

the victim happened to be a woman who was member of an SC community would not attract the PoA Act.

2. In **Dinesh Alias Buddha v. State of Rajasthan (2006)**, the Supreme Court held: “It is not case of the prosecution that the rape was committed on the victim since she was a member of Scheduled Caste.”
3. In **Asharfi v. State of Uttar Pradesh (2017)**, the court held that the evidence and materials on record did not show that the appellant had committed rape on the ground that the victim was member of an SC community.
4. In 2019, in **Khuman Singh v. State of Madhya Pradesh**, a case of murder, again the court held that the fact that the deceased was a member of an SC community was not disputed but there was no evidence to show that the offence was committed only on that ground; conviction under the PoA Act was set aside.

There are several precedents insisting on an unrealistic burden of proof. This issue needs to be referred to a larger bench to take a different view.

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA Act):

The PoA Act was enacted to address atrocities against persons from SC and ST communities and was amended in 2015 to specifically recognise more atrocities **against Dalit and Adivasi women** including sexual assault, sexual harassment and Devadasi dedication.

Section 3(2)(v) states that if any person not being an SC/ST member commits any offence under the IPC punishable with imprisonment of 10 years or more against a person on the ground that such a person is from an SC/ST community, he shall be punishable with imprisonment for life and with fine.

This was amended in 2015, to change the phrase “on the ground that such person is a member of SC/ST” to “knowing that such person is a member of SC/ST”.

Solution to address vulnerability: The intersectional approach will address the discrimination:

Let us focus on the positive aspects first.

The Supreme Court, in a first, elaborated on the **need for an intersectional approach**, to take into account the **multiple marginalities** that the victim faced.

The intersectional discrimination need to understand **how multiple sources of oppression operated cumulatively** to produce a specific experience of subordination for the blind Dalit woman (in this case).