

TRIBAL RESISTANCE, ASSERTIONS OF IDENTITIES AND ATROCITIES: SUPPRESSING THE VOICES OF TRUTH¹

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This paper situates atrocities against tribals in contemporary India on the tribal resistance movements in colonial and post-independence periods to reflect on the tribal struggle for freedom from cultural exploitations, oppression and human rights violations. This paper has three major aspects- firstly, an overview of the nature of tribal resistance movements against colonial rulers in protecting traditional cultural rights and its larger implications for the larger freedom movements of India; secondly, similar movements against state machinery and non-tribals in the post-independent India in ensuring citizenship rights; and lastly, consequences of tribal resistance in contemporary India in the form of violence and atrocities against tribals. Evidence is drawn from selected relevant literature on tribal resistance movements, official data on crimes against Scheduled Tribes, and cases of atrocities reported in various media in recent times. The paper draws attention to the challenges that the tribals confront in terms of curtailment and derecognition of their rights over traditional livelihood resources and increased atrocities against them. It argues that the dominant 'development paradigm' interferes with the basic rights of this marginalised section of population, and attempts to suppress their voices through oppressive tactics. While developmental discourses perplex many tribal victims, state machinery tends to respond slowly. The intersectional effects of ineffectual implementation of the PESA Act, the Forest Rights Act and the Prevention of Atrocities Act create social conditions that raise the vulnerabilities of tribals to cultural exploitations, human rights violations and denial of social justice.

Key Words: Development Intervention, Exploitation, Tribals Resistance, Atrocities, Social Justice

INTRODUCTION

Tribals in India, well known as Scheduled Tribes (STs), spread across the country. They are recognized as one of the historically marginalized sections of the country. After independence, the Constitutional safeguards and other legislative and administrative measures guarantee them life of freedom and security. A wide range of policies and programmes have been taken up to endow special economic, social and political rights to the tribals. The Article 46 of the Constitution, in particular, declares "the State shall take special care to promote the economic interests of the tribals, and protect them from social injustice and exploitation". The Fifth and Sixth Schedule of the Constitution provide safeguards for self-governance of the tribals and control of the Scheduled Areas in tribal concentrated states. The 73rd Amendment of the Constitution ensures effective participation of the tribals in the process of planning and decision making. More specifically, the Panchayat Extension to the Scheduled Areas (PESA) Act of 1996 provides tribals legal rights to strengthen the self-governance and certain degree of autonomy to run their state of affairs according to its customary traditions and practices. Further, the Constitution's 89th Amendment introduces the Forest

Rights Act (FRA) in 2006 to bestow upon the tribals the rights to forest produce. As a part of the special dispensation for tribals, government of India delineates a large number of areas with tribal concentration for Integrated Tribal Development Programmes (ITDP) to secure the socio-economic

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development of the tribals. The strategy of Tribal Sub-Plan (TSP), a budgetary allocation for tribal development since the beginning of the Fifth Five Year Plan, incorporates special provisions not only for the economic interests of tribals but also for the protection from social injustice and all forms of exploitation and oppression.

In addition to the legal safeguards and specific developmental measures for the tribals, special Institutional arrangements are there to plan, implement and assist the development of the tribals and look into the issues of discrimination and atrocities against tribals. Besides the Ministry of Tribal Affairs, there have been a number of initiatives to provide umbrella administrative and policy support to tribals. The recent initiative is the National Council for Tribal Welfare (NCTW), constituted in 2010, with the objective of coordinating the activities pertaining to tribal welfare that are being handled by various ministries. In 2011, the NCTW set the agenda on the implementation of the FRA and the provisions of the PESA Act besides the formulation of National Tribal Policy. However, the simultaneous deployment of the Integrated Action Plan (IAP) in many districts of tribal regions especially Maoist affected districts, in fact, overrides the potential of the NCTW to act on key issues pertaining to tribals. How far multiple safeguard measures, institutional apparatus and special development programmes set up for the social and economic development of tribals have ensured freedom and social security among tribals?

After six decades of independence, unfortunately, tribals lag behind the development process. The overall development of the tribals is far below the general population and even other socially weaker sections. Poverty maps of India show deep pockets of poverty in states with tribal concentrations in the central belt and northeast region. (Das et al, 2011). Most importantly, over the past few decades, several tensions have developed between tribals and various State and non-State actors. The deployment of state-based institutions and systems in tribal populated areas assimilate and dominate them. Despite the assurance of autonomy through the Fifth and Sixth Schedules, PESA Act and FRA; and the latest attempt of focused addressal of tribal concerns through the NCTW; there are counter structures and programmes that defy power of governance and freedom, and deny livelihood opportunities. It creates sufficient conditions for displacement from traditional inhabitations, which invite a lot of resistance from tribals. Resulting isolation and indifference to their life conditions and assertions of the need for cultural rights and livelihood opportunities, very often, give rise to confronting situations. This is complicated by the increased violence and atrocities against tribals.

Recent resistance movements among tribals have been critical, and have drawn attention of various social actors. Many tribals those who manage to find livelihood opportunities through non-traditional occupations, live in the midst of the castes in many parts of India, and are also integrated into more insecure life-worlds. They also encounter even more deeply embedded social exclusion and economic deprivation. Tribals with their diverse social formations, dissimilar historical interactions and uneven economic types manifest inequality and discrimination in many distinguishing ways (Das, 2013). In the mainstream social life, tribals are also at the high levels of risks and disadvantages.

The issue that needs serious attention is that tribals face exploitations, violations of civil rights and violence in multiple ways. These are consistently highlighted in various media and research reports. The National Committee on Forest Rights Act (2010) reported on the lack of community control of tribals over access to resources and sustainable livelihoods, and also showed concern over the violence that routinely gets unleashed upon tribals in various regions and its multiple impact on tribal life. Significantly, the judgement of the Supreme Court of India (2011) on the Salwa Judum case while referring to the conditions of tribals in central tribal belt, states: "The primordial problem

lies deep within the socio-economic policies pursued by the State on a society that was already endemically, and horrifically, suffering from gross inequalities.” The judgment also highlights the exploitation of forest and mineral resources by Indian and transnational companies and the overwhelming forms of violence that have been perpetrated against the tribals.

To this end, this paper makes an attempt to discuss highlight the tribal resistance movements in both pre- and post-independence periods to throw light on the tribal struggle for freedom from cultural exploitations and denial of livelihood resources over a long period. The implications of such resistance movements against colonialism for the larger freedom movements of India are also emphasized. However, the major focus has been on the link between resistance movements in the post-independence period and violence and atrocities against tribals; despite various protective, preventive and punitive laws against human rights violations; and also the challenges that the tribals confront in protecting their identities, fulfilling their basic rights and accessing to social justice.

COLONIALISM, CULTURAL EXPLOITATIONS AND TRIBAL RESISTANCE

The tribal resistance movements against colonialism have been a significant part of the history of struggle in India. While the writing on tribal culture and tradition have drawn considerable attention, these tribal movements however have not been adequately discussed in the discourse of India’s freedom movements, in general; and of human rights violations and social exclusion pertaining to marginalised sections, in particular. In the age of emerging economy, when there is a lot of policy debate on group inequalities in the context of inclusion of marginalised sections including tribal communities; the contribution of tribals in combating against inequalities and injustice in India’s freedom struggle also remains a neglected issue. This section aims to provide an overview of the nature, forms and causes of tribal resistance movements in colonial (pre-independence) period to contextualize the tribal resistance in the post-independent India, and its ramifications in the forms of violence and atrocities against tribals in contemporary society.

Tribal resistance movements in colonial period have been directed mainly against exploitation and discrimination. The policies of the colonial rulers created specific classes in the form of traders, contractors and other officials in the tribal areas who would have to collaborate between the British administration and tribal communities. These classes, who do not belong to the tribal communities, in fact, constituted the real oppressors of tribals. On the behalf of the British administration, they were involved in exploitation of the tribal communities. The policies under colonialism were very much disadvantage to the interests of tribals (Khan, 1986). Tribals revolted against the British policies through direct confrontation with their oppressors. Although these revolts were region-specific and were mostly suppressed by the strong British administration, these contributed to the national anti-colonial movement. It is recognised that the tribal resistance movements prepared the ground for the Sepoy Mutiny’s in 1857, considered as the first Independence Revolution in India. These were instrumental in mobilizing people against colonial rule. The tribals from various communities such as Kolhas, Gonds, Santhals, Birjals and Khonds had joined hands with other freedom fighters in this first revolt for Independence. As freedom movement widened, tribal communities from different parts of central India became part of larger movement (Mondal, 2015).

If we look at the early period of colonialism, with the establishment of the British rule and its spreading over various parts of India, there were a lot of problems for tribal segments. The colonial system of land revenue, its interference in socio-cultural tradition of the tribes, introduction of land and forest Act and other forms of capturing of tribal land, alienated the tribal communities (von Furer, 1982). The movement into the tribal regions by the non-tribals increased and the later started interfering in the tribal livelihood matters. Though tribals could sense curbing of their

freedom on forest resources, at the beginning, they did not react to such injustice. But as the oppression by the members, so called 'class' created by the British government, continued and remained excruciating; tribals strongly revolted against such exploitations. This impelled to a series of resistance movements especially in central part of India. All these movements ultimately directed towards liberating their land from all those who intended to exploit them economically and culturally. The emphasis on revitalization of tribal culture and traditional value become a part of the larger struggle for freedom against the outsiders. Historically, these were anti-colonial tribal movements (Mondal, 2015).

One important feature was that many tribal resistance movements were associated and also named with specific tribal groups inhabited in different regions of the country. The important tribal communities involved in the 19th century were Kols, Bhils, Mizos, Kondhas, Khasi and Garo, Kacharis, Santhals, Bhuiyas, Gonds, Mundas and so on (Aggarwal, 2015). Although majority of the resistance movements were region-specific, but were basically against the local oppressors. There were some important tribal movements in India, which had significant bearing on the national independence movement. Some of the prominent revolts were the Santhal movement, Munda Rebellion, Bodo Movement and Jharkhand Movement (Mondal, 2012). As a matter of fact, these tribal resistance movements had created state of affairs which were threatening for the powerful British rules. These could mobilise a larger section of people to revolt against colonialism. It might be noted that tribals were the first people who had resisted the British colonial rulers in India. Like tribals no other community offered such strong resistance to colonialism, even though they had to face a lot of tragic consequences. They confronted the oppressive tactics of the British rulers till the time of independence. These were considered landmarks in the history of Indian freedom struggle. There was hardly any doubt over the anti-imperialist struggle of tribal communities that contributed a lot towards the end of foreign rule in India.

NEW 'DEVELOPMENT PARADISM' AND TRIBAL RESISTANCE

At the backdrop of tribal resistance movements till the time of independence, some critical questions are: "Were there any changes in the life of tribals in the post-independent India?" "Did they enjoy the privileges for which they fought over long period? There is enough evidence to indicate that even after independence, tribal resistance continued against discrimination, oppression and deprivation of natural as well as citizenship rights. As mentioned in the first section, there have been various efforts to improve the socio-economic conditions of the tribals. Unfortunately, they have benefited least from the advent-of freedom. They still continue to struggle for their livelihood and upholding their identity.

There is considerable evidence to suggest that tribals continue to be one of the most deprived groups. Gill, Bhattacharya and Bhattacharya (2015) remark that, "tribals have been victims of social exclusion not simply because of the historical exclusion and marginalisation and geographical isolation but recent dispossession of their traditional habitation and rights to resources and erosion of their autonomy because of other development interventions." Similarly, according to Pahru Pou (2013) although 'dominant development paradigm' is considered as an essential part of enhancing economic growth, the development concept used to solve poverty problem in the tribal areas, displaces a significant proportion of tribals, and destroys their traditional livelihoods of the tribal people, resulting in deprivation of their rights and access to resources in their own inhabitation, leaving many tribals vulnerable to poverty. The development policies particularly after 1990s bring in problems for the tribal communities, which to an extent appear similar to that of their struggle against exploitations under the British rule. Their assertions of traditional rights are seen as anti-

development and an issue of breaking law and order.

Development interventions in contemporary India, instead of nurturing tribal livelihood, have resulted in curtailment of their access to traditional sources of livelihood. Alienation of tribal land in favour of outsiders has not gone well with the tribal communities, creating a lot of resentment among them. They tend to resist offensive move of state in shifting away their control on forest agricultural land and settlements in the name of development. The critical issue behind the tribal resistance movements therefore is their alienation from forest resources due to influx of the outsiders and loss of livelihood opportunities. Like in the colonial period, they face exploitation of outsiders. There has always been an apprehension of displacement and loss of livelihood. This has forced them to raise a collective voice against such invasion over and interventions in the tribal areas. These resistance movements are mainly for development reforms in tribal areas as well as freedom from exploitation, discrimination and oppression.

However, there are divergent views about the nature of tribal resistance movements after independence. They are treated as peasant movements, agrarian movements, social and political movements and so on. In other words, these may be called as movements due to socio-cultural exploitations, economic deprivation and political autonomy as in north-east regions. However, these are nothing but ethnic in nature, and in many ways, similar to that of pre-independence movements, directed against exploitations of livelihood resources through land alienation, land grabbing, appropriation of forest resources etc. by non-tribals. But the complexity lies in the fact that many resistance movements are against the state authority. The laws do not come to the help of tribals, they rather become victims in the hand of government officials or outside members backed by government. These in many cases lead to violent form of resistance.

In recent times, the country witnesses increasing tribal resistance and protests against encroachment on their territories by outsiders. The land-reform laws even have not come to help in protecting their significant customary rights. The major concern is that the strategy for development hardly considers the cultural component of tribal community. The contemporary tribal resistance movement therefore broadly stem out of the 5 Ds- development, displacement, dispossession, deprivation and discrimination. These reflect certain kinds of social consciousness to hold their ethnic identity and culture. With the impact of the globalisation, and consequently, entry of multinational companies in tribal areas; tribals tend to form resistance bodies to put of courageous resistance against powerful outside forces in a coordinated manner.

Although resistance movements to some extent have helped to protect their land and forest resources and their cultural identity, this has also given rise to many conflicting situations between tribals and other actors including law enforcement officials. A series of retaliations against tribals with the support of government, local businessman and influential persons have created atmosphere of helplessness and hopelessness among tribals. As a strategy to suppress the voices, tribals are implicated in false cases and harassed under certain conditions. Consequently, tribals remain vulnerable to various criminal cases and victims of human right violations. The incidence of violence and atrocities of all types against tribals in fact have shown a significant increase over the years. Many criminal cases have been registered by police against the tribal people and activists with the motive of putting an end to current tribal resistance movements. All these have significant bearings on the life of the tribal communities in contemporary India.

Thus, the history of tribal resistance movements has been against the invasion of outsiders on forest land and creating a threatening situation for tribal livelihood and cultural identity. In the early years of colonialisation, no other community in India offered heroic resistance to British rule

as did the numerous tribal communities particularly in central India (Mondal, 2015). Although tribals' anti-colonial movements contributed towards the end of foreign rule in India, these have been neglected in the discourse of national freedom movements. With the larger goal of transferring political power from colonial rules, tribal resistance movements at regional levels were basically viewed as region and group-specific, more social-cultural than political focus, and are central to tribal identity, despite the fact that tribal revolts were very much anti-colonial in nature. In modern India, while consciousness about rights and emerging new aspirations for economic opportunities and expectations for the reversal of colonialisation effects have given rise to newer forms of tribal resistance against oppressions, tribals find themselves in a more vulnerable position to face various forms of atrocities. In recent years, the issue violations of rights to life and livelihood of tribals and the incidence of atrocities against them have been a central concern. An attempt is made in the following sections, to examine the nature and forms of atrocities against tribals in contemporary India to reflect on how rights of tribals are violated and how much access they do have to the social justice.

ATROCITIES AGAINST TRIBALS: EMERGING PATTERNS

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

What are the factors that perpetuate atrocities against tribals in contemporary society? Who are the main perpetrators? What have been the patterns of atrocities against tribals? What have been the responses of the state machinery? Some of these questions are dealt with in the following sections. It is widely recognized that the confinement of the tribals in isolated areas makes them subjected to various forms of exploitations, human rights abuses, violence and deprivation. The socio-economic life of tribals to a larger extent is governed by multiple authorities in tribal areas. They have to face many restrictions under various forest related laws. The encroachment by the non-tribals and other agencies in their traditional land make them see a changing relationship with their traditional habitations. According to Saravanan (2010) the nexus between different departments of the state administration largely become responsible for their human rights violations. While the lack of proper implementation of the PoA Act could be held responsible for the repeated occurrence of atrocities against tribals, in many cases the Act has also limitations to deal with various forms of atrocities (Pal, 2012; National Coalition for Strengthening SCs and STs PoA Act, 2010).

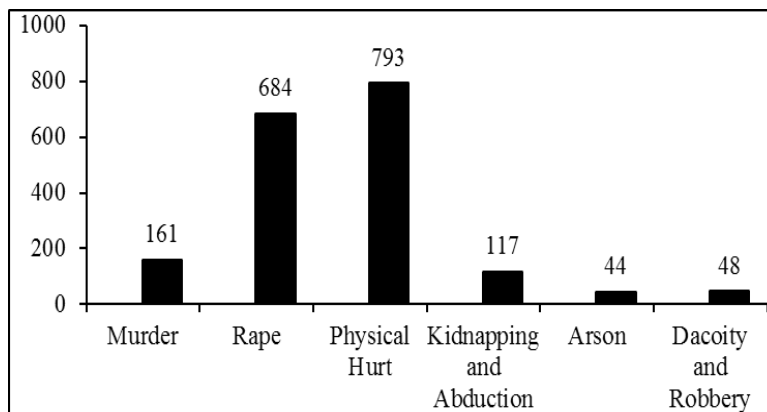
According to the NCRB data, on an average, about 6300 cases of crimes were registered against the tribals yearly between 2001 and 2014. Noticeably, there was a steep rise in crimes against tribals

2014. There were 11451 registered cases in 2014 as against 6793 in 2013, 5922 in 2012 and 5756 in 2011; thus indicating an increasing trend in the incidence of crimes in recent years. Of the total crimes during 2001-14, about 27 per cent constituted the PoA crimes, called as atrocities. The data reveals that on an average, close to 1700 PoA crimes were registered annually during 2001-14. Like the overall crimes, there was a sharp increase in the PoA crimes in recent years. It increased from 1154 cases in 2011 to 1311 in 2012, 1390 in 2013 and 6826 in 2014.

Although these figures might not be showing the actual magnitude of the problem, still, it was clear that atrocities against tribals have increased considerably. As a matter fact, many crimes committed by non-tribals and non-SC officials and influential persons embers are normally either non-registered at all or registered under the law other than the PoA Act. In view of this, the amendment of PoA Act in 2015 included special clauses to cover different forms of atrocities committed by different actors against tribals.

Another important issue is the forms of atrocities committed against tribals. According to the NCRB data, during 2001-14, incidence of grievous physical hurt constituted the highest proportion followed by rape and murder (Graph 1). Overall trend indicated relatively higher increase in rape and kidnapping and abduction cases as compared to other forms of crimes. There were more than 9500 registered rape cases against tribal women over 14 years. There was also a significant increase in the number of rape cases against tribal women, particularly from 2012 to 2014 indicating an increase of about 60 percent.

Graph 1: Average Number of Cases of Various Crimes Registered against Tribals in India during 2001-14.



Source: Based on Data, National Crime Record Bureau, Various Years, Government of India

There are wide regional variations on the registered crimes against tribals. Significantly lower number of cases was registered in north-eastern states as compared to states in central tribal belt of India. During 2001-14, the highest number of registered cases was found in Madhya Pradesh followed by Rajasthan, Odisha, Andhra Pradesh; and it is lowest in Gujarat. Interestingly, Madhya Pradesh and Rajasthan contributed about 45 per cent to the total crimes against tribals. The percentage share of crimes against tribals in selected states to the total registered crimes in India is presented in Table 1. The proportion of registered PoA crimes to the total crimes against tribals showed relatively higher percentage in Karnataka, Andhra Pradesh, Jharkhand, Orissa and Rajasthan.

Table 1: The Percentage Share of Registered Crimes against Tribals in Selected States of Central Tribal Belt to the Total Crimes in India, 2001-14

State	2001	2005	2010	2011	2012	2013	2014
M. Pradesh	24.7	28.3	23.5	22.3	20.6	19.8	19.9
Rajasthan	16.5	15.1	22.4	21.9	22.8	24.3	34.5
An. Pradesh	8.2	9.0	13.7	14.0	11.3	9.9	10.2
Orissa	11.8	10.5	9.4	8.4	11.6	11.6	11.0
Chhattisgarh	7.8	8.7	8.6	5.8	5.8	4.9	6.3
Karnataka	4.4	2.8	5.0	5.0	6.3	7.8	4.3
Maharashtra	3.8	3.9	5.0	5.6	5.2	6.1	3.9
Jharkhand	4.5	8.5	4.0	5.4	4.8	5.8	3.8
Gujarat	5.0	4.1	2.6	2.7	3.7	3.3	2.0

Source: National Crime Record Bureau, Various Years, Government of India

The rate of registered crimes (i.e. incidents of crime per 1 lakh tribal population) was distinctively higher rate of registered crimes against tribals in Rajasthan particularly in 2014. Other states which had higher than the national crime rate were Madhya Pradesh, Odisha, Andhra Pradesh and Karnataka (Table 2). The states like Andhra Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa and Rajasthan showed an increase in the crime rate over the years. Except Odisha, the share of the PoA crimes in other states increased significantly.

Table 2: State-wise Rate of Registered Crimes against Tribals, 2001-14

State	2001	2005	2010	2011	2012	2013	2014
An. Pradesh	0.7	0.6	1.0	1.0	11.3	11.4	11.6
Chhattisgarh	2.3	2.2	2.1	1.3	4.4	4.2	9.2
Gujarat	0.6	0.4	0.3	0.3	2.5	2.5	2.6
Jharkhand	1.0	1.7	0.8	0.9	3.3	4.6	5.0
Karnataka	0.5	.03	0.5	0.5	8.8	12.6	11.5
M. Pradesh	2.5	2.4	1.9	1.8	8.0	8.5	14.9
Maharashtra	0.2	0.2	0.3	0.3	2.9	4.0	4.2
Orissa	2.0	1.6	1.4	1.2	7.2	8.3	13.1
Rajasthan	1.8	1.4	2.0	1.8	14.6	17.9	42.8
All India	0.6	0.5	0.5	0.5	5.7	6.5	11.0

Source: National Crime Record Bureau, Various Years, Government of India

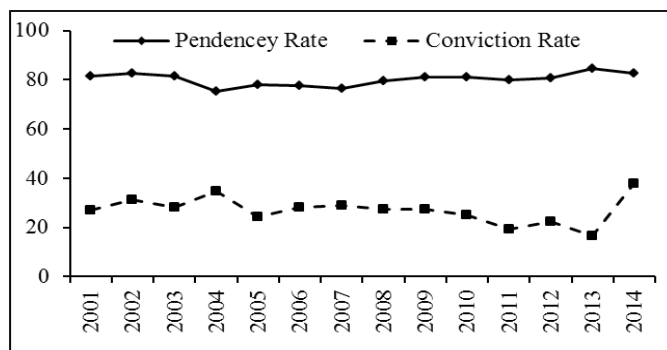
It might be mentioned that although the official data revealed wide variations in the number of registered crimes against tribals across states, these variations might not be reflecting upon actual prevalence of crimes, as registration of crimes depends very much on the reported cases and efficiency of administrative system to ensure registration of these cases.

ATROCITIES AGAINST TRIBALS AND ACCESS TO JUSTICE

There are specific Rules under the PoA Act for the speedy disposal of cases by two state machinery- police and court. The data revealed that during 2001-14, on an average, about 22 per cent of registered cases remained pending for investigation by the police at the end of each year. Although majority of the investigated cases are charge-sheeted, the chargesheet rate for kidnapping and abduction, dacoity and robbery and murder were found relatively lower than other forms of

crimes. The disposal of cases by courts showed that during 2001-14, on an average, about 80 per cent of the total crimes against tribals remained pending for trials at the end of each year. Of the total crimes against tribals, which were trialed in a year, about 27 per cent of them were resulted in conviction. The trend in the pendency and conviction rates in the court from 2001 to 2014 is shown in Graph 2

Graph 2: The Trend in the Disposal of Crimes against Tribals in Courts, 2001-14



Source: Based on Data, National Crime Record Bureau, Various Years, Government of India

The pendency rate for the PoA crimes was even higher than the total crimes. The conviction rate for the PoA crimes was 4 per cent less than overall conviction rate. This situation is there despite the provisions of special courts and special prosecutors under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Rule (1995) for the speedy trials of atrocity cases. The conviction rate for different types of crimes revealed that it was considerably lower for rape and arson. Importantly, notable changes were not observed in the pendency and conviction rates over the years.

State-wise variations in the disposal of cases by police showed the states like Jharkhand, Andhra Pradesh and Orissa had consistently higher pendency rate. The chargesheet rate by police over the period 2001-14 was found lower in Bihar and Jharkhand as compared to others. Like the pendency rate in police station, Jharkhand and Orissa also had a relatively higher pendency rate in courts. Other states like Gujarat, Karnataka and Maharashtra had higher than the national pendency rate in court. The states like Gujarat, Karnataka, Maharashtra and Andhra Pradesh had significantly lower conviction rate. On the contrary, it was relatively higher in Chhattisgarh, Jharkhand, Madhya Pradesh and Rajasthan than the national conviction rate. Considerably lower conviction rates in several states thus reflect a lower access to justice by many tribal victims of atrocities.

In view of the limitations in the official data in indicating the actual magnitude of atrocities against tribals, and lack of information on the nature and causes of such atrocities, an analysis of over a hundred individual cases based on media reports and fact-finding documents (Pal, 2012), provided insights into the context in which atrocities are committed by different kinds of perpetrators. It was revealed that the structural atrocities were prominent. Of the perpetrators, police officials and special security forces were involved in 40 per cent cases. While forest officials were involved in about 10 per cent cases, officials from other departments in another 4 per cent cases. In 14 per cent cases, atrocities were the actions of Maoists/Naxal groups. In few cases especially in north-eastern states, militant outfits committed atrocities against tribals. In about one-fifth cases the perpetrators were persons from the non-tribal and non-SC groups. In 6 percent of cases, political leaders/local leaders

were also involved in perpetrating atrocities. Amongst the forms of atrocities, killing or murder was committed in the highest percentage of cases, followed by rape cases and physical assault and torture. The matter of real concern is that atrocities against tribals are highly collective. In about one-third of cases, a group of tribals, mainly belonging to same family or neighbourhood or community were victims.

So far the context in which atrocities were committed is concerned, in slightly less than one-fourth cases, atrocities were committed because of protests by tribals against illegal Act of officials and non-fulfillment of demands on development issues and forced eviction from forest land. In about one-third of cases, it was linked to police excesses under suspicion and intimidation. Although there were other causes such as suspected on petty issue of theft or illegal use of forest resources, outraging modesty, revenge taking and so on; in three-fourth of cases, it was simple oppressive behaviours by state officials. These are simple cases of state violence against tribals. Krishna Iyer (2010) remarks “even the judiciary and executive treat tribals as the fourth world within the third world”. This signifies how the rule of law in the state blinks at tribals and they remain as victims of atrocities and social deprivation. Forest officials and civil administration are involved in many cases of atrocities under the rule of law or in the name of implementation of forest-related laws. Tribals also remain vulnerable to atrocities under false cases. State officials, mainly police and special task forces, being part of the law and order machinery, are involved in violating tribals’ right to security in the name of maintaining public order while carrying out combing operations. According to the National Commission of Human Rights Report (2004), the police machinery often resorts to various machinations to inflict violence directly besides playing a role in shielding others. In many cases laws are misused to impose atrocities on tribals, these easily inflict in tribals a sense of helplessness.

Another critical issue is that tribal habitations are being at isolated places, tribal women always remain as soft target. This is evident from the significant increase in the incidence of rape against tribal women over the years. Gender violence against tribal women normally takes place in the form of physical assault, sexual abuse and exploitation and sexual harassment. According Aloysius and Mangubhai (2003) these offences are mainly committed by non-tribals, forest officials, revenue officials, police, estate/farm owners, money lenders and security forces. Taking the advantage of close association with local administration and police, non-tribals especially local leaders, tend to commit atrocities against tribal women. Notwithstanding the fact that the exploitations and harassments faced by tribals are regular phenomena, they do not get well manifested in different forms of crimes and atrocities. Many cases of gender violence in particular are not reported because of the fear of losing livelihood resources, poverty entailing dependence on forest officials or market traders to secure their livelihood, or feelings of shame especially in cases of sexual exploitation. Even where cases are reported, many are not registered by the police. Numerous forms of atrocities are being inflicted on tribals by various actors both at state and societal levels; hence, many cases are not registered because they are prevented by powerful perpetrator groups. Because of higher vulnerability of tribal women to gender violence, the sense of insecurities among tribal communities always gets heightened. These are taken as strategies to keep tribals caught up in a culture of fear, silence and submission so that they are prevented from asserting or voicing their rights.

CONCLUSION

This paper primarily focuses on the conditions of persisting tribal resistance in the context of colonial exploitations of tribal traditional culture, and discursive formations of development in contemporary society; and the larger consequences of such resistance on the threat of violence and social insecurity in the life of tribals. It is clear that the long-run social exclusion and deprivation

among tribals is related to structures and processes of colonial and/or post-colonial construct of the tribals. In the age of development, the socio-economic lives of tribals, to a larger extent, are governed by multiple administrative authorities. Under the disguise of forest related laws, tribals remain vulnerable to exploitations and specific forms of atrocities. Tribals sometimes face atrocities perpetuated by the officials, often in cohorts with the local leaders, traders and other influential persons. This is accentuated by the lack of awareness about the legislations pertaining to the forest rights and atrocities. Moreover, the members of the law enforcement agencies are being the offenders in many cases of atrocities, tribals are also not in a strong position to take advantages of protective legislations meant for the fulfillment of their rights. Many offences committed by various state administrative officials and members of government security forces are also not directly addressed in various sections of the PoA Act, hence, the PoA Act has limitations in addressing tribal atrocities in particular. Based on the experiential accounts of grassroots level social workers in tribal areas Mahaprashasta (2009) points that “the PoA Act which has attempted to include the exploitation of the scheduled tribes in its list of ‘atrocities’, does not actually address the specifics and the unique dimensions of the problems faced by these communities.” National Commission for Scheduled Tribes (2010) also suggests that there is need of specific provisions under the PoA for tribals as these groups very often do not face atrocities for the reasons similar to that of SCs. Notwithstanding limitations in the existing laws and its enforcements, state has a constitutional duty to protect tribal communities from exploitation, human rights violations and social injustice. This asks for strengthening institutional mechanisms aimed at addressing issues of human rights violations against tribals. Several violations of human rights interplay to influence the livelihood and security of life of tribals. Tribal resistance against exploitations of their traditional resources, state indifference, routinely unleashed atrocities upon tribals, suppression of their voices create social conditions to perpetuate the cycle of violations of rights. Whether it is under colonial or post-colonial policies, it is the forest land and resources that occupy very important aspects, around which the context and process of atrocities, deprivation, and social exclusion get created. In the present context of rapid development in tribal habitations, recreation of their livelihood, tribal resistance, and violations of human rights of different forms; the larger question that remains to be addressed is how state policies can see ‘development for change’ and retain elements of tribal culture for their well-being, and yet enable them engage with new innovations in Indian social democracy.

References

- Aggarwal, M. (2015), ‘Tribal Movements in India’, in History Discussion.net. Available at <http://www.historydiscussion.net/essay/tribal-movements-in-india/1797>, Accessed on 4 June 2016.
- Aloysius, I.S.J., Mangubhai, J. (2003), ‘Adivasis Speak Out: Atrocities against Adivasis in Tamil Nadu’, Bangalore: Books for Change.
- Das, M.B., Hall, G., Kapoor, S. and Nikitin, D. (2011), ‘India’s Adivasis’, Country Brief No. 4, New Delhi: The World Bank.
- Das, N.K. (Ed.) (2013), ‘Preface’, In ‘Exclusion, Discrimination and Stratification: Tribes in Contemporary India’ (pp.vii-xii), New Delhi: Rawat Publications.
- Gill, Kaveri, Bhattacharya, R., Bhattacharya, S. (2015), ‘The Political Economy of Capitalism, ‘Development’ and Resistance: The State and Adivasis of India’, New Delhi: Oxfam India.
- Khan, Ismail. (1986), ‘Indian Tribe through the Ages’, New Delhi: Vikas Publishing House.
- Krishna Iyer, V.R. (2010). ‘Atrocities on Adivasis’, Outlook, 26 August, 1-4. Also see www.outlookindia.com/printarticle.aspx
- Mahaprashasta, A.A. (2009), ‘High and Dry’, Frontline, 26(24), 22-24.

- Mondal, P. (2012), 'Top 4 Tribal Movements in India Explained', Your Article Library.com. Available at: www.yourarticlelibrary.com/sociology/top-4-tribal-movements-in-india-explained/32955, Accessed on 30 May, 2016.
- Mondal, P. (2015), 'Tribal Movement in India Before and After Independence', Your Article Library.com. Available at: <http://www.yourarticlelibrary.com/india-2/tribal-movement-in-india-before-and-after-independence-2796-words/6141/>, Accessed on 30 May, 2016.
- National Coalition for Strengthening SCs and STs (Prevention of Atrocities) Act (2010), 'Report Card: 20 Years Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act', New Delhi: National Campaign for Dalit Human Rights.
- National Commission for Scheduled Tribes (2010), 'Minutes of the Meeting of National Commission for Scheduled Tribes with Senior Officials of Chhattisgarh Government to Review the Implementation of SCs and STs (PoA) Act and Other Related Issues', April 23, Raipur, Chhattisgarh.
- National Committee on Forest Rights Act (2010), 'Manthan: Report of the National Committee on Forest Rights Act', A Joint Committee of the Ministry of Environment and Forests and the Ministry of Tribals, New Delhi: Government of India.
- National Crime Record Bureau (NCRB) (2001-14), 'Crimes in India', Various Years, Ministry of Home Affairs, New Delhi: Government of India.
- National Human Rights Commission (NHRC) (2004), 'Report on Prevention of Atrocities against Scheduled Castes', New Delhi: Government of India.
- Pahru Pou, Z.K. (2013), 'Politics and Governance: Development and Poverty among Tribal People in India', The Sangai Express, 15 April, 2013. Available at: http://e-http://e-pao.net/epsubpageextractor.asp?src=news_section.opinions, Accessed on 1 May, 2015.
- Pal, G.C. (2012), 'Atrocities against Adivasis: An Implicit Aspect of Social Exclusion', Paper presented in the National Seminar on 'Processes of Exclusion and Adivasi Rights in India', 15-16 February, 2012. Centre for Human Rights and Centre for the Study of Social Exclusion and Inclusive Policy, Hyderabad: University of Hyderabad.
- Protection of Civil Rights (PCR) Act (1976), 'Ministry of Home Affairs, No. BC.12013/2/76-SCT-V, dated the 15th September, Ministry of Social Welfare and Empowerment, New Delhi: Government of India.
- Saravanan, V. (2010), 'Subalterns vs. State Institution: Politician, State, Forest, Law and Atrocities on Tribals in Tamil Nadu, 1990-2000', The International Journal of Human Rights (First Publication), 16 August, 1744-53.
- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989), 'Act No.33, dated 11th September, 1989, Ministry of Social Welfare and Empowerment, New Delhi: Government of India.
- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Rule (1995), 'G.S.R 316E, dated the 31st March, 1995, Ministry of Social Welfare and Empowerment, New Delhi: Government of India.
- Subramanian, K.S. (2009), 'Political Violence and the Police in India', New Delhi: Sage Publication.
- Supreme Court of India (2011), 'Write Petition No. 250 of 2007', Nandini Sundar and others Versus State of Chhattisgarh, Supreme Court of India, Section 71, pp.51.
- Von Fürer- Haimendorf, C. (1982), 'Tribes of India: The Struggle for Survival', Berkeley: University of California Press. Available at: <http://ark.cdlib.org/ark:/13030/ft8r29p2r8/>, Accessed 30 May, 2016.