1931, Vol.1., Appendix1, P.472; reprinted in Hutton 1961:194)

This standard had been followed only within Hindu religion to identify the Scheduled Castes in India. But later such kind of social exclusion and discrimination had been found in other religion like Sikhism and Buddhism. In later stage Government of India incorporated other religions that were suffered from same discrimination and exclusion; they will be treated as Scheduled Castes in India. Government incorporated Sikhs (1981) and Buddhist (1994) in the Scheduled Castes list.

It is easy to identify the Scheduled Caste in Odisha in comparison with other community. Because, (i) Scheduled Castes are given low position in the Hindu social structure, (ii) Scheduled Castes representation in government services is inadequate, (iii) Scheduled Caste are inadequately represented in the field of trade, commerce and industry, (iv), Scheduled Caste are suffering from social and physical isolation from the rest of the community and (iv) Scheduled Caste are in general possess low literacy.

Government of India has made several Acts and Rules to abolish Untouchability from the society. These anti-discrimination laws and provisions are base on the Article-17 of Constitution of India, Protection of Civil Rights Act 1955 & Rule 1977, SCs & STs (PoA) Act 1989 and Rules 1995 are dealing with cases of untouchability and caste based atrocities. These acts recognized untouchability as *congnisable and non-compoundable offence and the terms of imprisonment and fines were enhanced by the court depending upon the gravity of the offences. The state governments have been empowered to impose collective fines on the inhabitants of any areas found committing and abetting the commission of untouchability offences but it has not been implemented properly*". This law was not sufficient to address the unotuchablity issues in India. Another stringent law enacted called Scheduled Castes & Scheduled Tribes (Prevention of Atrocity) Act 1989' which defined clearly the types of atrocities made, elaborated sections to prevent the commission of offences of atrocities against the member of the Scheduled Caste and Scheduled Tribe, to establish special courts for the trial of such offences and to provide relief and rehabilitation to the victims of such offences and for matters connected therewith or incident".

Under the provisions of SC/ST (PoA) Act, The Government of Odisha also made State-level High-power Vigilance and Monitoring Committee (SVMC) headed by Chief Minister and District-level Vigilance and Monitoring Committee (DVMC) headed by District Magistrate are in place. The state government has identified atrocity prone areas where more number of cases has been registered in different police stations and designated Special Courts for trial along with Legal-aid program. A comprehensive contingency plan has also been implemented since 2004. In the year 2010 the State Government has started a “*Sanjog Help Line*” to help the atrocity victims for registering atrocity cases and implementation of the government programme for them.

Apart from this Government of India enshrined many rules and provisions for protection and promotion of the Scheduled Castes and Scheduled Tribes. The government has been introducing many schemes and developmental programs for the development of the Scheduled Caste people. Apart from this the State and Central Government have declared lots of developmental programmes for socio-economic development of the Scheduled Caste peoples. The State and Central Government have undertaken untouchability abolition awareness programs for minimizing discrimination from the society. State Government is encouraging inter-caste marriages by providing financial incentives of Rs.50, 000/- (Rupees Fifty Thousand) only to the registered couple belonging to SC and Caste-Hindu communities. Besides, state government also provides financial support through Scheduled Caste Finance Corporation for economic development of Scheduled caste and Scheduled tribe people. Residential schools and colleges, vocational /technical training, skill development training etc. are given to SC&ST Communities by opening up educational institutions in each district of Odisha or tie up with reputed institutions by giving stipends and scholarships for the educational development of the Scheduled Caste.

In spite of having protective rules and regulations, Caste based discrimination and atrocity against Scheduled Castes, Scheduled Tribes and women are increasing day by day. Till now Scheduled Castes have no rights on the village road and common place made by the government. Different types of atrocities are faced by Scheduled Caste in rural areas such as Prohibited from eating with other castes members, Prohibited from marrying with other castes members, Segregation in seating and food arrangements in village functions and festivals, Prohibited from entering into village temples, Prohibited from entering dominant caste hamlets, Prohibited from using common village path, bathing ghat, cremation ground, pond and water resources. Dalit students are facing discrimination in educational institution and serving of MDM. SCs are educationally backward and economically poor. Due to caste based discrimination Child Labour, Bonded Labour, dropout from schools and landlessness are increasing among the Scheduled Caste. Cases of atrocities against SCs has also been reported. Caste-based discrimination and Untouchability practices are the core issues of SCs communities in the state.

Problem Statement

Atrocities against Scheduled Castes have increased over the last few years in Odisha. According to the state Home department Report in 2001 there were 940 atrocity cases registered and in 2005 it became 1072. Since last five years very few accused has been convicted. The state government has reported 1153 cases of atrocity registered in different police station of Odisha in year 2006. (Home Department Orissa, 2007) It has also reported that equal number of cases has not been registered because lack of awareness among Scheduled Caste communities and due to limited involvement of civil society organization. Police has not registered even many of the cases reported in media. According to Development Initiative (DI) study reports many cases were compromised at the village level and Scheduled Caste victims are afraid to go to the near by police stations to lodge FIR /registering cases against the upper caste convict (s)people. The cases range from denial of access to drinking water, village pond, cremation ground, playground and temples. The caste system also imposes forced labour like manual scavenging, sweeping, drum beating, washing and working as bonded labour. Majority of atrocity cases against Scheduled Castes are found relating to sick mentality of the upper caste people, economic and political causes. This leads to rape of Scheduled Caste women, humulation, house burning, murder and mass attack on Scheduled Caste.

Year	Measures taken by Govt.
1950	Adoption of Constitution of india
1955	Untouchability offence Act
1976	Protection of Civil Rights Act
1989	SC& ST (PoA) Act
1995	SC & ST (PoA) Rules
1993	The Employment of Manual Scavenger & Construction of Dry Lartine (Prohibition Act)
1998	National Commission for Scheduled Castes
2000	Notifcation of Special Courts in Odisha
2003	Identification of Atrocity prone Areas by Govt. Of Odisha and appointment of Nodal officers & special officers in district level.
2004	Notifcation of Contingency Plan by Govt. of Odisha.
2006	Formation of State Level Hypower Vigilance and Monitoring Committee
2006	Formation of district level Vigilance and Monitoring Committee
2011	Setting up of 'Sanjog Helpline'

Despite the Constitutional and Legal safeguards and the socio-economic measures taken for the advancement of the SC/ST people, atrocities against them are continuing and occurring with distressing regularity. There is also prevalence of untouchability in some form or other. Untouchability in the form of non-access to Temples, Tea Stalls, Drinking water sources, Discrimination in the matter of use of public cremation/burial ground, public passage, Utensils in the Hotels and Tea Stalls, Forced practice of occupations like removal of carcasses are found in Odisha. Enforcement of the laws namely PCR Act, 1955 and POA Act, 1989 have failed to yield desired result. Against the above background, it was felt necessary for undertaking the present Study to identify, inter alia, the action areas and to suggest further remedial measures. Following objectives are made for this study covering the SC concentrated districts to test the underneath hypotheses.

Objectives:

The aims and objectives of the study are as follows:

- To examine the level of awareness and to find out to what extent the implementing agencies adhered to the PCR Act 1955 & SCs & STs (POA) Act 1989 and Rules 1995.
- To assess the critical areas of concern which need to be addressed and plugged for effective implementation of the PCR Act and POA Act and Rules.
- To find out the factors hindering the implementation of the provisions of the PCR Act & POA Act within a time frame and departmental interventions.
- To come up with the findings of the study and suggestions, this can be considered by the implementing agencies for timely and effective implementation of the provisions envisaged in the Acts and Rules.

Hypotheses:

On basis of the data collected from the field, the following hypotheses will be tested.

1. The atrocity victims'/ its families have been empowered through providing admissible Compensation, legal aid, education, healthcare and other infrastructure.
2. The implementation of POA has ensured punishment to the culprits and strongest action against the public servants for dereliction of duty and persons who cause suppressing and weakening the atrocity cases.

3. Payment of incentives for inter-castes marriages and the midday meal schemes in schools has helped reduce social disseminations.
4. Among the verdicts on atrocity cases, 'the numbers of cases compromised and final judgements given in the courts for closure of atrocity cases outnumber the numbers of the convictions' - indicate poor and improper implementation of the Act.
5. The atrocity cases relate more to the ignorance and tolerance of the STs/SCs than to the anti Dalit- mind-set of so-called higher castes.

Methodology adopted and Sample Size and Geographical Coverage:

The Study has been undertaken in 6 Districts of Odisha namely, Khurda, Cuttack, Puri, Nayagarh, Ganjam and Dhenkanal representing three RDC Zones. Selection of Districts were made on a pragmatic basis giving weightage to Sch.Caste population and their percentage to the total population of the District, registration of more number of atrocity cases in comparison to other Districts of Odisha and prevalence of practice of untouchability in a significant way. Moreover, four Districts selected for Study namely, Cuttack, Dhenkanal, Puri and Khurda are having atrocity prone areas.

Table-1.

Table showing Total population of the District, SC population and their percentage to the Total population of the District (2001 Census).				
RDC Zone	District	Total Population	SC Population	% of SC Population
Central	Khurda	18,77,395	2,54,251	13.54%
	Cuttack	23,41,094	44,67,89	19.08%
	Puri	15,02,682	273,917	18.23%
Southern	Nayagarh	8,64,516	1,21,409	14.04%
	Ganjam	31,60,635	5,86,798	18.57%
Northern	Dhenkanal	10,66,878	19,72,80	18.49%

Source- Website of the concerned district administration

Table-1 shows the selected districts and the universe of the sample SC population and their percentage to the total population.

Although there are 16 atrocity-prone districts identified in the state, other vulnerable districts will also be selected based on the secondary sources of information collected from HRPC / National Commission for SC/ST and PCR cell ST/SC Dev. Department DWO Office, Sanjog help line and local police records.

200 such cases from different level reported and documented during last five years i.e. 2004-05-2010-11. If possible, some recent cases, stratified random sampling methods were adopted covering highly affected, moderately affected and fairly affected pockets. Methods, like case study, interview with the victims/family members, institutions directly associated with the implementation of the act were made through the questionnaires /interview schedules and Focused Group Discussions as per the objective of the study. Seven sets of questionnaires /interview schedules and guides have been prepared for the victims/his family members, SPs, DWOs, Special Courts, District Legal Aid Authorities, HRPC, SVMC and DVMCs to collect primary data from the field.

The study has covered data on cases registered, cases under trial, cases pending, cases disposed through mutual understanding, cases disposed in the court, extent and types relief and rehabilitation measures to the victims, implementation issues and endeavour taken by Govt. to address those issues and above all use and misuse of the act. Table-2 shows district wise coverage of the case studies selected from three RDC Zones.

Table No-2- District-wise coverage of case studies

SI No	RDC Zone	Districts selected under the Study	No. of Case studies
1	Central RDC Zone	Cuttack	27
2		Khurda	30
3		Puri	30
4		Nayagarh	31
5	Southern RDC Zone	Ganjam	28
6	Northern RDC Zone	Dhenkanal	36
		Total:	182
	Other districts		
7	Central RDC Zone	Jajpur	10
8		Kendrapara	4
9		Jagasinghpur	1
10	Northern RDC Zone	Sonepur	1
11		Bolangir	1
12		Deogarh	1
		Total:	200

A sample 200 cases of atrocities against the Scheduled Castes in different Police Stations of the above districts were studied. Some case studies of heinous nature and

covered in different media in the state were also collected from the districts like-Sonepur, Kendrapara, Jagasinghpur, Jajpur, Bhadrak, Bolangir and Deogarh.

For collection of primary data, field work was conducted in the areas covering 18 Police Stations by a team of Field Investigators during the month of November, 2011 – February, 2012. The Police Stations were selected on the basis of number of cases registered and were grouped into three categories namely highly affected, moderately affected and fairly affected, as detailed Table No.-3

Table No-3. (Categories of Police Station)			
District	Highly affected Police Station	Moderately affected Police Station	Fairly affected Police Station
Puri	Brahmagiri	Nimapada	Pipil
Dhenkanal	Gandia	Dhenkanal Sadar	Balimi
Cuttack	Niali	Gobindpur	Narasingpur
Khurda	Balipatna	Begunia	Jankia
Nayagarh	Nayagarh	Odgan	Daspalla
Ganjam	Rambha	Bhanjanagar	Digapahandi

Data/materials for the Study were collected both from primary and secondary sources. Primary data were collected by the use of Data Collection Techniques like Schedule/Questionnaire, Focused Group Discussion (FGD), interview of the victims of atrocities/untouchability, interview of the officials involved in the implementation of the PCR Act, POA Act and POA Rules such as officials from Police Administration, Welfare Administration and Judiciary. Twelve Focused Group Discussions (FGDs) were held in which the victims of atrocity, witnesses, Dalit Activists and PRI Members had participated. A total of 400 persons (200 victims of atrocities/untouchability + 200 Government officials) were interviewed their views/opinions and suggestions were compiled, considered and reflected in the Report. Case study method was also applied and 200 case studies of different nature were collected, analyzed to find out the circumstances of the crime caused and their fate. The framework of the Report lies on those case studies. An abstract of the 200 case studies is enclosed at the end of the report.

Besides, Secondary data were also collected form various published reports, Research studies, official documents etc. to enrich the present study Report. The chapter on review of literature discussed some of the terms relating to untouchability and atrocities; and their references and implications. Table-4 gives a comprehensive idea on the coverage of the 68 sensitive Police stations and the number of selected cases selected and incorporated during the study.

Table No-4-List of Police Station Covered in the Study:

Sl. No	Name of Police station	Nos. of Cases	Sl. No	Name of Police station	Nos. of Cases
1	Agarpada	1	35	Kabisuryanagar	1
2	Aska	5	36	Kalinganagar	1
3	Athagarh	1	37	Kamakhyanagar	1
4	Baramba	1	38	Kanpur	2
5	Balakati	1	39	Kendrapada	1
6	Balanga	3	40	Khandagiri	1
7	Balianta	2	41	Khandapada	3
8	Balimi	4	42	Khaprakhol	1
9	Balipatana	16	43	Kishannagar	1
10	Barachana	1	44	Konark	1
11	Bari-Ramachandrapur	3	45	Kujanga	1
12	Begunia	4	46	Kumbharpada	1
13	Bhandaripokhari	1	47	Kundheigola	1
14	Bhanjanagar	4	48	Mahakalapada	1
15	Bhuban	1	49	Mahanga	1
16	Bidanasi	1	50	Mahimagadi	1
17	Bolagarh	1	51	Narsingpur	3
18	Brahmagiri	7	52	Nayagarh	7
19	Chandaka	1	53	Niali	11
20	Chatrapur	6	54	Nihalprasad	4
21	Dasapalla	3	55	Nimapada	4
22	Dharmasala	1	56	Nuagaon	3
23	Dhenkanal	1	57	Odagaon	6
24	Dhenkanal Sadar	8	58	Pattamudai	1
25	Digapahandi	5	59	Patakura	1
26	Gondia	13	60	Pipili	2
27	Gop	7	61	Puri Sadar	1
28	Govindpur	8	62	Purosottampur	1
29	Hinjilikatu	1	63	Rajanagar	1
30	Itamati	6	64	Rambha	8
31	Jankia	1	65	Saranakul	2
32	Jatani	1	66	Satyabadi	1
33	Jenapur	1	67	Sonepur	3
34	Tumusinga	1	68	Tangi	1

Scope of the Study:

The study will give a clear picture about the implementation status of the PCR Act, 1955 and POA Act 1989 in Odisha state by citing, referring and analyzing the Police records in six SC Concentrated districts selected from three RDC Zones: namely (i) Central RDC Zone- Cuttack, Khurda, Puri, Nayagarh, (ii) Southern RDC Zone- Ganjam and (iii) Northern RDC Zone- Dhenkanal as well as causes of its implementation. It will give a generalized idea on the implementation status of the thePCR Act, 1955 and POA Act 1989 in other districts of Odisha. Since untouchability and atrocity is closely related

to inter-caste dependency and area based social-distances (SD), intensity of the offences in different places differs which can not be predicted or assessed.

Map of the Districts undertaken for Study

District from Central RDC Zone,

District from Northern & Southern RDC Zone

Source- Website of the concerned district administration

It can be concluded that the Protection of Civil Rights Act did not have proved its efficacies in curbing up either the practice of untouchability or the atrocities committed against Scheduled Castes resulting from the practice of untouchability. Further, social change and transformation in the social, political and economic conditions of the former untouchables has met with considerable (often violent) resistance by those who derived power from the existing social organizations. This led to an increase in the atrocities perpetrated against the Scheduled Castes. POA Act., 1989 is a stringent legislative attempt enacted by the Government of India to prevent different forms of atrocities made against the Scheduled Castes and Scheduled Tribes which have two broad objectives (i) to prevent atrocity and (ii) to provide compensation & relief to the victims and also to provide rehabilitation . PCR Act is still in function because this act aims at targeted intervention made from time to time to prohibit and regulate practices arising out of the notion of untouchability. Besides, the state has also enacted many important protective legislations such as (i)the Employment of Manual Scavengers and Construction of Dry Latrines(Prohibition Act), 1993, (ii)the Bonded Labour (Abolition) Act, 1976, (iii) the Child Labour (Prohibition and Regulation) Act, 1986,(iv) the Minimum Wages Act, 1948,(v) the Inter - State Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979, etc. to deal *inter alia* with specific issues that arise in the context of untouchability.

CHAPTER –III

REVIEW OF LITERATURE

Historical attitudes

The term Chandala is used in the Manu Smriti (codes of caste segregation) in the Mahabharata. In later time it was synonymous with "Domba", originally representing a specific ethnic or tribal group but which became a general pejorative. In the early Vedic literature several of the names of castes, that are referred to in the Smritis as Antyajas occur. There have *Carmana* (a tanner of hides) in the Rig Veda (VIII.8,38), the Chandala and Paulkasa occur in Vajasaneyi Samhita. *Vepa* or *Vapta* (barber) in the Rig Veda. Vidalakara or Bidalakar are present in the Vajasaneyi Samhita. *Vasahpalpuli* (washer woman) corresponding to the Rajakas of the Smritis in Vajasaneyi Samhita. Fa Xian, a Chinese Buddhist pilgrim who recorded his visit to India in the early 4th century, noted that Chandalas were segregated from the mainstream society as untouchables. Traditionally, Dalits were considered to be beyond the pale of Varna or caste system. They were originally considered as *Panchama* or the fifth group beyond the fourfold division of Indian people. They were not allowed to let their shadows fall upon a non-Dalit caste member and they were required to sweep the ground where they walked to remove the 'contamination' of their footfalls. Dalits were forbidden to worship in temples or draw water from the same wells as caste Hindus, and they usually lived in segregated neighbourhoods outside the main village. In the Indian countryside, the dalit villages are usually a separate enclave a kilometre or so outside the main village where the other Hindu castes reside.

Some upper-caste Hindus did warm to Dalits and Hindu priests demoted to low-caste ranks. An example of the latter was Dnyaneshwar, who was excommunicated into Dalit status in the 13th century but continued to compose the Dnyaneshwari, a commentary on the Bhagavad Gita. Eknath, another excommunicated Brahmin, fought for the rights of untouchables during the Bhakti period. Historical examples of Dalit priests include Chokhamela in the 14th century, who was India's first recorded Dalit poet and Raidas, born into a family of cobblers. The 15th-century saint Sri Ramananda Raya also accepted all castes, including untouchables, into his fold. Most of these saints subscribed to the Bhakti movements in Hinduism during the medieval period that rejected casteism. Nandanar, a low-caste Hindu cleric, also rejected casteism and accepted Dalits. Due to isolation from the rest of the Hindu society, many Dalits continue to debate whether they are 'Hindu' or 'non-Hindu'. Traditionally, Hindu Dalits have been barred from many activities that were seen as central to Vedic religion and Hindu practices of orthodox sects.

Among Hindus each community has followed its own variation of Hinduism, and the wide variety of practices and beliefs observed in Hinduism makes any clear assessment difficult.

The **Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989** was enacted by the Parliament of India (Act 33 of 1989), 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 'untouchability' and its practice in any form is forbidden. 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.

This is to free Indian society from blind and irrational adherence to traditional beliefs and to establish a bias free society. For that, Untouchability (Offences) Act 1955 was enacted. However, lacunae and loopholes impelled the government to project a major overhaul of this legal instrument. From 1976 onwards the Act was revamped as the Protection of Civil Rights Act. Despite various measures adopted to improve the socio-economic conditions of the SCs and STs they remain vulnerable and are subject to various offences, indignities and humiliations and harassment. When they assert their rights and against the practice of Untouchability against them the vested interest try to cow them down and terrorize them. Atrocities against the SCs and STs, still continued.

The normal provisions of the existing laws like, the Protection of Civil Rights Act 1955 and Indian Penal Code have been found inadequate to check these atrocities^[1] continuing the gross indignities and offences against Scheduled Castes and Tribes. Recognizing these, the Parliament passed 'Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act', 1989 & Rules, 1995. The statement of objects and reasons appended to the Bill while moving the same in the Parliament, reads

"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 preamble of the Act also states that the Act is

"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. The practice of untouchability, in its overt and covert form was made a cognizable and non compoundable offence, and strict punishment is provided for any such offence.

The SCs and STs (Prevention of Atrocities) Act, 1989 with stringent provisions (which extends to whole of India except the State of Jammu & Kashmir) was enacted on 9 September 1989. Section 23(1) of the Act authorises the Central Government to frame rules for carrying out the purpose of the Act. Drawing power from this section, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) *Rules* of 1995 were framed.^[2] The rules for the Act were notified on 31 March 1995.

The purpose of the Act was to help the social inclusion of [Dalits](#) into Indian society, but the Act has failed to live up to its expectations admitted by the Union Minister for Home Affairs in parliament on 30 August 2010 (quoted below).^[3]

Historical sketch

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 ‘untouchability’ 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 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.

The post-Independence era was marked by frequent instances of atrocities springing up across the country: for example, the assassination of the young, educated Dalit leader Emmanuel Sekaran in Tamil Nadu for defying the untouchability-based interdicts on SCs, which resulted in the Ramanathapuram riots of 1957; the Kilavenmani massacre of 42 Dalits in 1968 in Tamil Nadu; the gruesome killing of Dalit Kotesu in Kanchikacherla in 1969 in Andhra Pradesh; the killings of 10 STs by police in connection with a land dispute in Indravalli in Andhra Pradesh in 1978. All such events shook the then national leadership. Hence, under pressure from Dalit MPs, the Government of India started monitoring atrocities against SCs from 1974 and in the case of STs from 1981 onwards, with special focus on murder, rape, arson and grievous hurt.

Atrocities continued to rise with ferocity and frequency – for example, in Bihar the massacres of SCs at Belchi in 1979 and at Pipra in 1980; in Uttar Pradesh the massacre following a SC bridegroom riding on horseback at Kafalta in 1980; in Madhya Pradesh the killing of Bacchdas in Mandsaur district in 1982; in Bihar the killing in police firing on 15 STs at Banjhi in Sahibganj district in 1985. In all such cases, the Indian State at both the national and state levels avoided addressing basic contradictions, vulnerabilities and causative factors; the treatment was mainly symptomatic and palliative instead of the required radical solutions. Under continued pressure from Dalit MPs and political leaders, the magnitude and gravity of the problem was finally recognised by Prime Minister Rajiv Gandhi. In his Independence Address on 15 August 1987, he announced that an Act would be passed, if necessary, to check atrocities.^[4]

Atrocities in caste system

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 untouchability; 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. The deep root for such atrocities is traceable to the caste system, which “encompasses a complete ordering of social groups on the basis of the so-called ritual purity. A person is considered a member of the caste into which s/he is born and remains within that caste until death...”^[5]

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 untouchability. 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.”^[6]

Prevalence of Atrocities:

Despite the right to non-discrimination on the basis of race or caste enshrined in Article 15 of the Indian Constitution, discrimination against SCs and STs is pervasive. Though abolished and forbidden by Article 17, the practice of ‘untouchability’ persists due to its systemic character. Hence, the Indian Parliament enacted the Untouchability Offences Act 1955, which underwent amendment and renaming in 1976 to become the Protection of Civil Rights (PCR) Act. Under this Act, ‘untouchability’ as a result of religious and social disabilities was made punishable. However, due to legal loopholes, the levels of punishments being less punitive as compared to those of the IPC, and the law and order machinery being neither professionally trained nor socially inclined to implement such social legislation, a more comprehensive and more punitive Act was required to protect SCs and STs from violence committed by other communities. This gave rise to the SC/ST (PoA) Act 1989.

The basic objective and purpose of this legislation was sharply enunciated when the Bill was introduced in the Lok Sabha:

“Despite various measures to improve the socio-economic conditions of the SCs and STs, they remain vulnerable... They have, in several brutal incidents, been deprived of their life and property... Because of the awareness created... through spread of education, etc., when they assert their rights and resist practices of untouchability against them or demand statutory minimum wages or refuse to do any bonded and forced labour, the vested interests try to cow them down and terrorise them. When the SCs and STs try to preserve their self-respect or honour of their women, they become irritants for the dominant and the mighty...”

Under the circumstances, the existing laws like the Protection of Civil Rights Act 1955 and the normal provisions of the Indian Penal Code have been found to be inadequate to check and deter crimes against them committed by non-SCs and non-STs... It is considered necessary that not only the term 'atrocities' should be defined, but also stringent measures should be introduced to provide for higher punishment for committing such atrocities. It is also proposed to enjoin on the States and Union Territories to take specific preventive and punitive measures to protect SCs and STs from being victimized and, where atrocities are committed, to provide adequate relief and assistance to rehabilitate them.”^[7]

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.^[8]

The Supreme Court of India too reiterated the significance and importance of the Act:^[9]

“The offences of atrocities are committed to humiliate and subjugate the SCs and STs with a view to keep them in a state of servitude. Hence, they constitute a separate class of offences and cannot be compared with offences under the Indian Penal Code.”

Salient features

The provisions of SC/ST Act and Rules can be divided into three different categories, covering a variety of issues related to atrocities against SC/ST people and their position in society.

- The first category contains provisions of criminal law. It establishes criminal liability for a number of specifically defined atrocities, and extends the scope of certain categories of penalizations given in the Indian Penal Code (IPC).
- The second category contains provisions for relief and compensation for victims of atrocities.
- The third category contains provisions that establish special authorities for the implementation and monitoring of the Act.

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 licenses 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 [atrocities 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)).

Together with the rules, it provides a framework for monitoring the state response to the atrocities against Scheduled Castes and Scheduled Tribes. According to the Act and Rules, there are to be monthly reports (from the District Magistrates), quarterly review meetings at the district level by the District Monitoring and Vigilance Committee (DVMC) and half yearly reviews by a 25 member State Monitoring and Vigilance Committee (SVMC) the chaired by the Chief Minister. The performance of every Special Public Prosecutor (SPP) will also have to be reviewed by the Director of Public Prosecutions (DPP) every quarter. Annual reports have to be sent to the central government by 31 March every year.

The Act and Rules are a potent mechanism and precision instruments that can be used in tandem with the Right To Information (RTI) Act 2005 to motivate the state to hold the mandatory meetings and enforce compliance. A Human Rights Defenders [Monitoring Calendar](#) has been developed from the Act and rules to help human rights defenders, and the [functions and duties of the monitoring authorities \(the SVMC and DVMC\)](#).

Defining 'atrocities'

The term 'atrocities' was not defined until this Act was passed by the Parliament in 1989. In legal parlance, the Act understands the term to mean an offence punishable under sections 3(1) and 3(2).

In specific terms:

1. Atrocities is "an expression commonly used to refer to crimes against Scheduled Castes (SCs) and Scheduled Tribes (STs) in India".
2. It "denotes the quality of being shockingly cruel and inhumane, whereas the term 'crime' relates to an act punishable by law".^[10]
3. It implies "any offence under the Indian Penal Code (IPC) committed against SCs by non-SC persons, or against STs by non-ST persons. Caste consideration as a motive is not necessary to make such an offence in case of atrocities".^[11]
4. 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”.^[12]

The Act lists 22 offences relating to various patterns of behaviours inflicting criminal offences for shattering the self-respect and esteem of SCs and STs, denial of economic, democratic and social rights, discrimination, exploitation and abuse of the legal process, etc.^[13]

Section 3 of the Act lists the criminal offences and the punishments. It contains:

- 19 offences in their own right (Section 3(1) contains 15 subsections with an equal number of offences. Section 3(2) contains four subsections with offences)
- two derived offences (sections 3(2)(vi) and 3(2)(vii)). The derived offences are based on the offences given in the SC/ST Act. They only come in the picture provided that another offence under the SC/ST Act has been committed.
- one subsection that increases the punishment for certain offences under the IPC (Section 3(2)(v)).

These protections can be broadly divided into protection from

- Social disabilities (denial of access to certain places and to use customary passage and to get water from any spring, reservoir or any other source).
- Personal atrocities (forceful drinking or eating of inedible or obnoxious substance, against stripping, outrage of modesty, sexual exploitation, injury or annoyance).
- Atrocities affecting properties (land, residential premises, existing properties).
- Malicious prosecution.
- Political disabilities.
- Economic exploitation.

The common denominator of the offences is that criminal liability can only be established if the offence is committed by a person who is **not** a member of a Scheduled Caste or a Scheduled Tribe **against** a person who belongs to a Scheduled Caste or a Scheduled Tribe.

Special Courts

For speedy trial, Section 14 of the Act provides for a Court of Session to be a Special Court to try offences under this Act in each district. Rule 13(i) mandates that the judge in a special court be sensitive with right aptitude and understanding of the problems of the SCs and STs.

However, that is seldom the case. Most states have declared a court as a 'special court'. The hitch is that they are designated courts (as opposed to exclusive special courts) and so have to hear many other cases too. Consequently, at any time about 80% of the cases are pending ^[14]—defeating the very purpose of having special courts in the first place.

Special Court Justice Ramaswamy observed in the case of State of Karnataka v. Ingale^[15] that more than seventy-five percent of the cases brought under the SC/ST Act end in

acquittal at all levels. The situation has not improved much since 1992 according to the figures given by the 2002 Annual Report dealing with SC/ST Act (of the Ministry of Social Justice and Empowerment)^[16] Of the total cases filed in 2002 only 21.72% were disposed of, and, of those, a mere 2.31% ended in conviction. The number of acquittals is 6 times more than the number of convictions and more than 70 percent of the cases are still pending.^[17]

Inaugurating a two-day annual conference of State Ministers of Welfare/Social Justice, 8 Sept 2009, Prime Minister Singh expressed 'shock' that the conviction rate of cases of atrocities against the SC/STs is less than 30% against the average of 42% for all cognisable offences under the Indian Penal Code.^[18]

Karnataka has only 8 Special courts, though 15 of 30 districts are declared 'atrocities prone'. Overall conviction rates remain at or below 5%. Even the few special courts seem to be biased. In 2010, of the 101 cases disposed of in the Tumkur special court, not one was convicted. Gulbarga, another atrocity prone district had a conviction rate of just 2%. 7 districts had a conviction rate of 0% in 2010.^[19]

Investigation

According to Rule 7(1)^[20] investigation of an offence committed under the SC/ST Act cannot be investigated by an officer not below the rank of Deputy Superintendent of Police (DSP).

Various High Courts have vitiated the trail based on the above rule and have improperly set aside the order of conviction.^[21] The rule was to ensure that the investigations were of high quality, and the assumption was that senior officials would not be as biased, nor as vulnerable to other pressures, as those in the lower rungs of the police force. But the judges in their wisdom have allowed perpetrators to go free based on this legal fig leaf.

The Andhra Pradesh High Court, in *D. Ramlinga Reddy v. State of AP*,^[22] took the position that provisions of Rule 7 are mandatory and held that investigation under the SC/ST (Prevention of Atrocities) Act has to be carried out by only an officer not below the rank of DSP. An investigation carried out and charge sheet filed by an incompetent officer is more than likely to be quashed. Similarly, the Madras High Court in *M. Kathiresam v. State of Tamil Nadu*^[23] held that investigation conducted by an officer other than a DSP is improper and bad in law and proceedings based on such an investigation are required to be quashed. The Courts without taking into consideration the inadequacies of the State, have been punishing SC/STs (the victims) for the same. Shri Pravin Rashtrapal, Member of Parliament rightly pointed out that there are insufficient officers at that level.^[24] His statement is supported by the Annual Report of 2005-2006 of Ministry of Home Affairs.^[25] Of the total posts sanctioned by the government under Indian Police Service (IPS) more than 15 percent of the posts are vacant. This basically means that there is one IPS officer for 77,000 SC/STs.³³

In the case of Karnataka, there were no officers of the required rank in three districts, as admitted by the government at the State Vigilance and Monitoring Committee (SVMC) in September 2010.^[26] Though officers of higher rank can conduct the investigation (the Act only says 'at least of rank'), in practice they seldom do.

Compensation

Atrocities often take place when persons belonging to the SC community do not fulfill their 'caste functions' by doing ritually prescribed 'unclean' work or break the caste boundaries such as sitting in the bus or wearing a turban—often the preserve of the dominant castes. Atrocities are often a form of 'collective' punishment for daring to have even some semblance of non-dependence which is termed as 'prosperous', and the atrocity is to bring them back into the situation of total dependence and servitude. The state therefore has the duty to help the community back on its feet.

In fact, a part of the reason why atrocities are committed is economic activity. In my experience, I have seen that in some areas, the Scheduled Caste or the Scheduled Tribe person is prosperous. My knowledge is mostly about the Scheduled Caste, not about the Scheduled Tribe. It is because of the economic activity, because of the enterprise, there are areas where the Scheduled Caste people have also become prosperous. The Scheduled Caste people are able to build brick and stone houses. The Scheduled Caste people are able to acquire vehicles. The Scheduled Caste people are able to dress better, send their children to better schools. One of the reasons why atrocities take place in those places is to cripple them economically. Every riot, every arson case cripples them economically. Therefore, it is important that the State must immediately rush in social and economic measures for the rehabilitation of those who have suffered through these atrocities.^[27]

The government has prescribed a schedule for compensation^[28] under Rule 12.(4)) as Annexure 1 entitled Norms for Relief Amount. This is periodically updated. The amendment of 23 December 2011 is available [here](#)

Record

As 'police' and 'public order' are state subjects, primary responsibility for prevention of atrocities and maintenance of law and order rests with the State Governments. A responsive police administration has always been recognized as an essential requirement in any society that seeks to take care of its citizens. Such responsive administration is essential for prevention of atrocities likely to be inflicted upon SCs and STs by unscrupulous non-SC/ST elements.

Section 21(1) and (2) of SC/ST (POA) Act, 1989 stipulate that the State Government shall take all such measures as may be necessary for its effective implementation. However despite the Act and Rules, the situation has not changed much. The incidence of atrocities is actually increasing, and the implementation of the law leaves much to be desired as this statement of the Union Minister for Home Affairs shows:

"Madam, I must concede that the statistics do not reflect any decline in the atrocities. On the contrary, the information compiled by the Crime Records Bureau shows that the number of cases registered of atrocities against the Scheduled Castes and the Scheduled Tribes is, in fact, on the rise. I have the numbers from 2006 to 2008, subsequent years are being compiled. Take for example the case of the Scheduled Castes. The number of cases of atrocities against the Scheduled Castes registered in 2006 was 26,665. That itself is an

understatement. Many of the cases are simply not registered. In 2007, it was 29,825 and in 2008 it was 33,365. So, this clearly shows the rise in trend.

I can make one or two deductions from this.

- 1. Firstly that there is no let up in the atrocities committed on the Scheduled Castes.*
- 2. The other inference one can make is, perhaps, because of the pressure that is put on the State Governments by the Central Government, by public opinion and by NGOs, now the States are showing greater willingness to deal with the problem. Therefore, more cases are being registered.*

We cannot be happy about the fact that approximately 33,000 cases are being registered as atrocities against Scheduled Castes in one year. What makes it even more disturbing is that while so many cases are registered, the conviction rate hovers around 30%. What makes it doubly painful is that there is rise in atrocities, but when you try to prosecute and convict, the conviction rate is only 30%. It was 28%, 31.4% and 32%. Not only are acquittals very high; pendency is about 80%.

I am afraid that the disposal of the cases is low; the rate of conviction is low. Therefore, it is fair to conclude that the feeling amongst the Scheduled Castes and the Schedule Tribes that all these laws and all these statements, all these pronouncements have really not brought any relief to them. That feeling is running high and I cannot but say that feeling is justified."^[14] (p143, 144 of the printed text).

23 States have set up SC/ST Protection Cells. Nodal Officers have been appointed in 28 States.^[3]

Though the Act and rules are stringent, it is not a deterrent, as the Minister for Home Affairs P Chidambaram admitted in the Lok Sabha, referring to the Central Committee monitoring the implementation of the Act:

A committee under the Chairmanship of the Minister of Social Justice was set up after the SCs and STs (PoA), 1989 was passed. That Committee has met, so far, 10 times. The situation in 25 States and 4 Union Territories were reviewed. That committee has expressed that the most important areas of concern are the following five:

- 1. high rate of acquittal;*
- 2. high rate of pendency of cases and very low rate of disposal;*
- 3. inadequate use of the preventive provisions of the Act, while the punitive provisions are invoked and FIR is registered, preventive provisions are rarely invoked;*
- 4. the committees and other mechanisms provided in the Act have virtually not been put to use; and*
- 5. the Act itself may not be deterrent, perhaps it is not being as deterrent as we thought it could be.^[14]*

Shortfalls and lacunae

Bias

Going through the Indian judicial system is degrading for any Dalit because of the still existing biases of the court judges. One example is the conduct of an Allahabad High Court judge who had his chambers "purified" with water from the 'ganga jal' because a Dalit judge had previously sat in that chamber before him.^[29] Another example is the case of *State of Karnataka v. Ingale*.^[15] The State of Karnataka had charged five individuals with violating the SC/ST Act. At trial, four witnesses testified that the defendants had threatened Dalits with a gun to stop them from taking water from a well. The defendants told the Dalits that they had no right to take water, because they were 'untouchables'. The trial judge convicted all of the defendants. On appeal, the Additional Sessions judge confirmed the conviction of three defendants but acquitted two. On further appeal to the High Court, the judge acquitted all the defendants after rejecting the testimony of the four Dalit witnesses. The Dalits finally got relief from the Supreme Court.

Perhaps the most important bias (re implementation of this Act) is that there is little done to prevent atrocities. Most of the reports are of what is done after an atrocity has been committed. Few states have preventive measures in place. The 'relief' provided is a pittance and the confidence of the community is seldom rebuilt.

For the opponents of social justice, the low conviction rates are evidence of misuse of the Act by the SCs and STs to threaten and blackmail other communities. Actual data on such misuse is not available. However, the acquittal rates are abnormally high, as acknowledged by the prime minister and home minister (quoted above). There is also a high rate of FIRs rejected as being 'false' by the police. In Karnataka the rejection rate at the police station level (the 'B' report that classifies a case as false) was 77% of total cases disposed off in 2009^[30]—so much so that it became a topic for discussion in the SVMC. There were accusations by the top police officers and the top legal officers of the state, *in the presence of the chief minister*, other ministers and top officials, that the other was not doing their duty.^[31]

Legal system

The legal regime is fraught with contradictions. While the legal text is explicit in seeking remedies, the implementation of the text appears to evade actual performance. Laws and legal processes are not self-executing; they depend on the administrative structure and the judiciary with the anticipation that the social attitudes are driven by notions of equity, social justice and fair play.^[32] However, the increasingly indifferent responses of those involved in the implementation of laws protecting the weak, the oppressed and the socially disadvantaged have persisted over the years and the system has failed to provide for self-correction. The problem is that the victims of atrocities suffer not only bodily and mental pain but also feelings of insecurity and social avoidance which is not present for the victims of other crimes. If the judge delegated to protect those shows indifference, it would further aggravate their vulnerable position.

Rehabilitation

According to the preamble of the SC/ST Act, it is an Act to **prevent** the commission of offences of atrocities against SC/STs, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences. The Madhya Pradesh High Court also had the same view and observed in the case of Dr. Ram Krishna Balothia v. Union of India [\[33\]](#) that the entire scheme of the SC/ST Act is to provide protection to the members of the Scheduled Castes and Scheduled Tribes and to provide for Special Court and speedy trial of the offences. The Act contains affirmative measures to weed out the root cause of atrocities, which has denied SCs and STs basic civil rights. The Act has addressed the problem regarding the dispensation of justice, but what it failed to deal with is the problem of 'rehabilitation'. There is mention of rehabilitation under Section 21(2)(iii), but there are no provision addressing the same. As it has been stated earlier that victims of atrocities are on a different level when compared to victims of other crimes, hence there should be special provision for the same. According to the report submitted by the National Commission for Review and Working of the Constitution,[\[34\]](#) victims of atrocities and their families should be provided with full financial and any other support to make them economically self-reliant without their having to seek wage employment from their very oppressors or classes of oppressors. Also it would be the duty of the state to immediately take over the educational needs of the children of such victims and provide for the cost of their food and maintenance.

SCs and STs constitute 68% of the total rural population. According to the 1991 agricultural census a large number of SCs and STs are marginal farmers compared to the other sections of the society and because of this the numbers of cultivators are going down. In other words, the landlessness is increasing at a faster rate among SCs and STs. At the same time, the number of SC and ST workers as agricultural labourer is increasing at a faster rate when compared to other sections of the society. This basically implies that after losing their land holdings, SC and ST cultivators are becoming agriculture labourers. Loss of land, on the one hand, is caused by atrocities making them more vulnerable. This in turn fuels and promotes continuance of atrocities and untouchability.

Marginalisation is one of the worst forms of oppression.[\[citation needed\]](#) It expels a whole category of people from useful participation in the society and therefore potentially subjected to material deprivation and this could even lead to extermination. Moreover, this leads to the state of powerlessness which perhaps is best described negatively; the powerless lack authority, status and a sense of self.[\[35\]](#) Moreover, every right has three types of duties [\[citation needed\]](#)—duty to

- Avoid deprivation.
- Protect from deprivation.
- Aid the deprived.

Though the SC/ST Act does cover these duties, and its implementation is admittedly uneven, it is found wanting most in the third: duty to aid the deprived. One possible reason could be that the State has to work through its officials who are drawn from the same oppressive social strata. Though the Act does mention that *officers and other staff*

appointed in an area prone to atrocity shall have the right aptitude and understanding of the problems of the SCs and STs [\(Rule 13\(1\)\)](#) in practice, these officials often collude with their caste brethren and even file counter-cases against the victims or their family members.^[36] This means, in addition to the perpetrators getting away with the original crime, free to further intimidate the victims, the victims are left helpless—denied the government compensation and assistance to rebuild their life. They have to go back to the same perpetrator caste for their livelihood or daily wage labour. Hence, it is necessary to make the SCs and STs Self dependent.

Lack of awareness

The statement of object and reason of the SC/ST Act clearly reveals that the Act, in its letter and spirit, desires that Dalits lead a dignified life. However, even after 16 years of its existence in the statute book, it has not shown its desired effect.

Majority of the beneficiaries of this Act are unaware of the legitimate claims of leading a dignified way of life or are unwilling to enforce it intensively. Even the Police, prosecutors and judicial officers are unaware of this Act as was pointed out by Calcutta High Court in the case of *M.C. Prasannan v. State of West Bengal*.^[37]

Misapplication of the Act by police and the courts aggravates the problem ultimately leads to acquittals.^[38]

Some atrocities not covered under the Act

Social and economic boycott and blackmail are widespread. In view of the fact that the main perpetrators of the crime sometimes co-opt a few SC/STs with them and take advantage of local differences among the SC/STs and sometimes they promote and engineer crimes but get them executed by some members of SC/STs, the Act should be suitably amended to bring such crimes and atrocities within the purview of the definition of atrocities under the Act.^[34]

Likewise, the Special Courts established under Section 14 of the Act are required to follow the committal procedure under Cr.P.C. Such an interpretation prevents the speedy trial envisaged under the Act. The absence of adequate special courts has resulted in slow disposal of atrocity cases and a huge backlog.

Dalits in other religions not covered

This Act is applicable only for those communities that are in the government Schedule Caste or Schedule Tribe lists. Those who suffer from caste based discrimination (CBD) but are left out of the government list—the [Dalits](#)—(mainly those who profess Christianity or Islam, but even others who are not on the list due to mis-classification) do not come under its purview. This makes [Dalits](#) who have exercised their freedom of religion more vulnerable (if they or their ancestors changed their religion) or subject to administrative whims and fancies (if they profess to be Hindu, Sikh or Buddhist).

Empowering provisions

Migration

Under constitutional provisions, a caste or tribe is notified with reference to a State or Union territory. Hence a person born in state/UT gets certificate of SC/ST if his/her father belongs to specified caste/tribe in that state as SC/ST. On migration to another state, they lose their SC/ST status for affirmative actions, i.e. benefit of admission in educational institutes, reservation in government employment etc. *but the protection accorded under this Act stays* [\[citation needed\]](#). Once a person is notified as SC/ST in any state/UT, they are protected under the SCs and STs (Prevention of Atrocities) Act, 1989 throughout the country, irrespective of whether the particular caste or tribe is notified in the state/UT where the offence is committed.

Legal aid

Legal aid is available for all victims regardless of their financial status. It is the function of the State Legal Aid Authority to provide free legal service to the SC & ST victims of atrocities for those cases under trial in different courts. To facilitate this process 52 sessions courts of the state have designated as Special Courts where the designated advocates engaged for legal support to the victims of atrocities on request. Those advocates are provided remunerations for their services as per the norms by the ST&SC Development Department through State Legal Aid Authority. These facilities are further extended to the block level where legal aid cells have been established and two legal aid retainers and a DEO in each cell have been appointed by the ST&SC Development Department to cover more number of atrocities cases and to provide free legal aid facilities at the grassroot level. This system aimed to extend legal supports to the victims and the vulnerable communities.

Monitoring implementation

Many civil society organisations (CSOs) started using this Act to provide some relief to the victims almost immediately. A few Dalit and human rights organizations took to monitoring violence against the SC&ST communities, documenting them, publicizing them and also monitoring the use of the Act in dealing with these crimes. The full monitoring of the Act by CSOs is a later phenomenon [\[39\]](#) and has not matured in that civil society reports on implementation of the Act (shadow reports to the ones mandated by the Act section 21(4)) are yet to be done.

Source- www.en.wikipedia.org/wiki/Dalit/The_Prevention_of_Atrocities_Act

Source- website of the concerned district administration

Review of available literatures and on the basis of secondary sources of information it can precisely be stated that, untouchability is prevailing in the state of Odisha particularly in some sensitive pockets. SC people are more susceptible to caste based

atrocities than the ST. Although, two important legislations have been enacted by the government of India, such as PCR Act and POA Act and rules for SCs & STs during different times by considering and realizing the situational incidences and issues where the vulnerable communities are found victimised due to social discriminations. Terms like, definitions of atrocities, causes of atrocities, provisions relating to untouchability and atrocities, legal aid, relief/ compensation and rehabilitation, institutional mechanisms for better implementation of the PCR and POA Act, Awareness generations ect. are the Key terms need to be considered and analyzed for effective implementation of these two acts aimed at protection and prevention of untouchability and atrocities. This review shall facilitate the process of analysis of the field data and will likely be a support for the examination of the established hypotheses and also the aims and objectives of the study.

CHAPTER -IV

INSTITUTIONAL MECHANISM FOR IMPLIMENTATION OF BOTH THE ACTS AND RULES AND ITS ADEQUACIES WITH REFERENCE TO SANJOG HELPLINE AND ROLE OF GOVT. AND NGOs

PCR Act & Rules and POA Act and Rules have been enacted for the interest of the SC/ST communities, to prevent and protect them from all sorts of exploitations. Several institutional mechanisms have been identified, established and empowered for proper implementation of these two Acts. POA Act provides not only punishment to the offender but also provides relief and rehabilitation to the victim or his/her family members. The institutional mechanisms as given in the act and rules or in the executive orders issued by the state govt. from time to time as appropriate have been discussed in this chapter for needful consideration.

1. ***Declaration of Special Court in Odisha-*** As per the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Government of Odisha, Home Department Notification no-40448-HRPC (A-43/2000) dated 26.02.2000, declared special court only dealing the Act. In pursuance of Section-14 of the SC&ST (Prevention of Atrocities) Act-1989 (33 of 1989), a state government in suppression of all previous notification issued on the subject and with the concurrence of the Chief Justice of High Court, Odisha do here by specify the courts, districts and Session Judges, Addl. Dist. and Session Judges. 52 numbers of Courts are designated as Special Court for trial of the offences under the SC&ST (PoA) Act-1989 within the local limits as specified against each in column (3) thereof. Copy of the notification is enclosed at Annexure-
2. ***Notification for Atrocity Prone-areas according to SC&ST (PoA) Act-1989 in Odisha-*** Government Odisha after careful consideration have been pleased to appoint the Additional District Magistrate of the District named in the scheduled as the Special Officers in the respective districts to perform the duties and discharge the function of Special Officer under Rule-10 of the SC&ST (PoA) Rules-1955 in the identified atrocity-prone areas of these districts. When there will be more than one ADM, the ADM in charge of the Judicial /Law & Order section of the districts office will be the Special Officer. Copy of the notification is enclosed at Annexure-
3. ***Functions of the SC & ST Protection Cell-*** Special Cell has been created in the SC& ST Development Department, vide its Notification No.13250, Dt.05.04.2007 for ensuring effective implementation of welfare of Scheduled Tribe communities. It compiled all relevant welfare activities taken up in the state monthwise from the DWOs and prepares monthly progress report for onward transmission to the Ministry. Copy of the notification is enclosed at Annexure-
4. ***State-level High Power Vigilance and Monitoring Committee (SVMC)-*** In pursuance to Rule-16 of the SCs & STs (PoA) Rules-1995, the State-Level High Power Vigilance and Monitoring Committee under the Chairmanship of Hon'ble Chief Minister has been constituted. The first State level Vigilance and Monitoring

Committee meeting was held on dated 16th November 2005 in State secretariat 3rd floor conference hall under Chairmanship of Chief Minister. There is the provision for meeting two times in a year. The Secretary of SC/ST Development department is the Convener of the committee. SVMC is reconstituted in every 5years. It has 24 nominated Members and Commissioner-cum-Secy. is the Member Convener of SVMC.it discussed all issues as per the agenda prepared by *SC & ST Protection Cell* under ST&SC Dev.Dppt.Copy of the notification recent SVMC is enclosed at Annexure-

5. ***District-level Vigilance and Monitoring Committee (DVMC)***-The District Level Vigilance and Monitoring Committee as required u/r Rule-17 of SCs & STs (PoA) Rules, 1995 have been constituted in all the 30 districts in the state. District Magistrate (DM) of the concerned district will be Chairman of the District Vigilance and Monitoring Committee (DVMC) and District Welfare Officer will be the Convener of the DVMC. DVMC constituted of 24 nominated Members and sits in every six months.

It discussed issues occurred relating to atrocities and forward report for needful action.

Copy of the notification is enclosed at Annexure-

6. Training/Awareness Programmes:

Government is making sincere efforts in creating awareness among the general public on the various provisions contained in the PCR Act, POA Act and Rules. Training programmes/Workshops/Seminars for police officials, District Welfare Officers, Project Administrators of the Integrated Tribal Development Agencies (ITDAs),Public Prosecutors, Welfare Extension Officers, PRI Members, tribal youths and representatives of NGOs/CBOs are being organized regularly sensitized in regard to the provisions and implementation of the said Acts and Rules. Trainees nominated from different category seem to gain appropriate knowledge on the implementation of these two special laws and their role and responsibilities in providing protection to the affected SC/ST people. In this regard the Sch.Castes and the Sch.Tribes Research and Training Institute (SCSTRTI), Bhubaneswar, A State Level Training Institute under ST/SC Development Department organized training, workshops regularly for different category of participants. The Institute has already prepared reading materials on provisions of PCR Act, POA Act and POA Rules in Regional language and English for sensitization of the general public.

7. Establishment of Legal Aid Cells in Blocks, Sub-Divisions and District Headquarters for providing legal aid advice to the SC & ST Communities.

The Government of Orissa have decided to open 390 Legal Aid Cells in Blocks, Sub-Divisions and District Headquarters for providing free legal service consultancy to SC/ST people under the Centrally sponsored project. These Cells will function as Legal Aid Centres in the field of legal services to the members of SCs/STs with two Legal Retainers in each Cell out of whom one will be from SC/ST community. Each Cell will also be provided with one Data Entry Operator

(DEO), who will function as DEO-cum- Office Assistant to assist the Retainers. So far 227 Legal Aid Cells have already been opened. The funding of this scheme is borne by the State Government and the Central Government on 50:50 share basis. This scheme, which initially started functioning in July, 2011 in TSP Blocks, was subsequently rolled out for implementation in other Blocks, Sub-divisions and District Headquarters. This is no doubt a good step taken by the Government which requires adequate publicity so that the SC/ST people can take benefit of this intervention. Copy of the Govt.order is enclosed at Annexure-

8. Role of NCSC (National Commission for Scheduled Castes) and NCST (National Commission for Scheduled Tribes)

The National Commission for Scheduled Castes & Scheduled Tribes (NCSC) had been constituted under Article 338 of the Constitution of India. The Commission shall consist of a Chairperson, a Vice-Chairperson and three other Members. The Headquarters of the Commission is located at New Delhi. Initially, one Commission for SC & ST was constituted and later after the constitution of two separate Ministries namely, Ministry of Social Justice and Empowerment and Ministry of Tribal Affairs; it was divided into two separate Commissions one for ST & one for SC during the year 2003 as amended by the Constitution (Eighty-Ninth Amendment Act, 2003). A Special Officer under Article 338 of the Constitution had been appointed. The Special Officer who was designated as 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. Regional Office of East zone of NCST (National Commission for Scheduled Tribes) has been established at Bhubanewar and Regional Office of East zone of NCSC (National Commission for Scheduled Castes) has been established at Kolkata which are looking into the problems of STs & SCs of Odisha respectively. Although the function of both the Commissions are similar in nature, the role & functions of NCSC has been discussed herewith only because the study focused on the Atrocities of Scheduled Castes in the six SC concentrated districts of Odisha.

Functions and responsibilities of the NCSC Commission:-

- (a) To investigate and monitor all matters relating to the safeguards of SCs provided for under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
- (b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;

- (c) To participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development under the Union and any State;
- (d) To submit annual to the President of India, or at such other times as the Commission may deem fit necessary, reports upon the working of those safeguards;
- (e) To make such report/ recommendations and measures that should be taken up by the Union or by any State/UT for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes; and
- (f) To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

The Commission shall function by holding 'sittings' and 'meetings' at any place within the country and also through its officers at the Headquarters and in the State Offices. The Members of the Commission including the Chairperson and the Vice-Chairperson shall function in accordance with the procedure prescribed under these rules.

Duties of the State Offices of the Commission includes:

- i. To act as the eyes and ears of the Commission in the state (s) under their jurisdiction.
- ii. To maintain effective interaction and liaison with the State Government /UT Administration on behalf of the Commission.
- iii. To act as State Level Advisory Council/Committee/ Corporations, etc. on behalf of the Commission:
- iv. To provide information and documents on the policies and programmes of the Union Government for the welfare and advancement of Scheduled Castes to the States, NGOs, media in their respective jurisdiction and obtain similar information and documents from such organizations and provide to the Head quarters of the Commission information/documents about important developments, social movements, policy changes etc. in the State(s) affecting the interest of Scheduled Castes.
- v. To monitor and assist the working of voluntary and other non-governmental organizations receiving grant -in- aid from the Ministry of Social Justice and Empowerment as also other Ministries/ Departments of the Central Government and the concerned State Governments, Foreign Aid Agencies etc.,

for Research studies and any other development work relating to Scheduled Castes.

- vi. To conduct Research studies, seminars, conferences, surveys etc. either of their own or as entrusted to them by Headquarters from time to time.
- vii. To conduct on-the-spot inquiries into cases of atrocities on Scheduled Castes either on their own or as entrusted to them by Headquarters and interact with the concerned Administrative/Police authorities having jurisdiction and report to the Headquarter.
- viii. To deal with complaints/representations from individuals, Scheduled Castes Welfare Associations etc., on various matters.
- ix. To participate and advise in the planning process for socio-economic development of scheduled Castes as envisaged under clause 5 of Article 338 of the Constitution of India.
- x. To collect, compile, analyze and monitor issues pertaining to development of Scheduled Castes in the states especially with reference to Special Component Plan (SCP) and Special Central Assistance (SCA) and prepare drafts of Reports pertaining to the state (s)/UTs under their jurisdiction.
- xi. To prepare and maintain a comprehensive and up-to-date database of Scheduled Castes population, education, development etc in the State(s)/UT(s); and
- xii. To perform any other duty specifically assigned/entrusted to the state Office(s) is the Commission or the Secretary or any other officer empowered in this regard.

9. National Human Rights Commission and State Human Rights Commission:

National Human Rights Commission(NHRC) in India although has been constituted during the early 1990s, came into force on 12th October year1993 by virtue of the Human Rights Protection Act, 1993 with the aim to protect the life, liberty and sovereignty of the citizen of India. SC &ST being the vulnerable section of the society and since they are prone to exploitation, the NHRC has also the power to protect these vulnerable citizens. This Commission has headquarters at Delhi and has regional offices in different States and UTs. Indian Constitution provides certain rights for the individuals in Part-III of the Constitution, known as Fundamental Rights and Part-IV says about Directive Principles of State Policy. While the former guarantees fundamental rights of the individual and the later gives direction to the state to provide social and economic rights to its citizens in specified manners. Wide powers and roles have been given to the Commission by which it can review the safeguards and protections provided to the citizens, visit any jail or other institutions, study all treaties of international human rights, promote research on any issues of human rights and recommend government after one week of the visit.Commission is

empower to spread human rights literacy, promote awareness through publications in print media and other available means,organize seminars, workshops and such other activities. Besides, it can encourage the efforts of NGOs working in the field of human rights.

NGOs have been associated with the Commission since beginning and they boldly come forward with evidences of wrong doing in relation to specific complaint addressed to the Commission. Generally, the Commission deals with cases like: custodial death,police excess (Torture,illegal detention,unlawful arrest, false implecation ect.),Fake encounters,Cases related to women and children, atrocities on dalit members,minority/ disabled; Bonded labour; Armed forces,para military forces and other important cases.Although the Commission is equipped to handle any situation but it is endowed with only recommendatory power which may be considered or worked out by the government.

10. State Human Rights Protection Cell (HRPC)

State Human Rights Protection Cell, Orissa is a Specialized wing of the State Police Headquarters , dealing with crimes in respect of dowry and non-dowry torture against women, atrocity on Scheduled Caste and Scheduled Tribes and death in Police Custody. It acts as Nodal Agency for the National Human Rights Commission, Orissa State Human Rights Commission, and National Commission for Women, Sate Commission for Women and National Commission for S.Cs/ S.Ts. Besides, all matters relating to human rights issues referred to the State Police Headquarters are also dealt in State HRPC. Moreover, petitions relating to atrocity on Woman and members of S.Cs./ S.Ts. are either inquired into or monitored by the State HRPC. Grievances of public relating to the above issues are regularly heard and follow up actions are taken up there on. State HRPC exercises control over all dowry related crimes and crime against S.C./S.T. In selected cases, it also assumes full control over investigation of dowry and S.C./S.T. related cases by its own officers. State HRPC also takes up investigation of all cases of death in police custody. The State HRPC gives necessary guidelines to the Districts Superintendents of Police for effective furnctioning of district HRPC which have been created in each district Headquarters of the State. A family Counselling Center of Social Advisory Board is attached to State HRPC to render counselling to the victims as well as accused persons in cases of dowry and non-dowry torture to restore their conjugal life.

The rising awareness among women for their rights and status is translating into the reporting of more and more cases of torture of women. Perhaps, this factor accounts for the rising trend of registration of such cases in the Police Stations. The Department has been receiving the notices from the National Human Rights Commission and the Orissa State Human Rights Commission.Separate cells have been set up to facilitate the process of

investigation and award of justice in different category of cases. They are; grievance cell, complaint received cell, State Commission for Women, Family Counseling Center, Mahila & Sishu Desk, Cell dealing with dowry and non-dowry tortures and Atrocity.

During the year 2006, 485 grievance petitions relating to torture on married women demanding dowry and atrocity on S.C./S.T. and other miscellaneous matter have been received in the State HRPC of which 95 petitions have been disposed off by taking appropriate legal action and remaining 390 petitions are pending for inquiry with the concerned district Superintendents of Police.

Following institutions are functioning under HRPC to render justice to different category of cases.

- **FAMILY COUNSELING CENTRE:**

A Family Counseling Center has been attached to the HRPC with professional counselors appointed by the Social Welfare Advisory Board, Government of Orissa to settle up the family disputes and restore conjugal life by way of mutual understanding. During the year 2006, 94 complaints have been received in the Family Counseling Center as against 92 of the year 2005, out of which 64 complaints have been resolved amicably and remaining 30 cases are under process of settlement. The District Superintendents of Police have also been instructed to look into this aspect in their District H.R.P.C.

- **MAHILA AND SISHU DESK:**

The Government has decided to set up a Women & Child Desk in each Police Station in the State to provide legal redressal to the Women and child victims. Till date Mahila and Sishu Desks have been set up in 210 Police Stations of the State. The Police personnel attached to such Desks have been provided sensitization training organized by the Home and W&C.D. Department, Bhubaneswar. So far 530 Police personnel have been sensitized.

Besides, 21 Swadhar Homes, 33 Short stay Homes and 34 Family Counselling Centres are functioning in the State of Odisha to provide redressal to the Women and Children at the time of their distress.

- **CASES RELATING TO ATROCITIES ON SCs. & STs.**

During the year 2006 (up to 30.11.2006), 1349 cases of atrocity against SC/ST have been reported. Out of 1349 cases reported, 231 cases were charge-sheeted, 9 cases ended in FRT, 112 cases were other wise disposed off and remaining 997 cases are pending for investigation of which 924 cases are found pending due to lack of charge-sheets. The percentage of detection including the LCS cases comes to 93.3.

11. Setting up of Toll Free Sanjog Help Line (155335) in May, 2010 which is functioning in all days for 24 hours.

The process of justice begins with registration of an offence in the Police Station. In several cases, victims residing in remote areas find it difficult to rush to the police station, which is located at a distance place, for registration of their complaint. Government has introduced the Sanjog Help Line during May 2010 through which an online complaint can be registered into the Police Machinery within a very short period. This electronics devise prepared for online registering of cognizable offences from any corner and also a commonman could able to have an instant access of the statusquo of the atrocity cases. The Sanjog Helpline toll free number **(155335)** has been programmed and monitored by OCAC, Information & Technology Department and functioning under State HRPC. The detail diagram of functioning of the 24 hours enabled toll free Sanjog Helpline has been described in the page no.42.

The grievances/complaints related to PCR & POA Act received through Sanjog Helpline in the FIR format are sent to the Superintendent of Police/Deputy Commissioner of Police of the concerned District/Commissionate in a short time period with a system generated complaint number via SMS, e-Space and FAX. Simultaneously, the complaint is also sent to the concerned IIC of the Police Station. Using the complaint number, the complaint can get the information on the status of his/her grievance from SP Office as well as from Sanjog Helpline. After getting the complaint from the Sanjog Helpline, SP/DCP Office will give the necessary instruction to the concerned police officer to undertake actions at their end as per the provision of the Act. The complaint received from Sanjog Helpline should be redressed within one month time.

It is worth to mention here that the advertisement of Sanjog Helpline has been made in most of the State Govt Web Sites for optimum use of the system as an important institutional mechanism.

The PCR Act & POA Act did not have the effect of curbing up effectively either the practice of untouchability or the atrocities committed against Scheduled Castes emerged from the practice of untouchability. Further, social change and transformation in the socio-political and economic conditions of the SCs have met with considerable (often violent) resistance by those who used to derive power and enjoy every thing from the existing social organization. This attitude induces agony which lead to increase the number of atrocities perpetrated against the Scheduled Castes. Apart from these two protective acts (PCR & POA Act); other targeted interventions have also been made from time to time as per the Rules to prohibit and regulate the practices arising out of the notion of untouchability. Besides, a number of other enacted the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition Act), 1993, the Bonded Labour (Abolition) Act, 1976, the Child Labour (Prohibition and Regulation) Act, 1986, the Minimum Wages Act, 1948, the Inter – State Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979, to deal *inter alia* with specific issues that arise in the context of untouchability. Besides, payment of relief, compensations, legal aid and rehabilitation of the victims should be made with in the specific time limit to facilitate the process of implementation.

CHAPTER -V

DATA ANALYSIS AND INTERPRETATION:

CASE STUDIES, INTERVIEW WITH STAKE HOLDERS , FOCUS GROUP DISCUSSIONS

Case Studies:-

Some of the sample case studies from the Study districts have been identified and presented herewith in brief highlighting the circumstances and the causes of crime, action taken by police, action taken by the District Administration regarding the delivery of appropriate compensation, relief and rehabilitation measures for the victims.

PCR ACT RELATED CASES-

Case Study No.1

SC girls not allowed to temple.

Two young girls namely, Ku.Bandana Bhoi, aged about 19 years and Ku. Sulochana Bhoi, aged about 18 years, D/o. Kalu Bhoi of Ranapada village of Brahmagiri P.S., Dist: Puri were the victims of atrocity on the ground of untouchability. On 28.08.2010 they had gone to nearby Kali Temple to offer puja but Shri Karunakar Palai, a caste-Hindu, opposed their entry to temple as they were from Sch.Caste ('Bauri') community. He abused them in filthy language in their caste name and thrown away the puja offerings. Subsequently, some other higher caste people also joined hand with Shri Palai in this incident. They imposed an amount of Rs.50, 000/- as fine on the girls for purification of the temple. After this incident, both the sisters returned home and narrated the incident to their parents, who lodged an FIR in the Brahmagiri Police Station on the next day i.e. on 29.08.2010. Police registered the case vide P.S. Case No.160 U/s 341/294/323/506 of IPC and Section 3 of SC & ST (POA) Act, 1989. After a few days of this incident, the higher caste people of the nearby villages arranged a meeting and planned to attack the family members of the



victims and their supporters. Accordingly, on 08.09.2010, they attacked the SC people of Ranapada village in a group near Raibidharpur Market. In this incident the SC people suffered severe injuries and were admitted in the local Hospital for treatment. After this incident another FIR was lodged by the SC people in the Brahmagiri P.S. on 09.09.2010 and the Police Registered the case vide P.S. Case No.168 (6) U/s 147/148/294/323/325/427/363/506 of IPC and Section 3 of SC & ST (POA) Act, 1989. Police neither arrested the accused persons in both the case nor provide security to the SC people. One Platoon Police Force was deployed in the Ranapada village. The District Administration, Puri also arranged a public meeting and tried to convince the higher caste people not to practice untouchability and to discriminate the SC people socially on the same ground. The effort of the District Administration did not yield any positive result and the higher caste people did not agree to the suggestions of the District Magistrate, Puri in this regard.

The victims were paid Rs.72, 000/-as compensation. There was no further development in this case at the time of the visit of the study team to the field.

Case Study No.2

SC woman not selected as Anganwadi helper.

Mrs. Jharana Mallik, age- 35, w/o- Shri Chandramani Mallik is a resident of village Dhanabalakateni has applied for the post of Anganwadi helper in Kusapada Anganwadi Center. This center has covered 3 villages namely, Kusapada, Dhaulia and Dhanabalakateni. So the candidate from these 3 villages applied for the post of Anganwadi helper that is four from Kusapada village and one from Dhaulia and Dhanabalakateni village. The selection process was conducted by ICDS Project Supervisor Ms. Bishnupriya Nanda and Ms.Bharati Dei (ANM-Kusapada). At the time of verification of certificate, the ANM (Ms. Bharati Dei) and ICDS Supervisor (Ms. Bishnupriya Nanda) expressed before Mrs.

Jharana Mallik that since she belongs to an untouchable caste '(PANA by sub-caste) , she should not be an eligible applicant for the post of helper . Altimately her application was devoid of consideration. After that the conflict was started among the villagers and the selection authority. The selection was postponed. In the evening the villagers of Dhanabalakateni and Dhaulia village call a meeting and decided to give an F.I.R in the police station. They went to Nihalprasad Police Station on dated 23.05.10 and gave



written information about the case to the IIC (Shri Gokhabandhu Naik). But the F.I.R was not registered and the IIC (Shri Gokhabandhu Naik) said to wait for two days. The F.I.R was registered after 4days on 27.05.2010 U/S 3(i)(x) SC & ST (PoA)Act. A Non-SC woman got appointment against the said post and Smt. Jharana Mallik is still waiting to get the justice.

Case Study No.3

Untouchability practice in Tankapani U.G.M.E School

Tankapani village is coming under Umadeipur G.P of Baliana police station in Khurda districts and it is only 10 kms. away from Bhubaneswar city. On dated 08.12.2009, news published in a local daily news paper 'The Dharitri' regarding the practice of untouchability in U.G.M.E School, Tankapani. Dalit students of Tankapani UGME School complained about the practice of untouchability by the cook (of SHG women group) and the teachers and also complained about the mismanagement of the mid-day meal and distribution of eggs, to their parents. After listening to the complaints of the children (*SC students are forced to wash the kitchen utensils, forced to clean the toilet and offal tiffin box of teachers and discriminated the SC students in classroom sitting arrangement.*), some parents with the Ward Member and VEC Secretary came to school to know the fact. During discussion with the teacher's one member of the SHG group out of anger uttered slang language to the parents of the Dalit students and the Secretary of VEC Mr. Dinabandhu Sahoo. After that the parents with VEC Secretary went to the BDO. The BDO heard the matter and gave assurance for immediate inquiry. Before the inquiry the SHG women registered a FIR against the VEC Secretary Mr. Dinabandhu Sahoo for which police came to arrest Dinabandhu Sahoo. As a result, the villager with the Dalit student started a rally to protect Dinabandhu Sahoo. When they reached at local police station to



Dr.S.K.Naskar, Regional Dy. Director intorogating with children, Police and parents at Tankapani Primery School under Baliana PS in Khurda district.

register the FIR, the police officer that was present there misbehaved with them and refused to register the FIR. After that they came to Baliana police station and gave the FIR. The officer-in-charge, Mr.Ganesh Chandra Swain registered the FIR and assured for immediate Inquiry of the case.

But the police official did not register the case. The local administration, Police and the village community leaders along with VEC has compromised the case at village level. Later on, the case came to the notice of, National Commission for Scheduled Castes. Dr. S.K. Naskar, Regional Director, NCSC, Kolkata visited to the spot and inquired into the matter. After his intervention, the untouchability practice in the school has been stopped.

Case Study No.4

SC Student discriminated at School during Mid-day-Meal (MDM).

Sudhesna Naik, W/o-Bhagaban Naik aged about 35 years at-Badatulasipur, Po-Dihapadalo, P.S-Bhanjanagar, Dist-Ganjam belongs to Scheduled Caste and his sub caste is "Khadal".

On dated 13.09.2011, Pratap Naik, S/o-Bhagaban Naik aged about 8-years and studying in Class-III was sitting to have his lunch in the mid-day-meal at the Badatulasipur Primary School. At that time a SMC member named Surya Swain (40 years) came to that school and he was in tension due to some other problem. When he saw Pratap Naik sitting with higher caste people he immediately roared upon ordered Pratap to eat separately. But Pratap couldn't understand what's wrong with him suddenly; he was nervous and unable to react and stand up suddenly with the fear of Surya Swain. Again Surya Swain went nearer to Pratap and pulled his hair with a huge punch to his waist and beaten him repeatedly. As a result of Pratap Naik became senseless and was hospitalized.

Sudesna Naik complained in the Bhanjanagar Police Station and the case was registered bearing the P.S case no-197/13.09.2011,Under section-341/323/294/506 of IPC and u/s 3(I)(X)of SC & ST POA Act. No charge sheet has been made against the case and the accused are not arrested by the police.

Case Study No.5

SC Anganwadi worker badly injured by some dominant caste people in her work place.Ms. Satyabhama Mallick (25years) D/o- Chakradhara Mallik belongs to Scheduled caste (Pana) of the village Manpur under Kuakhia Police Station in Jajpur district of Odisha. Satyabhama is an Anganwadi worker of Manapur village. From the time of selection for the said post there was the conflict between the SC and the dominant caste people and the dominant caste people do not want to appoint a SC girl in the Anaganwadi centre, so the conflict had been continued among them.



Manapur Anganwadi Centre under Kuakhia PS



FF team met Satyabhama at SCB Medical, CTC

On dated 20.07.2011 at about 7.30 morning, when Satyabhama was working in the Anganwadi Centre, 8 nos of dominant caste youth i.e(1) Tushar Samal(26year), S/o- Karunakar Samal, (2) Baidhar Nayak, (34years) S/o- Gandhi Nayak, (3) Kaliprasanna Samal (32years) S/o- Babaji Samal, (4) Lokanath Panda,(50years) S/o- Raghu Panda, (5)Sukanta Sahu, (31years)S/o- Babaji Sahu, (6)Rajakishore Das (35years) S/o- Ramesh Das (7) Amar Samal (35years) S/o- Maheswar Samal and (8) Sankarsan Panda(32years) S/o- Panchanan Panda; all belong to Manapur village came and scolded in slang languages to Ms. Satyabhama by her caste name. They attacked and made her senseless in the Anganwadi Center.

She was initially send to nearby hospital then the doctor referred her to SCB medical college, Cuttack observing her serious condition .She was admitted into surgical ward bed no 474 on 20.07.2011. Mr. Ramesh Malik, brother of her lodge a FIR at Kuakhia PS vide case no-90/ 2011. SDPO, J.K. Road Jayaram Satapathy is the Incharge Officer of the case.

Case Study No.6

SC SHG Members not allowed to cook mid- day meal (MDM).

Ketaki Sethy aged 45 years D/o- Maheswar Sethy and Sehati Sethy aged 47 years are the resident of village Sanamarichipali under Rajanagar Police Station in Kendrapara district. Both belong to Scheduled caste (Dhoba) community. “Maa Ambika Self help Group” had been given the responsibility for cooking Mid-day-meal in Maa Sidhamarichani Nodal School by the village education committee VEC. The above mentioned women had been appointed as Cook by the said SHG. Both were the members of the SHG. On dated 19.01.2010 both were busy in cooking food. Shri Niranjana Pradhan aged 41 years S/o- Late Prahallad Pradhan from SEBC community, a resident of village, Badamarichapali under same Police Station came to the school. He was a member of VEC. He insulted both the SC women at kitchen room by using slang languages. His intention was to remove both the women from their job (Mid-day-meal).

But both of them did not accept the Instruction of Niranjana. So Mr. Niranjana Pradhan became angry and locked both the lady within school compound. After 3 hours they were released by some gentlemen of the village. Regarding this incident a complaint had been lodged in Rajanagar PS. Little action has been taken by the local Police administration till date.

Case Study No. 7

SC School teacher harassed by a dominant caste teacher in the School.

Late Amiya Bhoi, S/o-Jairam Bhoi aged about 30 years belongs to SC community and his sub-caste is 'Bauri' was living at Urajanga village under Govindpur PS in Cuttack district. Amiya was a graduate and appointed as a teacher in *Bhagabati Bidya Mandir* at Urajanga. He was given monthly remuneration of Rs.750/- only as salary which was irregularly paid by the school authority which was the only source of income of Amiya's family. Mr. Aswini Mohanty- a non-SC person of the same village is the founder secretary of the said School. A sum of 6,000/- (eight month salary) was lying with the school authority not paid to Amiya. But once when his wife Sabita becomes ill and hospitalized, Amiya at that time had requested for release of his pending salary to the school authority by narrating his plight to Shri Mr. Aswini Mohanty, who gave a deaf ear on the matter. As a result, out of the financial scarcity and psychological pressure, Amiya committed suicide on dated 6th Dec 2008 by eating poison in the class room of the school. Amiya had left a suicide note accusing Aswini Mohanty who is the responsible for his death. Amiya's wife Sabita lodged an FIR at Govindpur PS against Aswini Mohanty. Police registered a case (PS case no-156/08, U/S-306/506 of IPC and u/s 3 of SC/ST (PoA) Act. Police did not take any legal action against the accused. Police framed charge sheet of the case and it is under trial in High Court at Cuttack district. The victim's family has not got any compensation either from the school authority or from the government.

Case Study No. 8

Caste discrimination at Saloon and village market at Budhapal market in Deogarh district.

On dated 23.09.08 three youth namely' Ajit Naik (22yrs.)S/o- Gurubaria Naik, Santosh Naik S/o- Kulamani Naik(25yrs.)and Naresh Naik (45yrs.) S/O Laxman Naik from Budhapal village under Kundheigola Police station had gone to avail the services from hair cutting from saloon situated at Budhapal bazaar. All the youths belong to SC (Pana) community. But Mr. Manoj Kumar Basantara, the saloon owner did not allow them into his saloon, he strictly refused them to cut their hair, and it created a huge argument among many and said youths. Finally the SC youth returned back to their hamlet and shared about the incident before the leaders of the hamlet. After some time 4 to 5 other SC members including Mr. Iswar Nayak and Mr. Bijay Padil went Budhapal Bazar to purchase some edible items. Mr. Maheswar Sahoo and Mr. Tikuna Sahu the

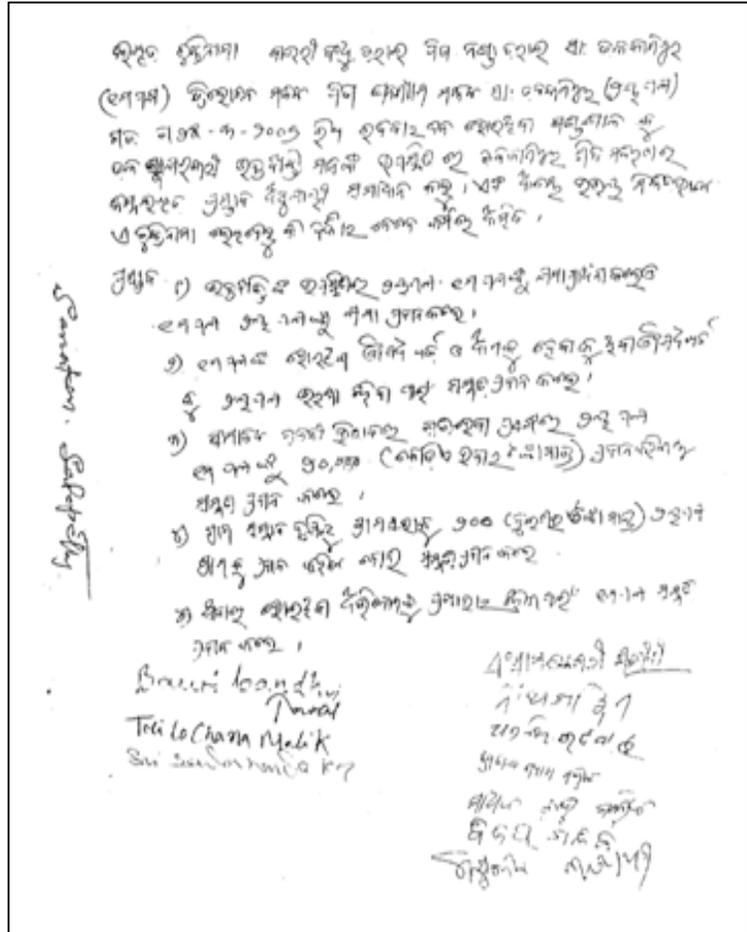
shopkeepers passed some irritating comments to them relating to their caste angle. That incident also made the situation more tension and communal agony among the SC and the other dominant caste Banika Sangh members of Budhapal bazaar. Regarding an FIR was lodged by the SC youth at Kundheigola PS. On that day the IIC of the Kundheigola PS had called on a peace committee with the presence of Biren Pradhan the then Sarapanch of Budhapal GP, Baikunthanath Sahoo the president of Budhapal village, Khirod Padhan the Ex-Sarapanch of Budhapal GP with other gentlemen had discussed and compromised the matter.

A resolution was passed in the presence of the local administration and Police to allow the SC people at Saloon and market shops.

Case Study No.9

SC youth penalized by Panchayat.

Trilochan Mallik aged about 45 is a resident of village Kashipur under Nihalprasad Police Station. He belongs to sub caste PANA. He is a share-cropper in the agricultural land of a caste Hindu. On dated 25th March 2007 a small incident was happened. On that day Trilochan Mallik had a scuffle with Bauri Bandhu Tarai sub caste- Keuta, in a sugarcane field. Both of them first abused and then fight with each other in the sugarcane field. Bauribandhu, who belongs to the fisherman community, complained that his sub-caste status was affected as the “untouchable” PANA community man touched his body during the scuffle. So Bauribandhu went to Police Station to complain



aganist Trilochan Mallik where he met Sangram Satpathy, the Zilla Parishad Member Sub-caste- Brahmin, a dominant-caste. Sangram suggested him not to register FIR rather to compromise the matter at the village meeting. In the village meeting it was decided that Trilochan had to pay Rs.20, 000/- only towards the purification cost and Rs.

2,000/- towards the medicine cost of Bauribandhu. Since Trilochan was very poor, he struggled a lot to collect this huge amount. Finally, he sells out all his goats and utensils. After that he took money from a private money lender with an interest of 5% per month. There by he could able to give the penalty to Bauribandhu. After that Trilochan Mallik faced many problems. From the year 2007 to 2010 he has been repaying his dept and interest. He has sold all his household assets to repay the money to the money lenders. Repayment of his debt is still not forfeited. When the case became public the District Welfare Officer of Dhenkanal district visited once to Trilochan's house. He finished his duty after visiting the case. No investigation was made on behalf of district administration. He finally registered an F.I.R on dated 24.10.2009 under section-384 IPC and u/s 3 (iii) (xii) of SC/ST (PoA) Act. Till date no compensation has been provided to the victim.

Case Study No. 10

SC girl exploited by caste-Hindu family members after inter-caste mirrage

Jyotshna rani Mallik D/o-Kanda Mallik aged about 31 years belongs to SC community and her sub-caste is 'Kandara' of the village Govindaram patina under Niali PS of Cuttack district. Sanjib Puspalak S/o-Kailash Puspalak aged about 35 years belongs to Brahmin community of the village Madhab under the same PS has married to Jyotshnarani in the month of October 2008, in court of SDJM , Puri. This is an inter-caste marriage and Sanjib's father Kailash Puspalak wasn't happy in this marriage. For which Sanjib was staying in the Jyotshnarani's paternal house. After two months of their marriage Sanjib left Jyotshnarani. When she went to stay in Sanjib's paternal house at the village Madhab, Sanjib's father Kailash rebuked and attacked her, snatched her gold ornaments, mobile phone and tried to kill her. Regarding this matter on dated 11th Dec. 2008 Jyotshnarani lodged an FIR at Niali PS against both Kailash and Sanjib. Police registered a case (PS case no-149/08, U/S-341/342/323/354/379/506/34 IPC and u/s 3 of SC/ST (POA) Act and arrested Kailash Puspalak, but could not arrest Sanjib till date. The case was in the SDJM court, Cuttack. In the year 2010, the SDJM Court gave the judgment that, if Sanjib Puspalak is not interested to stay with Mrs. Jyotshnarani as her husband then he will have to give Jyotshnarani Rs.1000/- (rupees one thousand) only as life long monthly maintenance .But Sanjib's father Kailash challenged the Judgment of SDJM Court, Cuttack in the High Court, Odisha. High Court gave the stay order on the judgment of the lower court. Now the case is under trial at High Court, Odisha.

Case Study No. 11

Doli Sethy, aged about 22, D/o- Bachhei Sethy, At- Goudapatna, Po- Nuapada, PS- Khandapada, Dist- Nayagarh belong to Scheduled Caste by sub-caste Dhoba.

There was a love relation between Doli Sethy and Ashok Sahoo who belong to OBC by sub-caste- *Teli*. Once Ashok Sahoo & Doli Sethy eloped and lived together in an outside

village. Few months later when they back to their own village Ashok Sahoo's family didn't accept Doli Sethy. Even Ashok Sahoo also show disinterest towards Doli Sethy and send back her to her parental home. Doli Sethy lodged an FIR against Ashok Sahoo.

Doli Sethy filed complaint at the police station on 15/12/2008. The local police registered FIR bearing P.S. case no -115/15.12.2008. Ashok Sahoo was not arrested yet. The victim only got the compensation of Rs.50, 000/- only in shape of cheque on 11/1/2011 after the joint inquiry (Ref. Dist office Nayagarh (welfare section) order no-43 dated 11.1.2011. The case is under trial at SDJM court Nayagarh.

POA ACT CASES

Case Study No. 1

In this case, atrocity was committed on SC people when they refused to perform traditional duties like beating of drums during festive occasions. On 04.03.2007, Shri Sushil Parida and other higher caste people of Chhanagiri village under Jankia Police Station of Khurda District told the Sch.Caste people (Hadi community) of the same village to beat drum in the Holi Festival as their customary duties; but the SC people refused to perform such duty. Shri Parida and others forced them to beat the drum and this led to clashes between them. In the clash, Shri Narendra Nayak, S/o Nilamani Nayak and Sunanda Nayak, S/o Late Dasarathi Nayak had got severe head injuries and were admitted in the Hospital. Kuma Nayak, W/o Dasarathi Nayak and Indu Nayak, W/o Nilamani Nayak, who had came to rescue Narendra and Sunanda, were also misbehaved by the general caste people. In this connection, as per the FIR of the victims, police registered a case vide Jankia P.S. Case No. 39/2007 U/s 341/323/294/34 of IPC and u/s 3 of SC & ST (POA) Act, 1989.

Case Study No. 2

Smt.Manjubala Sethy, W/o. Purna Ch.Sethy of village Junupur, PS: Nimapara, Dist: Puri, who belongs to 'Dhobi' community, became a victim of atrocity when she refused to perform her traditional duties of washing clothes of the higher caste people of the village. The higher caste people regarded the service of the washerman as customary and forced Manjubala Sethy's family to do the same. With the spread of education, the Sch.Castes are refusing to perform their customary duties and when such duties are not available to the higher caste people, which they used to get since long back. They become furious and try to harass the SC people in a number of ways and commit atrocity on them. As a result, family members of Smt. Sethy were became the victims of anguishness of the higher caste people, who subsequently tried to enter into their homestead land forcibly and wrongfully on 15.08.2007. On that day, the male members were away from their homes and only the female members were present. They strongly protested the higher caste people for their illegal act causing serious injury to them. Smt. Manjubala Sethy filed an FIR in the Nimapara Police Station on 17.08.2007 i.e. two days after the incident and the police registered a case vide P.S. case No.138/2007,

u/s 341/323/294/506/354/34 of IPC and u/s 3 of SC & ST(POA) Act, 1989. Two persons namely Mr. Prafulla Pradhan and Mr. Rathi Pradhan were immediately arrested by the Police on 18.08.2007. Subsequently, after one month of the incident, two more persons namely Mr. Narahari Jena and Mr. Sricharan Pradhan were also arrested. Police filed charge-sheet in the Court and trial of the case was not started at the time of field study. However, Smt. Sethy got monetary compensation of Rs.2, 500/- only. The District Administration also provided adequate protection to the victim's family for one month. It is pertinent to mention here that, being aggrieved, the higher caste people filed a counter case against the victim's family with an intention to harass them. To combat this victim's family obtained advance bail from the Court.

Case Study No. 3

SC woman forced to Compromise the case:-

Mrs. Pabani Pattnaik w/o Binu Pattnaik, age 35, At-Teliptna, Gp-Sinduria, Block – Ranapur, PS –Ranapur, Dist-Nayagada belong to SC and sub caste is PANA, is a daily wage labour. She worked in a crosser unit. Her husband had been staying outside. She has been with her parent's family after marriage. Since the living space of her parental house was not sufficient, she had applied for a homestead land to Tahasildar. The Tahasildar had given her four decimal homestead land on lease to Pabani Pattnaik (Plot no-1490) in the year 2008 where five family members of Pabani Pattnaik have been staying since then.

The problem arised when she got attacked by a mob of caste Hindu of the same village on 16th Oct 2009. An FIR was logged at Ranpur Police Station on 17th Oct 2009 but the IIC refused to accept the FIR and suggested to compromise the case at the village level with the initiative of local Sarapanch. The reason behind mass attack was to evict the family because govt has allotted land in the place where higher caste people are staying .they are staying in the middle of the village being SC-PANA they should not stay in the middle of the village. They should stay at the end of the village. The matter was published in Daily Dharitri on dated 20th Oct 2009.

Case Study No. 4

On 21.11.2007, 23 houses belonging to SC people of Alasua village (Mahima Nagar Hamlet) under Chandaka P.S. of Khurda District were burnt by caste-Hindus of neighbouring Daruthenga Village on the issue of a minor cycle accident and subsequent quarrel between two youths of Alasua and Daruthenga village. In this incident the SC people, belonged to 'Bauri' community, also lost their cattle, food-grains, household articles and other valuable assets. The most unfortunate part of this incident is that it took place in the evening in the presence of IIC, Chandaka, who had gone there for spot inquiry on the complaint of the SC people. Subsequently, on the FIR of Shri Sambhu Behera, S/o Budhei Behera and other SC people of Mahima Nagar Hamlet of Alasua, police registered a case vide Chandaka P.S. Case No. 71(8) U/s 323/324/506/34 of IPC and Section 3 of SC & ST (POA) Act, 1989 and arrested 11 accused persons, who got bail from the Court immediately. After completion of investigation, police also submitted charge-sheet in the Court for trial. The case was pending for trial at the time of the study. The victims of atrocity were paid monetary compensation to the tune of Rs.5, 50,000/- only after four years of the incident. Inordinate delay in the payment of compensation had been found.

I Sri Sambhunath Behera of Mahima Nagar, Alasua village under Chandaka PS in Khurda district in the state of Odissa. On date 21st Nov 2007 the incident happened by a youth of Daruthenga village, a neighboring village to Alasua. At the same evening the dominant caste Hindu people of Daruthenga came in a mass and attacked the SC people of Mahima Nagar and burnt 23 nos. of Houses, household articles & animals in the presence of IIC Chandaka PS.

We are all land less people. We have been staying at a Government Land and also have applied for land patta at Bhubaneswar Tahasil and also requested the DWO and others officials for providing the land patta but the district administration not have taken any steps for providing the land patta to us. Nos of time we have met the collector and different commissions, but no one have given us justice.

After four years of the incident the DWO has provided compensation of Rs 5, 50,000/- (Rupees Five Lakh Fifty Thousand) only to 21 families who were affected in the incident. No rehabilitation major is taken by the district administration. The land where we had been residing is not entitled in our name.

Case Study No.5

Bramhansunal is a revenue village in Sarkana Gram Panchayat comes under Baliana Police Station and Commissionerate Police, Bhubaneswar in Khurda district. Two SC families named Bahudi Nayak and Gobinda Nayak belong to Dom community were residing in a govt. land since generations by the said of the village pond in Bramhansunal village. They were landless. They were bereft of even home stead land. 30 years back, they got 05 decimal land *patta* jointly for house site. The said 2 families

became 6 nos. of new families and they have been residing there within that 05 decimal land, which is less and uncomforted to live. For which they have been living there been occupying the govt. land. Three of them named Rama Nayak, Laxman Nayak and Naba Nayak have possessed a small patch of land connected to the village pond for construction of their houses and farm purposes. Maga Khuntia, a caste Hindu opposed this repeatedly. Then he instigated others. One group villagers' planned to organize 'Tarini Yagyana' in the temple. So, the covered the surrounding vacant land including the farm land of the Dom families. This year, there were 3 heaps of crops (Paddy) stocked in the farm of the Dom Family. The SC families didn't agree to vacate their possessed land by removing their un-harvested crops which were stocked in the farm land. There after more than hundreds of women and youths organized by Maga Khuntia, removed the fence and attacked the 18 Dom family members with sharp weapons, muddy pelt and *lathies* and set fire to their crops and houses. The Charge Sheet of the case has not yet been made.

Case Study No.6

Sudam Nahak, S/o-Budhia Nahak, At-Baunsagada, P.S.-Ranpur, Dist-Nayagarh. On dated 14.09.2010 the non Scheduled Caste people of village Baunsagada attacked in mass and arson to the Dalit families of the said village during the immersion ritual of Lord Ganesh. Sudam Nahak complained in Ranpur police station and the police registered an F.I.R bearing the P.S. case no231/18.09.2010 with under section 147/148/ 341/ 294/336/457/395/354/42/506/149 IPC and U/s 3(i)(x)(xi)(xiv)(xv) & 2(v) SC/ST (PoA) act. The Scheduled Caste families of Baunsagarh have faced the social boycott from the other caste villages. All Scheduled Caste families have got the compensation amounting to Rs. 2 lakhs each from the govt. till date the Scheduled Caste families are living in the village with fear psychosis.



Case Study No.7

Asha Sethy, W/o- Matia Sethy, aged about 38, At- Mohantypali, Po- Madhyakhanda, PS-Daspalla, and Dist- Nayagarah. She belongs to Scheduled Caste by sub-caste *Dhoba*.

On dated 30.11.11the date of incident Asha Sethy was bringing some bunch of sugarcane carrying on her head. At that time the leaf of the sugarcane touched in the body of Ladu Kishore Pradhan (55), S/o- Hari Pradhan, as a result he rebuked Asha Sethy with caste based filthy language because of his defilement. The disputes raised by taking the issue of untouchability among both families where as, Ladu kishore Pradhan, his son and brothers in a group had attacked to Asha Shety and her family members with axe and some other sharp weapons.

Asha Sethy filed an FIR on 30.11.2008 against Ladu Kishor Pradhan at Daspalla Police station bearing the PS case no 102/30.11.2008. The charge sheet of the case of Asha Sethy has been made and compensation to the tune of Rs. 10000/- only had been awarded as per the recommendation of the joint inquiry report. The Accused has not been arrested yet. The case is under trial at SDJM court, Nayagarh.

Case Study No.8

The village Arilo comes under Balipatana Police Station of Khurda district. There is a Women Self Help Group which started on 13th Nov. 2009 having 25 women members named Sri Sri Adyasakti Palli Vikash Mahila Mandal. Rina Pradhan and Basanti Behera are the Secretary and President of this SHG group. There is a Financial Agency named SKS Micro-Finance Private Limited at Niali Bazar, of Cuttack district. Once Mr. Pradeep Barik, one of the staff of the SKS Micro-Finance came to this village and meets all the members of Mahila Mandal. After some days there was meeting in the village which was organized by Pradeep Barik. In the meeting he discussed about the loan distributed system. He suggested all members to take loan from the company. He had divided all members in 5 units. Milli Pradhan, Dalli Pradhan, Rekha Pradhan, Basanti Behera and Aruna Behera were each leaders of the unit. Mr. Pradeep Barik decided to give Rs-12,000 as per lone to each unit, in 2% interest. It had been finalized that the debt shall be paid in weekly installments. The total cost will be paid in 50 installments. Milli Pradhan, Dalli Pradhan, Sunita Bhoi, Rekha Pradhan, Tuna Mallik and Basanti Pradhan each received as Rs-12,000 on dated 6th Jan. 2010 in first phase loan. On dated 17th Feb. 2010 Aruna Behera, Ketaki Sethi and the victim Kuma Bhoi each received Rs-12,000 in second Phase loan from SKS Micro-Finance. All borrowers had been paying off as per the condition. 30th July 2010 was the due date of Kuma Bhoi. Mr. Pradeep Barik came to the house of Kuma Bhoi to collect the due. Kuma Bhoi requested him to pay on 31st July 2010, Pradeep came to her house again and collected the due. Only ten rupees was short from the repayment due and she told that rest ten rupees she will pay in the next day. For this cause, on that day at 10pm Pradeep Barik along with 9 other of his staff came to her house and called her by slang languages, entered into her house and took her earrings from her ears forcibly. At that time Binod Bhoi, brother of Kuma Bhoi came to the house, saw the matter and immediately informed it to Mr. Sanatan Khuntia incharge Police at post Banamalipur. He came to the spot and inquired the matter and said that case will be compromised tomorrow. On dated 1st Aug. 2010 Kuma Bhoi met the IIC, Balipatana PS and lodged an FIR against Pradeep Barik. Till date the Joint Inquiry has not been held and Charge Sheet has not been made. The victim has not got any compensation from Govt. The case is pending at P.S. level.

Case Study No.9

Balakrushna Naik, age 50, S/o Late Prahallad Naik, At- Gochabari, Po-Kiajhara, PS-Khandapada, Dist-Nayagada belong to scheduled caste, sub caste –PANA. Balakrushna got loan of Rs.15,000/- from *Kiajhara Gramaseba Samabaya Samiti*, Cooperative. Mr

Subash Khunti and Brajabandhu Panda abused him in caste name and beaten him in front of the Cooperative office. Mr. Nabakishor Barik, President and Lingaraj Behera, Member of the Cooperative came forward and have taken him to the hospital. A case has been filed in SDJM court Nayagarh. Balakrushna Naik gone to the PS to file a FIR on 13/06/2008 but the police refused to accept the FIR. After one month with the direction of the court a case was registered at Khandapada police station on dated 13/07/2008.

A joint inquiry was conducted and compensation of Rs 3000/- (Three thousand) only was suggested but not yet been released in favour of the victim. The case is under trial at SDJM court, Nayagarh.

Case Study No.10

Ranjit Ku Sethy, S/o-Udaya Sethy aged about 27 years At-Nandigore, Po-Damodarpalli, Ps-Aska and Dist-Ganjam belongs to Scheduled Caste by sub caste Dhoba.

Ranjit Ku Sethy, S/o-Udaya Sethy had a grocery shop established at his own properties and had owned a mini bus ply in the Aska-Polosara route. There was business conflict between the family of Ranjit and Ashok Bebarta on the issue of the timing of their vehicles in the said route.

On dated 28.01.2012, Ashok Bebarta, S/o-Brunda Bebarta intentionally, a Non-Scheduled caste person had attacked Ranjit Sethy with a sharp weapon out of his previous revenge. During the attack right hand fingers of Ranjit Sethy were slashed severely and Ranjit Sethy was hospitalized in a precarious condition in the local medical.

Ranjeet Sethy lodged an F.I.R against, Ashok Bebarta under Aska police station. The police registered the case bearing the P.S. Case no-27/29.01.2008 and C.S no 161/15.09.2008. Ranjit Sethy received a sum of Rs.6250/- only as compensation on receipt of the joint inquiry report. The accused Ashok Bebarta was arrested but released on bail after 90 days of arrest. He has been threatening to Ranjit Sethy & his family members after the grant of bail for which except his mother 2 of his younger brothers were apprehended and staying out side of the village.

Case Study No.11

Shri Sukuta Das (who gave information regarding the case), aged about 40years of village the village Palurugarh under Rambha Police station in Ganjam district of Odisha. He is a relative brother of Late Simanchal Das, who was the victim of the case asked for. Late Simanchal Das S/o- Bada Budhia Das was an artist. He sang good songs and attended village level cultural programmes. He was a gentleman. One day before Rathayatra in the year 2008, he could not recall the exact date of the incident. Late

Simanchal Das had asked for Ganjei to Bijay Mohanty (About 56 years) S/o-Ramachandra Mohanty in front of his house. On hearing this, Mr. Bijay became violent and started beating Simanchal with a Lathi (*Thenga*) uninterruptedly. This was occurred at about evening time (6pm to 7Pm). Everybody, present there thought that Mr. Bijay was doing this out of joke or *Gamata*, so no one had opposed him during that time. After, seeing the condition of Simanchal "I also opposed Mr. Bijay why you are beating him, he also threaten me. Who are you, if you will oppose I will also kill you. I replied he is my brother. Who will oppose you if I will not". Simanchal became senseless and had severe head injury. As his family members were very poor, there were no other members to help them and it was too difficult to get a vehicle during the evening hour. On the next day his father and other community people of the village took him to Chatrapur Medical. There after treatment of about one hour he was declared dead. His dead body was taken back to the village after the post mortem.

Villagers out of agony put his dead body on the road about 2 to 3 hours. As it was the day of "*Ratha Yatra*", the other people of our village requested to take away the dead body from the road. The dead body was removed and no violence occurred between SCs and dominant caste people after the incident.

Bada Budhia Das (60 years) and his wife are staying; his wife and daughter are staying at the parental house. On the day of collection of case study Budhia das and her wife Jhumuri Das went to Chilika (*Bandha*) to catch fish. Simanchal's wife also went for work to a distance place with her daughter -Ms.Usha Das is now reading in class two at Ex-Board Primary school, Palurugada.

- Jhumuri Das the widow wife of late Simachal Das is not getting any widow pension from Government , and not any relief and rehabilitation facilities from Government as per the Scheduled Caste & Scheduled tribe(Prevention of Atrocity) Act 1989 and Rules 1995.
- The date of Incident is 03.08.2008
- FIR No- 101 and the Date of registration of FIR is on 06 .08.2008.
- The case is registered U/s- 294/506 IPC & 3(1)(x) SC & ST (PoA) Act.
 - C.S-30 Date- 19/02/09
 - GR No- 255/2008
 - P.K.Sahu, SI of Police, Rambha PS is the Investigating officer of the case.
- The case is not properly investigated by the competent authority and neglected justice to the victim and due compensation was not provided to the victim's family.
- "The case is a murder case. One Non SC people of the Palurugada village extremely beat Simanchal Das, by his attack, one day after the victim was dead at Chatrapur Hospital, The post mortem was done at Chatrapur medical"as said by the villagers.

- Compromised amicably by the five patakas of the village. Bada Budhia Das, father of the diseased have got Compensation Rs. 6,250/-only from office of the DWO, Chatrapur.

Case Study No.12

Late Aparti Rout (70) was living in Krushna Prashad village under Niali PS of Cuttack district. He belongs to SC community and his sub-caste is 'Bauri'. He was a farmer. Aparti's has around one acre of agricultural land. He was cultivating different types of crop like paddy, vegetable, sugarcane etc. in his land. On dated 22nd Feb. 2008 at morning time he had gone to Dhenkanal town for selling of the sugarcane. On the other hand, Kartik Pani S/o-Amarewar Pani and Surya Patra (both are non-SC) of the same village had gone to Dhenkanal district for the same purpose. After selling the sugarcane Aparti, Kartik and Surya came back to their home together. On dated 23rd Feb. 2008 at about 11pm (at night) they all reached at Niali Bazaar by a bus. Kartik Pani called to Aparti to accompany him as he needs to go to attend the call of nature at nearby canal. Surya Patra went to teashop. Kartik Pani had murdered Aparti in the defecation field and took away Rs.35, 000/- from him. Niali Police has arrested the murderer Kartik Pani and sent him to jail. In the year 2010 the accused Kartik Pani got lifelong imprisonment by the SDJM Court Cuttack. Late Aparti Rout's wife Kalpana Rout has got Rs. 1, 50,000/- (One lakh fifty thousand) only as compensation from the govt. PS case no-20/2008, U/S-302/379 IPC and 3(ii)(v) of SC & ST (PoA) act. The Charge Sheet no of the case was -55/2008.

Case Study No.13

SC Girl Gang raped and attempted to murder.

The aforementioned victim, Babina Behera, D/o-Babuli Behera, aged about 17 years, is a resident of village Arjunagoda under Pipili Police Station in Puri district. She belongs to SC community and her sub-caste is 'Bauri'. On dated 28th Nov. 2011, Babina Behera went out to attend to the call of nature in the early morning to the nearby field. At around 7.30am, one tractor driver named Prafulla Bhoi (40) of the same village found her in an unconscious condition lying down in a corner of the field. She was found in a naked condition.



Residence of Babina Behera

After having the information, the family member took her to the Pipili Government Medical. After initial treatment, the family members alleged that four young men: named Muna Nayak (19), Guna Swain (20), Prasan Pradhan (30), Abua Pradhan (20) have committed the heinous torture assault on their daughter. They



Photograph of the incident place

accused that these four people had physically as well as sexually tortured and attempted to kill her. The family members came to the Police Station to lodge the FIR but the P.S. official refused to mention the name of the accused and did not register. They took their daughter to the Capital Hospital and then the hospital authorities referred her to the SCB Medical College and



Bebina's uncle Babuli Behera giving the statement

Hospital, Cuttack as she was in serious condition on dated 29th Nov. 2011. The Medical Authorities of SCB did not take this case seriously and after dispensing routine treatment for 17 days, they refused the family members for further treatment and told them to take her back to her home as she was likely to live for some more days. In a critical condition, she was shifted to her relative's home in Ghatikia, on the outskirts of Bhubaneswar. Day by day, her condition became worsened and on dated 8th Jan 2012, the family members took her before the State Commission for Women (SCW) and State Human Rights Commission (SHRC). The SCW refused to take on the matter as they had appealed on a Sunday. The SHRC, in turn had ordered to the Medical Authorities for better treatment. Right from the time she was picked up from the field, the victim (Babina Behera) continues to remain in comatose state. On dated 11th Jan. 2012, she was shifted to SCB Medical on the order of Hon'ble High Court as her condition grew from bad to worse. Now she is admitted in the Central ICU at SCB Medical College and Hospital, Cuttack. She was died on 21st June 2012. The case has been undergone

through many political and social agitations broke out by different organizations. Government gave compensation amounting to Rs10, 00,000/- only to her family member.

Case Study No. 14

SC girl Late Gouri Mallick rape and murder by a dominant caste youth.

Gouri Mallick D/o –Late Nabaghana Mallick aged 15 years , belongs to SC community (Kandara) was a resident of the revenue village Gopalpur under Aul Police station in Kendrapara district. As her widow mother was blind and was very poor she could not go out for wage labour, so she depended on begging at the nearby villages and at Pattamundai market for their subsistence.

Most of the time both mother and daughter took rest on the verandah of Vishal shopping Centre, Pattamundai, which was won by Jitu Nayak. By seeing the simplicity and innocence of Gouri, Mr Jitu Nayak once raped her taking the privilege of loneliness nearby his shop and made her salient not to disclose the matter with anyone else. He also threatened to kill both the mother and daughter if she would disclose the matter. Jitu Nayak the shop-keeper made illegal sexual relation with her for several times. When Gouri became pregnant, the news went to the knowledge of Police. Steps were taken by Jitu's elder brother to compromise this case and Gouri was forcefully admitted at Pattamundai clinic to abort her pregnancy under the treatment of Dr. Maguni Swain. Due to negligence in the treatment at Pattamundai hospital she became serious and referred to Rajanagar and latter to Cuttack or Kendrapara Hospital. On the way to Cuttack Gouri was dead at Chundiha Petrol Pump at about 10AM on on 17th October 2006. Jitu's elder brother tried to burn the dead body by convincing the family members of Gouri. But the family members did not convinced by him and brought the dead body of Gouri to their home. They went to Aul Police station for registration of FIR, as the place of incident is under Pattamundai Police station the case was referred to Pattamundai PS. After discussion among the IICs of both the stations an F.I.R. was lodged at Pattamundai Police Station from the side of victim's relatives. The case no is- 206 /2006, U/S- 493/314/376/306/294/34 of IPC and Sec.3 of SC & ST (PoA) Act. Mr. M.S Panda (OPS), D.S.P, Home guard, Kendrapada was the Investigating officer of the case. He was retired after taking the charge of the case, and then two other DSPs were the IO of the case.

After long time the accused was arrested by the police and they have got bail from court. Poor dalit widow mother Bilasini Mallick got compensation after two years of death of her daughter. The case is pending at Kendrapara court.

Case Study No. 15

Rape and murder to a Dalit girl-Milli Malick

Late Milli Mallik D/o-Ashok Mallik of village Nelia under Barachana Police station in Jajpur district of Odisha. She was a SC (Pana) girl and had relationship with a youth of dominant caste people of the same village, who had promised to marry her. On dated 10th December 2009 Mr. Tubula Sahu took Ms. Milli Mallik from her house. The family members of Milli Mallik searched her but could not find her and therefore on 16th December 2009 informed about the matter at Chatia police beat house.

On the next day (17th December 2009), Dhanamandal Police out post under Barachana PS found a dead body from Kaimatia cashew field, which was of Milli Mallik, identified latter taking the reference of the FIR at Barachana PS.



Ashok Mallik father of Late Mili Mallik of Nelia village

After the initial police investigation it has immerged that Tubula Sahu is the murder and had raped Milli Mallik before killing her.

The police arrested Tubula Sahu and sent to Jajpur jail, accused still have not got bail.

The victim family have got Rs.35, 000/- only as compensation. The charge sheet has been made by police. The trial is yet to be started.

Case Study No.16

Smt. Sunita Naik, W/o Rohit Naik of village Lunisara, P.S. Nuagaon of Nayagarh District was raped on 07.12.2011 by Shri Akhila Rout, S/o Sankar Rout, who is an Auto Driver and was known to Smt. Naik. On the day of the incident, Smt. Naik was going to her sister's home along with her 4 years old son. On the way she met Shri Rout who voluntarily gave her lift in his Auto and raped her in a nearby Jungle. After the incident, he left the place leaving her alone and threatened her with dire consequences, if she disclosed the matter. Smt. Naik, who was 8 months pregnant, returned home with much difficulty and narrated about the incident to her family members, Subsequently an FIR was lodged in the Nuagaon Police Station on 08.12.2011 and police registered the case vide P.S.Case No.87/(4) u/s 341/323/376/511/379/506 and 34 of IPC and u/s 3(1)(x) of SC/ST POA Act. Joint enquiry was conducted by the police and the Magistrate. But no compensation was paid to the victim. Accused was not arrested and no charge-sheet of

the case has been made by the Police at the time of field study. However, it was learnt that, police was trying to compromise the case.

Case Study No.17

Rashmi Naik, age about 19, D/o-Lochana Naik, At-Bologan, Po-Valiadhihi, PS-Swarankul, Dist-Nayagarh belong to scheduled caste and sub caste is 'KHADAL'.

Pravat Ghadei, age about 31, OBC-Teli, molested and made attempt to rape Rashmi while she was taking her bath in the village pond on 21/8/2009, at 8am.

Rashmi's father filed an FIR on 22/8/2009. The PS case no 97 dated 22/8/2009. Mr. Pravat Ghadei filed a counter case against Lochan Naik taking plea of borrowing money and the case is under trial at SDJM court Nayagada. Charge sheet of the case of Rashmi Nayak has been made and joint inquiry has been done with the recommendation for award of compensation. Rashmi Naik got married in 2011. The family members refused to accept the compensation out of fear of loss of social prestige of Rashmi in her in-law's house.

Case Study No.18

Dharitri Naik, D/o- Japani Naik aged about 14, At- Baunsagada, Po- Haripur, PS-Odogaon and Dist- Nayagarh belong to Scheduled Caste by sub-caste Pana.

On dated 14.08.2009, Dharitri Naik was at her home and went to nearby field for natural call. On the way of her bathing-Ghat she met Jitu Panda, S/o-Hatia Panda. He came forward towards Dharitri and he taken away her to the nearby bush. Here Jitu Panda attempt to rape Dharitri. When she looked such types of activities from the side of Jitu Panda, Dharitri shouted again and again. Having heard the shout made by Dharitri the villagers like Kalakanhu Naik (Dharitri's brother), Parida Naik, S/o-Mohan Naik etc. of the village Haripur reached the Spot all on a sudden. Looking at the rush of villagers towards the spot, Jitu left the place as soon as possible. Jitu threatened to Dharitri to kill her in case she would expose about the incident before anyone. Dharitri Naik got some injuries by this incident.

A complaint was lodged at Odagaon police station. Police registered the case bearing the PS case no. 79/14.08.09 and C.S. no. 104/9.10.09 under section 341/323/354/506 of IPC & u/s 3 of SC/ST POA Act. Joint inquiry of the case has not yet done.

Case Study No.19

One SC minor girl (8 yrs) named Chandrakala Das, D/o Duryodhan Das of Village Dayapalli; P.S. Hinjilicatu of Ganjam District was raped and murdered by one caste-Hindu youth named Ardu Chandreya on 24.12.2007 while going to attend a ritual along with the accused in the house of Kapai Apeya of the same village. Next day, the dead body of the Chandrakala was found in a paddy field. Father of the deceased lodged a FIR

in the Hinjlicut P.S. against Ardu Chandreya on 25.12.2007 and the police registered a case vide P.S. Case No.206/2007 u/s 376(2)(F) 302 of IPC and Section 3(1)(x)(xii) of SC/ST POA Act, 1989. Immediate investigation was conducted by the Police and charge-sheet was submitted in the Special Court, Berhampur on 22.04.2008 for trial of the case. The case ended with the conviction of Shri Ardu Chandreya who got only 8 years imprisonment.

Case Study No-20

Mrs. Suna Mallik W/o-Hataakeshore Mallik aged about 45 years a resident of village Begunia (Bolisahi) under Gop Police Station in Puri district of Odisha. One dominant caste person named Mr. Sankar Ojha aged 50 years of the same village had been harassing Ms. Suna Mallik since long days being failure with his ambition. He tried repeatedly to make sexual relation with Suna. Once at night Mr.Sankar had tried to attack Ms. Suna at her bed room. But he became failure in his every attempt. So, he became angry with her and started abusing Suna by using evil languages. On dated 4th Dec.2008 Mr. Sankar Ojha abused Suna severely by citing her caste name in the absence of her husband and sons. At night Suna said all incidents before her son and husband. On dated 5th Dec. 2008 Mr. Trilochan Mallik (25) the elder son of Suna Mallik asked Sankar Ojha why he abused his mother yesterday. Mr. Sankar Ojha became furious and brutally attacked both mother and son with an iron rod. Both got severe injury on their head and were hospitalized. Regarding this incident an FIR was lodged at Gop Police Station and it was registered in Gop PS case no-147(3)/2008, U/S-341/294/323/506 of IPC and u/s 3(i)(x) of SC/ST (PoA) Act. SDPO Nimapara was the I.O. of this case. The perpetrator arrested on that day. Both mother and son get compensation of Rs.20, 000/- (Trilochan), Rs.1, 00, 000/- (Suna) in shape of cheque. The trial of the case is not yet begun.

Case Study No.21

Shri Prafulla Kumar Mallick, aged about 47 years, resident of village Sagadailo, PS:Niali in the District of Cuttack was the victim of atrocity for a non-economic cause like Political factionalism. During 2007 Panchayat Election, Prafulla was campaigning for political party candidate who was not liked by some of the caste Hindus namely; Shri Kumar Swain, Maheswar Swain, Promod Swain and Madhav Swain of the same village, who were the supporters of the opposition party. They insisted him not to support the Congress Party candidate and campaign for him. But Shri Mallick did not listen to them. This led to conflicts and atrocity on Shri Mallick. On 10.03.2007, Shri Kumar Swain and others attacked Prafulla's family members in a group in which Prafulla and his wife had got injuries, because they tried to protest them. On the same day, Shri Mallick lodged the FIR in the Niali P.S. But the police registered the case on 24.03.2007, after a gap of 14 days, vide P.S.Case No.38/2007 U/s 341/294/323/506, 34 of IPC and u/s 3(1)(x) of the SC & ST(PoA)Act, 1989 .Police could not arrested the accused persons. After one month

of the incident, the case was compromised at the village level in the presence of Niali Police.

Case Study No.22

Dhirapatana is a Gram Panchayat of Sadar block of Dhenkanal district. In the recent Panchayatiraj election the candidates like Pratap Swain (Ex-Sarapanch), Monarama Puhana, Monoj Sahu and Ashok Sahu were standing for the post of *Sarapanch* in Dhirapatana Panchayat. Pratap Swain is only belongs to Kamadhenukote village and others are belong to different villages of Dhirapatana G.P. On dated 11.02.2012 the



election hold and Monarama Puhana won as the Sarapanch. The candidates Pratap Swain defeated from the Monarama Puhana by only 22 nos of votes. The Pratap swain and his supporter thought that the Dalits haven't given them votes so he was defeated. Keeping this reason in mind Pratap Swain and his supporter on dated 12-02 2012 morning 7 a.m went to the dalit hamlets with different weapon like Khanda, Tangi, stick etc. and attacked to the Dalits people and set fire on their (entire Dalit) hamlet. As a result 21 nos of houses were burnt out along with all their household assets. They have lost everything like rice, clothes, domestic animals, utensils etc. On 12.02.2012, four nos. of F.I.Rs were registered from the victim's side. After the incident, reliefs were provided to the victim's along with cash compensation of Rs. 10,000/- only to each dalit family. Till date no compensation has been provided.

Case Study No.23

Mass attack on SC villagers of Thakurpal under Gondia PS in Dhenkanal district.

Bini Patra, W/o-Bichi Patra, aged about 50 At-Thakurpal, Po-Kendupada, P.S-Gandia, Dist-Dhenkanal belongs to Scheduled Caste by sub caste Pana.

The SC people celebrated the Dassera festival in their hamlet by decorating the village road. On dated 17th October a dominant caste youth named Bapi Swain, (19yrs) S/o-Gobardhan went on the road with a TATA A/C vehicle. The SC people protested him not to take the vehicle inside the decoration area. But he did not listen and took the vehicle on that road and destroyed some of the decorated light bulbs by the vehicle. For that reason some SC youths complained to his father Gobardhan Swain and verbal tussle were happened among them. After that Gobardhan went to his sahi and discussed everything with other non SC villagers. Then the non SC people were organized and came in a group to the SC hamlet and attacked everyone including the children and women.

Bini Patra complained in Gandia police station and the police registered the case bearing the P.S case no152/31.10.2010 with under section 241/236/427/586/34 IPC & Sec. 3 of SC/ST POA. The charge sheet of the case has been made and it is under trial at SDJM, court, Dhenkanal.

Case Study No.24

This atrocity case is related to the disputes over a piece of land. Shri Kunia Mallick, S/o Late Mahani Mallick of village Ottarasasan, PS: Gop, of Puri District had a piece of land measuring 0.56 decimel, which was purchased by his father, late Mahani Mallick from the landlord Shri Kashinath Rath of Patelia Village. A portion of the said land was forcibly and wrongfully occupied by Shri Goura Mohanty, a dominant caste of this village, who tried to dispose him from the said land by giving him threatening not to cultivate the land. When he did not listen to his threatening and cultivated his land as the legal owner, he had been attacked brutally with sharp weapons on 15.07.2011 by Shri Goura Mohanty and his two sons namely Bulu Mohanty and Tulu Mohanty. Shri Mallick got severe injuries and was admitted in the Hospital. On the complaint of Shri Mallick, Gop Police Registered a case on 15.07.2011 vide P.S. Case No.108/2011 under relevant sections of IPC and section 3 of the SC & ST (POA)Act, 1989. At the time of the field study, the accused persons were not arrested and no compensation was paid to the victim's family. The victim's family members were found living in a panic stage.

Case Study No-25

Dalit hamlet burnt by dominant caste people

The village Ichhapur comes under Brahamagiri police station is nearly 40 kilometers away from the district head quarter (Puri) and 20 kilometers far away from Brahamagiri. It is a hamlet village under Nuagaon mouza under Brahamagiri Tahasil in Puri district of Odisha. The village Ichhapur is divided in two hamlets, one is Upper sahi



Dalit hamlet of Ichhapur village under Brahmagiri PS

and the other is Bhoi sahi. There are approximately 150 households consisting of nearly by 800 to 900 people of different caste like Brahmin, Chasa, Gudia, Teli, Bauri and Dhobis. On 18th June 2009, at 9 am, in the absence of the male members of the hamlet, the dominant caste villagers of Nuagaon between the age group of 15 to 65 years consisting 600 to 700 people came to the Bhoi sahi. They had sharp hitting objects in their hands, including lethal weapon like bombs, guns, sword, knife, stick and petrol

bombs entered to the Bhoi sahi and started demolition of the houses and set fire on them using patrol bombs. They frighten the women inmates with guns and driven them out from their houses. After that they looted all their valuable household assets like Ornaments, Radio, Mobile phones, Brass utensils and Money from each houses. Properties of Lakhs of Rupees were burnt into ashes because of this mass attack. A case was registered with FIR no is 113(v) 2009 U/S -147/148/323/325/326/294/506/354/307/ 395/ 427/ 436/ 149 IPC, I.E Act- 9(b), Arms act- 25/27, And Sec.3 of SC & ST (POA) Act. At about 1.30 pm the police came to the spot with Tehsildar of Brahmagiri and with the fire brigade. FIR has been registered 'agents 40 perpetrator'. The victims were provided relief from the Block and Panchayat in shape of kind like flat rice, sugar, rice, dal and vegetables. Polyethylene has been provided to the victims through Revenue Inspector for 15 households. Rest households were taking shade under the tree and in the existing School verandah. The MLA of Brahmagiri Mr. Sanjay Dasvarma has provided Rs.5000/- (Rupees Five Thousand) only for purchase of clothes to the victims. The situation of the area was in tense, 2 platoon police forces were deployed in the area to keep peace in the area. No action was taken by the Police after this incident. The victims were threatened for repeated attack. Out of fear and pressure of the higher castes the victims had compromised the case at the village level.

Case study no-26

Houses of Dalit families burnt and are forced to leave the village by the dominant caste people.

The village Kothakusanga is a revenue village under Balanga Police Station of Puri district. In Kothakusanga village 5 SC families sub-caste is 'Dom' live for generations on a government land. But a dominant caste person named Benudhar Barala from the same Village tried to evict them from the government land. So from



last 10 years the Benudhar Barala and some other dominant caste people created series of problem to the Dom people. Several times Benudhar Barala filed false cases against the Dom people so that the Dom people will leave the place. At last on 8th June 2010 the dominant caste villagers rushed into the houses of 5 Dom families and cut first their all valuable trees like guava, coconut, betel nut, banana trees etc. This incident was happened when all the SC males were absent and went for daily wage. When the women were opposed to the dominant caste villagers they attacked them physically. The SC women ran out from that place out of fear. The dominant caste people found opportunity to loot the house of the five Dom people. After that the people came back to

their home and stayed there in fear from the dominant caste people. They also gave complain at Balanga police station. But the police did not register the case. After that on 17th June 2010 a mass of dominant caste people burnt down the SC people's house at midnight. On the next day morning the SC people went to the police station to give complain, but the police did not registered their case.

Case Study No. 27

Mass attack on SC families of Karandipatana village under Patakura P S in Kendrapara district.

Mrs. Bhaktilata Jena W/o. Nirmal Jena is a resident of village Karandipatana (Rankala) GP-Mehendingagar under Patakura Police station in Kendrapara district of Odisha. She belongs to Scheduled caste (Pana). She have filed an complaint along with others Mr. Ratnakar Jena, Premanand Jena, Bharati Jena, Kabir Jena Niranjan Jena Goranga Jena and Lochani Jena of the same village regarding the mass attack on the SC families by the dominant caste people on 18th February 2010.



Karandipatana is a multi-caste village, 33 nos of SC (*Pana*) families have been residing in the village since generations. Out of 33 families 30 families are under BPL category. 15nos of Sc families are residing on the *Gochar* Land as plenty of grazing land available in the village. These SC families also kept some domestic animals like Cow, Goat, and sheep which are depending on the grazing land. These SC families also used these common properties for their day to day purposes.

The caste Hindu (*Sabarna*) people have built a Hanuman temple near

the SC Hamlet. They were also trying to dig a pond "Hanuman Pokhari" which is very close to the SC hamlet. So the SC people denied those people not to dig pond nearer to their houses. The dominant caste people verbally abused the SC families and attacked in a mass (more than 500 people) with sharpen weapons and injured more than 10 youths, old aged persons and women. They burgled their gold ornaments, money and house hold articles, destroyed food grains, motorbikes, cycles, brass band articles etc. and sexually harassed their grown up girls and women on the day of incident -18-02-2010. A FIR was lodged at Patakura Police station on date 18-02-2010, vide FIR no. 27(12) U/s- 147/148/452/323/294/324//354/307/342/427/429/379/506/149 of IPC and Sec.3 of SC & ST(PoA) Act . Mr. N.C.Mohanty, OPS, SDPO, Kendrapara was the Investigating officer of the case. The case is charge sheeted by the IO.

The victim's families were provided compensation as per the Joint enquiry report submitted by the concerned authorities. The trial of the case has not been started.

Case Study No. 28

Lathore House burning case-Bolangir

A small incidence of sale and purchase of a shirt at 11.00 AM on dated 22.01.2012 will take the shape of a mass heinous attack on Dalits and inhuman burning of their houses.

A Dalit graduate named Laba Suna (20 yr) had gone to purchase a shirt from the Krishna Cloth store of Budu Meher located in the central place of Lathor town. Two sons of Budu Meher i.e Daya Meher (25 yrs) and Bharat Meher (20 yrs) were present in the shop.

Mr.Laba Suna selected a shirt and after trial he decided to purchase it. He came to the counter to pay the cost of the shirt. Instead of receiving the money, two sons of Budu Meher accused Mr. Laba Suna that, he has stolen a Ganji from their shop. Lab Suna denied the fact and told that he had not stolen anything from their shop. Arguments went on from both the side. Daya and Bharat Meher physically assaulted Mr.Laba. Laba, who returned to home with tear. This was witnessed by two of his friends. After listening the whole story from Laba they went to the shop to know the fact. In the cloth store, friends of Laba tried to convince Meher brothers about the innocence attitude of Laba. The Meher brothers did not agree to it and there was a tussled war among the five.

Incidentally, Daya Meher fell down and was little injured. He was taken to Hospital. Basing on the above issue there was an urgent 'Social Meeting' of Meher community immediately after this incident. This meeting was headed by Mr.Dhansigh Meher, who happens to be a leader of the Meher community. All the community members agreed to the suggestions taken in the meeting. He also invited the nearby villagers i.e. Kharli, Patpada, Pipalbahal etc to the same meeting. He motivated his community people that being a Dalit boy, Laba physically assaulted an OBC Meher boy. This is a matter of

prestige of all the Meher caste people. Then Meher community people from nearby four villages were assembled and decided to put fire in the houses of all Dalits of the Lathor village.

Ghasiram Agrawal, owner of a petrol pump and a wine shop helped Mehers and supplied free petrol and Kerosene to burn the houses of Dalits. Mr.Agrawal supported Mehers because he was residing adjacent to the Dalit basti and was a sufferer by the poultry bird and Pigs of Dalits.

Then heinous burning of houses took place one by one. They burnt all the 35 houses of Dalit. This incident took place at about 3.30 PM in the same day, but Khaprakhol Police station In-charge, though reached at 6.00 PM, could not enter into the village. The Police station In-charge then went back to his Station along with Magistrate who was in charge for this incidence. The fire Brigade staff, tried to enter to the village at 7.30 PM but the Mehers attacked them physically on the way, as a result 3 persons of fire Brigade were injured and hospitalized. They even burnt the water pipes of the fire brigade so that they will not be able to extinguish the fire. Police station In-charge along with Magistrate again came to the spot at 11.30 pm.

All the 35 houses were turned to ashes by 6.00 PM on 23.01.2012. Mehers had taken attempt to torture the Dalits women in the night who had taken shelter in the *Ghasi basti* (other Dalit caste) but they were protected by '*Ghasi*' community. Only one blanket and one biscuit packet were supplied to each family at 2.00 PM by the District administration.

If it could have been simply a matter of purchase of a shirt, the above incidence could have been limited between two persons, the seller and buyer. As this was being the mass attack by OBC Mehers of four villages to destroy the houses of all Dalits, the incident speaks something more.

Till now the Police have arrested 42 people from Meher community who were involved in the attack.

Case Study No. 29

Physical assault to a Dalit Ex-Sarapanch at Police station by IIC, Bari PS. Ramakanta Mallick-Ex-Sarapanch Bari-GP

Mr. Ramakant Mallick S/o- Ganesh Mallick age about 38 years belongs to SC and his sub caste is Kandara. He was the Sarapanch of Bari GP (2002-2007) under Bari Ramachandrapur Police station in Jajpur district. On dated 19th December 2009 at about 6.30 PM he got a message from, Alli Babu the IIC of Bari-Ramachandrapur PS to meet him at the Police station immediately. He went to the police station and met the IIC. During that time Mr. Behura and other staff of the PS were present there. Alli babu the IIC scolded him in slang languages and said to returned the money of Akshya Jena. When Mr. Ramakant replied, 'he does not know about the money. The IIC scolded him in

slang languages in citing his caste name "*Sala Kandara , Chotalok, neta hoichu, sala kandara Hata pachaku kari chida ha*" Mr. Ramakanta stood sailently by putting his hand towards his back. During that time, Mr. Akshya Jena and Budha Singh came to the PS. The IIC said them to sit on chair, and scolded again to Mr. Ramakanta and slapped on his cheeks and ordered him to sit. He sat till one hour. The IIC souted and forced him to sign on a piece written paper. Mr. Ramakanta denied signing, the IIC beat his fingers, took the signature of Mr. Ramakanta forcefully. After that Mr. Ramakanta was released from the Police station. On the next day he went to Bari medical for treatment and then went to Superintendent of Police, jajpur at Panikoili.

A case was lodged at SP office, Panikoili against the IIC, Bari-Ramachandrapur Police station. The SDPO, Mr. B. B. Mallick was given the charge to investigate the mater.

The investigation was completed and the IIC was suspended for few months .No compensation was provided to Mr. Ramakanta as per the SC & ST (PoA) Act 1989 and Rule 1995. The trial is yet to be started.

Focus Group Discussion

The study team members have conducted 12 nos. of focus group discussion at following places taking the stake holders which includes the victims, witness, community leaders, Human Rights activists, volunteers working for the protection and development of SCs and STs, CSOs and villagers. The extracts of all the FGDs in relation all the queries are detailed in the foregoing pages.

The FGD organized at the following places in the study area.

1. Dhanianali Ashram under Nihalprasad Police station in Dhenkanal district.(This FGD was organized at Dhanianali Ashram under Nihalprasad Police station in Dhenkanal district and around 50 participant from the category like Community leader, Victimes,PRI member had attended. This has been represented in the photograph No.-1)
2. Bandalo under Barachana Police station in Jajpur district. FGD was organized at Youth training centre, Bandalo, Jajpur and 25 Participant from the category like Community leader, Victimes, PRI member had attended. This has been represented in the photograph No.-2)
3. Bira Ramachandrapur under Satyabadi Police station in Puri district on 9th October 2011. FGD was organized at Cummunity centre of Bira Ramachandrapur hamlet and 30 Participant from the category like Community leader, Victimes, PRI member had attended. This has been represented in the photograph No.-3)
4. Balipatana in Khurda district. FGD was organized at Balipatana and 40 Participant from the category like Community leader, Victimes, PRI members had attended. This has been represented in the photograph No.-4)
5. FGD was organized at Karamul under on 23.01.2012and 30 Participant from the category like Community leader, Victimes, PRI members and Youth had attended. This has been represented in the photograph No.-5)
6. FGD was organized at Jorenda and 26 nos Participant from the category like Community leader, Victimes, youths and PRI member had attended. This has been represented in the photograph No.-6)

7. Choudwar in Cuttack district. FGD was organized at Samal Sahi and 30 Participant from the category like Community leader, Victimes, PRI member had attended. This has been represented in the photograph No.-7)
8. FGD was organized at Chanarapada under Nimapara PS and 20Participant from the category like Community leader, Victimes, PRI member had attended. This has been represented in the photograph No.-8)
9. . FGD was organized at Ranapada hamlet under Brahmagiri PS in Puri district and 25 Participant from the category like Community leader, Victimes, PRI member had attended. This has been represented in the photograph No.-9)
10. FGD was organized at Gopalpur in Ganjam district and 40 participants from the category like Community leader, Victimes, PRI member, CBO, CSOs had attended. This has been represented in the photograph No.-10)
11. FGD was organized at Sonepur in Subarnapur district on 14th October 2012 and 25 Participant from the category like Community leader, Victimes, PRI member had attended. This has been represented in the photograph No.-11)
12. . FGD was organized at PWD IB, Boudh and 30Participant from the category like Community leader, Victimes, PRI member and youth had attended. This has been represented in the photograph No.-12)

The following questions were discussed in the FGD and the compiled responses came out from the FGDs are given agaist each question:

1. Do the Untouchability practices exist at the public places in your locality?

In response to the question all the members attended the FGD replied that Untouchability and Caste- based discrimination still exists in Anganwadi centre, Primary schools, saloon at rural areas and at some village market two tumble systems still continued in the places like Panchagaon village under Tigiria PS in Cuttack district, Chanagiri, Damanabhuin and Kamaguru village market under Jankia PS, Kuhudi village under Tangi PS in Khurda district, Karamula village under Gondia PS in Dhenkanal district, Salapada village market under Barachana PS in Jajpur district, Budhapal village market under Kundheigola PS in Deogarh district. In Nilakanthapur village under Nihalprasad PS the SC people are not allowed to rice mill. There a particular day has been fixed for the SC people to grind their

paddy, there after the mill is purified by the Brahman chanting mantras and performing puja. SC women candidates are deprived from the selection as a cook in the school MDM and angawadi centres (Ref-Jharana Malik case of Dhaulia village under Nihalprasad PS in Dhenkanal district and Sanamarichapali village under Rajanagar PS in Kendrapada district).

2. Are you aware about the PCR Act 1955 and Rules 1977?

Most of the participants replied No. They are not aware about the PCR Act 1955 and Rules 1977. A few activists have only the idea about the act. A special act is enacted by the Government of India, but they have no basic knowledge about the act and rules. How to use and they act can be used they have no information. They have not attended any awareness programme organized either by Govt. or by any social organizations.

3. Are you aware about the SCs and STs (PoA) Act 1989 and Rules 1995?

The victims and the witness those who have attended the FGD replied that they were not aware about the SCs and STs (PoA) Act 1989 and Rules 1995. Some CSOs and Dalits rights activists have little knowledge about the act, but they do not know the implementation of the act. They do not have attended any awareness programme organized by the Government or nay organisation.

4. Do the Police and other officials registering the cases sou moto & provide security to the victims.

“Even after continuous visit and request the police are not registering the cases of atrocity under suitable sections and sub-sections. In prior stage they want to compromise the case at local level”. If the case is heinous in nature and beyond the control of Local Police and highlighted in media, the police registering case. Most of the participants gave the example of Pipili gang rape case and replied, the police is not registering the case in time, not providing security to the victims and witnesses, even also the police is not arresting the accused. Most of the accused are getting the anticipatory bail from court/high court. The police and local political leaders and dominant caste people are creating such a situation by which the victim has to compromise the case forcefully.

5. Does the district administration provide relief, rehabilitation and compensation on time?

Most of the participants do not have awareness about the provisions of POA Rules 1995 and the contingency plan made by the Government of Odisha. The district administration is not providing the relief as per the guidelines mentioned in the contingency plan. Not a single land less victim of atrocity case have got the Homestead Land patta and agricultural land Patta as per the **section -4(a) and 4(b) of the Contingency plan** declared by the Government of Odisha. No SC widow of victimized in atrocity case has got the Widow-pension as per the guideline of the Contingency plan (Setion-4(d)).

6. Do the victims and witness get the TA/DA during visit to the court?

The victims and witness have not been aware of the provisions of TA/DA as per the SC & ST (PoA) Rules 1995. Not a single victim or witness had claimed as per the provisions, for attending the court or other police offices needed proper or as per the Direction of the Police. No Government officials have provided the TA/DA to the victims or suggested them to apply for the TA/DA.

7. What are the factors hindering for the Non-implementation of the PCR Act and PoA Act within the time frame and departmental interventions?

As per the statement of the victims and activists those are working on the issues of untouchability and atrocity against SCs they replied "Most of the IIC and other local police officials are saying they have no power to investigate the case and arrest the accused. The DSPs have no time to investigate the case. Due to limited no of DSPs and lack of coordination among the Executive magistrate and the DSP the Joint enquiry is not completed on time.

8. What is your suggestion for the implementation of PCR Act and PoA Act 1989 and Rules 1995?

The Government should organized awareness programme for eradication of untouchability and caste-based discrimination and atrocities. The PCR Act and PoA Act should be implemented properly by which the people will have knowledge of stringent cognizable offences and their associated punishments so that they will

refrain themselves to commit such offences in future . The Government should take initiatives to organize social inclusion programmes, sensitization and awareness programmes especially in rural areas.

Photographs of the Focus group Discussion (FGD)

(12 photographs of FGDs with their no of participants attended, date ,time and place of FGD)

1. *FGD held at Dhanianali Ashram in Dhenkanal district on dated 12th January 2012. About 30 youth activists, victims, community leaders, and PRI members attended.*

2. *FGD held at Bandalo in Jajpur district at Bandalo in Jajpur district on 17 10. 2012, about 25 youth community leaders, victims and PRI members attended.*



3. FGD held at Bira Ramachandrapur under Satyabadi Police station in Puri district on 9th October 2011 23 nos of victims, community leaders, youth and PRI members attended.



4. GD held at Pingapada in Cuttack district on 13th July 2012, Twenty people i.e. victims, youth, women, Community leaders attended.

5. FGD held at Karamul on 23.01.2012 and 30 Participant from the category like Community leader, Victimes, PRI members and Youth had attended.



6. FGD was organized at Jorenda on 3rd March 2012 and 26 nos Participant from the category like Community leader, Victimes, youths and PRI member had attended



9. FGD held at Ranapada village under Brahmagiri PS in Puri district. 40 nos of people including Community leaders, Victim, youth attended.

10. FGD held at Gopalpur on 18.6.2012. About 40 nos of participants i.e. victims, community leaders, women, PRI members and youth attended .

11. FGD held at Sonapur in Subarnapur district on 14th Oct. 2012. About 30 nos of victims, youth community leaders, Dalit rights activists attended

12. FGD held at PWD IB, Boudh, on 15th Oct.2012. About 30 nos of victims, youth community leaders, Dalit rights activists attended.

CHAPTER -VI

FACTORS RESPONSIBLE FOR HIGH INCIDENCE OF ATROCITY CASES AND POOR DISPOSAL AND CONVICTION OF PCR & POA CASES

Caste prejudice and untouchability are major causes of caste -based friction leading to violence and atrocity. The caste system has overruled the human relations in Indian society.

Untouchability and caste based discrimination is still prevailing in the society after sixty five years of the independence of the country. Poverty and illiteracy among the SC communities are one of the major causes of atrocity against these communities. Due to lack of awareness about the constitutional provisions and the provisions of anti-discriminatory laws and rules; the vulnerable communities are found crept into the high incidences of atrocities.

However, the Incidences of PCR & POA cases in different SC concentrated districts of the state had been explored during the study and the strategies followed as per the provisions of these two acts alongwith the appropriate sections of the Indian Penal Code, cited in the registration of different cases by the police were also collected and analysed. An overview of the reasons of high incident of atrocities against SCs vis-à-vis the process followed for their disposal in the study area are looked into; issues like legal aid, livelihood, unfavorable practices and other reasons were also assessed considering the fate of each cases.

Reasons of the high incidences of atrocities against SCs are:

- Untouchability and caste based discrimination still exists in the rural society because of the traditional orthodox mind set of the higher caste people who have absessions in maintaining the caste-based hierchies by seeking the compulsory services in all most all of their social functions.

- SC People in small number generally are living in a scattered way in their hamlets. There is also hierarchy among the same community and also not having unity among their sub castes and other caste people who used to exploit them since generations.
- High rate of poverty and illiteracy among the Scheduled Castes in the state refrained them to stand against the educated and affluent higher caste communities. High incidents of poverty made them a subject of exploitation, if opposed they became susceptible to atrocities of many kinds. They are bound to compromise the atrocity cases many a times at the village level.
- Lack of awareness about the constitutional safeguards and anti-discriminatory laws.
- No access to the police and judicial system of the state. Many a times, the victims are discouraged to complain in the police station because of apprehension of danger of torture and consumption of long time for final judgement.
- High rate of dependency on the Caste Hindu people is also one of the important causes of atrocities because the victim shrank to complain against the accused due to threat of the livelihood of the family members as well as further recurrent of violence in the village. These circumstances compelled them to compromise the cases at the local level.
- The fear of social boycott and loss of life and property also compelled the SC people to remain silent and not report in the police station. The innocent and poor SCs, many a times do not dare to speak out the offences of the dominant caste people to avoid their displeasure and also other forms of atrocities like House burning, Mass violence and embusment etc.
- It was reported that the Police and the local administration are biased towards caste Hindus, by which the SC victims failed to get due justice from the local officials. The local political leaders and police took initiatives to compromise the cases of Atrocities at the village level by forcing the Scheduled caste victims.
- The Police playing a lead role for forceful compromise of the case at PS level. SC victims are in some cases doubly victimized by the counter cases of the dominant caste people.
- Lack of wide publicity about the PCR Act, 1955; POA Act, 1989 and POA Rules 1995 among the general public lead to high rate of atrocities.

Poor disposal and conviction of PCR Act and PoA Act Cases:

1. A responsive and people friendly Police Administration is the first requisite for proper implementation of the PCR Act, 1955, POA Act, 1989 and POA rules, 1995. But the study found that the Police Administration showed non-responsiveness and non-people friendly.
2. Delay in investigation by the Police within the prescribed time frame as under the Rule 7(2) of the POA Rules and submission of charge-sheet in the Court of Law has lead to poor disposal of cases.
3. Lack of full proof of investigation by the Police leading to high percentage of acquittal and low rate of conviction of the accused persons.
4. Protracted Legal Proceedings leading to change of minds of the witness and even the victims themselves.
5. Tardy disposal of atrocity cases by the Designated Special Courts who are already over burden with their own cases and the additional work load of atrocity cases is not receiving due priority. There is heavy pendency of atrocity cases in the Special Courts.
6. No Exclusive Special Courts established for speedy trial of atrocity cases.
7. The State Level and the District Level Vigilance and Monitoring Committees are not functioning effectively. Meetings are also not being held regularly, as per the prescribed periodicity.
8. Performances of Special Public Prosecutors so appointed or specified are not being reviewed as required under Rule 4(2) of the POA Rules. This is necessary for effective prosecution and to ensure that the Special Public Prosecutors are conducting atrocity cases to the best of their ability and with due care and caution.
9. Lack of wide publicity of the PCR Act, 1955; POA Act, 1989 and POA Rules 1995.
10. There was undue time gap between the inception and implementation of various provisions contained in the POA Act, 1989 and POA Rules, 1995. Government of Odisha started payment of monetary relief to the victims of atrocity, as prescribed in the POA Rules, 1995 only in the year 2004.

11. There was delay in the implementation of other provisions as prescribed in the POA Rules like nomination of Nodal Officer, Special Officer, payment of travelling expenses, daily maintenance expenses and diet expenses to the victims of atrocity, their dependent and witnesses, identification of atrocity prone area, declaration of model contingency plan etc.though implemented need to be reconsidered for revision.
12. The rate of Daily Maintenance expenses fixed by the State Government is less than the minimum wages paid to the agriculture labourers.
13. The diet expenses of Rs.20/- has not been revised since 2004.
14. "Untouchability Prone Areas" have not been identified by the State Government.
15. There is also delay in the payment of monetary compensation to the victims of atrocity. It is also not strictly done as per the modalities prescribed in the POA Rules.
16. The important provision made under Section 4 of the POA Act is usually not being applied against the Non-SC/ST public servants, wherever required.
17. Other stringent provisions of the Act like forfeiture of property (section 7(1) & (2), externment (section 10), imposition of collective fine (section 16) are also not being applied, wherever necessary, to enhance the impact of the Act.
18. Lack of proper monitoring of the atrocity cases. Also lack of proper focused action at all being found at operational levels.
19. Lack of constant watch over atrocity prone areas and areas which are sensitive to caste conflicts on the ground of untouchability.

CASES OF MISUSE OF THE ACTS AND RULES NEEDS TO BE PLUGGED DURING IMPLEMENTATION

Out of the 200 of cases collected for the study, it is found that there is one false case or misused case registered in the Nayagarh Police Station by the Scheduled caste people.

There may be some chances of misuse of the acts by the SC or ST people, but from the study it is found that in most of the cases the Police are not registering the some of cases of heinous natures of atrocity and Untouchability and caste-based discrimination against SCs.

It is also found that not a single case is registered by Police under PCR Act 1955 during (2008-2011) in spite of numbers of instances. The proper sections of the SC & ST (PoA) Act 1989 are not lodged during the registration of FIR by the police. For this reason the cases are laying pending in the PS level. Delay in joint inquiry many a time lead to delay in proving the relief and rehabilitation to the victims.

The study also found that the rate of conviction is only 2 cases (1.00 %). Due to the delay in justice to the victims the cases were compromised at local level and as there is no access to the judicial system the victims remain silent and not appearing the court.

The study team members do not found the proper implementation of the Act. But the misuse of the acts and Rule needs to be plugged during implementation of the Acts. As per the jurisprudence of Law no one should be punished without committing any crime.

CHAPTER- VII

EXCERPTS OF GRIEVANCES OF THE PETITIONERS/AFFECTED PERSONS/ OTHER KEY PERSONS INTERVIEWED ON MPLEMENTATION OF THE PCR &POA ACTS AND RULES

As a part of the information some information relating to grievances of the affected persons and their relatives, friends and neighbours had also been collected from the petitioners, affected persons, and key persons through different questionnaires. The main objective of this personal information is to give credit to the established objectives of the study and supplement the findings emerged from the study. Some of the excerpts are given in the foregoing pages to enrich this study.

1. I Shri Rabi Jena sub Caste 'Dom' of Kothakosanga village under Balanga PS in Puri district of Odisha. "My Banana trees are cut off in the presence of Police officer (IIC) of Balanga PS, and after four days our houses were burnt by the anti social dominant caste people of our village. We had reported the matter at Police station, but in spite of arresting the accused, the Police filed counter case against 13 nos. of poor Dalit people of our village. Nos. of time the police jeep had come to arrest us at night; by the fear of arrest we spent nos. of night at the river bank and paddy field. The Human rights defenders of Development Initiative have released us in bail from Nimapara court. (case no.78)
2. I Smt. Pramila Ghadei, aged about 55 years W/o-Akrura Ghadei, of village Keutakudi, Po- Bagabanpur under Brahmagiri Police station in Puri district in the state of Odisha. I belong to Keuta (Fisherman). Our family occupation is fishing from the Chilika. I father in law had 10 decimal of land. My husband has got seventy decimal cultivable lands from the Govt. of Odisha. On the day of incident (20.01.2005) the dominant caste people of our village forcefully entered to our garden and attacked and sexually harassed me and scolded in my caste name when my husband had gone to Chilika. I complained at the Police station and on hearing my complaint the Police assured me to conduct inquiry within 15 days but did not come for the inquiry and did not registered the case. I got admitted at the Cuttack hospital and mean while

four months passed away the police did not arrest the accused and to any action against them. Then I report to the matter to the SP of Puri, and the district administration. I sat on a dharana in front of the District collector office on 20.11.2005. In order to prevent the demonstration the collector declared 144 within the 100 meter of the collectorate. On 10.02.2007 the collector by sending a letter told to solve the matter after the Panchayat election. This matter is remained unsolved.

3. I Shri Gangadhara Patra sub caste- 'Kela' a poor youth of Chhenua (Gudusahi) village under Nimapara Police station in Puri district- "After committing offence the accused are moving here and there in the village and threatening our family members and the Dalit people of our village. In



spite of the numbers of request at the police station the police had not registered my case and did not take any action against the accused". After filling a complain case at Junior Magistrate First Class (JMFC), Nimapara, the case is registered by IIC Nimapara (Case no-268/2011). After the registration of case the accused have threatened me. When, I complained against threaten of the accused, the police do not gave any attention towards my complaint and not provided any security to my family. The joint inquiry not completed till the date. When I am complaining at Police, Please arrest the accused, the police are replying the accused are absconded. How we will arrest the accused is threatening I am living in my village with fear by the threatening of the dominant caste people.

4. "I Smt. Nisamani Sethy, W/o-Natabar Sethy, aged about 75 years is a Scheduled caste old women and my sub-caste is Dhoba. I am a resident of Bamajhatipatana village under Nimapara police station in Puri district. I had been practised caste-based occupation in the village as washerman. But in course of time, I became old and not able to do any work. But the dominant caste people forced me and my family members to do this work. While we denied, the dominant caste people massly attack me and the entire family on dated 29.01.2012". Nisamani's younger son Lingaraj

Sethy severely injured and got admitted in the hospital. An F.I.R was lodged at Nimapara Police station on 29.01.2012 under P.S Case no-17/2012, U/S-337/323/294/354/427/506/325/34 IPC. But the case is not registered under SC & ST (POA) Act, wheather the case is purely a caste-based atrocity. The accused were not yet arrested. No relief provided to the victim's family. The case is pending at Police station. The victims are in panic condition.

5. I Shri Sudam Nahak, S/o-Budhia Nahak, at- Baunsagada, P.S.-Ranpur, Dist-Nayagarh. On dated 14.09.2010 the dominant caste people of our Baunsagada village attacked on the "Harijan" people in mass, looted the house hold articles, sexually harassed the women and girl children and arson to the Dalit families houses during the time of immersion ritual of Ganesh. When I complained at the Ranapur police station, the Police refused to resister the FIR in Ranpur police station and we were harassed by the police in the Police station in the slang words. We felt hopeless, as there is no rule in the state to save us during the time of danger. Then on the next day all the Dalit people were socially boycotted by the dominant caste people. When the police did not have registered our case and we all the Dalit people of (Pana and Hadi caste people) went to Nayagarh and sitting in a *Dharana* for four days in front of the district collector office. Then by the direction of the district administration the police registered an F.I.R bearing the P.S. case no231/18.09.2010 with under section 147/148/341/294/336 /457/395/354/427/506/149 IPC3(i)(x)(xi)(xiv)(xv)2(v) SC/ST (PoA) act. The Scheduled Caste families of Baunsagarh have faced the social boycott from the village for a long time, we were stayed at Bhubaneswar for two months. The leaders of different organisation provided us food at selter at Bhubaneswar. The distrit administration did not have provided any thing to us during the time of Attack on us. Now we are also staying here with fear.
6. I Shri Sambhunath Behera of Mahima Nagar, Alasua village under Chandaka PS in Khurda district in the state of Odissa. On date 21st Nov 2007 for a minor cycle accident a quarrel happened between a youth of Daruthenga village which is a neighboring village to Alasua. At the same evening the dominant caste people of Daruthenga came and attacked the SC people of Mahima Nagar and burnt 23 nos. of Houses in the presence of IIC Chandaka PS. After four years of the incident the DWO has provided compensation of Rs 5, 50,000/-(Rupees Five Lakh Fifty Thousand) only to 21 families who were affected in the incident. No rehabilitation major is

taken by the district administration. The land where we had been residing is not entitled in our name.

7. "I Shri Trinath Bhoi of Jajalpur village under Nimapara PS in Puri district. I belong to Scheduled Caste, and my sub caste is 'Bauri'. I was the Naib Sarapanch of Jajalpur GP. I was attacked by the dominant caste people and a case was registered in this regard at Nimapara Police station on date 06.04.2007 and

the case no is 64/2007. After 4 years Rs. 1250/- (Rupees One Thousand Two Hundred Fifty) only was granted as compensation by district administration. I had no Bank

account, so I had deposited the cheque at Nimapara Post Office. But the cheque is not collected to my pass book at the Post office. I have no money to open a bank account and

about Rs. 200/- is required to collect the cheque from DWO office Puri again. Only for Rs. 1250/- why I will go again to Puri, let that amount be lapsed”.

8. 1 Shri Ashok Kumar Mallick S/o- Mallik of Laulai village under Nihal Prasad Police station in Dhenkanal district. Our village is about 5 km distance from the PS and around 60 Km distance from the district head quarter. Laulai is a revenue village under Nihalprasad Police station in Dhenkanal district of Odisha. There are about 70 SC (Pana) families living in the village. Most of the Dalit families are land less and depending on agricultural labour, daily wages labour and share cropping. There is a Youth club and an Asthaphahari Mandap situated at the entrance of SC hamlet. On dated 19-03-2011 at about 11 pm, the Caste Hindu people of Laulai village were celebrating the *Dola Melan*. The '*Viman*' procession was moving around the village, where there thousands of Caste Hindu villagers were enjoying the *Melan* throughout the village. The '*Viman*' was passing lane by lane in the village. When the '*Viman*' procession was passing through the 'Pano' Sahi (scheduled caste hamlet), the scheduled caste people were enjoying the procession standing both side of road in their hamlet. The caste people commanded them to stand at a distance and to open their bamboo gate very soon which was recently constructed in the scheduled caste hamlet for the occasion of their 'Astaprahari'. The caste people said, ***the Dola 'Viman' will not pass under the Untouchable Pan's gate.*** Getting them, the Scheduled caste people immediately attempted to open the gate. But the caste Hindu villagers broke down their bamboo gate& Mandap construction. While the Scheduled Caste people opposed it, the caste villagers abused them in filthy language including the women and attacked the Dalit villagers.

A case is registered at Nihalprasad police station; The FIR no of the case is -19/ dated 22.03.2011. GR no-288. The police have visited the village once for investigation of the

case. No one is arrested in the case and the victims have not got any compensation from Government". (see case no.121)

The excerpt of some of the case studies revealed a poor picture of the implementation of the PCR and POA Act in rural areas of the state where SC people's are found more sustible to different forms of activities. The reasers are many as expressed can be concluded that caste-based discrimination prevailed in the mindset of the higher caste people in particulars areas give rise to all forms of atrocities found in different degrees in different sensitive places.

CHAPTER - VIII

KEY FINDINGS, TESTING OF HYPOTHESIS AND SUGGESTIONS

The study basically aims to analyse and interpret the case reports collected from different identified Police Stations of six districts which includes different degree of atrocities occurred during 2007-08 to 2010-11 against different sch.caste communities. Table No.05 gave a detailed picture of castewise cases considered for factual analysis. Analysis of the case studies shows that most of the atrocity cases were caste-based. Out of 200 cases, in 99 cases (49.5%), the victims were males and in 80 cases (40%) the victims were females. In 21 cases (10.5%) both males and females were the victims of atrocities. In 138 cases, the age group of the victims came in between 18-50 years, in 36 cases it was above fifty years and in four cases the victims were below 18 years. Sub-Castes like 'Pana', 'Dhoba', 'Bauri', 'Kandara' and 'Kaibarta' are some of the major SC communities, who were found more relatively victimized communities of caste-based atrocities. Figure -1 gives a detail picture of identified nine scheduled castes and other sub castes; those were found affected in atrocities cases.

Table no-05.Sub-Caste of Victims:

Sl No	Sub Caste	Nos. of Case	Percentage (%)
1	Bauri	31	15.5 %
2	Dandasi	5	2.5 %
3	Dhoba	43	21.5 %
4	Dom	7	3.5 %
5	Ghusuria Kela	1	0.5 %
6	Gokha	1	0.5 %
7	Ganda	1	0.5 %
8	Hadi	4	2 %
9	Kaibarta	24	12%
10	Kandara	26	13 %
11	Kela	1	0.5 %
12	Khadala	6	3 %
13	Pana	44	22 %
14	Tanla	1	1 %
15	Tiara	1	0.5 %
16	Dhoba & Pana	1	0.5 %
17	Hadi & Pana	1	0.5 %
18	Pana & Bauri	1	0.5 %
	Total	200	100 %

Source- Field study

Figure-1



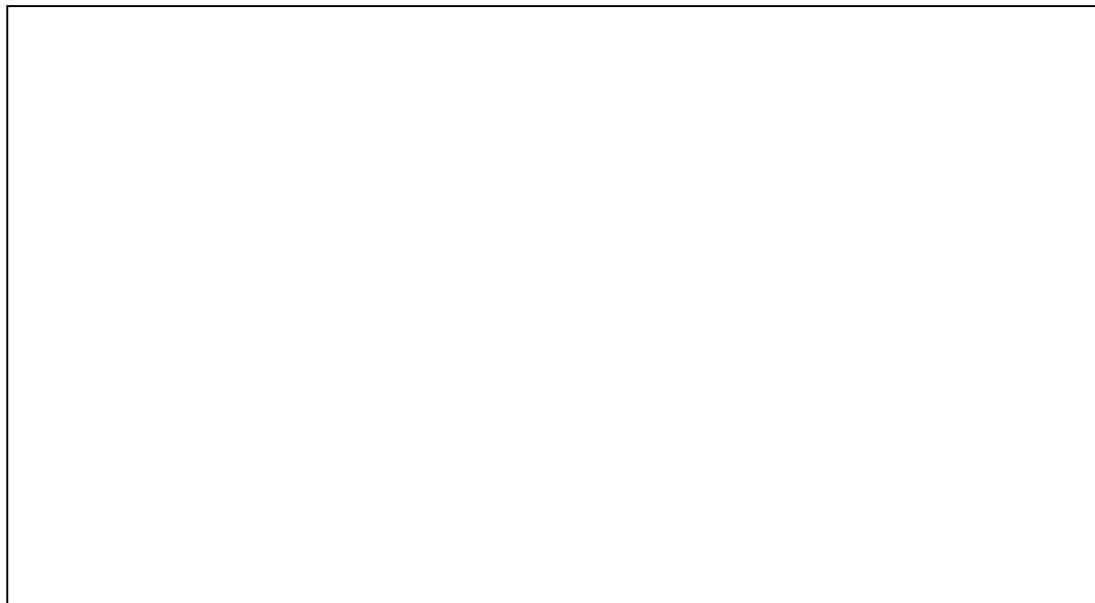
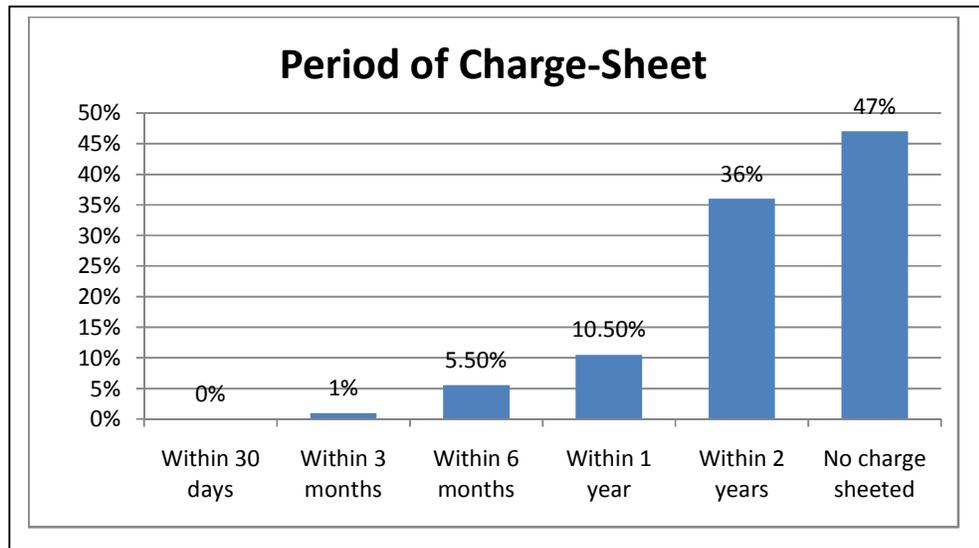
However, following points were evolved from the case studies collected during the field study:

1. It was found that the causes of atrocity were related to land, wages, use of village road, entry to the village temple, political participation, bonded and forced labour, indebtedness and performance of customary duties.
2. Murder, rape, arson, physical assault, intentional insult and humiliation in the public places citing the caste name, dispossession from the house & land and social boycott were different forms of atrocities found in the study area. Out of 200 cases, 11 cases were related to arson, 8 cases to murder, 17 cases to rape and sexual harassment and in 6 cases the atrocity was due to land dispute. Only in 19 cases the SC persons were made victims of the atrocity on the ground of untouchability. There were 15 cases of mass violence in which a group of higher caste people were involved in the offence. In two cases the SC families were socially boycotted and faced a lot of problem in their day to day life. In 101 cases, the SC persons were physically assaulted Table-6 gave a detailed picture of 101 cases of atrocities which were offences of heinous nature found in the study districts.

Offence	Murder	Rape & Murder	Rape	Gang Rape	Arson /Set Fire	Mass Violence	Physical Assault
District	No of Case						
Khurda	1				2	4	14
Cuttack	1				3	3	14
Puri				1	2	1	13
Nayagarh	1		2			3	20
Ganjam	2	1	2		1	1	14
Dhenkanal			2		2	1	23
Bhadrak	1						0
Kendrapada	1	1		1		1	0
Jajpur		1	1				03
Bolangir					1		0
Sonepur						1	0
Total	8	3	7	2	11	15	101

3. There were delay in framing and submission of charge-sheets of atrocity cases in the Court by the police. Out of 200 cases, police had submitted charge-sheets of 107 cases (53.50%) only and 93 cases (46.50%) were lying pending for investigation. The study also found that in 72 cases (36.00%), the charge-sheets were submitted within a period of two years and in 21 cases (10.50%) police took one year to complete the investigation and to submit the charge-sheets in the Court. Figure-2 gives a detailed picture of framing and submission of charge sheets in the court for different atrocities cases during different periods.

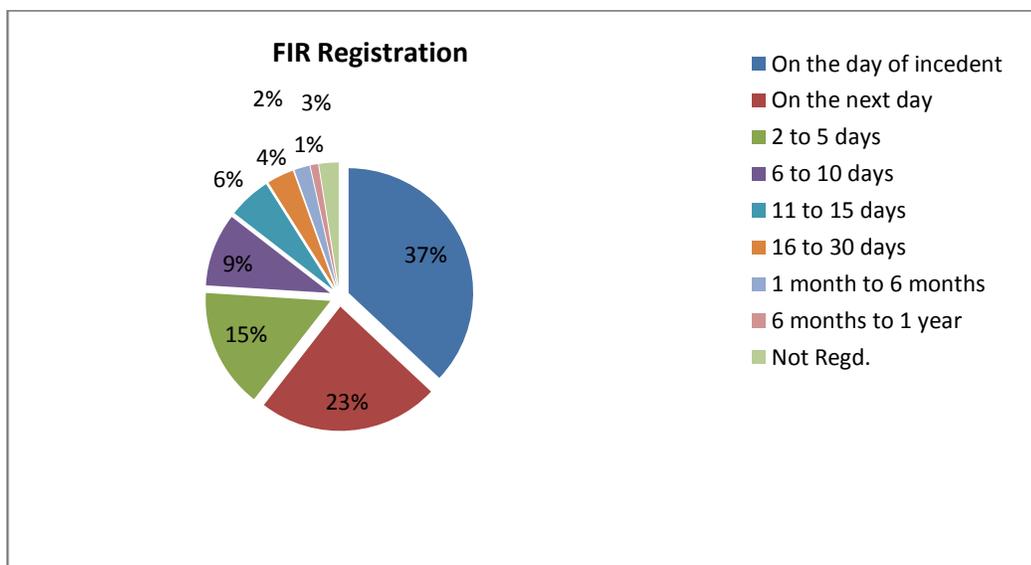
Figure-2



4. There was also delay in registration of case by the police. In 74 cases (37.00%) FIR was registered on the day of the incident. In 11 cases (5.50%) it was within 11-15 days. In 7 cases (3.50%), FIRs were registered within a period of 16-30 days. It was also found that in 2 cases (1%), the period of registration of the case was between 6 months to 1 year, in 4 cases (2%) registrations were made within a period of 1 to 6 months and in 5 cases (2.50%) little efforts were by the police for register of the case. In most of the cases copies of the FIRs were not provided to the victims.

Figure-3 the pie chart gives the picture of registration of cases and Table -7 gives a detailed picture of periodicity of registration of Cases and framing of charge sheets.

Figure-3



5. The study also found that Police registered the case suomoto in 182 cases (91.00%). In 13 cases it was done by the direction of Superintendent of Police, Court and the District Administration. In 5 cases police did not register the FIR. Table-8 shows different types of registration of FIR supplemented by Figure-4 & Figure-5

Table No-08, Registratio of FIR

Registration of FIR	No of Cases	% age
By Police suomoto	182	91 %
By the Direction of SP	3	1.5 %
By the Direction of Court	9	4.5 %
By the pressure of District Administration	1	.5%
Not Registered	5	2.5%
Total	200	100%

Figure-4

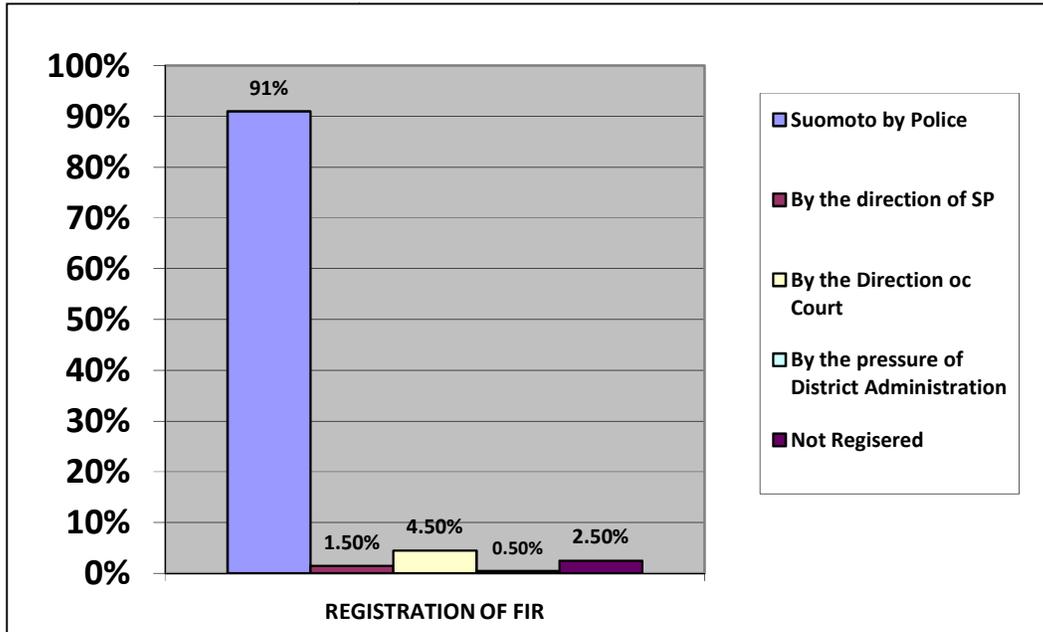


Figure-5



6. In most of the atrocity cases it was found that the police did not mention appropriate sub-sections of section 3(1) and 3(2) of the POA Act, 1989. The FIRs

are initially booked under different sections of IPC which affected the proper implementation of the PCr & POA Act.

7. When a verbal complaint is lodged, the police personnel should write down the information in black and white. Police personnel should read out the information noted by him before the complainant. The complainant if satisfied should put his/her signature on the information sheet note down by the police. One should ensure that the complaint note down by the police at the instruction of the complainant should match completely with one's version. The complainant has the right to get a copy of the complaint registered by the police as his personal copy for reference. But during the study it was found that in most of the cases the above procedures were hardly followed and the complainant failed to get a copy of the FIR which may affect the merit of the case.

8. Under Rule 7(1) & (2) of the POA Rules, 1995, the atrocity cases must be investigated by a Police Officer not below the rank of DSP and the investigation must be completed on priority basis within 30 days. But during the field study it was found that some of the cases were investigated by the S.I. of Police instead of DSP. In most of the cases the time limit prescribed under Rule 7(2) was not adhered to.

9. The victims of the atrocity alleged that Police did not provide them protection, as and when required. Similarly, necessary steps to provide protection to the witnesses were also not taken.

10. In most of the cases covered under the study, police did not arrest the accused persons. In 127 cases (63.5%), out of 200 cases, the accused persons were not arrested and in 73 cases (36.5%) police arrested the accused persons. Table-9 and figure-6 gives the detailed status report of arrest of accused.

Figure-6

Table no-09. Status of Arrest:

Action against accused	Nos. of cases	(%)
Arrested	73	36.5%
Not arrested	127	63.5%
Total	200	100%

Source-Field Study

11. In all the six districts, the District Level Vigilance and Monitoring Committee (DVMC) were found not functioning effectively. The meetings were also not held regularly, as per the prescribed periodicity i.e. once in a quarter. The status report of DVMCs hold during last three years (2009-11) in six study districts are given in Table-10

Table-10 Name of the Districts	DVMC No. of Meetings held		
	2009	2010	2011
	Puri	01	03
Dhenkanal	-	04	01
Cuttack	02	01	02
Khurda	01	-	-
Nayagarh	01	03	01
Ganjam	01	02	03

The study also collected data about the functioning of the State Level Vigilance and Monitoring Committee (SLVMC) constituted at the State level under Rule 16 of the POA Rule. The data collected from the State ST/SC Development Department revealed that the meetings of the SLVMC were not held, as per the prescribed periodicity i.e. twice in a calendar year, in the month of January and July. It was held only 4 times during the period 2005 to 2011. Meetings were also not hold during the year 2006, 2009 and 2011.

12. In most of the cases compensation to the victims were not paid in time. In some case it was also not at all paid. Further, modalities of the payment prescribed in the POA Rules were not strictly followed. Out of 200 cases covered under the Study, monetary compensation was provided in 137 cases (68.5%) and in 63 cases (31.5%) compensation was not at all paid to the victims of atrocities. Table-11 and Figure-7 give the detail picture of compensation status provided to the atrocity victims/their family members.

Figure-7

age	Table no-11 Compensation Status		
	Compensation payment Status	Nos. of Case	(%)age
■ Compensation provided	Compensation provided	63	31.5%
■ Compensation not provided	Compensation not provided	137	68.5%
	Total	200	100%

According to the POA Rules{Rule 6 (v) & Rule 12(4)}, the victims of atrocity, their family members and the dependents are to get immediate relief like food, water, clothing, shelter, medical aid, transport facilities and other essential items necessary for a human being soon after the occurrence of the incident. It was found during the study that such reliefs were usually not being provided. Out of 200 cases, only 10 victims (5%) got such types of relief and in 190 cases (95%) the victims were not provided with such types of reliefs and assistances. Table-12 and figure-8 show the status of reliefs provided to the victims of atrocities.

Figure-8

Table -12 Relief to victims:		
Relief to the Victims	Nos. of Case	(%)age
Relief provided	10	5%
Relief not provided	190	95%
Total	200	100%

Relief Provided by Govt. in 10 Cases

Relief not provided by Govt. in 190 Cases

13. The study also found that, in many cases, the victims of atrocity and witnesses did not have their travelling expenses, daily maintenance expenses and diet expenses for the days they were away from the place of their residence or stayed at the place of investigation or hearing of trial of offence under the Act. They were not aware of the provisions made by the Government under Rule 11 of the POA Rules for which they did not claim for the same. Out of 200 cases, only in 2 cases, one each in Puri and at Nayagarh District, travelling expenses, daily maintenance expenses and diet expenses were paid to the victims of atrocity.
14. During the study there was a demand from the SC people for the enhancement of the existing rate of daily maintenance expenses and the diet expenses prescribed by the Government. As suggested by them, the daily maintenance expenses should be at par with the minimum wages fixed by the State Government for the agricultural labourers and the diet expenses should be suitably enhanced keeping in mind the present cost of living.
15. Under Rule 15 of the POA Rules, 1995, the State Government has prepared a Model Contingency Plan which contains a package of relief measures for the victims of atrocity. In this connection, a Committee has also been formed in all the Districts to ensure that the victims of atrocity should get the package of relief prescribed under the Contingency plan which includes both social and economic rehabilitation. But during the study it was found that many SC people are not aware of this Committee and also about the package of relief prescribed under the Contingency plan. Out of 200 cases, the economic and social rehabilitation package prescribed by the Government of Orissa under Contingency Plan was provided only in 6 no. of cases (3%) and in 194 cases (97%) the victims of atrocity did not avail those.
16. The SC people in general and the atrocity victims in particular were found lacking knowledge about the PCR Act, POA Act, POA Rules and various provisions contained therein, like penal provisions and provision for relief & rehabilitation. Some people, who knew about this, had a very little knowledge.
17. In the study districts, a number of cases were found pending for joint enquiry at the level of police. It was highest in Ganjam District. Delay in Joint Enquiry also delayed the payment of monetary relief to the victims of atrocities. It happened

due to inadequate investigating staff and also lack of timely coordination between the concerned Police Officer and the Executive Magistrate.

18. As required under Rule 4(2) of the POA Rules, the District Magistrate and the Officer-in-charge of the prosecution shall review at least twice in a calendar year, i.e. in the month of January and July, the performance of the Special Public Prosecutors appointed for the purpose of conducting atrocity cases and to submit a report to the State Government. But in all the study districts, this has not been done.
19. Study revealed that there is tardy disposal of atrocity cases by the Special Courts and the conviction rate is very low. Study also revealed that the victims were forced to compromise the case outside the Court due to political pressure and pressure from the dominant caste people.
20. In the study area many SC people and the victims of atrocity were found aware about the office of the National Commission for Sch.Castes (NCSC) and the National Commission for Sch.Tribes (NCST). The informants stated that they are sending their grievances relating to atrocity and other cases to the SC and ST Commission for redressal.
21. During the study it was found that, the District Administration organized Awareness Camps on PCR Act, POA Act and POA Rules, but not in adequate numbers. District Administration has identified and engaged NGOs, having good track records, for organizing awareness generation activities in the district.
22. An analysis of the status of 200 case studies it was found that 26 cases (13%) were compromised at the village level due to various reasons. The poor economic conditions of the victims, pressure from dominant caste groups and also the political pressure were identified as some of the reasons which forced the victims to compromise out side the court. Among the study districts, more number of cases were found compromised in Ganjam District (11 cases) and this figure was lowest in Khurda District. 81 (Eighty one) cases (40.5%) were found pending in different Courts for trial. 70 (Seventy) cases (35%) were found pending at the Police station level for investigation. In 14 (fourteen)no. of cases (7%), trial were under trial in the Courts.
23. According to section 15 of the POA Act, Special Public Prosecutors (Spl.P.Ps.) will conduct atrocity cases in the Special Courts on behalf of the victims. During the study it was found that many victims were not aware of this facility and engaged private Advocates for trial of their cases. Out of 200 cases, Public Prosecutors were engaged only in 13 cases (6.5%) and in 21 cases (10.5%) the victims of atrocity engaged their own Advocates. In 112 cases (56%), Advocates were

neither engaged by the Government nor by the victims. In 54 cases the victims had no idea about the engagement of Public Prosecutors (P.Ps). Table-13 and Figure-9 show the status of engagement of Public Prosecutors (P.Ps) in atrocity cases under the study.

Table no-13, PP Provided to the Victims			
Status of engagement of Govt. Advocates(P.P) and Private Advocate by the victims of Atrocity.	Nos. of cases	(%)	
Advocate(P.P) Provided by Govt.	13	6.5%	Advocate(P.P) Provided by Govt.
Advocate provided by the victims	21	10.5%	Advocate by Victims
Advocates not Provided	112	56%	Advocate not provided
Victims have no idea about the engagement of P.P.	54	27%	No idea about the engagement of P.P.
Total	200	100%	

24. For eradication of untouchability and social integration, Government is promoting inter-caste marriage and providing cash incentive of Rs.50, 000/- to inter-caste married couples. Initially, this cash incentive was Rs .3, 000/-only which was subsequently enhanced to Rs.10, 000/- w.e.f. 17.09.2005 and to Rs.50, 000/- w.e.f. 03.12.2007. Among the study districts, more numbers of inter-caste marriages were found in Puri District and this number was 39 during the year 2010-11. It was observed during the field study that there were no social acceptance by the higher caste people to this type of marriages for which inter-caste married couples faced problems in leading a dignified married life in their society and the very purpose of social integration is found defeated.

25. According to the POA Rules, in case of murder, rape/gang rape and permanent incapacitation, there is provision for payment of pension to the widow or other dependants of the deceased and to the victim in addition to the payment of monetary compensation, as prescribed under the POA Rules. Earlier this amount of pension was Rs.1, 000/- only Per Month. This has been subsequently enhanced to Rs.3, 000/- only by the amendment of the POA Rules by the Government of India. But it was found during the study that neither the widows of the deceased nor the victims of rape/gang rape were paid monthly pension.

TESTING OF HYPOTHESIS:

On basis of the data collected from the field, 5 hypotheses framed in relation to the four objectives were examined and tested. It can be stated that awareness level of the SC&ST communities as well as the general communities about the provisions of the PCR, POA Act and Rules seemed to be too little which can be used as a means to curb up atrocities in different sensitive pockets of the state. Lack of awareness failed to establish fear among the general population as well as to maintain appropriate official procedures as per the provisions; by the government officers, people's representatives and NGOs. The victims/ their family members could not get compensation, other assistances and justice in time due to ignorance of their legitimate rights as per the provisions of the Act. Besides, availability of a series of institutional mechanisms especially the sanjog helpline though established give little impact on effective implementation of the Act. Following hypothesis are tested at the end of the analysis of the study.

1. The atrocity victims' families have been empowered through access to compensation, legal aid, education, healthcare and infrastructure.

From the study it had been observed that in 63nos (31.5 %) cases the victims had been benefitted through compensation, Legal Aid, as per the provisions of the act and rules. In all the 200 cases not a single victim's school going children had been rehabilitated though there were cases like Aparti Rout murder case of Krushnaprasad village under Niali PS, Amiya Bhoi case of Urujanga village under Govindapr Police Station and Simanchal Das murder case under Rambha Police station in Ganjam district where the children were deprived of education due to cases of atrocities made against their parents. This hypothesis has been accepted.

2. The implementation of PoA has ensured punishment to the culprits and strongest action against the public servants for dereliction of duty and persons who cause suppressing and weakening the atrocity cases.
 - Out of 200 cases in only 2 (1.00%) cases the culprits were awarded punishment. Around 10 % of the cases are under trial. 86 (43.00%) were pending in the courts and 64 (32.00%) cases were pending in different police stations. So it is revealed that the conviction rate was very insignificant though there were stringent provisions of Punishment in the Act as well as protective provisions for special court and legal aid services and engagement of Public prosecutors to support the victims.
 - It is found that in most of the cases proper sections and sub sections of the PCR Act & SC & ST (PoA) Act have not been booked while lodging the FIR by the concerned Police stations. The Investigating Officers have also many a time delayed the investigation of the cases as a result justice delayed. The accused of dominant caste Hindus were reported backed by local political

leaders by which the police many a times failed to get witness thus failed to arrest the culprits. The accused are reported in many cases threatening the SC victims/ their family members and compelled them to compromise the cases out side the court and withdraw the case from the court. In the study it is found that there is no action against the public servants for dereliction of their duty. This hypothesis has been rejected.

3. Payment of incentives for inter-castes marriages and the midday meal schemes in schools has helped reduce social discriminations.

Definitely the provision of incentives to encourage Inter caste mirage is financially helping many couples those are trying to break the boundaries of caste system but many of the eligible couples are not aware about the provisions. In the year 2010-11 Government of Odisha has awarded cash incentives to 376 couples. Government should popularize the programme to reach all the eligible couples in rural area. Efforts shall be given not only on financial help but also on provisions of allotment of land, house and sustainable livelihood for their socio-economic development. More emphasis should be given on security and protection of such couples who are supposed to be always in high riskzone of atrocity. This hypothesis is accepted to a limited extent in rural areas and in public places like; market, school, anganwadi centres and govt.health centres.

4. Atrocities cases as reported during the study revealed that in 15(7.50 %) cases mass violence had occurred due to caste –based discreminations and those cases are lying in different police stations. Only 25 (12.50%) individual cases were found compromised at the village level. The conviction rate is very insignificant limited to 1.00% only. Thus, it can be said that the number of compromised cases had out numbered the convicted cases clearly incating the poor implementation of the Acts. This hypothesis is accepted.
5. The atrocity cases relates more to the ignorance and tolerance of the STs & SCs than to the anti Dalit- Mind-set of so called higher castes.

It is found that not only the dominant caste but also the ignorance of the SC communities about the Law due to legal aid poor economic status and illiteracy level causes the incidents of atrocities. The mind set of the dominant caste have been preoccupied with superiority complexes and their traditional belief system have internalized and acted upon through socio-cultural practices since years together. This recognizes lower caste hierarchy and lower status of the SCs. This hypothesis is accepted and it is found that the feeling of untauchability is still in the mind set of the higher caste people but the degree of practice in public places has been curbed up to a large extent.

The objectives of the study was to examine the level of awareness and to find out the extent of effective implementation of PCR Act 1955 & SCs & STs (POA) Act

1989 and Rules 1995 in SC concentrated districts of Odisha; simply gives a rosy picture. Awareness and monitoring are the key factors to boost up the process of implementation. The awareness level found to very low which in turn influence the level of implementation of the said act at the base level. Although a number of institutional mechanisms have been identified and introduced for effective implementation fails to facilitate the process. The report aimed to prove and recommend suggestive measures for effective implementation of the PCR Act and POA Act and Rules and identified the responsible and inducing factors to curb up atrocities.

To come up with the findings of the study and suggestions, this can be considered by the implementing agencies for timely and effective implementation of the provisions envisaged in the Acts and Rules. More focus should be given on awareness generation through sensitization training, awareness campaign, Advertisement in print and electronics media, cultural institutions and public meeting and discourses. School anganwadis and Gram Panchayats and such other institutions should be officially recognized as the grassroot level anti-discrimination organizations to spread the positive messages of untouchability and atrocities. Besides, PCR and POA Act and Rules should be incorporated in the text book of High School students so that awareness can be generated from the high school level. As a result, the letter and spirit of these acts can possibly be reached to a sizable household of the state through the children and by the subject teachers. Which in long term can bring a Pro Dalit- mind-set of the so-called higher castes and can curb up caste based discrimination free and atrocity Free State.

CHAPTER IX

RECOMMENDATION AND SUGGESTIONS

Implementation of PCR and POA Act and Rules in the state of odisha as found from the sample study of six selected districts reveals too many points relating to atrocities against scheduled castes only. The generalized rate of implementation of PCR and POA Act and Rules visa-vis suggested preventive provisions embedded in these two Acts and strategies for their implementation in letter and spirit have been reflected in the following pages for necessary consideration at the appropriate level.

1. The provision for externment is not aimed at preventive action for atrocity committed on Scheduled Castes outside the Scheduled Areas. This provision of externment, which presently meant for “Scheduled Areas” and “Tribal Areas”, should be designed to cover the areas outside the Scheduled Areas of the State. There are many sensitive areas in the State where atrocities are recurrently committed. In view of this, it would be worth considering the amendment of Section 10 of the Act to extend the provision of externment to the areas outside the Scheduled Areas and Tribal Areas.
2. It is suggested for inclusion of further offences under the POA Act. The list of offences mentioned in Section 3 of the Act by and large covers the gamut of atrocity offences which are being perpetrated on SCs and STs. But there are some other offences like non-payment of minimum wages, stealing cattle of SC/ST people, fraud in payment and maintenance of loan account, prevention of access to burial or cremation ground, prevention of access to village road for the purpose of marriage procession, religious procession or any other ceremonial occasion, denial for joint celebration of festivals, forcing the SC/ST people to perform the customary duties etc. need to be brought within the ambit of the Section 3 of the Act with necessary amendments to this section.
3. Wide spread publicity need to be made through print and electronic media in regional languages highlighting the offences and punishments covered by the Act.
4. Regular orientation training on the provisions of the POA Act and Rules should be organized by the State Government for the Police officials, Prosecutors and

other officials who are associated with the implementation of the Act. In the orientation training programme, the objectives of the Act and Rules, various provisions contained therein and the manner of their implementation should be discussed in detailed.

5. At present there is no exclusive Special Court / Fast Track Court in the State to try atrocity offences. The existing Sessions Courts have been designated as Special Courts to deal the cases of Atrocity. As the designated Special Courts are already over burden in their own cases, the additional work load of atrocity cases could not receive due priority for which there is delay in disposal of cases and the pendency are more. Every year approximately 800-1000 cases are adding to the pending list. It is pertinent to mention here that by the end of December, 2009, 9430 atrocity cases were lying pending in the Special Courts for trial. This figure enhanced to 10,601 by the end of December, 2010 and to 11,486 by the end of December, 2011 (*figure source: HRPC, Odisha, Cuttack*). To reduce the pendency, there is a need for setting up of Exclusive Special Courts in the State which can be done in phased manner. Where the number of cases in a District will not justify for an Exclusive Special Court, two or more Districts can be combined and brought under the jurisdiction of one Court.
6. As justice delayed is justice denied, there is a need for time bound disposal of Atrocity cases on the lines of the provisions existing in the Consumer Protection Act, 1986, which provides for disposal of a case within three to five months. In the greater interest of the SC/ST people and to provide them early justice, the atrocity cases need to be disposed of within a period of six months and amendments, if any, required to the Act may be considered by the Government of India.
7. It is observed that in some cases the appropriate sections and sub-section of POA Act were not cited which weakened the gravity of the case although the case is formally covered by the Act. This tantamount to favouring the accused persons. In this connection, the State Home Department should issue clear cut instructions to all the Police Stations of the State wherein it should be clearly spell out that disciplinary action should be taken against the officers who will fail to cite the relevant sections of the POA Act in cases which attract the provisions of the Act.

8. There is a need for effective prosecution to check high rate of acquittal and speedy disposal of the atrocity cases. In this respect, there should be continuous coordination between Police and Prosecution in marshalling the evidence and preparing the case.
9. There is tardy investigation of the atrocity cases by the Police. Investigation of Atrocity cases should be done and completed on priority basis within a period of 30 days as specified under the Rule 7(2) of the POA Rules which is presently lacking.
10. The State Government has identified Atrocity Prone Areas in 16 District of the State, out of 30, during the year 2003. These lists need to be revised taking into account the present scenario of the atrocity cases. Identification of atrocity prone areas should be an ongoing process and the parameters for identification should be clearly chalked out. It should be done in a focused manner. Similarly, the State Government should identify the Untouchability Prone Areas in the State. The Atrocity Prone Area and the Untouchability Prone Area should be kept under vigilant watch by the local police.
11. The Police officials at all levels should be well conversant and familiar with the various provisions of the POA Act, POA Rules and the PCR Act and their application. It should be a part of the Police Training both for new recruits as well as in-service personnel.
12. It is observed that the District Level Vigilance and Monitoring Committee (DLVMC) constituted under Rule 17 of the POA Rules, are not functioning effectively and in many Districts it is not sitting regularly as per the periodicity defined in the POA Rules. There is lack of seriousness on the part of the District Administration in holding this important meeting. It may be stated that during the year 2009, the meeting of the DLVMC was not at all held in 13 Districts of the State. It was held only once in 9 Districts, twice in 7 Districts and thrice in one District. Similar was the position during the year 2010, although the situation was improved slightly. During the said year the meeting was not at all held in five Districts. It was held only once in 11 Districts, twice in 8 Districts and thrice in 5 Districts. In one District, namely Dhenkanal, the meeting was held 4 times, as per the prescribed periodicity. The same situation continued in the year 2011. In the year 2011, meeting of the DLVMC was not held in 4 Districts, held

thrice in 6 Districts, twice in 12 Districts, only once in 8 Districts. During the current year 2012, even after end of second quarter, meeting of the DLVMC has not been held in 20 Districts which is a matter of great concern. State ST/SC Development Department should take necessary action in this regard and must ensure that the DLVMC meetings are held regularly, as per the periodicity prescribed in the POA Rules. Action under section 4 of the Act may be taken against the non-SC/ST officers for willful neglect of their duties in holding the meeting.

13. The State Level Vigilance and Monitoring Committee (SLVMC) constituted at the State level under Rule 16 of the POA Rule should function more effectively. The meeting should be held regularly, as per the prescribed periodicity i.e. twice in a calendar year, in the month of January and July. It is pertinent to mention here that the meeting of the SLVMC was held only 4 times during the period 2005 to 2011, instead of 14.
14. The State Government have prescribed travelling allowance, daily maintenance expenses and diet expenses, as required under Rule 11 of the POA Rules, vide Resolution No.396-SSD-PCR-93/2003 dated 07.01.2004. The Daily Maintenance expenses of Rs.50/- per head and the diet expenses of Rs.20/- per day per head which was fixed in the year 2004 vide the aforesaid Resolution, need to be revised suitably. In the POA Rule 11(4) it has been categorically stated that the rate of daily maintenance expenses should not be less than the minimum wages fixed by the State Government for the Agricultural labourers. While considering the enhancement of maintenance expenses and diet expenses this aspect may be taken into consideration along with the present market rate. It was found that, many SC/ST people, are not aware of this facility for which they are not availing this benefit. Hence, wide publicity in this regard is needed. Further, complicated procedural formalities should be avoided and the payment to victims/witnesses should be made easier.
15. Under the Rule 15(1) of POA Rules, the State Government in ST & SC Development Department have formulated a Model Contingency Plan vide Order No.408/SSD/PCR-91/2003 dated 07.01.2004 for social and economic rehabilitation of atrocity victims, among other things. In the said order, under para 4, a Committee has been constituted consisting of Collector and District Magistrate(DM); Superintendent of Police(SP); Project Director(PD), District Rural Development Agency(DRDA); Project Administrator(PA) of Integrated

Tribal Development Agency; District Welfare Officer(DWO) & District Social Welfare Officer (DSWO). This Committee has been assigned specific duties in respect of economic and social rehabilitation. But it is found that the SC/ST people and even the officials who are linked with the implementation of the POA Act and Rules are not aware of this. Necessary publicity in this regard is also required. Moreover, this committee should function more effectively and promptly in providing the rehabilitation package.

16. Under public awareness generation programme, the ST/SC Development Department in collaboration with the Rural Development Department, Panchayati Raj Department and Information & Technology Department of the Government of Odisha have started Sanjog Help Line with Toll Free No. 155335, which is maintained by the Odisha Computer Application Centre (OCAC), for receiving complaints of SC/ST victims of Atrocity and also for redressal of grievances relating to various other schemes of Government. This Help Line is available for 24 hours. For better communication and for smooth functioning of the Sanjog Help Line, the District Welfare Officers have been provided a Mobile Phone along with BSNL SIM Card (only incoming facility). It is observed that many SC/ST people are not availing the benefit of the Sanjog Help Line as they are not aware of it and also about its functionality. Wide publicity regarding the above Help Line through Television, Radio and Print media is necessary. It is also necessary to review the functioning of this newly developed system periodically at the Government level.
17. Adequate publicity should be given about the Legal Aid Cells, which has been opened by the State Government to function as a First Aid Centre in the field Legal services to the members of SCs and STs, so that the SC/ST people can take benefit of this intervention.
18. There should not be any delay in payment of monetary relief to the victims of atrocities. The payment should be made, as per the laid down pattern of the POA Rules.
19. The SC/ST people residing in remote and in assessable areas are not aware about the PCR Act, POA Act and Rules or they have very little knowledge about it. Hence, there is a need for organizing awareness camps at the ground level i.e. at

the Block and GP level so that they can know about it and take advantage of this law.

20. Public awareness about the PCR Act, POA Act and Rules should be created by installation of more no. of hoardings in regional languages at important public places and also through wall paintings.
21. As large no. of atrocity cases are ending in acquittal, there is a feeling among the SC/ST people that the Special Public Prosecutors (specified or appointed) are not conducting the cases in a proper way. In view of this there is a need for regular review of performance of Special Public Prosecutors by the District Magistrates and the Director of Prosecution as laid down in Rule 4 of the POA Rules, which is not being done at present. If their performance are not found satisfactory their names should be de-notified. Further, Government should engage eminent and senior Advocates for conducting important atrocity cases wherever necessary.
22. All the major atrocity cases which are ending in acquittal need to be reviewed to find out the reasons and to take remedial action accordingly to check high rate of acquittal.
23. The practice of untouchability is deep rooted in our society. Even after 65 years of Independence, we have not been able to eradicate untouchability. It is found in one form or other, in all most all the parts of the State and in more severity in costal Districts of Odisha. For total eradication of untouchability law alone will not help. A change in the mind set of the higher caste people is necessary. For this, social action with the help of the traditional leaders and village elders in the society is necessary and will be useful. A social climate against untouchability need to be created. In each society there are anti social elements and vested interests. They always try to take advantage of the situation, weakness, ignorance and helplessness of the poor SC/ST people and disrupt the social harmony. These elements need to be tackled by the society and by the Administration very firmly.
24. There are many stringent provisions in the POA Act, 1989 like externment (section 10), imposition of collective fine (section 16), forfeiture of property (section 7(1) & (2)) and punishment to non-SC/ST public servant (section 4). It is observed that these sections are not usually being applied. Similarly the provisions of cancellation/suspension of license, suspension of Govt. grants and

imposition of collective fine is required to be applied in respect of the cases registered under PCR Act when needed. These important provisions of the law should be applied in right earnest for enhancing impact of the said Laws.

25. The police administration should be more responsive and people friendly. For effective implementation of the PCR Act, POA Act and POA Rules, role of Police Officers are very important. Failure to register the FIR, delays in visit to the scene of crime, delays in charge-sheeting of the case, non-application of relevant sections/sub-sections of POA Act, delays in reporting on the part of the police officers and misuse of official power to protect the accused should be viewed seriously and stern Departmental action should be taken against them for such lapses.
26. To reduce atrocities on SCs and STs, there is a need for implementation of PCR Act, POA Act and POA Rules both in letter and spirits. The officials working at the cutting edge of the Police Administration should have high degree of dedication, zeal, sensitivity and empathy to this issue. But these very qualities are lacking in the lower police administration and sometimes they ally themselves to the power groups and the atrocity cases get low priority. It is, therefore, required to sensitize the police officials, who are working at the ground level and with whom the SC/ST people immediately come into contact.
27. When the Police Officers, who are the guardians of Law, are themselves become perpetrators of the crime against SCs/STs, the investigation should not be done by the local Police but by the Officers of the State Crime Branch. The State Home Department should also monitor the progress of investigation of such cases to ensure that the cases are proceeding on proper direction and are not delayed.
28. As required under section 15 of the Act, Special Public Prosecutors should be appointed in all the Districts for the purpose of conducting atrocity cases in the Special Courts. As per the information collected, at present there is no Special Public Prosecutors in 10 Districts, out of 30. Immediate action should be taken for appointment of Special Public Prosecutors in those Districts.
29. In rape cases, anonymity of the victims of rape should be ensured. But maximum publicity should be given to the names of the miscreants for attracting social stigma regardless of criminal punishment which may be awarded.

30. The dominant caste and the economic position of the offenders often compel SC/ST victims to agree to unjust and illegal compromises outside the Court. Sometimes people are also reluctant to testify against the powerful persons on whom they are economically dependant. In such a situation the Police should play a vital role in providing protection and moral courage to the victims and also to the witnesses so that they will come forward to report the case and there will not be any difficulty in finding prosecution witnesses. Such cases will also not languish.
31. Caste prejudice and untouchability are major source of friction leading to violence and atrocity. The element of caste has clouded the human relations in Indian society. The crying need of the hour is to eradicate the evil practice of untouchability from the society through concerted and effective steps. Mass awareness programmes should be organized for general public and particularly in Schools and Colleges with the involvement of office bearers of Panchayats and Urban Local Bodies.
32. The Ministry of Social Justice and Empowerment in the year 2006, have instituted four National Awards (one for each Region) of an amount of Rupees two lakh for individual human rights activists and Rupees five lakhs for Non-Governmental Organizations, to be annually given for having done outstanding fieldwork in the area of eradicating untouchability and in combating offences of atrocities under the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Many are not aware of this Award. Wide publicity should be given about this Award to encourage the people in doing commendable work for eradication of untouchability and prevention of atrocity.
33. Inter Caste marriage is a good step towards eradication of untouchability and social integration. To promote inter caste marriage, Government may consider to increase the cash incentive of Rs.50, 000/- to Rs.1, 00,000/- as in case of Goa.
34. NGOs can act as catalysts to expedite relief and rehabilitation measures to the victims of atrocities. They can also counsel the victims and act as mediators to settle caste disputes. Further, they can ensure that cases are registered properly with relevant section of IPC and POA Act. Government should identify reputed and empathetic NGOs and should involve them in this work.

35. It is necessary to evolve a special package for development of identified atrocity prone /sensitive areas to check the propensity to atrocities. The package should include, inter alia, up-gradation of key infrastructure facilities like link roads, irrigation; provision of minimum basic needs like health, education, drinking water; promotion of Women Self-Help Groups, appropriate beneficiary oriented income generating schemes, effective implementation of land reforms and redressal of land disputes, stringent enforcement of minimum wages etc.
36. While recruiting the officers for State Civil Services, Judicial Services, Police Services, Welfare Services and other posts, level of familiarization of officers on PCR Act, POA Act and POA Rules should be assessed as they may be required to perform duties in connection with the implementation of the above Acts and Rules. This subject should also be included in the academic curricula of Schools, Colleges and Universities.

Annexure-I

**List of Special Courts under SC and ST (PoA) Act 1989
Govt. of Orissa,**

Home Department, Notification No. 40448-HRPC (A) 43/2000

Dated 26.02.2000

In pursuance of Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the State Government, in suppression of all previous notification issued on the subject and with the concurrence of the chief justice of the high court of Orissa, Cuttack do hereby specify the courts of District and session judges, Addl. District and Sessions judges as mentioned in column (2) of the Scheduled below to be the Special Courts for trial of the offences under the said Act within the local limits as specified against each in column (3) thereof.

<i>Sl. No</i>	<i>Name of the Court</i>	<i>Jurisdiction</i>
1	District and Session Judge, Cuttack	Revenue district of Cuttack
2	First Addl. District and Session Judge, Cuttack	Revenue district of Cuttack
3	Second Addl. District and Session Judge, Cuttack	Revenue district of Cuttack
4	Addl. District and Session Judge, Jagatsinghpur	Revenue district of Jagatsiningpur
5	Addl. District and Session Judge, Jajpur	Revenue district of Jajpur
6	Addl. District and Session Judge, Kendrapara	Revenue district of Kendrapara
7	District and Session Judge, Puri	Revenue district of Puri
8	First Addl. District and Session Judge, Puri	Revenue district of Puri
9	Second Addl. District and Session Judge, Puri	Revenue district of Puri
10	Addl. District and Session Judge, Nayagarh	Revenue district of Nayagarh
11	District and Session Judge, Khurda	Revenue district of Khurda
12	Addl. District and Session Judge, Khurda	Revenue Sub-division of Khurda
13	Addl. District and Session Judge-cum-Special Judge (Vigilance), Bhubaneswar	Revenue Sub-division of Bhubaneswar
14	Addl. District and Session Judge-cum-Special Judge (Vigilance), Bhubaneswar	Revenue Sub-division of Bhubaneswar
15	Addl. District and Session Judge-cum-Special Judge (CBI), Bhubaneswar	Revenue Sub-division of Bhubaneswar
16	District and Session Judge, Dhenkanal	Revenue district of Dhenkanal
17	Addl. District and Session Judge, Angul	Revenue district of Angul
18	Addl. District and Session Judge, Talcher	Revenue Sub-division of Talcher
19	District and Session Judge, Baleswar	Revenue district of Baleswar
20	Addl. District and Session Judge, Baleswar	Revenue district of Baleswar

21	Addl. District and Session Judge, Bhadrak	Revenue district of Bhadrak
22	District and Session Judge, Kalahandi	Revenue district of Kalahandi
23	Addl. District and Session Judge, Nuapara	Revenue district of Nuapara
24	District and Session Judge, Sambalpur	Revenue district of Sambalpur
25	Addl. District and Session Judge-cum-Special Judge (Vigilance), Sambalpur	Revenue district of Sambalpur
26	Addl. District and Session Judge, Sambalpur	Revenue district of Sambalpur
27	Addl. District and Session Judge, Deogarh	Revenue district of Deogarh
28	Addl. District and Session Judge, Bargarh	Revenue district of Bargarh
29	Addl. District and Session Judge, Jharsuguda	Revenue district of Jharsuguda
30	District and Session Judge, Balangir	Revenue district of Balangir
31	Addl. District and Session Judge, Balangir	Revenue district of Balangir
32	Addl. District and Session Judge, Titilagarh	Revenue Sub-division of Titilagarh
33	District and Session Judge, Sonepur	Revenue district of Sonepur
34	District and Session Judge, Koraput, Jeypore	Revenue district of Koraput
35	Addl. District and Session Judge, Koraput, Jeypore	Revenue district of Koraput
36	Addl. District and Session Judge, Malkangiri	Revenue district of Malkangiri
37	Addl. District and Session Judge, Rayagada	Revenue district of Rayagada
38	Addl. District and Session Judge, Nawarangpur	Revenue district of Nawarangpur
39	District and Session Judge, Ganjam, Berhampur	Revenue district of Ganjam
40	First. Addl. District and Session Judge, Berhampur	Revenue district of Ganjam
41	Second Addl. District and Session Judge, Berhampur	Revenue district of Ganjam
42	Addl. District and Session Judge-cum-Special Judge (Vigilance), Berhampur	Revenue district of Ganjam
43	Addl. District and Session Judge, Bhanjnar	Revenue Sub-division of Bhaanjnagar
44	Addl. District and Session Judge, Gajapati	Revenue District of Gajapati
45	District and Session Judge, Kandhamal, Phulbani	Revenue district of Kandhamal
46	Addl. District and Session Judge, Boudh	Revenue district of Boudh
47	District and Session Judge, Sundergarh	Revenue district of Sundergarh
48	Addl. District and Session Judge, Rourkela	Revenue Sub-division of Rourkela
49	District and Session Judge, Mayurbhanj	Revenue district of Mayurbhanj
50	Addl. District and Session Mayurbhaanj	Revenue district of Mayurbhanj
51	Addl. District and Session Judge, Rairangpur	Revenue Sub-division of Rairangpur
52	District and Session Judge, Keonjhar	Revenue district of Keonjhar

Annexure-II

List of Atrocity Prone area identified by Government of Odisha. SSD, Dated Bhubaneswar the 10th January 2003

Notification

Government after careful consideration have been pleased to appoint the Additional District Magistrate of the District named in the Scheduled as the Special Officers in the respective Districts to perform the duties and discharge the functions of Special Officer under Rule- 10 of the SC & ST (PoA) Rules- 1995 in the identified atrocity prone areas of these Districts.

Where there will be more than one A.D.M, The A.D.M in charge of the judicial/Law & order section of the District Office will be the Special Officer. This will take immediate effect.

**By order of Governor
Sd/-Alka Panda, IAS
Commissioner-cum-Secretary**

SCHEDULED

SI. No	District	Atrocity Prone Areas
1	Angul	Pallahara, Chhendipada, Jarapada PSs areas
2	Bhadrak	Bhadrak town, Rural (sadar), Naikanidhi, Dhusuri, Bansada PSs areas.
3	Boudh	Boudh, Baunsuni, Manamunda, Kantamal, Purunakataka, Harab-hanga, P.Ss areas
4	Balasore	Balasoretown, Khantarapara, Industrial areas, Oupada, Singla,sadar PSs areas
5	Cuttack	Baramba, Niali,Govindpur PSs areas
6	Dhenkanal	Sadar, Gondia PSs areas
7	Deogarh	Entire Deogarh district,all the 4 police stations areas
8	Khandamal	Entire Khandhamal District is the atrocity prone area as intimated by the S.P Kandhamal
9	Kalahandi	Dharmagarh, Junagarh,Jaipatana,Kaksara,sadar Kegaon and Bhawanipatana Town P.Ss areas
10	Khurda	Badagada,Lingaraj,Balianta,Balugaon,Banapur,Jankia,Balipatana, Khandagiri P.Ss areas
11	Keonjhar	Keonjhartown, sadar, patina, Ghasipura, Ghatagaon, Anandpur, Champua, Joda, Barabil PSs areas
12	Mayurbhanj	BaripadaTown, Bangiriposi, Khunta, Udala, Thakurmunda, Karanjia, Jharpokharia, Rasagovindpur, Barasahi P.Ss areas
13	Nuapada	Sinapali Block areas
14	Puri	Sadar, Town, Seabeach, Chandanpur, Satyabadi, Brahamagiri, Delang, Kanasa, Pipili, Gop, Balanga, Nimapada, Krushnaprasad PSs areas
15	Sonepur	Sonepur, Birmaharajpur PSs areas
16	Sundergarh	Sundargarhtown,Sadar,Lephripada,Hemgiri,Bisra, Rajgangpur and Sector-19 P.Ss areas

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No-402-PCR-93/2003-SSD

GOVERNMENT OF ODISHA

ST & SC DEVELOPMENT DEPARTMENT

RESOLUTION

The 7th January 2004

Payment of monetary relief to victims of atrocities on members of SCs & STs and their family members were regulated as per the resolution No.15854-TRW, dated the 8th June 1978 followed by amendments issued from time to time vide Resolution No-29332, dated the 29th November 1985, Corrigendum No.21406, dated the 24th June 1987, Corrigendum No.2975, dated the 2nd February 1988 and resolution No.2305, dated the 22nd August 1994.

2. Consequent upon the enactment of the SCs & STs (POA) Act and rules the enhance scale of relief has been prescribed.

- 2.1 After careful consideration, Government have been pleased to adopt the scale of relief to the victims of atrocities belonging to SC/ST as per norms and scale prescribed in the Schedule annexed to the SCs & STs (POA) Rules,1995 (Annexure-1)) (Copy enclosed).
- 2.2 Other Rehabilitation packages provided under the said Rule shall be regulated in accordance with the Scheme procedure provided in the Contingency plan.
- 2.3 This will take effect from the date of issue of the resolution.
- 2.4 This Resolution supersede Resolution issued in this regard from this Department.
- 2.5 This Resolution issues with concurrence of the Finance Department vide their UOR No-3130-PSF dated the 11th August 2003 & UOR No-507-SS-II, dated the 21st October 2003.

NORMS FOR RELIEF AMOUNT FOR VICTIMS OF ATROCITIES ON SC & ST PERSONS

SL No	Name of offence	Minimum amount of Relief
(1)	(2)	(3)
1	Drink or eat inedible or Obnoxious substance Section-3(1)(i)	Rs. 25,000 or more depending upon the nature of the gravity of the offence to each victims and also commensurate with indignity, insult, injury and defamation suffer bt he victim Payment to be made as faollows.
2	Causing injury insult or Annoyance Section 3(1)(ii)	
3	Derogatory act Section 3(1)(iii)	I.25 % when the charge sheet is sent to the court. II. 75% when accused are convicted by the lower court.
4	Wrongful occupation or cultivation of land, etc. Section 3(1)(iv)	At least Rs.25, 000 or more depends upon the nature and gravity of the offence. The land/ premises/water supply shall be restored where necessary at Governing cost. Full payment to be made when charge-sheet is sent to the Court.
5	Relating to land, premises and water Section 3(1)(v)	
6	Beggar or forced or bonded Labour Section 3(1)(iv)	At least Rs. 25,000 to each victim, payment of 25% at FIR stage and 75% on conviction in the lower Court.
7	Relating to right to franchise Section 3(1)(vii)	Upto Rs.20, 000 to each victim depending upon the nature and gravity of the offence.
8	False, malicious or vexatious legal proceedings Section 3(1)(viii)	Rs.25, 000 or reimbursement of actual legal expenses and damages or whichever is less after conclusion of the trial of the accused.
9	False or frivolous information Section 3 (1)(ix)	
10	Insult, intimidation and humiliation Section 3(1)(x)	Up to Rs.25, 000 to each victim depending upon the nature of the offence. Payment of 25% when charge-sheets is sent to the Court and rest on conviction.

11	Outraging the modesty of a woman Section 3(1)(xi)	Rs.50, 000 to each victim of the offence, 50% of the amount may be paid after medical examination and remaining 50% at the conclusion of the trail.
12	Sexual exploitation of a woman Section 3(1)(xii)	
13	Fouling of water Section 3(1)(xiii)	Up to Rs. 1, 00,000 or full cost of restoration of normal facility, including cleaning when the water is fouled. Payment may be made at the stage as deemed fit by District Administration.
14	Denial of customary rights of passage Section 3(1)(xiv)	Upto Rs.1, 00,000 or full cost of restoration of right of passage and full compensation of the loss suffered, if any. Payment of 50 % on conviction in lower Court.
15	Making one desert place of residence Section 3(1)(xv)	Restoration of the site/ right to stay and compensation of Rs.25, 000 to each victim and reconstruction of the house of Government cost, if destroyed. To be paid in full when charge-sheet is sent to the lower Court.
16	Giving false evidence Section 3(2)(i) and (ii)	At least Rs. 1, 00,000 of full compensation of the loss or harm sustained. 50 % to be paid when charge-sheet is sent to Court and 50% on conviction by the lower Court.
17	Committing offence under the Indian Penal Code punishable with imprisonment for a term of 10 years or more Section 3(2)	At least Rs. 50,000/- depending upon the nature gravity of the offence of each victim and / or his dependants. The amount would vary if specify otherwise provided in the Schedule.
18	Victimization at the hands of a public servant Section 3(2)(vi)	Full compensation on account of damages or loss of harm sustained. 50% to be paid when charge-sheet is sent to the Court and 50% on conviction by lower Court.
19	Disability, definitions of Physical and mental disabilities and contained in the Minority of	

	welfare, G.O.I. Notification No.42/83-HW.III dt. 6-8-1986 As amended from time to time A copy of the notification is at	
ANNEXURE II		
	1. (i) Non-earning Member of a family (ii) Earning member of a family.	100 % incapa citate tion At least Rs. 1, 00,000/- to each victim of offence.50% on FIR and 25% at charge-sheet and 25% on conviction by the lower court. At least Rs. 2, 00,000/- to each victim of offence.50% on FIR and 25% at charge-sheet and 25% on conviction by the lower court.
	2. Where incapacitation is less than 100 %	The rate as laid down in a (i) and (ii) above shall be reduced in the same proportion, the stage of payment also being the same. However, not less than Rs. 15,000/- to non-earning member and not less than 30,000/- to a raring member of a family.
20	Murder/Death (a) Non-earning Member of a family	At least Rs.1, 00,000/- to watch case. Payment of 75% after post-mortem and 25% on conviction by lower court.
	(b) Earning Member of a family	At least Rs.2, 00,000/- to wach case. Payment of 75% after post-mortem and 25% on conviction by lower court.
21	Victim of Murder, death, massacre, rape, mass rape, and gang rape, permanent incapacitation and dacoity.	In addition to relief amounts paid under above items, relief may be arranged within three month of date of atrocity as follows:- (I) Pension to each widow and or other dependants of deceased SC and ST@ Rs. 1,000 per months, or Employment to one member of the family of the deceased or provision of agricultural land house. If

		necessary by outright purchase. (II) Full cost of the education and maintenance of the children of the victim. Children may be admitted to Ashram Schools/Residential Schools. (III) Provisions of utensils, rice, wheat, dals, pulses etc. for a period of three months.
22	Complete destruction/ burnt houses.	Bricks/stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed.

ORDER-Ordered that this Resolution be published in an extraordinary issue of the *Orissa Gazette*.

By order of the Governor

ALKA PANDA, IAS

Commissioner cum- Secretary to Government

Annexure-IV

**GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT DEPARTMENT**

RESOLUTON

No-PCR-4/2012/SSD-21179

Dated Bhubaneswar the 28th June, 2012

Payment of monetary relief to the victims of atrocities on members of the Scheduled castes and Scheduled Tribes and their family has so far been regulated as per the resolution No-PCR-93/2003-402/SSD Dt. 07.01.2004.

Consequent upon enhancement of the Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Amendment Rules, 2011 vide Gazette Notification dtd. 23.12.2011 published in the Gazette of India vide GSR. No.896 (E), dtd 23.12.2011 the enhanced scale of relief has been prescribed.

2. Now therefore, Govt. after careful consideration have been pleased to adopt the said enhanced scale of relief to the victims of atrocities belonging to SCs & STs as per norms and

scale prescribed in the scheduled annexed to the said amendment Rules and furnished here under:-

Norms for Relief Amount

SL No	Name of offence	Minimum amount of Relief
(1)	(2)	(3)
1	Drink or eat inedible or Obnoxious substance {Section-3(1)(i)}	Rs. 60,000/- or more depending upon the nature and gravity of the offence to each victims and also commensurate with indignity, insult, injury and defamation suffer bt he victim Payment to be made as follows. Payment to be made as follows:- <ul style="list-style-type: none"> ▪ 25 % when the charge sheet is sent to the court. ▪ 75% when accused are convicted by the lower court.
2	Causing injury insult or annoyance {Section 3(1)(ii)}	
3	Derogatory act {Section 3(1)(iii)}	
4	Wrong full occupation or cultivation of land, etc. {Section 3(1)(iv)}	At least Rs.60, 000 or more depending upon the nature and gravity of the offence. The land/ premises/water supply shall be restored where necessary at Government cost, full payment to be made when charge sheet is sent to the Court.
5	Relating to land, premises and water. {Section 3(1)(v)}	
6	Beggar or forced or bonded Labour {Section 3(1)(iv)}	At least Rs. 60,000 to each victim. Payment of 25% at FIR stage and 75% on conviction in the lower court.
7	Relating to right to franchise {Section 3(1)(vii)}	Up to Rs.50, 000 to each victim depending upon the nature and gravity of the offence.
8	False, malicious or vexatious legal proceedings {Section 3(1)(viii)}	Rs.60, 000 or reimbursement of actual legal expences and damages or whichever is less after conclusion of the trial of the accused.
9	False or frivolous information {Section 3 (1)(ix)}	
10	Insult, intimidation and humiliation {Section 3(1)(x)}	Up to Rs.60, 000 to each victim depending upon the nature of the offence. Payment of 25% when charge sheet is sent to the Court and rest on conviction.
11	Outraging the modesty of a woman	Rs.1, 20, 000 to each victim of the offence,

	{Section 3(1)(xi)}	50% of the amount may be paid after medical examination and remaining 50% at the conclusion of the trial.
12	Sexual exploitation of a woman {Section 3(1)(xii)}	
13	Fouling of water {Section 3(1)(xiii)}	Upto Rs. 2, 50,000 or full cost of restoration of normal facility, including cleaning when the water is fouled. Payment may be made at the stage as deemed fit by District Administration.
14	Denial of customary rights of passage {Section 3(1)(xiv)}	Upto Rs.2, 50,000 or full cost of restoration of right of passage and full compensation of the loss suffered, if any. Payment of 50 % when charge sheet is sent to the court and 50% on conviction in lower court.
15	Making one desert place of residence {Section 3(1)(xv)}	Restoration of the site/ right to stay and compensation of Rs.60, 000 to each victim and reconstruction of the house of Government cost, if destroyed. To be paid in full when charge sheet is sent to the lower court.
16	Giving false evidence {Section 3(2)(i) and (ii) }	At least Rs. 2, 50,000 or full compensation of the loss or harm sustained. 50 % to be paid when charge sheet is sent to court and 50% on conviction by the lower court.
17	Committing offence under the Indian Penal Code punishable with imprisonment for a term of 10 years or more {Section 3(2)}	At least Rs. 1, 20,000/- depending upon the nature and gravity of the offence of each victim and or his dependants. The amount would vary if specifically otherwise provided in the Schedule.
18	Victimization at the hands of a public servant {Section 3(2)(vi)}	Full compensation on account of damages or loss or harm sustained. 50% to be paid when charge sheet is sent to the court and 50% on conviction by lower court.
19	Disability, The definition of disabilities shall be as given in Section-2 of the persons with disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995	

	<p>and guidelines for their assessment shall be as contained in the Ministry of Social Justice & Empowerment, GOI Notification No.154 dated 01.06.2001, as amended from time to time. A copy of the Notification is at Annexure-II to the Schedule</p> <p>1. 100 % incapacitation</p> <p>i) Non-earning Member of a family</p> <p>ii) Earning member of a family.</p> <p>(b) Where incapacitation is less than 100 %</p>	<p>At least Rs. 2, 50,000/- to each victim of offence. 50% on FIR and 25% at charge sheet and 25% on conviction by the lower court.</p> <p>At least Rs. 5, 00,000/- to each victim of offence. 50% to be paid on FIR/medical examination stage, 25% when charge sheet sent to the court and 25% on conviction in lower court.</p> <p>The rate as laid down in a (i) and (ii) above shall be reduced in the same proportion, the stages of payments also being the same.</p> <p>However, not less than Rs. 40,000/- to non-earning members and not less than 80,000/- to an earning member of a family.</p>
20	<p>Murder/Death</p> <p>(a) Non-earning Member of a family</p> <p>(b) Earning member of a family.</p>	<p>At least Rs. 2, 50,000/- to each case. Payment of 75% after postmortem and 25% on conviction by lower court.</p> <p>At least Rs. 5, 00,000/- to each case. Payment of 75% after postmortem and 25% on conviction by lower court</p>
21	<p>Victim of murder, death, massacre, rape, mass rape, and gang rape, permanent incapacitation and dacoity.</p>	<p>In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows:-</p> <p>(i) Pension to each widow and/or other dependants of deceased SC and ST @ Rs. 3,000 per month, or employment to one member of the family of the deceased or provision of agricultural land, a house, if necessary by outright purchase.</p>

		(ii) Full cost of the education and maintenance of the children of the victims. Children may be admitted to Ashram Schools/residential Schools. (iii) Provisions of utensils, rice, wheat, dals, pulses etc. for a period of 3 months.
22	Complete destruction/ burnt houses.	Bricks/stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed.

3. This resolution comes into effect from 23.12.2011 i.e the date of publication of aforesaid amended rules in the Gazette of India.
4. This resolution issues with concurrence of Finance Deptt vide their UOR No.81/FD-SSI Dt.22.03.2012 & P & C Deptt. Vide their UOR No. 44/P & C (P.II) Dt.09.05.2015

ORDER : Ordered that the resolution be published in the next issue of the Orissa Gazette for general information and copies communicated to all Departments of Government/Heads of department/All Collectors.

By Order of Governor

Commissioner-Cum –Secretary to Government

Momo No-21180/SSD Dt. 28/06/2012

Copy along with copy of the enclosure forwarded to the Director Printing Stationary & Publication, Odisha, Madhupatana, Cuttack, with a request to publish the Resolution in an extraordinary issue of the Odisha Gazette and supply 300 copies to this Deptt for needful.

Special Secretary to Government

Memo No-21181/SSD Dt. 28/06/2012

Copy along with copy of the enclosure forwarded to the Secretary to Governor/Private Secretary to Chief Minister, Odisha, Private Secretary to All Ministers/ Private Secretary to all State Ministers/Private Secretary to Chief Secretary, Odisha/ Private secretary to Development Commissioner, Odisha for kind information of His Excellency Governor/ Hon'ble Chief Minister/ Minister/All Minister of State/ Chief Secretary, Odisha/Development Commissioner, Odisha.

Special Secretary to Government

Memo No- 21182/SSD Dt. 28/06/2012

Copy along with copy of the enclosure forwarded to the Chairman, National commission for SCs, 5th Floor, Lok Nayak Bhawan, Khan Market, New Delhi-110003/ Chairman, national Commission for STs, 5th Floor, 'B' Wing , Lok Nayak Bhawan, Khan Market, New delhi-110003/ Joint Secretary to Government of India, Ministry of Social Justice & empowerment, Shastri Bhawan, New Delhi-110115, Director, National Commission for SCs, State Office, Mayukh Bhawan, (Ground Floor), Salt Lake, Kolkata, PIN-700091,/ Asst Director, & Regional Head, National Commission STs, N/1-297, IRC Village, Nayapalli, Bhubaneswar-751015/ D.G & I.G of Police, Odisha, Cuttack/ Addl. D.G. of Police, HRPC, Odisha, Cuttack/ Director, Public Prosecution, Bhubaneswar, All Collector/ All Superintendent of Police/ All DWOs/Sri Sujit Kumar Mukherjee, Special Officer, Computer Cell for information and necessary action.

All Collectors/ All Superintendents of Police are requested to see that while recommending monetary relief to the victims of atrocities to observe the provision/norms prescribed in Annexure-I of Rule-12(4) of SCs & STs (PoA) (Amendment) Rules,2011. No amount less than the prescribed amount shall be recommended & paid to the victims of atrocities. Any deviation in this regard will viewed seriously and District Administration and Police Administration will be liable for such deviation.

Sri. Sujit Kumar Mukherjee, Special Officer, Computer Cell is instructed to upload the afore said resolution in this Department web site for information general public.

Special Secretary to Government

Annexure-V

GOVERNMENT OF ODISHA

ST & SC Development Department Order

No-408/ SSD/ PCR-93/2003 Dated Bhubaneswar, the 7th January 2004

In pursuance of the powers conferred by sub-rule 15 of the Scheduled castes and Scheduled Tribes(Prevention of Atrocities) Rules, 1995, the state Government do hereby formulate following model contingency plan to be followed in case of any incident involving atrocities on persons belonging to the Scheduled Caste and Scheduled Tribes for providing immediate relief and succor to them, for ensuring that they receive the mandatory relief and such other assistance as would be appropriate, and for rehabilitating them economically and socially.

CONTINGENCY PLAN

1. Immediate action on receiving information:

1. On receipt of First information Report of atrocities against a Scheduled Caste/ Scheduled Tribe person, the Officer-in-Charge/Inspector-in-Charge of the concerned Police station shall arrange to intimate the fact to the Sub-Divisional magistrate, the Tahsildar or any Executive Magistrate locally available. He will

also inform the District Magistrate and the superintendent of Police/ Deputy Superintendent of Police. Any other officer or authority receiving first information of a case will immediately intimate to the Officer-in- Charge / Inspector-in-Charge of the General Police station as well the authorities named above. He shall also intimate to the Fire station and requisition Ambulance for rescue o the operation and transportation of victims to the nearest hospital for treatment. On receipt of the information from Officer-in-charge or the Inspector – in –Charge from any other source, the District Magistrate and the S.P. shall proceed to the spot and take necessary steps for providing emergent relief as required. The Sub-Divisional Magistrate, the Tahasildar and the Block Development officer, where the incidence occurred in an urban area, the Executive officer of the Municipality or NAC , as the case may be, shall also proceed to the spot.

2. The officer-in-Charge/ Inspector-in-Charge of the Police station may first assess the situation and then proceed to the spot for preventing any further untoward incidents and providing security to the SC/St families at risk.
3. After having ensured maintenance of law and order, the Officer-in –Charge or the Inspector-in –Charge of the concerned police station shall conduct a preliminary enquiry and submit an interim report immediately to the Sub Divisional Magistrate, the superintendent of Police and the District Magistrate indicating , if any, emergent relief is required.
4. The District Magistrate shall take up immediate steps for providing temporary shelter to the victims in cases of extensive damage caused to the house/ houses of the victims. the emergent relief in shape of dry food or cooked food and clothes for appropriate period may be provided as per Orissa relief Code. Basi amenities like water, medicine, baby food also may be provided in cases of necessity. Local Red Cross and other NGOs may be associated for distribution of emergency relief.

2. Mandatory Relief and Rehabilitation:

- (1) The district Magistrate will be responsible for ensuring that relief is provided to the victim and his/her family members who are eligible to get relief as per the scale for relief prescribed in the Scheduled to the said Rules.
 - (2) Where the relief amount to be paid exceeds Rs. 10,000/- a sum of Rs. 10,000/- will be paid in cash and the balance amount will be kept either in the Monthly income Scheme in post office / Nationalized Bank or in shape of Fixed Deposit in a Nationalized Bank which may be enclosed under the joint signature of the victim or his/her dependents and a District level Officer authorized for the purpose by the District magistrate.
- 3. Peace Keeping Committee:** Steps shall be taken to form a peace Committee in the affected areas as soon as things settle down a bit, taking the members from

different communities who are widely respected in the area. Preferably village Headman/ School Teachers/ College Lecturers / Doctors of the locality should be involved. The N.G.Os working in the local area for the welfare of the Scheduled Castes and the Scheduled Tribes should get associated.

4. **Economic & Social rehabilitation:** In cases of death/ incapacitation of earning members and extensive damage to property and sources livelihoods etc. long-term rehabilitation measures will be necessary. A committee consisting of District Magistrate (D.M), Superintendent of Police (S.P), Project Director (P.D), District Rural Development Agency (DRDA), Project Administration (P.A), Integrated Tribal Development Agency(I.T.D.A), District Welfare Officer(D.W.O) & District Social Welfare Officer (D.S.W.O) will draw up a package of rehabilitation measures to be provided and the following reliefs:
- (a) In case of gutting or destruction of dwelling houses, each affected family will be included under Indira Awas Yojana for providing a house subject to the condition of fulfillment of other eligible criteria for being a member under Indira Awas Yojana. If some of them are having no homestead land, the concerned Tahasildar shall provide homestead land to the affected person for construction of house.
 - (b) Subject to availability of the agricultural land if the affected person found to be agricultural land less person, land to the extent admissible under Orissa Government Land Settlement Act and Rules shall be settled with his and if the agricultural produce has been destroyed, the affected person shall be provided with food stuff for such as the committee may deem just and proper.
 - (c) The Block development Officer shall take steps to cover victims of atrocities under the Income Generation Schemes(IGS) implemented by the District Rural Development Agency(DRDA)/ Integrated Development Agency(T.T.D.A)/ Orissa Scheduled Caste & Scheduled tribe Finance Development Cooperative Corporation (OSFDC) etc.
 - (d) Where necessary, the District Social Welfare Officer (DSWO) will take steps to ensure supply of artificial limbs and wheels chairs etc. In case of widows or disability due to injury, widows Pension or Orissa Disability Pension, as the case may be will be sanctioned to the affected persons; and
 - (e) In case of death of an earning member, children of the deceased victims above 6 years and below 18th of age will be accommodated in Hostel/ Ashram Schools of the ST & SC Development Department and will be given scholarship at rates admissible to Hosteller up to completion of High School education. The District Welfare Officer shall be responsible for this. The relief packages measures provided in terms(a) to (e) above are only indicative and not exhaustive.
5. **Travelling Expenses, Daily Maintenance Expenses and Diet Expenses to the victims of atrocity, their dependants and witness during investigation/trial-**

Traveling expenses, Daily maintenance Expenses and Diet Expenses shall be paid in accordance with the provision in Rules-11 of the aforesaid Rules to every victims o atrocity or his/her dependents and witnesses and their attendants, wherever admissible, when called upon by the investigating officer, Superintendent of Police, Deputy Superintendent of Police , District Magistrate or any other Executing Magistrate, or to attend trial of an offence in any Trial Court, as the case may be on the very day of appearance. For the purpose, the ST & SC Development Department shall place funds with the Superintendent of Police or the District Magistrate as per their requirement. The Superintendent of Police will pay travelling allowance to the victims/ witness/ dependents/ attendants when they attend the place of investigation which is away from their places of residence. The District welfare Officer will make liaison with the Public Prosecutor and the victims and witnesses in the court for trial of any case of atrocities and arrange to pay Travelling Expenses, daily Maintenance expenses and Diet expenses to the victims of atrocity, their dependents ad witnesses including attendant during trial as far as possible on the day of appearance in the court.

6. **Awareness & Publicity Programme-** District Magistrate shall make necessary arrangement for organization of awareness camp in collaboration with local Non Government Organisations (NGOs) /Panchayats to deprecate communal violence and promote communal harmony.

By order of the Governor

Sd/- Alka Panda
Commissioner –cum Secretary to Government

Annexure-VI

GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT

RESOLUTION

No-396/SSD Dated, Bhubaneswar, the 7th January 2004

PCR-93/2003

The Scheduled caste and the Scheduled Tribes(Prevention of Atrocities) Rules, 1995 provide that when an investigation or trial takes place following the cases of atrocities on persons belonging to the Scheduled Caste and the Scheduled Tribe, The victims and the witnesses called to such investigation or trial by the competent authority, and their dependents include in any attendant , if required, shall be paid Travelling Expenses for the to and fro journey, a Daily maintenance Expenses and Diet Expenses for the period during which he/she has to be away from his/her place of residence for the purpose.

Government, therefore, after careful consideration, have fixed the following rates for payment of such Travelling Expenses, Daily maintenance Expenses and Diet Expenses to SC/ST victims of atrocities, witnesses, their dependents, and attendants, who need to accompany, for any investigation/ trial in connection with cases of atrocities on SC/ST persons.

5. Travelling Expenses:

The travelling Expenses will be equal to the actual cost of to and fro travel by 2nd Class mail/ Express/ Passenger Train or by bus. In extraordinary cases, where rail or bus communication is not available, the actual cost of travel by other means of transport such as taxi/ auto-rickshaw/ boat may be paid.

6. Daily Maintenance Expenses:

Every victim or witness if required to attend such investigation or trial and remains away from his/her place of residence for the purpose, or dependant or attendant, who need to accompany such victims, shall be paid a daily maintenance Expenses of Rs.50/- (fifty) per head for every day that he/ she will be required to be away from his / her place of residence.

7. Diet Expenses :

In dieting to the daily expenses, every such victim witness/ dependant/ attendant, should be paid Rs. 20/- (twenty) per day towards Diet Expenses for each day he/ she will be required to be away from his/ her place of residence.

3. Funds required for the purpose of paying of travelling Expenses, Daily Maintenance Expenses and Diet expenses to the victims /witness/ dependants/ attendants, shall be placed with the Superintendents of Police and the District Magistrate & Collector by the ST & SC Development Department from their budget. The amount will be disbursed to the victims/ witnesses by the Superintendent of Police in case of investigation and the District magistrate in case of appearance for trial. The Superintendent of Police or the District magistrate shall also keep the account of such the account of such disbursement for audit.

4. For the purpose of paying Travelling Expenses, Daily Maintenance Expenses & Diet Expenses the number of attendant shall be limited to one and the number of dependants relating to an atrocity on ST/SC person in their official capacity, they will be paid

travelling Expenses/ Daily Allowance at their official rates as per the Orissa T.A Rule from their official rates as the per the Orissa T.A. Rules from their own establishment.

By order of Governor

Commissioner-cum Secretary to Government

Annexure-VII

GOVERNMENT OF ORISSA

ST & SC DEVELOPMENT DEPARTMENT

No. PCR-2/2013-9824/SSD dated Bhubaneswar 28th February 2013

RESOLUTION

After careful consideration, Government have been pleased to amend the Daily Maintenance Expenses from Rs. 50/- (fifty) to Rs.200/-(two hundred) per head for every day mentioned under item(ii) and Diet expenses from Rs.20/- (twenty) to 100/-(hundred) under item (iii) of the Resolution issued in ST & SC Development Department Resolution No-PCR-93/2003-396/SSD Dt.07.01.2004.

Amount of Rs.50/- and Rs.20/- mentioned earlier under item No. (ii) & (iii) respectively in the Resolution issued in this Deptt. No. PCR-93/2003-396/SSD Dt.07.01.2004 for the purpose is here by superseded accordingly.

ORDER: Ordered that the resolution be published in the next issue of the Orissa Gazette for general information and copies communicated to all Departments of Government/Heads of Department / All Collectors.

By Order of Governor

Sd. Santosh Kumar Sarangi

Commissioner-Cum Secretary to Govt.

Memo No-9825/SSD Dt.28/02/2013

Copy forwarded to the Secretary to Governor/Private Secretary to Chief Minister/ Private Secretary to Minister, ST & SC Development and Minorities & Backward Classes Welfare / Private Secrearty to Chief Secretary/ Private secretary to Development Commissioner for information of His Excellency Governor/ Hon'ble Chief Minister/ Minister, ST & SC Development and Minorities & Backward Classes Welfare/ Chief Secretary and Development Commissioner.

Director SC Welfare

Memo No- 9826/SSD Dt. 28/02/2003

Copy forwarded to the Director, Printing Stationery and Publication, Orissa, Government Press, Madhupatana, Cuttack with a request to publish the Resolution in the next issue of Orissa gazette and supply 300 printing copies of the said Resolution to this Department early. A soft copy of this Gazette is being emailed to dpsp@ori.nic.in and dgpess@ori.nic.in in pursuance of office Order No.4112(200) Dt. 23.11.2004 of Director, Printing Stationery and Publication, Orissa, Cuttack for uploading in the Orissa Government website.

Director SC Welfare

Memo No- 9827/SSD Dt. 28/02/2013

Copy forwarded to All Departments of Government/All Heads of Department/Registrar(General Administration), Odisha High Court, Cuttack/ Member Secretary, Orissa State Legal Service Authority.S.O-11-B/1 & B/2, Cantonment Road, Cuttack-753001/D.G & I.G of Police, Orissa, Cuttack/ Addl. D.G. of Police, HRPC, Orissa, Cuttack/I.G. of Police, SC & ST Protection Cell, Odisha, Cuttack/ All RDCs/ All Collectors/ All District & Sessions Judges/ All S.Ps/ All District welfare officers/ All Sub collectors/all Tahasildars/ All Block development officers with a request to circulate to all sub-ordinate officers under their control for information and necessary action.

Director SC Welfare

Memo No-9828/SSD Dt. 28/02.2013

Copy forwarded to Shri. Sanjeev Kumar, Joint Secretary to Govt. of India, Ministry V.R. Malhotra, Director, Ministry of Social justice & Empowerment, Govt. of India Shatri bhawan, New Delhi-11001/Shri A.K. Srivastav, Director, Ministry of Tribal Affairs, Govt. of India, 5th Floor Loknayak Bhawan, Khan Market, New Delhi-110003/Director, National Commission for STs, Govt. of India, 6th Floor, Loknayak Bhawan, Khan Market, New Delhi-110003/ Deputy Director, National Commission for SCs, State Office, Kolkata, Mayaukh Bhawan, Ground Floor, Kolkata-700091/Deputy Director, National Commission for STs, Nayapalli, Bhubaneswar/ Director, Public Prosecution, Tosali Plaza, Bhubaneswar for information and necessary action.

Director SC Welfare

Memo No-9829/SSD Dt. 28/02/2013

Copy forwarded to sri. S.K. Mukherjee, Statistical Office, ST & SC Development Deptt. Ad instructed for updating the said Resolution in the Department website for information of general public.

Director SC Welfare

Annexure-VIII

GOVERNMENT OF ORISSA ST & SC DEVELOPMENT DEPARTMENT

NOTIFICATION

No-41115/SSD, PCR -13/2009

Dated the 12th November 2009

In pursuance to the ruled 16 of the Orissa Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Rules 1995 the Government after careful consideration, have been pleased to reconstitute the State Level High Power Vigilance Monitoring Committee as follow:

1. Chief Minister	Chairman
2. Minister Finance	Member
3. Minister, ST & ST Development, Minorities and Other Backward Classes Welfare	Member
4. Chief Secretary	Member
5. Secretary, Home Dept.	Member
6. Director General of Police	Member
7. Director, National Commission for SCs.	Member
8. Director, National Commission for STs	Member
9. Sri. Hemanand Biswal, M.P, Sundargarh	Member
10. Sri. Yashabant Narayan Singh Laguri, M.P, Keonjhar	Member
11. Sri. Jayaram Pangi, M.P Koraput	Member
12. Sri. Mangala Kisan, M.P. Rajya Sabha	Member
13. Smt. Sarojini Hembram, MLA, Bangiriposi	Member
14. Sri. Sudarshan Jena, MLA, Remuna	Member
15. Sri. Manohar Randhari, MLA, Nabarangpur	Member
16. Sri. Debendra Kanhar, MLA, Phulbani	Member
17. Sri. Rabi mallick, MLA, Kakatapur	Member
18. Sri. Ramamurty Mutika, MLA, Gunpur	Member
19. Dr. Prafulla Majhi, MLA, Talasara	Member
20. Sri. Ramachandra Hansada, MLA, Saraskana	Member
21. Sri. Rajendra Kumar Das, MLA, Dhamnagar	Member
22. Sri. Kalandi Behera, MLA, Cuttack Sadar	Member
23. Sri. Arabinda Dhali, MLA, Jayadev	Member

24. Smt. Mamta Madhi, MLA, Chitrakonda

Member

2.. The High Power Vigilance & Monitoring Committee shall meet at least twice in a calendar year in the month of January and July to review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected there with prosecution of the cases under the Act, role of the different officers agencies responsible for implementing the provisions of the Act and various reports received by the State Governmnet.

3. The Principal Secretary/ commissioner-cum- Secretary ST & SC development Department is the Convener of the High Power Vigilance & Monitoring Committee.

4. This will come into force with immediate effect.

By Order of Governor

A.K. Tripathy
Principal Secretary to Government
ST&SCDevelopment Department

Annexure-IX

GOVERNMENT OF ORISSA

SC & ST DEVELOPMENT DEPARTMENT

No. PCR (A)-6/2007/13250/SSD Bhubaneswar, Dated the 5th April, 2007

NOTIFICATION

For ensuring effective implementation of welfare programmes and protective legal provisions in relation to Scheduled Caste and Scheduled tribe Communities it has been felt necessary to create a Special Cell in the ST & SC Development Department.

The Government have accordingly decided to create a Special Cell in the ST & Sc Development department to look into the welfare measures and proper implementation of the PCR Act , 1955 and SC & ST (PoA) Act 1989 and Rules made there under. The Special Cell shall be heded by an officer belonging to SC & ST Community of this Department.

The functions of the Special Cell are set in Schedule-I annexed here to. Order-ordered that the Notification be published in the next issues of Orissa Gazette and copies be supplies to all

Department of Government/ All Heads of the Department/ All RDCs /All S.Ps for information, and necessary action.

By Order of Governor

Dr. Taradatt

Commissioner-Cum- Secretary

SCHEDULE –I

FUNCTIONS OF THE SPECIAL CELL

The Special Cell shall function in the ST & SC Development Department under the direct control of the Secretary of the Department. Who shall be responsible for it's proper functioning and under the general control and supervision of a senior officer belonging to Scheduled caste or Scheduled Tribe category. The Secretary of the Department shall inspect the special Cell at least once in a year and submit a copy of hi inspection note to the Government,

The Functions of the Special cell shall be as under:-

1. To look into the various welfare/ development schemes meant for Scheduled Castes & Scheduled Tribes.
2. Protection of Civil Rights of SCs & STs communities.
3. Implementation of PCR Act, 1955 and SCs & STs (PoA) Act 1989 and Rules made there under.
4. Organize programmes, seminars, symposium & debates etc. on their own or by involving NGOs & other agencies to create awareness among the general public on crimes against SCs & STs and Human Rights violations.
5. Deal with such other matters incidental or supplemental to the above as may be entrusted by the Government from time to time.

Dr. Taradatt

Commissioner-Cum- Secretary

Annexure-X

GOVERNMENT OF ORISSA

SC & ST DEVELOPMENT DEPARTMENT

No. PCR-22/2007, 43620/SSD Bhubaneswar, Dated the 3rd December 2007

RESOLUTION

Sub- Award of incentive in shape of cash grant to encourage inter- caste mirage between the caste Hindus and Scheduled caste belonging to the Hindu Community.

Reads: Government resolution No. 21332/HTW. Dt. 26.6.1980. No 17393/HTW, dt.15.7.1980 and No.33541/SSD, dt. 17.9.2005.

The question of enhancement of the rate of award of incentive in shape of cash grant to the couples of inter-caste marriage solemnized between the Scheduled Caste belonging to the Hindu community and other caste-Hindus was under consideration of Government for some time past. This question was discussed in the meetings of the Scheduled castes Welfare Advisory Board held on 21.07.2017 under the chairmanship of the Hon'ble Chief Minister, Orissa and it was resolved that the rate of incentive award of the cash grant should be increased from Rs. 10,000/- to Rs.50, 000/-to encourage inter-caste marriage for the purpose of eradication of untouchability & that there should not be any income restriction in the award of the incentive.

2..The State Government, after careful consideration have been pleased to decide that rate of award of incentive in shape of cash grant to the couple of inter-caste marriages as aforesaid which was fixed at Rs.10, 000/- in Para 2 above of the resolution No.33541/SSD, dt.17.9.2005 referred to above shall be enhanced to Rs.50, 000/0 (Rupees Fifty Thousand), only per couple in irrespective of the income of the recipients.

3. Bothe the couples shall have to apply for sanction of the grant in the form set out in Annexure-1. The recipients of the grant shall be a person (either sex) marrying from Scheduled caste community who shall have to execute a bond in the form set out in Annexure-H before receiving the grant. The module form of office order prescribed for sanction of the grant in Annexure-III of the Resolution is hereby suitably modified.

4. This shall take effect from the date of issue of the resolution.

5. All other provisions made in the original Resolution referred to above shall remain unchanged.

6. This Resolution issues with the concurrences of the Finance Department vide their UOR No.4431/PSF dt.20.11.2007

Order: Ordered that resolution be published in the next issues of the Orissa gazette for the general information and copies communicated to all Department/All Heads of the Departments/ All Collectors

By order of the Governor

Dr. Tara Datt

Commissioner-cum –Secretary

Annexure-XI

The Orissa Gazette

SUPPLEMENT

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No. 24452-PCR-22/2011-SSD

GOVERNMENT OF ORISSA

S.T. & S.C. DEVELOPMENT DEPARTMENT

RESOLUTION

The 14th July 2011

Subject- Establishment of Legal Aid Cell in Block/Taluk , Subdivision and District Headquarters Scheme for providing legal aid advice to the S.C & S.T. Communities.

The S.C. & S.T. Communities constitute a major segment of the marginalized section of the Society. The S.C. & S.T. Communities are entitled to avail free legal service under section 12 of the Legal Service Authority Act, 1987, Due to lack of awareness many people from the S.C. & S.T. Communities are not able to avail the benefits. To provide the process of legal services to the most disadvantaged section has engaged the attention of Govt. Such matter was discussed in a meeting held in the residence of the then Acting Chief Justice on the 3rd February 2010, which was also discussed in the State Level High power Vigilance & Monitoring Committee held on the 26th May 2010 under the Chairmanship of the Hon'ble Chief Minister, Orissa.

After careful consideration, with this aforesaid objective in view, Government have been pleased to set up Special Legal Aid Cells at the Block/Taluk, Subdivision and District level to evolve a mechanism to provide free legal aid service consultancy to S.C.& S.T. People.

1. Modalities of implementation:

- 1.1. The Legal Aid cell will function with two Nos of Legal Retainers for each T.S.P Blocks. The Block/Taluk Legal Aid Cell will be located within the premises of Block office in view of the large number of people coming to the Block office for different works.
- 1.2. The Legal Aid Cell shall remain open with deployment of two Retainers on every Government working days throughout the office hours.
- 1.3. In each Block one Data Entry Operator would be provided who among other works will assist the Retainers in the discharge of their duties.
- 1.4. Subject to Success in the 118 T.D. Blocks, the Legal Aid Cell will be rolled out for implementation in other Blocks, Sub divisional and District Headquarters in succeeding years.

2. Funding:

The Scheme is proposed to be implemented in 118 T.S.P. Blocks in the first phase as a Centrally Sponsored project. The funding of this Scheme will be borne by State Government & Central Government on 50:50 basis.

3. Function of the Legal Aid Cell and Duties of the Retainers:

- 3.1. The Cell is intended to function as a First Aid Centre in the field of Legal Services to the Members of S.C. & S.T.
- 3.2. The retainers deployed in the Cell shall act as a bridge between the legal aid applicants and the Legal Services Authorities or Committees constituted under the Legal Services Authorities Act, 1987.
- 3.3. The Retainers in the Cell, along with advisory services shall render services like drafting notices, sending replies to lawyers notices, drafting applications, complaint petitions, reports, etc.
- 3.4. In case of court based legal services, such Retainers shall after consideration of the applications, forwarded the same to the nearby District Legal Services Authority or T.L.S.C for provision of necessary Legal Aid/Service to the applicants and keep constant watch over those till their disposal. Incase of other type of legal services,

the Retainers may themselves provide such legal services to the applicants without any charges being imposed on them.

- 3.5. In case of civil disputes having sanction of law or the disputes having the prospect of settlement on conciliation basis, the Retainers may resort to conciliation process between the rival sides and explore all the possibilities of resolution of the dispute by settlement. The Retainer will act as mediators.
- 3.6. In pending cases involving the Members of S.C & S.T. Communities, the Retainers shall make endeavor to collect information about the status of those cases and take steps in accordance with law for their expeditious disposal. They shall also furnish necessary information regarding the status of the pending cases to the concerned applicant/ parties.
- 3.7. The Retainer shall furnish information every month or whenever necessitated , regarding the functioning of the Cell, to the Legal Services authorities or Committees concerned under whose immediate control the Legal Aid Cells shall be functioning.
- 3.8. Whenever necessity arises for engagement of a counsel for an applicant belonging to S.C. & S.T. Community in a court based litigation, the District Legal Services Authority or Taluk Legal Services Committee concerned may entrust the case either to the designated Retainer of the Legal Aid Cell or to any other Advocate out of the panel prepared exclusively for Legal Aid Cell.
- 3.9. The District Legal Services Authority or Taluk/Block Level Legal Services Committee, as the case may be, shall furnish a report to the Orissa State Legal Services Authority in the first week of every succeeding month regarding the performance of Retainers engaged in the cell.

4. Process of Selection:

- 4.1. There shall be a Selection-cum Supervisory Committee under the Chairmanship of the Member-Secretary, Orissa State Legal Services Authority with one Special Secretary/ Additional Secretary of S.T. & S.C. development Department as Nominated by the Secretary of the said Department and one Additional Secretary, Law, Government of Odisha as nominated by the Principal Secretary/ Secretary/ Commissioner-cum-Secretary of the said department as member for selection & recommendation for removal of retainers on the ground of as indicated in Para 4.5 and to monitor and supervise the performance of the Retainers and function of the Legal Aid Cells from time to time.

- 4.2. A panel will be prepared by the Section Borad under the Chairmanship of the concerned District Legal Services Authority (DLSA) with the P.A, I.T.D.A and the DWO as nominated by the Collector as member of the Selection Borad for this purpose. The panel of Advocates should consists of the Advocates double the number of Retainers required for the Legal Aid Cells covered by the concerned district. For example, if five numbers of Legal aid cells(i.e. 10 Retainers) are to be opened, the panel should consist of 20 number of Advocates and for each cell thus the panel would be four. The panel shall remain valid for two years.
- 4.3. The selection will be finally approved by the Governmnet, S.T. & S.C. Development department as recommended by the Selection Board taking into account the suggestion of the Member-secretary, Orissa State Legal Services Authority.
- 4.4. The Minimum experience of an Advocate to be empanelled shall be three years standing in the Bar. While preparing the panel care shall be taken to ensure that the Advocate is sincere in practice and has the ability to handle the citizens of S.T. or S.T. Community, the other should be from Unreserved category for maintaining a balance and Iso to deal with cases between member of S.C & S.T. *inter se*.
- 4.5. Basing on the recommendation of the Selection-Cum-Superviory Committee, appointment of retainers shall be made by the chairman, D.L.S.A for a term of two year, but a Retainer can be removed from the panel and retainership by the Chairman, D.L.S.A or Selection-Cum-Supervisory Committee, before completion of the term of two year if his performance is found to be not satisfactory and /or he has acted contrary to the object and spirit of the Legal services Authorities Act, 1987or the Rules, Regulations therender or of the present scheme without serving any show cause notice on him. At the time of appointment the Retainer shal eecute an undertaking before the Chairman of the concerned D.L.S.A that he shall not ask for or receive any fee, remuneration or valuable consideration in any manner from the person to whom he has rendered legal services under the Scheme.
- 4.6. The Retainer shall devote his time exclusively for the legal work nder the scheme and at least one Retainer shall always be available during official working days and hours to deal with the grievance petitions or cases of the members of S.C. & S.T. communities in the Legal Aid cell.
- 4.7. The honorarium paybe to the Retainers in the scheme shall be @Rs. 5000 per month or as may be decided by Government in ST & SC Development Department from

time to time. In the event of engagement of the retainer by the District Legal Services Authority for a case, the honorarium of that case will be over and above the honorarium payable to him.

4.8. Awareness generation:

The Retainer shall in liason with concerned B.D.O. and Tahasildar and on approval of District Level Legal Aid Authority draw programme for holding camps for generating awareness among S.C & S.T. to avail legal aid and its benefits. The School legal Aid Clubs should also be covered under these programmes.

4.9. The Retainer shall puersue with police authority for redressal f grievance of the complaints receiving through Sanjog Help line.

5. Scope of work/duties & responsibilities:

5.1. The Cell is intended to function as a First Aid centre in the field of legal Services to the Memembrs of S.C. & S.T. The Retainers deployed in the Cell shall act as a bridge between the legal aid applicants and the legal Services Authorities or Committee constituted under the Legal Services Authorities Act, 1987.

5.2. The Retainer shall be given space within the premises of the block office to hold the legal Aid Clininc and shall be available during office hours to deal with the grievance petitions or cases of the members of S.C & S.T Communities in the Legal Aid cell. They should gid them regarding provisions of the PCR Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the POA Rules, 1995, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Scheduled Tribes and other Traditional Forest Dwelle (Recognition of forest Rights) Rules, 2007, and other Acts/ Rules pertaining to the development of the S.Cs and S.Ts.

5.3. After finding out the problems and suggesting the legal recourse available to the members of S.C & S.T. Community. The Retainers will also take step for liasioning with District legal Aid Services Authority to provide the assistance of a lawyer in case of litigation in either Revenue or judicial Court. In case of court based legal services, such Retainers shall after consideration of the applications, forward of the same to the nearby District Legal Services Authority or TLSC for provision of necessary Legal Aid/Service to the applicant.

5.4. In case of the civil disputes having sanction of law or the disputes having the prospect of settlement on conciliation basis, the Retainers may resort to conciliation

process between the rival sides and explore the possibility of resolution of the dispute by mutual settlement.

- 5.5. In pending cases involving the members of S.C. & S.T. Communities, the Retainers shall make endeavour to collect information about the status of those of those cases and take steps under due process of Law for their expeditious disposal. They shall also furnish necessary information regarding the status of the pending cases to the concerned applicant/parties.
- 5.6. The Retainers shall in liaison with concerned B.D.O and Tahasildar draw programme for holding camps for generating awareness among S.C/S.T to avail Legal Aid and its benefits. The School Legal Aid Clubs should also be covered under these programmes.
- 5.7. The Retainers shall pursue with Police Authority or redressal of grievance of the complaints received through Sanjog Help Line.

6. Procedure for dealing with applications for free legal services in Legal Aid Cell.

- 6.1. Applications either in writing or oral may be presented by any member of S.C & S..T Communities seeking legal service. Any N.G.O. Social activists, Para-legal Volunteer, Institutional working for welfare of S.C. & S.T. Communities or any public spirited citizen may also make application on behalf of any member of S.C. or S.T Communities seeking legal services. Legal Service includes Legal Aid in connection with any court related proceeding or pre-litigation dispute, legal consultation advice or legal awareness/literacy.
- 6.2. In case of a literate applicant approaching the legal Aid Cell, the retainer manning the Legal Aid Cell, if so necessary, shall reduce the version of applicant into writing, and after reading over and explaining the contents of the application to the application to the application to the applicant the retainer shall obtain his thumb impression on the application and duly attest the same.
- 6.3. A register shall be maintained in the Legal Aid Cell by the retainer(s) reflecting the details as to the date of application, name and age of the applicant, name of the father/husband of the applicant whether belongs to S.C. & S.T his postal address and contact telephone number, if any, nature of grievance, number of case /litigations pending in any court/Tribunal, name of the Court/ Tribunal, nature of legal service applied for or required , nature of legal services rendered by the Retainer, signature/thumb impression of the applicant, name and signature of the Retainers(s)

who attended the application, etc. Every application shall be assigned with a registration number.

7. Monitoring :

- 7.1. The Retainer shall furnish information every month or whenever necessitated, regarding the functioning of cell, to the Legal Services Authorities or Committees concerned under whose immediate control the legal Aid Cell shall be functioning.
- 7.2. The District legal Services Authority and Taluk Legal Services Committee, as the case may be shall furnish a report to the Orissa State Legal Services Authority in the first week of every succeeding month regarding the performance of Retainers engaged in the Cell.
- 7.3. A Supervisory Committee will be constituted under the Chairmanship of Sub-Collector to review the performance of the Cell every month. A copy of review report will be intimated to District level Legal Aid Society and State Level Authority.
- 7.4. The Register maintained in the Legal Aid Cell shall be made available for perusal or inspection by the officers of the State Legal Services Authority, District Legal Services Authority, D. M, A.D.M, P.A/ITDA, D.W.O or any other officer duly authorized to inspect the same.

8 . Supervision:

- 8.1. A Supervisory Committee will be constituted under the Chairmanship of Sub-Collector to review the performance of the Cell every month. A copy of review report will be intimated to district Level Legal Aid Society or State Level Authority.
- 8.2. A course curriculum should be prepared with expert to incorporate in the course of matriculation under approval of S & M. Education Department and Board of Secondary Education, Orissa.

9. Audit:

- 9.1. The expenditure shall be audited by the internal audit of this Department and that of by the Accountant-general in each year.
- 9.2. The expenditure made and entered in separate register shall be presented to the audit by the office of the Legal Aid cell at Block/ Tahasil, Subdivision and District level.

10. Miscellaneous:

- 10.1. Location: The block/Taluk level Legal Aid cell will be located in Block office. Concerned B.D.O. will be requested to spare a room in the Block office for this purpose. Similarly, the Subdivisioal level legal ai cell will operate from the Sub-Collectros office. Sub-Collector will spare a room for the Cell.
- 10.2. A landline phone will be provided to the Cell with incoming call facility. The monthly ceiling of phone will be fixed and communicated to this Cell. The phone will be a phone-cum-fax to facilitate receipt of application over fax.
- 10.3. This Department will preapare document, text, hand note, etc. for organizing awareness camps in Oriya and in other tribal languages through SCSTRTI.
- 10.4 At the initial stage, one table, two chairs and one almira will be provided to the Cell, which will be produced by the Collector on allotment of this Department. Iitial amount of contingency for the maintenance of registers, records will be provided by the Department through Collector. For smooth management, each legal Aid Clinics will be provided with a Computer and Laser printer. A contingency amount will also be provided for this purpose.
- 10.5. For each of the legal Aid Clinics, a data Entry Operator(D.E.O-Cum-Office Assistant) will be provided through the service provider. He will also work in welfare section of Block under the supervision of Welfare Extension Officer. He will receive an honorarium of Rs. 4500 month and the statutory dues like Service charges. P.F. dues, etc. will be paid over and above this. Service charges of the Service Provider will not exceed 10% of the honorarium, i.e Rs. 450(Rupees Four hundred fifty) only.
- 10.6. At the initial stage, Endeavour will be made for sensitizing the newly Retainers and Advocates for the cell at the District level or regional level.
- 10.7. For the purpose of monitoring at the State level in the office of Orissa State Legal Services Authority, One computer with all related accessories and one Data Entry Operator on contractual basis will be provided by the state from this fund.

10.8 Depending on the success of the Legal Aid Clinic in the first year the scheme will be extended to other Block after a decision is taken on this account at an appropriate level This Cell shall still be functioning on receipt of proportional funding from the Central Government.

11. This resolution issues with the concurrence of the P. & C. department and Finance Department, vide their UOR. No. 84-PII-P&C, dated the 21st August 2010, UOR No. 128-SSII-F dated the 18th April 2011 & UOR No.970-L, dated the 28th May2011 respectively.

ODREDR- Ordered that the resolution be published in the next issue of the Orissa Gazette for general information and copies communicated to all Departments of Government/ Heads of Department/ all Collectors.

By order of the Governor

SANTOSH SARANGI

Commissioner-cum-Secretary to Government

Annexure-XII

List of Scheduled Castes in Odisha as amended upto 2007

SI No	Name of the Sub-Castes	SI No	Name of the Sub-Castes
1.	Adi Andhra	49.	Kummari
2.	Amant, Amat, Dandachhatra Majhi	50.	Kurunga
3.	Adhelia	51.	Laban
4.	Badeika	52.	Laheri
5.	Bagheti, Baghuti	53.	Madari
6.	Bajikar	54.	Madiga
7.	Bari	55.	Mahuria
8.	Bariki	56.	Mala, Jhala, Malo, Zala, Malha, Jhola
9.	Baser, Burud	57.	Mang
10.	Bauri, Buna Baun, Basia Bauri	58.	Mangan
11.	Bauti	59.	Mehra, Mahar
12.	Bavuri	60.	Mehtar, Bhangi
13.	Bedia, Bejia	61.	Mewar
14.	Beldar	62.	Mundapotta
15.	Bhata	63.	Musahar
16.	Bhoi	64.	Nagarchi
17.	Chachati	65.	Namasudra
18.	Chakali	66.	Paidi
19.	Chamar, Mochi, Muchi, Satnami	67.	Painda
20.	Chandala	68.	Pamidi
21.	Chandhai Maru	69.	Pan, Pano, Buna Pana, Desua Pana
22.	Deleted	70.	Panchama
23.	Dandasi	71.	Panika
24.	Dewar, Dhibara, Keuta, Kaibarta	72.	Panka
25.	Dhanwar	73.	Pantanti
26.	Dhoba, Dhobi	74.	Pap
27.	Dom, Dombo, Duria Dom	75.	Pasi
28.	Dosadha	76.	Patial, Patikar, Patratanti, Patua
29.	Ganda	77.	Ranja
30.	Ghantarghada, Ghantra	78.	Relli
31.	Ghasi, Ghasia	79.	Sabakhia
32.	Ghogia	80.	Samasi
33.	Ghusuria	81.	Sanei
34.	Godagali	82.	Sapari
35.	Godari	83.	Sauntia, Santia
36.	Godra	84.	Sidhria
37.	Gokha	85.	Sinduria
38.	Gorait, Korait	86.	Siyal, Khajuria
39.	Haddi, Hadi, Hari	87.	Tamadia
40.	Irika	88.	Tamudia
41.	Jaggali	89.	Tanla
42.	Kandra, Kandara, Kadama	90.	Deleted
43.	Karua	91.	Turi
44.	Katia	92.	Ujia
45.	Kela, Sapua Kela, Nalua Kela, Sabakhia Kela, Matia Kela	93.	Valamiki, Valmiki
46.	Khadala	94.	Mangali(in Koraput & Kalahandi district)
47.	Kodalo, Khodalo	95.	Mirgan(in Nabarangapur)
48.	Kori		

Annexure-XIII**i. List of Cases.**

SL.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-Caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
1	Khurda	Sukanti Mallik	W/o-Purna Chandra	52	F	SC	Kandara	Balipatana	Kajuriapada Po-Nariso	09.04.2008	28.05.2008	Pending at Court
2	Khurda	Sakina Bhoi	Mr. Dibakar Bhoi	40	F	SC	Bauri	Balipatana	Padanapada	23.10.2008	23.10.2008	Pending at PS
3	Khurda	Bishnu Charan Sethy	S/O-Laxmidhara	42	M	SC	Dhoba	Balipatana	AT/Po- Nariso, Badlasahi	01.04.2011	03.04.2011	Pending at PS
4	Khurda	Bansidhara Mallik	S/o-Hadu Mallik	60	M	SC	Kandara	Balipatana	At/-Bankua,Po-Amenakudu	09.01.2010	10.01.2010	Pending at PS
5	Khurda	Benu Bhoi	S/o-Late Nata Bhoi	45	M	SC	Bauri	Balipatana	At-Khajuriapada, Po-Balipatana	03.08.2011	08.09.2011	Pending at PS
6	Khurda	Laxmi Behera	W/o-Kedar Behera	40	F	SC	Bauri	Balipatana	AT-Sumana Sasana,P.s-Balipatana	15.05.2011	18.05.2011	Pending at PS
7	Khurda	Laxmidhara Kandi	S/o-Chintamani Kandi	45	M	SC	Bauri	Balipatana	AT-Sumana Sasana,P.s-Balipatana	13.05.2011	14.05.2011	Pending at Cour
8	Khurda	Lalita Mallik	D/o-Laxmidhar Mallik	29	F	SC	Kandara	Balipatana	At-Rajas, Mathasahi, Balipatana	07.03.2008	07.03.2008	Pending at PS
9	Khurda	Sunita Bhoi	D/o-Sarbeswar Bhoi	27	F	SC	Bauri	Balipatana	At/Po-Fakirpada, P.s-Balipatana	21.07.2007	21.07.2007	Pending at PS
10	Khurda	Prafulla ku Sethy	S/o- Narayana Sethy	38	M	SC	Dhoba	Balipatana	At/Po-Mahukhunda, P.s-Balipatna	23.06.2010	23.06.2010	Trial is Continuing
11	Khurda	Parbati Behera	W/o-Sibaram Behera	40	F	SC	Kaibarta	Balipatana	At/-Badala Pandua sahi,P.s-Balipatana	01.10.2011	01.10.2011	Pending at PS

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
12	Khurda	Susama Behera	W/o-Sukanta Behera	35	F	SC	Kaibarta	Balipatana	At-Gopinathpur, Po-Nilagiri Patana	23.12.2007	28.12.2007	Pending at PS
13	Khurda	Bilash Sethy	W/o-Sanatan Sethy	35	F	SC	Dhoba	Balipatana	At-Badalapandua sahi	12.11.2011	18.11.2011	Pending at PS
14	Khurda	Basanti Kandi	D/oNiru Kandi	38	M	SC	Bauri	Balipatana	At-Aalei,Baliatana	22.05.2006	22.05.2006	Pending at PS
15	Khurda	Kuma Bhoi	D/o-Dhobi Bhoi	41	F	SC	Bauri	Balipatana	At-Arilo,Balipatna	31.07.2010	01.08.2010	Pending at PS
16	Khurda	Sukanta Sethy	S/o-Laxman Sethy	45	M	SC	Dhoba	Jatani	At-Hatabazar, P.s-Jatani	13.08.2007	13.08.2007	Pending at Court
17	Khurda	Sukanti Mallik	D/o-Benudhara Mallik	23	F	SC	Kandara	Balipatana	Marthapur, Balipatana	04.03.2007	04.03.2007	Case Compromised At village level
18	Khurda	Basanti Bhoi	D/o-Rabindra Bhoi	20	F	SC	Bauri	Khandagiri	At-Sujiput, P.O-Tamando, P.S-Khandagiri	04.05.2005	04.05.2005	Pending at PS
19	Khurda	Benudhara Mallik	S/o-Late Kalandi Mallik	45	M	SC	Kandara	Bolagarh	At-Manikagada, Firifira	15/25/31.03.2007	03.04.2007	Pending at PS
20	Khurda	Rama Nayak, &Laxman Nayak Naba Nayak	S/o-Jogendra Naik S/o-Gurubaria Naik	45 all	M	SC	Dom	Balianta	At-Brahmanasualo PS-Balianta	17.02.2011	18.02.2011	Pending at PS
21	Khurda	Kulamani Sethy	S/o-Bauribandhu Sethy	66	M	SC	Dhoba	Khurda Sadar	Kaipadar,Sadar	25.05.2010	05.06.2010	Pending at PS
22	Khurda	Rajani Patra	W/o-Niranjan Patra	55	F	SC	Kela	Begunia	Godipatana, Begunia	27.06.2009	18.09.2009	Pending at PS
23	Khurda	Arata Nayak & Madhaba Nayak	S/O-Lochan Nayak & Haluri Nayak	35 & 36	M	SC	Dom	Begunia	At-Talatumba, Begunia	21.05.2008	22.05.2008	Pending at PS

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
24	Khurda	Basudev Bhoi	S/o-Trinath Bhoi	19	M	SC	Bauri	Balakati	At-Chadehiguha, Balakati, Balipatana	15.09.2007	17.09.2007 & 21.09.2007	Pending at PS
25	Khurda	Sapana Naik	S/o-Dandapani Naik	26	M	SC	Hadi	Tangi	Kuhuri, Tangi, Khurda	06.07.2007	14.12.2008	Pending at PS
26	Khurda	Nrendra Nayak and Sunanda Nayak	S/o-Nilamani Nayak and S/o-Late Dasarathi Nayak	38	Both	SC	Hadi	Jankia	At-Chanagiri, Jankia	04.03.2007	04.03.2007	Pending at PS
27	Khurda	Discrimintion in Tankapani UGME School	Mass attack		Both	SC	Pana, Bauri	Balianta	At-Tankapani, PS-Balianta	05.12.2009	Not Registered.	Case not Registered
28	Khurda	Sambhu Behera and other 22 SC Families of Mahima Nagar	S/o-Budhi Behera		Both	SC	Bauri	Chandaka	At-Alasua, Daruthenga, PS-Chandaka	21.11.2007	21.11.2007	Pending at Court
29	Khurda	Jaginath Mallik	S/o-Late Udaynath Mallik	45	M	SC	Kandara	Begunia	At-Chakapada, Begunia	20.02.2009	12.03.2009	Pending at PS
30	Khurda	Nisi Naik	D/o-Hina Naik	20	F	SC	Dom	Begunia	At-Begunia, Pichukali, PS-Bolagarh	11.03.2007	23.03.2007	Pending at PS
31	Cuttack	Prafulla Mallik	S/o-Nala Mallik	45	M	SC	Kandara	Niali	At-Sagadailo, Niali	10.03.2007	24.03.2007	Case compromised at village level
32	Cuttack	Nakula Mallik	S/o-Nari Mallik	70	M	SC	Kandara	Niali	At-Sagadailo, Niali	09.03.2007	20.03.2007	Case compromised

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
33	Cuttack	Prafulla ku Bhoi	S/o-Brahmananda Bhoi	55	M	SC	Bauri	Niali	At-Alana, Bilasuni,Niali	22.03.2008	22.03.2008	Trial is continuing
34	Cuttack	Kabi Bhoi	S/o-Balaram Bhoi	32	M	SC	Bauri	Niali	At-Bilasuni,Niali	28.08.2010	29.08.2010	Pending at Court
35	Cuttack	Late Aparti Rout	F/o-Ajay Rout	65	M	SC	Bauri	Niali	At-Krushnaprasad, PS-Niali	23.02.2008	24.02.2008	Accused is convicted
36	Cuttack	Prakash ch. Mallik	S/o-Somnath Mallik	25	M	SC	Kandara	Niali	At-Jalharpur,Niali	20.04.2010	21.04.2010	Pending at Court
37	Cuttack	Prasanna ku. Mallik	S/o-Benudhara Mallik	35	M	SC	Kandara	Niali	At-Mahangapada, PS-Niali	13.02.2008	13.02.2008	Case compromised at village level
38	Cuttack	Rebati Kandi	W/o- Kalandi Kandi	50	F	SC	Bauri	Niali	At-Kapasi,Niali	03.01.2011	04.01.2011	Trial is continuing
39	Cuttack	Subhalaxmi Bhoi	D/o-Rabindra Bhoi	26	F	SC	Bauri	Govindpur	At-Kamara Sahi, Govindpur	06.06.2011	06.06.2011	Pending at Court
40	Cuttack	Sabita Bhoi	W/o-Late Amiya Bhoi	33	F	SC	Bauri	Govindpur	At-Urujana, PS-Govindpur	06.12.2008	14.12.2008	Trial is continuing
41	Cuttack	Bhagyadhara Das	S/o-Ranjan Das	41	M	SC	Kandara	Govindpur	At-Badapatasundarpur, Ps-Govindpur	15.11.2009	15.11.2009	Case compromised at village level
42	Cuttack	Khetra Mohan Mallik	S/o-Fagu Mallik	45	M	SC	Kandara	Niali	At-Pokharigaon, PS-Niali	09.10.2007	10.10.2007	Pending at Courts
43	Cuttack	Babaji Mallik	S/o-Late Bandhu	70	M	SC	Kandara	Govindpur	At-Taradapada, PS-Govindpur	05.03.2007	06.03.2007	Trial is Continuing
44	Cuttack	Ramesh ch. Behera	S/o-Late Sunakar Behera	40	M	SC	Kaibarta	Govindpur	At-Rahama, PS-Govindpur	28.08.2010	28.08.2010	Trial is Continuing

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
45	Cuttack	Jyotshna Rani Mallik	D/o-Kanda Mallik	31	F	SC	Kandara	Niali	At-Gobindaram Patina. PS-Niali	11.12.2008	18.12.2008	Trial is Continuing
46	Cuttack	Golakha Samal	S/o-Late Birabar	75	M	SC	Kandara	Govindpur	At-Taradapada, PS-Govindpur	29.03.2011	30.03.2011	Pending at Court
47	Cuttack	Laxmi Sethy	W/o-Sahadev Sethy	35	F	SC	Dhoba	Govindpur	At-Sailo Jharpada, PS-Govindpur	24.02.2007	24.02.2007	Pending at Court
48	Cuttack	Sanagaon Mass violence	Mass violence		Both	SC	Kaibarta	Narsingpur	At-Sanagaon, PS-Narsingpur	04.06.2011	04.06.2011	Pending at PS
49	Cuttack	Bilasini Bhoi	D/o-Suryamani Bhoi	25	F	SC	Bauri	Kishannagar	At-Praharajanpur,	21.12.2009	21.12.2009	Pending at PS
50	Cuttack	Dibakar Nayak	Mandara Nayak	40	Both	SC	Hadi	Narsingpur	At-Harichandanpur Ps-Narsingpur	06.10.2008	07.10.2008	Pending at PS
51	Cuttack	Prakash Sethy	S/o- Ratnakar Sethy	50	M	SC	Dhoba	Niali	At-Podana,PS-Niali	11.06.2007	11.06.2007	Pending at PS
52	Cuttack	Ragadipada Mass violence	Mass violence		Both	SC	Kandara	Badamba	At-Ragadipada, At-Badamba	10.01.2009 19.09.2009	11.01.2009 ,12.01.2009, 14.01.2009 & 19.09.2009	Pending at PS
53	Cuttack	Jagannath Naik (30), Santosh Naik (28), and Dharani Naik (26),	S/o-Basta Mohan Naik, S/o-Chintamani Naik and S/o-Dushasan Naik		Both	SC	Pana	Narsinghpur	Nimasahi,Narsingpur	22.03.2008	25.03.2008	Pending at PS
54	Cuttack	Kanpur mass violence)	Mass violence		Both	SC	Kaibarta	Kanpur	At/PS-Kanpur	04.03.2007	04.03.2007	Pending at PS
55	Cuttack	Tutu Samal	S/o-Basudev Samal	21	M	SC	Pana	Mahanga	At-Goudagop, Mahanga	31.10.2007	01.11.2007	Case compromised at village level

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
56	Cuttack	Sanatan Mallik	S/o-Rajakishor Mallick	60	M	SC	Hadi	Athagarh	At-Karikola, PS-Athagarh	07.01.2009	08.01.2009	Pending at Court
57	Cuttack	Padmalochan Mallik	S/o-Gurubari Mallik	45	M	SC	Kandara	Kanpur	At-Solabandha (Nandapur), P.S-Kanpur	17.07.2010	19.07.2010	Pending at Court
58	PURI	Trilochan Mallick	S/o-Hatakisore Malik	25	M	SC	Kandara	Gop	At-Balisahi, PO/PS-Gop	05.12.2008	05.12.2008	Pending at Court
59	PURI	Chandramani Kandi	S/o-Manguli Kandi	30	M	SC	Bauri	Gop	At-Dhumala, Po-Nayahat, PS-Gop	04.12.2008 & 05.12.2008	05.12.2008	Pending at Court
60	PURI	Manjubala Sethy	W/o-Purna Chandra	54	F	SC	Dhoba	Nimapada	At/Po-Gadajhankiria (Junupur), P.S-Nimapada	15.08.2007	17.08.2007	Pending at Court
61	PURI	Mrs. Sanjukta Bahalia	W/o-Purna Chandra Pani	34	F	SC	Kaibarta	Balanga	At-Badaninigon (Bhootapada), P.S-Balanga	05.08.2010	05.08.2010	Pending at Court
62	PURI	Mamina Dalei	W/o-Purna Chandra Dalei	35	F	SC	Kaibarta	Gop	At-Nagapur, Samili Natapur, Po/Ps-Gop	30.04.2006	16.09.2006	Case comperomised atvillage level
63	PURI	Mr. Bagula Bhoi	S/o-Arjuna Bhoi	40	M	SC	Bauri	Gop	At-Gop (Tentulipatana) PS-Gop	27.06.2009	27.06.2009	Pending at PS
64	PURI	Mr. Budhanath Sethy	S/o-Late Gaji Sethy	64	M	SC	Dhoba	Gop	At-Srikerenda, Po-Sisio, PS-Gop	06.12.2008	06.12.2008	Pending at Court
65	PURI	Mrs. Jenamani Sethy	W/o-Benudhar Sethi	40	F	SC	Dhoba	Gop	At-Hrusikeshpur, Po-Rench, PS-Nimapara	20.03.2011	06.06.2011	Pending at PS

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
66	PURI	Mr.Trinath Bhoi	S/o-Bimbadhar Bhoi	50	M	SC	Bauri	Nimapada	At-Jalalpur, Po-Bhogasalada, PS-Nimapara	06.04.2007	11.04.2007	Pending at Court
67	PURI	Gangadhar Patra	S/o-Narayan Patra	35	M	SC	Ghusuri a Kela	Nimapada	At/Po-Chhenua, Nimapara	28.11.2011	09.12.2011	Pending at PS
68	PURI	Mr. Kalu Sethy	S/o-Natabar Sethy	65	M	SC	Dhoba	Brahmagiri	At-Satikipur Po-Chapamanik P.S-Brahmagiri	06.06.2008	06.06.2008	Pending at PS
69	PURI	Mr. Kunia Mallik	S/o- Late-Mahani Malik	45	M	SC	Kandara	Gop	At-Ottarasasana, PS-Gop	15.07.2011	15.07.2011	Pending at PS
70	PURI	Braja Kishore Bhoi and others	Mass violation case		Both	SC	Bauri	Brahmagiri	At-Ichhapur Bhoi sahi, Po-Nuagaon, PS-Brahmagiri	18.06.2009	18.06.2009	Pending at Court
71	PURI	Ms. Santilata Kandi	W/o-Kanduri Kandi	30	F	SC	Bauri	Brahmagiri	At-Allarpur, PS-Brahmagiri	15.03.2008	16.03.2008	Pending at Court
72	PURI	Ms. Bandana Bhoi and Ms. Sulochana Bhoi	D/o-Kelu Bhoi	18, 19	F	SC	Bauri	Brahmagiri	At-Ranapada, PS-Brahmagiri	28.08.2010	09.09.2010	Pending at Court
73	PURI	Mr. Benudhar Sethy	S/o-Jadu Sethy	45	M	SC	Dhoba	Brahmagiri	At-Chapamanik, PS-Brahmagiri	24.07.2006	25.07.2006	Pending at Court
74	PURI	Mrs. Pramila Ghadei	W/o-Akrura Ghadei	57	F	SC	Tiara	Brahmagiri	At-Keutakudi, PS-Brahmagiri	22.01.2005	05.03.2005	Pending at Court
75	PURI	Bidesi Nayak, Ms. Sakhi Nayak, Rama ch. Nayak	Mass violence for forced caste based occupation in Gorual village	32, 35, 50	Both	SC	Pana	Puri Sadar	At-Gorual PS-Sadar	01.06.2007	02.06.2007	Pending at Court

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
76	PURI	Jugal Malik	S/o- Late Budhanath Mallik	45	M	SC	Kandara	Balanga	At-Kohakosanga, PS-Balanga	25.03.2011	26.03.2011	Case compromised at village level
77	PURI	Sumita Behera	W/o-Ratnakar Behera	34	F	SC	Kaibarta	Satyabadi	At-Balikuda, PS-Satyabadi	12.10.2008	13.10.2008	Pending at PS
78	PURI	Rabi Jena	Gopal Jena		Both	SC	Dom	Balanga	At-Kothakusang, P.s-Balanga	17.06.2010	18.06.2010	Pending at PS
79	PURI	Babina Behera	D/o-Babuli Behera	19	F	SC	Bauri	Pipili	At-Arjunagada, P/o-Paparanga, P.s-Pipili	28.11.2011	09.01.2012	Pending for investigation
80	PURI	Bhikari Behera	S/o-Gadei Behera	70	M	SC	Bauri	Pipili	At-Kankanadua, P.s-Pipili	01.06.2010	04.06.2010	Pending at PS
81	PURI	Laxmidhara Sethy & Sukanta Sethy	S/o-Nitei Sethy	41	M	SC	Dhoba	Satyabadi	At-Alisa, P.S-Satyabadi	26.03.2007	02.04.2007	Pending at PS
82	PURI	Gandharva Sethy	S/o-Gajendra Sethy	62	M	SC	Dhoba	Konark	At-Kunanga, P.s-Konark	13.04.2010	14.04.2010	Pending at PS
83	PURI	Nisamani Sethy	W/o-Natabar Sethy	75	F	SC	Dhoba	Nimapada	At- Bamajhati patana, P.S-Nimapada	29.01.2012	29.01.2012	Pending at PS
84	PURI	Bidyadhara Sethy	S/o- Laxman Sethy	55	M	SC	Dhoba	Brahmagiri	At-Bhagabanpur, P.s-Brahmagiri	17.07.2008	19.07.2008	Pending at PS
85	PURI	Subash Behera	S/o-Bahuda Behera	33	M	SC	Gokha	Kumbharapada	At-Gokhiasahi, Po/P.S-Kumbharapada	20.01.2007	20.01.2007	Pending at Court
86	PURI	Kuntala Nayak	W/o- Bhima Nayak	65	F	SC	Pana	Balanga	At- Dipideuli, Via-Satyabadi		FIR not registered	Awaiting for Justice
87	Dhenkanal	Bini Patra	W/o-Bichi Patra	50	F	SC	Pana	Gondia	At-Thakurpal, P.S-Gondia	12.10.2010	21.10.2010	Trial is Continuing

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
88	Dhenkanal	Bisi Mallik	S/o-Makar Mallik	17	M	SC	Pana	Bhuban	At-Basudevpur Mathasahi, P.S-Bhuban	28.04.2011	28.04.2011	Pending at Court
89	Dhenkanal	Lily Mallik	W/o-Sasibhusan Mallik	25	F	SC	Kaibarta	Gondia	At-nthukadakateni, P.s-Gondia Dhenkanal	15.11.2006	29.11.2006	Trial is continuing
90	Dhenkanal	Sakti Pradhan	S/o-Nitynanda Pradhan	22	M	SC	Pana	Dhenkanal Sadar	At-Kaimati, P.s-Sadar	20.03.2008	24.03.2008	Pending at Court
91	Dhenkanal	Trilochan Mallik	S/o- Ghanashyam Mallick	45	M	SC	Pana	Nihalprasad	At-Kasipur, P.s-Nihalprasad Dhenkanal	25.03.2007	24.10.2009	Pending at PS
92	Dhenkanal	Jharana Mallik	W/o-Chandramani Mallick	35	F	SC	Pana	Nihalprasad	At-Dhnabalakateni, PS-Nihalprasad,	22.05.2010	27.05.2010	Pending at PS
93	Dhenkanal	Mamata Mahalik	W/o-Kailash	36	F	SC	Kaibarta	Nihalprasad	At/po-Pingua, PS-Nihalprasad Dhenkanal	21.02.2007	25.02.2007	Pending at Court
94	Dhenkanal	Sankarsan Behera	S/o-Shyamsundar Behera	48	M	SC	Kaibarta	Gondia	At-Latabainsia, Po-Bidharpur, PS-Gondia	17.07.2009	06.08.2009	Pending at Court
95	Dhenkanal	Sita Sethy	W/o-Sukadev Sethy	48	F	SC	Dhoba	Gondia	At/po-Kendupada, PS-Gondia	12.02.2009	24.02.2009	Pending at Court
96	Dhenkanal	Jugal Behara	S/o-Dukhia Behera	47	M	SC	Kaibarta	Balimi	At-Jhadabanda, PS-Balimi Dhenkanal	27.08.2010	30.08.2010	Pending at Court
97	Dhenkanal	Aparna Behera	D/o-Aruna Behera	30	F	SC	Kaibarta	Balimi	At-Jhadabanda, PS-Balimi Dhenkanal	01.05.2007	11.05.2007	Pending at Court
98	Dhenkanal	Asanti Das	W/o-Balaram Das	35	F	SC	Kaibarta	Dhenkanal Sadar	At-Mimitra, Po-Mangalpur, P.s-Sadar	07.03.2008	08.03.2008	Pending at Court

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
99	Dhenkanal	Kiran Naik	D/o-Bijay Naik	20	F	SC	Pana	Dhenkanal Sadar	At-Suakhai Kateni, Po-Kankadpal, PS-Sadar	03.08.2008	12.08.2008	Pending at PS
100	Dhenkanal	Binay Kumar Mallik	S/o-Late Kodanda	43	M	SC	Pana	Gondia	At-Radhadeipur, PS-Gondia	09.12.2009	10.12.2009	Pending at Court
101	Dhenkanal	Abhaya Sethy	S/o-Late Gouranga Sethy	26	M	SC	Dhoba	Dhenkanal Sadar	At-Haladigundi, Po-Tarava, PS-Sadar	12.12.2009	20.12.2009	Pending at Court
102	Dhenkanal	Nandakishore Patra	S/o-Late Jharia Patra	56	M	SC	Pana	Mahimagadi	At-Atinda, Po-Mahimagadi, PS-Mahimagadi	05.01.2011	05.01.2011	Pending at Court
103	Dhenkanal	Indumati Behera	W/o-Nabin Behera	37	F	SC	Kaibarta	Gondia	Patasahoo kateni, Po-Mahimagadi, Ps-Gondia	17.09.2006	10.11.2006	Pending at Court
104	Dhenkanal	Rahas Kumar Naik	S/o-Anirudha Naik	22	M	SC	Pana	Balimi	At/Po-Patel P.S-Balimi	11.01.2008	26.01.2008	Pending at Court
105	Dhenkanal	Basanti Behera	W/o-Anuru Behera	35	F	SC	Tanla	Balimi	At/Po-Barisinga, Ps-Balimi	07.12.2006	12.12.2006	Pending at Court
106	Dhenkanal	Kulamani Naik	S/o-Late Jalia Naik	69	M	SC	Pana	Gondia	At-Annapur, Po-Baidharpur, PS-Gondia	17.03.2010	13.04.2010	Pending at SP office
107	Dhenkanal	Rabati sahuo	W/O-Michha Sahoo	47	F	SC	Kaibarta	Dhenkanal Sadar	At-Namichira (Keuta Sahi) Po-Kankadhada, Ps-Sadar	17.10.2007	23.10.2007	Pending at Court
108	Dhenkanal	Pramod ku Mallik	S/o-Late Ratnakar	45	M	SC	Pana	Gondia	At/po-Bega, P.s-Gondia	29.12.2005	02.01.2006	Pending at Court
109	Dhenkanal	Mayadhara Mallik	S/o-Late Gouri Mallik	57	M	SC	Pana	Gondia	At-Nityanandapur, P.o-Nihalprasad, P.s-Gondia	05.10.2009	13.10.2009	Pending at Court

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
110	Dhenkanal	Ananda Patra	S/o-Jharia Patra	47	M	Sc	Pana	Gondia	At-Atinda, Po-Mahimagadi, P.s-Gondia	05.01.2011	05.01.2011	Pending at Court
111	Dhenkanal	Hemalata Sahu	W/o-Ambuja Sahu	39	F	SC	Kaibarta	Gondia	At/Po-Pingua, PS-Gondia	05.01.2005	17.01.2005	Pending at Court
112	Dhenkanal	Pravati Khamari	D/o-Nityananda Khamari	23	F	SC	Tanla	Dhenkanal Sadar	At/Po-Kakudibhag, P.s-Sadar	02.08.2009	04.08.2009	Pending at Court
113	Dhenkanal	Niranjan Barik	S/o-Late Khetrabasi	43	M	SC	Kaibarta	Gondia	At/po-Khankira, P.s-Gondia	16.07.2006	17.07.2006	Pending at PS
114	Dhenkanal	Prakash Sethy	S/o-Budhimanta	45	M	SC	Dhoba	Gondia	At-Tentuliguduli, Po-Kendupada, P.s-Gondia	01.10.2007	03.11.2007	Pending at Court
115	Dhenkanal	Monarama Sethy	W/o-Laxmidhara Sethy	35	F	SC	Dhoba	Dhenkanal	At-Shaktisugar Staff colony, P.s-Dhenkanal	2005 onwards	Not Registered.	Pending at PS
116	Dhenkanal	Ranjan Naik	S/o-Daya Nayak	37	M	SC	Pana	Dhenkanal sadar	At-Dudhakateni, P.s-Sadar	02.02.2006	06.02.2006	Pending at Court
117	Dhenkanal	Swadhin Naik	S/o-Dambaru Naik	20	M	SC	Pana	Kamakhyana gar	At-Malapura, P.-Kamakhyanagar	05.01.2011	06.01.2011	Pending at PS
118	Dhenkanal	Bichi Naik	S/o-Sudam Naik	45	M	SC	Pana	Dhenkanal Sadar	At-Kamadhenukote, P.S-Sadar	12.02.2012	12.02.2012	Pending at PS
119	Dhenkanal	Badal Naik	W/o-Late Damodara Nayak	39	F	SC	Pana	Tumusinga	At-Puta Sahi, P.s-Tumusinga	11.06.2007	11.06.2007	Pending at Court
120	Dhenkanal	Mass violence case	Mass violence		Both	SC	Pana	Govindpur	At-Nadial, P.s-Govindpur	08.11.2006	08.11.2006	Case compromised at village level
121	Dhenkanal	Lauloi atrocity case	Mass violence		Both	SC	Pana	Nihalprasad	At-Lauloi,P.s-Nihalprasad	19.03.2011	19.03.2011	Pending at PS

SL.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
122	Ganjam	Dayanidhi Naik	S/o-Magada Naik	36	M	SC	Khadala	Bhanjanagar	At-Jiliba, Po-Bijayalaxmi-sanpur,P.s-Bhanjanagar	01.06.2006	02.06.2006	Pending at PS
123	Ganjam	Pratima Behera	D/o-Hadu Behera	20	F	SC	Dhoba	Rambha	Santoshpur,P.S-Rambha	08.06.2006	14.06.2006	Case compromised at village level
124	Ganjam	Late Chandrakala Das	D/o-Duryadhana Das	8	F	SC	Bauri	Hinjili Katu	At-Dayapalli,P.s-Hinjili katu	24.12.2007	25.12.2007	Accused convicted
125	Ganjam	Mochani Behera	W/o-Kabiraj Behera	45	F	SC	Kaibarta	Bhanjanagar	At-Mandar,Po-Inginathi,PS-Bhanjanagar	24.03.2007	25.03.2007	Pending at Court
126	Ganjam	Ahalya Naik	W/o-Bipra Naik	45	F	SC	Pana	Bhanjanagar	At/po-Udura,P.s-Bhanjanagar	02.10.2007	03.10.2007	Pending at PS
127	Ganjam	Ramesh ch. Behera	S/o-Khetrabasi Behera	35	M	SC	Dhoba	Rambha	At-Belapada, Po-Rambha, P.S-Rambha	12.10.2007	12.10.2007	Pending at Court
128	Ganjam	Late Raju Naik	S/o-Kesab Naik	35	M	SC	Bauri	Rambha	At-Panibandh, P.S-Rambha	28.10.2007	28.10.2007	Case compromised at village level
129	Ganjam	Ranjit ku Sethy	S/o-Udaya Sethy	27	M	SC	Dhoba	Aska	At-Nandigore, Po-Damodar palli, P.S-Aska	28.01.2008	29.01.2008	Pending at Court
130	Ganjam	Late Simanchala Das	S/o-Badabudhia Das	40	M	SC	Bauri	Rambha	At-Palurgarh, P.S-Rambha	03.08.2008	06.08.2008	Case compromised at village level

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
131	Ganjam	Minakhi Behera	D/o-Ganesh Behera	21	F	SC	Dhoba	Chatrapur	At-Devinagar sahi,P.s-Chatrapur	23.08.2008	23.08.2008	Case compromised at village level
132	Ganjam	Satyabhama Nahak	W/o-Purusottam Nahak	35	F	SC	Khadala	Rambha	At-Rangamatia, Po-Nuagaon, P.s-Rambha	23.11.2010	24.11.2010	Case compromised at village level
133	Ganjam	Pratap Nayak & Sudesna Naik	S/o- Bhagaban Naik W/o-Bhagaban Naik	35	F	SC	Khadala	Bhanjanagar	At-Batatulasipur, Po-Dihapadalo, P.s-Bhanjanagar	13.09.2011	13.09.2011	Pending at PS
134	Ganjam	Sita Sethy	W/o-Late Surendra Sethy	40	F	SC	Dhoba	Chatrapur	At-Purunapatana, P.s-Chatrapur	06.10.2006	07.10.2006	Case compromised at village level
135	Ganjam	Sukanti Das	W/o-Babula Das	25	F	SC	Dhoba	Chatrapur	At-Pollampur, P.S-Chatrapur	07.04.2008	07.04.2008	Case compromised at village level
136	Ganjam	Nayani Sethy	D/o-Punia Sethy	25	F	SC	Dhoba	Chatrapur	At-Sarbhimpur, P.S-Chatrapur	19.04.2006	19.06.2006	Case compromised at village level
137	Ganjam	Santosh Behera	S/o-Mangulu Behera	28	M	SC	Dhoba	Chatrapur	At-Rukmanigaon, P.S-Chatrapur	17.03.2011	17.03.2011	Pending at Court
138	Ganjam	Narayan Behera	S/o-Bhagaban Behera	42	M	SC	Kaibarta	Chatrapur	Madhapur, PS-Chatrapur	10.03.2007	10.03.2007	Pending at Court
139	Ganjam	Bhramarbar Sethy	S/o- Uchhaab Sethy	60	M	SC	Dhoba	Aska	Khair,PS-Aska	05.09.2009	05.09.2009	Pending at Court

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
140	Ganjam	Pramila Sethy	D/o-Niranjan Sethy	20	F	SC	Dhoba	Digapahandi	Padamanavapur, PS-Degapahandi	29.07.2008	30.07.2008	Pending at Court
141	Ganjam	Pradeep Sethy	S/o-Niranjan sethy	23	M	SC	Dhoba	Digapahandi	Padamanavapur, PS-Degapahandi	03.01.2008	03.01.2008	Pending at Court
142	Ganjam	Susanta Sethy	S/o-Late kasinath sethy	38	M	SC	Dhoba	Digapahandi	At-Penthanimakhandi, PS-Digapahandi	08.05.2007	08.05.2007	Case compromised at village level
143	Ganjam	Tulasi Naik/ Bishnu Naik	w/o-Late Sudhir Naik	70	F	SC	Dandasi	Digapahandi	At-Sidheswarapur, PS-Digapahandi	01.02.2010	01.02.2010	Pending at Court
144	Ganjam	Bhaskar Sethy	S/o-Arakhita sethy	28	M	SC	Dhoba	Digapahandi	At-Odisingh,PS-Digapahandi	16.04.2009	16.04.2009	Case Compromised at village level
145	Ganjam	Ajit ku Naik	S/o- Sahankar Naik	35	M	SC	Dandasi	Aska	At-Sunamba sahi,P.s-Aska	23.12.2008	23.12.2008	Case compromised at village level
146	Ganjam	Golap Naik	W/o-Late Krushna Naik	52	F	SC	Dandasi	Aska	At-Rishipur,P.s-Aska	23.07.2009	23.07.2009	Pending at Court
147	Ganjam	Laxmi Nayak	W/o-Mutia Naik	42	F	SC	Dandasi	Aska	At-Magura,P.s-Aska	29.06.2009	29.06.2009	Pending at Court
148	Ganjam	Rajani Nayak	W/o-Jagi Naik	40	F	SC	Dandasi	Purusottampur	At-Badabaraga,p.s-Purusottampur	20.11.2005	21.11.2005	Pending at Court
149	Ganjam	Kabisuryanagar Mass violence	Mass violence		Both	SC	Bauri	Kabisuryanagar	At-Mahachhai, P.s-Kabisuryanagar	28.02.2007	28.03.2007	Pending at Court
150	Nayagarh	Pabani Pattnaik	W/o- Bima Pattnaik	35	F	SC	Pana	Ranpur	At-Telipatana, GP-Sinduria, Block-Ranpur,	16.10.2009	Not Registered.	Compromised at village level

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
151	Nayagarh	Sukanti Naik	W/o- Niranjan Naik	30	F	SC	Dhoba	Odagaon	Gaudaput,Odagaon p.s	04.07.2008	05.07.2008	Pending at Court
152	Nayagarh	Rasmi Naik	D/o-Lochan Naik	19	F	SC	Khadala	Saranakul	AT- Bolangan, Po-Valiadihi, PS-Saranakula	21.08.2009	22.08.2009	Pending at Court
153	Nayagarh	Balakrusna Naik	S/o Late Prahallad Naik	50	M	SC	Pana	Khandapada	At- Gochhabari, Po-Kiajhara, PS- Khandapada	13.06.2008	13.07.2008	Pending at Court
154	Nayagarh	Bachhei Sethi	S/o- Late Raghunath Sethy	55	M	SC	Dhoba	Khandapada	At- Goudapatna, Po- Nuapada, PS- Khandapada	23.10.2008	25.10.2008	Pending at Court
155	Nayagarh	Dali Sethy	D/o Mr. Bachhei Sethy	22	F	SC	Dhoba	Khandapada	At- Goudapatna, Po- Nuapada, PS- Khandapada	15.10.2008	25.12.2008	Pending at Court
156	Nayagarh	Manas Kumar Sethy	S/o-Iswara Sethy	28	M	SC	Dhoba	Odagaon	At/PS-Odagaon,	28.04.2009	29.04.2009	Pending at Court
157	Nayagarh	Mrs. Santilata Rout	W/o- Late Pramod Behera, 45 years	46	F	SC	Kaibarta	Nayagarh	At/Po- Gunthuni, P.S. - Nayagarh,	22.11.2008	22.11.2008	Pending at Court
158	Nayagarh	Asha Sethy	W/o- Matia Sethy	40	F	SC	Dhoba	Dasapalla	At- Mohantypali, Po- Madhyakhanda, PS- Dasapalla,	30.11.2008	30.11.2008	Pending at Court
159	Nayagarh	Gitanjali Sethi	D/o Magi Sethi	20	F	SC	Dhoba	Dasapalla	At- Dedhasara, Po- Simili Sahi, P.S. - Dasapalla,	13.09.2008	15.09.2008	Pending at Court
160	Nayagarh	Dhaneswar Naik	S/o Chintamani Naik,	52	M	SC	Dom	Dasapalla	At/po. -Poibadi, PS - Dasapalla	20.03.2009	24.03.2009	Pending at Court
161	Nayagarh	Niranjan Rout	S/o-Narasingha Rout	30	M	SC	Kaibarta	Nayagarh	At-Jadumani Nagar, Po- Nayagarh, P.S/Dist-Nayagarh	15.12.2006	15.12.2006	Pending at Court

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
162	Nayagarh	Bhima Nahak	S/o Uchhaba Nahak	55	M	SC	Pana	Nayagarh	At/Po-Lathipada, PS/,Dist-Nayagada	21.02.2007	22.02.2007	Pending at Court
163	Nayagarh	Dharama Nayak	S/o Jogi Naik	55	M	SC	Pana	Nayagarh	At –Pathuripada, Po-Barapali, PS-ayagarh,Odisha	15.06.2008	15.06.2008	False Case
164	Nayagarh	Ms. Janaki Nayak	W/o-Budhia Naik	40	F	SC	Pana	Nayagarh	At-Dhameni Po-Brundabanpur, Po-Barapali,	22.09.2009	Not Registered.	Not registered
165	Nayagarh	Ratnakar Naik	S/o- Bhikari Naik	45	M	SC	Pana	Nuagaon	At-Sikhargochha, Po-Udayapur, PS-Nuagaon	16.04.2010	17.04.2010	Pending at PS
166	Nayagarh	Manoranjan Ghadei	S/o-Late Surendra Ghadei	25	M	SC	Kaibarta	Nayagarh	At-Deulasahi, Po/PS-Nayagarh	28.10.2010	28.10.2010	Trail is continuing
167	Nayagarh	Sunita Naik	W/o-Rohit Naik	20	F	SC	Khadala	Nuagaon	At-Lunisara, Po-Srikirida, PS-Nuagaon	07.12.2011	08.12.2011	Case not Charge Sheeted
168	Nayagarh	Pravash Ranjan Behera	S/o-Bidyadhar Behera	30	M	SC	Kaibarta	Itamati	At/po-Baunsiapada PS-Itamati	27.08.2011	29.08.2011	Case compromised at village level
169	Nayagarh	Natha Nahak	S/o-Let Udia Nahak	28	M	SC	Pana	Odagaon	At-Panderi, PS-Odagaon	01.11.2009	19.04.10	Trial is continuing
170	Nayagarh	Panchu Mallick	S/o- Let Kabiraj Mallick	42	M	SC	Kandara	Itamati	At- Banamalipur, Baunsiapada, PS- Itamati	17.07.2007	18.07.2007	Trial is continuing
171	Nayagarh	Dharitri Naik	D/o- Japani Naik	14	F	SC	Pana	Odagaon	At- Baunsagoda, Po-Haripur,	14.08.2009	14.08.2009	Trial is continuing
172	Nayagarh	Santosh Kumar Sethi	S/o- Dayanidhi Sethi	28	M	SC	Dhoba	Itamati	At -Champatipur, PS- Ittamati	03.01,2011	05.04.2011	Pending at Court
173	Nayagarh	Khadal Naik	S/o-Brundaban Naik	62	M	SC	Pana	Odagaon	At- Sianimala, PS- Odagaon,	04.01.2011	06.09.2011	Pending at Court

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
174	Nayagarh	Dinabandhu Naik	S/o- Narayan Nayak	28	M	SC	Khadala	Odagaon	At- Nandigor, Po-Odagaon	30.03.2010	31.03.2010	Pending at Court
175	Nayagarh	Raghaba Mallick	S/o-Late Narayan Mallik	42	M	SC	Kandara	Nayagarh	At-Aswotipada Po-Nayagarh PS-Nayagarh	08.04.2011	16.04.2011	Case compromised at village level
176	Nayagarh	Tilotama Sethy	W/o-Trinath Sethy	31	F	SC	Dhoba	Itamati	At-Melamba, PS-Itamati,	17/18.08.2012	27.12.2011	Pending at PS
177	Nayagarh	Satyabhama Nayak	W/o-Nilamani Naik	35	F	SC	Pana	Nuagaon	At-Chadheimara, PO-Maharanga PS-Nuagaon	16.08.2010	29.01.2011	Pending at PS
178	Nayagarh	Manashi Mallik	W/o-Aparti Mallik	28	F	SC	Kandara	Itamati	At-Ankulapatana PS-Itamati,	22.10.2010	24.10.2010	Pending at PS
179	Nayagarh	Subham Nahak	S/o-Budhia Nahak Baunsagada Mass Violence case		Both	SC	Hadi, Pana	Ranpur	At-Baunsagarh, P.s-Ranapur	14.09.2010	18.09.2010	Pending at Court
180	Nayagarh	Rabindra Senapati	S/o-Deba Senapati	50	M	SC	Pana	Saranakula	At- Godimal PS-Saranakul		Not Regd.	Not Registered
181	Nayagarh	Isvar Nayak & Jogi Nayak	S/o- Hari Nayak & Late Maharaga Nayak	52 & 27	M	SC	Pana	Odagaon	At-Ladusahi(Luni) P.s-Odagaon	29.11.2007	29.11.2007	Trial is continuing
182	Bhadrak	Seta Mallik	W/o-Late Brahmananda Mallik	55	M	SC	Pana	Bhandaripok hari	At-Puripada,	27.10.2004	27.10.2004	Pending at PS
183	Kendrapara	Sukanta Mallik	S/o-Dibakar Mallik	28	M	SC	Kandara	Mahakalpara	At-Kholanai, PS-Mahakalpada	18.06.2005	19.06.2005	Pending at Court

S.L.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
184	Kendrapada	Rasmita Samal	D/o-Jugal Samal	17	F	SC	Pana	Kendrapada	At-Belarpa, G.p-Narsingpur, P.s-Kendrapada	05.12.2008	06.12.2008	Pending at PS
185	Kendrapada	Bhaktilata Jena	W/o-Nirmala Jena	35	F	SC	Pana	Patkura	At-Karandiapatana, P.s-Patkura	18.02.2010	18.02.2010	Pending at Court
186	Kendrapada	Late Gouri Mallik	D/o-Late Nabaghana Mallik	15	F	SC	Kandara	Patamundai	At-Gopalpur, P.s-Patamundai	15.10.2006	15.10.2006	Pending at Court
187	Sonepur	Udhaba Suna and all SC families of Lakarma village	Mass violence		Both	SC	Gonda	Sonepur	At-Lakarma, P.s-Sonepur	13.09.2010	13.09.2010	Pending at Court
188	Jajpur	Ramakanta Mallik	S/o- Ganesh Mallik	38	M	SC	Kandara	Bari Ramchandra pur	At-Bari,P.S-Ramachandrapur	19.10.2009	19.10.2009	Pending at Court
189	Bhadrak	Narahari Das	S/o-Late-Manibhadra Das	40	M	SC	Pana	PS-Agarpada	Bhogaram, PS-Agarpada, Dist- Bhadrak	26.03.2005	26.03.2005	Pending at PS
190	Jajpur	Satyabhama Mallik	D/o-Chakradhara Mallik	25	F	SC	Kandara	PS-Kuakhia	At/Po-Manapur PS-Kuakhia Dist-Jajpur	20.07.2007	20.07.2007	Pending for Chargesheet
191	Jajpur	Mili Mallik	D/o- Ashok Mallik	23	F	SC	Pana	Barachana	At-Nelia, P.S-Barchana	10.12.2009	16.12.2009	Pending at Court
192	Jajpur	Subash Mallik	S/o-Late Nanda Mallik	35	M	SC	Pana	Jenapur	At-Natia, P.S-Jenapur	30.09.2008	01.10.2008	Pending at Court
193	Deogarh	Ajit ku Naik & Santosh Naik	S/o-Gurubari & Kulamani	30 &35	M	SC	Pana	Kundheigola	At-Budhapal, P.s-Kundheigola	23.09.2008	23.09.2008	Case compromised at village level

SL.No	District	Name of the victim	Father/Husband name	Age	Sex	Caste	Sub-caste	Police Station	Address	Date of Incident	Date of registration of F.I.R	Fate of the case
194	Kendrapara	Ketaki Sethy & Sebati Sethy	D/o-Maheswar Sethy &	45 & 47	F	SC	Dhoba	Rajanagar	At-Sanamarichjapali P.S-Rajanagar	19.01.2010	19.01.2010	Pending at PS
195	Bolangir	Lathor House burning case	Mass violence		Both	SC	Dom	Khaparakhhol	At-Lathore, PS-Khaparakhhol	22.01.2012	22.01.2012	Pending at Court
196	Jagatsinghpur	Kujanga Blasting case	Mass violence		Both	SC	Dom	Kujanga	At-Kothia Sahi, PS-Kujanga	16.11.2011	16.11.2011	Pending at PS
197	Jajpur	Kaipada Caste based atrocity	Mass violence		Both	SC	Dhoba/Pana	Bari-Ramchandrapur	At-Talakaipara, PS-Bari Ramchandrapur	14.02.2007	14.02.2007	Case compromised at village level
198	Jajpur	Ramesh Mallik , Pitambar Mallik and other	Mass violence		Both	SC	Pana	Kalinganagar	At/Po-Jakhapura, PS-Kalinganagar	29.11.2007	30.11.2007	Pending at PS
199	Jajpur	Narayan Ch Mallik	S/o-Late Chakradhar Mallik	60	M	SC	Pana	Dharmasala	At-Bamadevpur, Po-Barabati, PS-Dharmasala	18.07.2006	22.07.2006	Pending at PS
200	Jajpur	Jhunarani Mallik	W/o-Susanta Mallik	28	F	SC	Kandara	Bari Ramchandrapur	At/Po-Ratnagiri (Mathasahi) PS-Bari Ramchandrapur	17.08.2006	17.08.2006	Pending at Court

Abstract

Cases Status	No of cases	Percentage	Cases Status	No of cases	Percentage
1.Cases Pending in the court * including mass violence cases 15 nos	86	43%	7. Cases convicted	2	1.00%
2. Cases pending in P.S	64	32%	8. Case pending at SP office	1	0.50%
3. Cases compromised at the village level	25	12.50%	9. Case pending for investigation	1	0.50%
4. Cases under Trial	14	7.00%	10. Case awaiting for justice	1	0.50%
5. Cases not Registraed	3	1.50%	11.False case	1	0.50%
6. Cases pending for Charge sheet	2	1.00%	Total	200	100%

S & Q-1

SCHEDULES & INTERVIEW GUIDE

Questionnaire for Victims

1. Name of the Victim-----
2. Age-----
3. Sex:-----
4. Caste:-----,Sub-Caste-----
5. Address of the victim-----
6. Date of the incident-----
7. On which date the F.I.R. was registered? -----
8. Do you have the copy of F.I.R? -----
9. In which way have you registered the F.I.R? (In the P.S/By the direction of the S.P/Court)-----
10. Nature of the case(Rape/Murder/Arson/Physical Assault/any other)-----
11. How many times have the government officials visited? -----
12. What have you lost in the incident? -----
13. Have you got relief from the government? -----
14. If yes, Details of cash/kind/others -----
15. Whether the accused arrested or not? -----
16. If yes, Date of arrest? -----
17. If no, Why? -----
18. Is there any reaction (counter case/physical attack/arson/any other) from the perpetrators side? -----
19. What is the response of the local Police/What was the role of Police or the local Administration after the incident? -----
20. Have you received any compensation? -----

21. If, yes, Give Details -----
22. Do you have land for house site under the IAY/ Are you involved in IGP programme
(Credit facilities, skill development training or any employment avenues from the
Government) -----
23. Trial of the case begun or not? -----
24. If yes, When? -----
25. How many times have you appeared in the Court? -----
26. Have you individually hired the advocate or the service provided by the
government? -----
27. Have you made your statement before the Magistrate? -----
28. Have your witnesses given the statement? -----
29. Have your witnesses received TA/DA during the trial? -----
30. What is the current status of the case? -----
31. What is the impact of the judicial verdict in your locality? -----

(Photographs and village background will be collected)

XXX

S & Q-2

Interview Schedule for the Superintendent of Police (S.P)

District-----

1. Name of the Respondent authority-----
2. Designation-----
3. The total no of years he/she has served in this jurisdiction-----
4. Total cases registered under PCR ACT and SC & ST (POA) Act 1989 in the year 2006 to 2011?

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

5. In how many registered cases were compromises at the village level or at the P.S. level.

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

6. What is the role of local police?(As a facilitator/ Executor/ any other)
7. How many registered cases have been charge-sheeted during the period? (Please give details).

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

8. The Nos. of cases pending at the P.S level/ SDPO level for Joint-Enquiry.

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

9. What are the reasons for the delay of Joint-Enquiry of the cases? (Maximum nos. of cases/lack of manpower/non-cooperation of victims and accused/any other)?

10. In how many cases the Joint-Enquiry has been completed?

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

11. In how many cases the accused were arrested/ and section 438 of the Probation of Offenders Act not applied to the persons found prime facie guilty of an offence under POA Act.

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

12. In how many cases, the cases were registered under Section -4 of SC & ST (POA) Act 1989?

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

13. In how many nos. of cases the Victims and Witnesses have been provided TA/DA for appearing at the trial court as per Section 11 of Rules 1995.

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

14. In how many cases, the Police and District administration have provided security to the Dalit victims. Please give details.

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

15. What are the difficulties faced by the Police while investigating the atrocity related cases (non-cooperation from the victims and accused /any other?)

16. What is your recommendation for the proper implementation of PCR ACT 1955 and SC&ST (POA) ACT-1989 in the state of Odisha?

S & Q-3

Interview Schedule for District Welfare Officer (D.W.O)

District-----

1. Name of the Respondent authority-----
2. Total no of years he/she has served in this district-----
3. How many cases have been registered under PCR ACT-1955 and SC & ST (POA) Act 1989 in the year 2006 to 2011?

Category	2006-07		2007-08		2008-09		2009-10		2010-11	
	PCR ACT	POA ACT								
SC										
ST										
Total										

4. From the registered cases how many Atrocity-affected families have got relief under this ACT?

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

5. From the registered cases, how many accused have been charge-sheeted during the period?

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

6. In how many cases the Joint-Enquiry process has been completed within the stipulated time of 30 days.

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

5. In how many nos. of cases, the victims and witnesses have been provided TA/DA for appearing at the trial court as per Section 11 of Rules 1995.

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

6. How many victims in trial cases have received compensation?

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

7. The amount of compensation in cash/kind/any other? -----

8. How many nos. of final compensation received by the victimized families who have been rehabilitated?

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

9. Please give details of the Awareness Programmes you have organized during the last five years?

10. Which Areas are declared as Atrocity-prone Areas in your district?

11. Is there any change during the last five years?
12. What are the measures taken by the District Administration to minimize the atrocity against SCs & STs in the district?
13. How many times the DVMC under the Act have been organized in the last five years?

Subject	2006-07	2007-08	2008-09	2009-10	2010-11
Nos. of DVMC organized					
Main agenda of discussion					

14. What are your recommendations for the proper implementation of PCR ACT 1955 and SC&ST (POA) ACT-1989 in the state of Odisha?

S & Q-4

Data from Special Court

District-----

1. How many cases have registered in the Special Court between the years 2006 to 2011?

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

2. How many cases have under trial position in the court?

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

3. The total nos. of cases disposed by the court?

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

S & Q-5

Interview Schedule for District Legal-aid Authority

District-----

1. Name of the respondent authority-----

2. How many cases came to your office for legal-aid?(Give details)-----

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

3. In which cases the office had provided legal-aid to the victim? -----

Category	2006-07	2007-08	2008-09	2009-10	2010-11
SC					
ST					
Total					

4. In which way the district legal-aid authority has provided the aid to the atrocity affected victims? (Please mention, either financially/providing P.Ps/others)-----

S & Q-6

Interview Schedule for State Human Rights Protection Cell (HRPC), Cuttack

1. Name and Designation of the respondent authority-----

Category	2006-07		2007-08		2008-09		2009-10		2010-11	
	PCR ACT	POA ACT								
SC										
ST										
Total										

2. Total cases recorded under PCR ACT-1955 and SC & ST (POA) Act 1989 from the year 2006 to 2011 in Khurda, Cuttack, Dhenkanal, Puri, Nayagarh and Ganjam districts.
3. What is the present status of the cases?
4. Have you any record of the monthly Crime Meeting?
5. If Yes, Give details?
6. From the recorded cases, how many cases have been intervened by the NHRC?
7. What are your recommendations in the implementation of PCR Act and SC&ST (POA) Act in the state of Odisha?

S & Q-7

Interview Schedule for the Members of State-level High Power Vigilance and Monitoring Committee (SVMC)

1. Name of the respondent authority-----
2. What were the important agenda for discussion in the SVMC meeting? -----
3. Have you any record of the resolution copy of the committee's proceedings? -----
4. What are the steps taken by the committee in the atrocity cases in the last five years?
5. In how many cases, the committee has intervened and succeeds? -----
6. Can you give the records of the succeeded cases with details of the victims? -----
7. Which Areas are declared as Atrocity Prone district in the state?
8. Is there any change in the state list of atrocity prone area?
9. What are the measures taken by the state government to minimize the atrocity against SCs & STs in the state of Odisha?
10. What is your recommendation in the implementation of PCR ACT and POA ACT?

S & Q-8

Interview Schedule for the member of DVMC

1. Name of the respondent authority-----
2. Designation-----
3. Do you aware about PCR ACT and SC&ST(POA)ACT-----
4. If, yes? From which source you came to know about the ACT-----
5. Do you have aware about the State-level Vigilance and Monitoring Committee?
6. If, yes? How many times you have attended the meeting of DVMC-----
7. What were the important agenda for discussion in the DVMC meeting-----
8. What are the steps taken by the committee in the atrocity cases in the last five years?
9. In how many cases, the committee has intervened and succeeds? -----
10. What are the measures taken by the state government to minimize the atrocity against SCs & STs in the state of Odisha? -----
11. What is your recommendation in the implementation of PCR ACT and SC&ST (POA) ACT in the state of Odisha? -----

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Profile of Development Initiative

DEVELOPMENT INITIATIVE (DI) is a human rights and developmental organization based in Bhubaneswar. It works with community based organizations and struggle groups for the promotion and protection of human rights and development of Dalits, Adivasies and other marginalized groups in state of Odisha since 1995. The organization has been engaged in the issues of caste-based discrimination, ownership and access to resources like land, education and budget and in building inclusive governance through people's mobilization, research, training and advocacy. It is registered as society under Societies Registration Act, 1860, FCRA, 12A and 80G.

The organization is committed for the development of the state of Odisha through empowerment of the most marginalized sections of the society, i.e. Dalit, Adivasi, women and children in rural areas. The organization undertakes research on issues of the caste-discriminated poor communities and capacitates them through training and undertakes informed people centered advocacy with concern from department, Ministry and policy makers from Dalit and Adivasi prospective. It promotes organization of the people and help communities to represent their cause towards realization of their human rights and development.

It has been promoting awareness on PCR Act, 1955 and SC and ST (POA) Act, 1989 and Rules 1995 in the state of Odisha along with Constitutional Rights and Government programmes for SCs and STs.

DI has been involved with the ST and SC Development Department, Scheduled Caste and Scheduled Tribes Research and Training Institute(SCSTRTI), Odisha Schedule Caste And Scheduled Tribes Finance Development Cooperative Corporation Ltd.(OSFDC) and National Commission for Scheduled Castes(NCSC), National Commission for Scheduled Tribes(NCST) for better Implementation of PCR Act 1955, SC and ST (POA) Act 1989 and Rules 1995, implementation of Scheduled caste Sub-Plan(SCSP) , Tribal Sub-Plan in the state for the protection and development of SCs and STs. DI is also involved with the training programmes conducted by SCSTRTI, as a resource agency. DI also is creating awareness among masses by preparing awareness generation materials like, Books(Nagarika Adhikar, Dalit Adhikar, Jami Adhikar)etc and awareness posters on PCR Act-1955 and Rules-1977 and SC & ST (PoA) Act-1989 and Rules-1995, Universal Declaration of Human Rights-1948, Land Rights of SCs and STs, Basic Services and Education Rights.



Development Initiative

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