

## DE-NOTIFIED AND NOMADIC TRIBES IN INDIA: ISSUES AND MEASURES

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### **ABSTRACT:**

Since the inception of the Criminal Tribes Act in 1871, De-notified and Nomadic Tribes (DNTs) are treated like criminals. The research paper summarises major studies carried out by 'Renke commission' constituted by center to specify the economic interventions required for raising the living standards of DNTs; 'NIRMAN' an organisation started by youth to empower DNTs and bring about social transformation and participatory democracy through education and democratic mobilization; and 'NAC Working Group' formed by the government to give recommendations to lift DNTs out of their nearly sub-human existence; and explain the issues or problems of Denotified and Nomedic Tribes. Based on the study of these reports, it identifies the major issues of DNTs and suggests specific measures like, change in old definitions of 'residence' and 'address' , carrying caste based census , providing free housing to dislocated DNTs, implementing urban poverty alleviation for DNTs, extending the provisions of SC/ST (Prevention of Atrocities) Act, 1989 to DNTs, abolishing the Habitual Offenders' Act, 1959 and re-examining other related old laws, exempting DNTs for taking part in street entertainment, providing special package for DNTs to enable improved livelihoods, and relaxing the rule that requires DNTs a permanent address etc, to integrate DNTs into the mainstream.

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**INTRODUCTION:**

The de-notified and nomadic tribes are an integral part of Indian society. De-notified tribes are the tribes that were originally listed in Criminal-Tribes Act 1871, as criminal tribes and addicted to the systematic commission of non-bailable crimes. Once the tribe was 'notified' as criminal, all members of that tribe were required to register with the local magistrate, otherwise they were charged with an offense under the Indian Penal Code. Criminal Tribes Act, 1952 abolished the notification, i.e. it 'de-notified' tribal communities. The government of India re-classified de-notified tribes as 'Habitual Offenders' in 1959.

A 'nomad' is a person without a permanent home, moving from place to place for different reasons. Nomadic foragers move in search of game, wild edible plants and water. The word 'nomadic' comes from 'greek' word that means one who walks for grazing. Most nomadic groups follow a fixed annual or seasonal pattern of movements and settlements. Nomads travel with animals or canoe or on foot. Most nomads travel in groups of families called bands or tribes. Therefore, they are called nomadic tribes. These groups are based on kinship and marriage ties or formal agreements on cooperation. A council of adult men makes most of the decisions, though some tribes have chiefs.

According to Renke commission, the De-notified, Nomadic and Semi-Nomadic Tribes (DNTs) comprise about 10 per cent of the India's population (about 11 crores) with 150 tribes, and 500 nomadic communities. They are found in almost all the states, and presently belong mostly to the OBC category in large states. The paper summarises major studies carried out on DNTs, identifies major issues or problems of DNTs and suggests measures to integrate them into the mainstream. This research looks at the reports of Renke commission, NIRMAN, and NAC Working Group by government of India and also draws upon mostly from secondary sources including newspaper articles and blogs from internet.

**REVIEW OF LITERATURE:**

The process of reading, analyzing, evaluating, and summarizing scholarly materials about a specific topic is called review of literature. A scholarly material related to the topic of research is reviewed as under.

1) **B. S. Renake Commision:** The Government of India on 14<sup>th</sup> March, 2005 constituted 'National Commission for De-notified, Nomadic and Semi Nomadic tribes' to study various

developmental aspects of these tribes, under the Chairmanship of Shri. Balakrishna Sidram Renake. This Commission (NCDNSNT) was asked to study the following: (1) to specify the economic interventions required for raising the standard of living of De-notified, Nomadic and Semi Nomadic Tribes by asset creation and self-employment opportunities; (2) to recommend measures to utilize the existing system for the economic development of SCs, STs and OBCs for extending an economic development package to these groups, keeping in view their specific requirements; (3) to identify programmes required for their education, development and health; and (4) to make any other connected or incidental recommendation, that the Commission deems necessary. The Commission has submitted its final report in 2008. The major recommendations of the Commission are: (1) Separate reservations for DNTs in education, jobs, politics and all spheres of socio-economic life, as available to SCs and STs. (2) Special care in education, health, housing, self employment, etc. (3) Permanent Commission for Denotified Nomadic Tribes in the line of SCs and STs. (4) Early implementation of recommendations of Renke Commission for empowerment of DNTs.

**2) New initiative for Reclamation of Mankind (NIRMAN):** It is an organisation started by youth in India with the aim to empower DNTs and bring about social transformation and participatory democracy through education and democratic mobilization. It conducted study of socio-economic condition of DNTs and found the following realities -

- a) Official record of exact figures of total population of DNTs is not available.
- b) The 1931 Census was the last caste-based census held in India. Government's planning is based that census, which does not give clear picture about socio-economic as well as educational and livelihood status of DNTs and in turn affects overall programmes and schemes for DNT communities.
- c) There is lack of political will to address the issues of DNTs as State and Central government has not accepted a single recommendation of all above mentioned Commissions.
- d) Besides, there are contradictory recommendations and opinions about constitutional safeguard among all Commissions and reports are trapped in bureaucracy.
- e) There is almost no budgetary allocation for DNTs Programmes and schemes.

- f) There is gross issue of unification of identity of DNTs e.g. Kaikadi tribe is declared as Scheduled Caste in Vidarbha region of Maharashtra but same community is declared as DNTs in Western Maharashtra.
- g) From first five year plan to sixth, there was budgetary allocation for DNTs, but after sixth five year plan to 11th government of India ignored DNTs. In mid-term appraisal of 11th five year plan the planning commission of India allocated the budget for education and economical development of the DNTs under scheduled caste's special component plan.

**3) NAC Working Group:** The National Advisory Council set up a Working Group to give recommendations to lift DNTs out of their nearly sub-human existence. The NAC Working Group, in its note, synthesized the recommendations for further comments and refinements. Final report is awaited. Draft recommendations given by NAC Working Group are -

- a) Legislative actions: It demands abolishing of the Habitual Offenders' Act, 1952, revisiting existing Acts and introducing a new legislation.
- b) Statutory enumeration of DNT communities: It demands enumeration of DNT communities, orientation of enumerators, issuance of caste certificates and other identity cards.
- c) Provision of shelter: It insists on provision of shelter to those who are homeless and currently living on the roads or in various kinds of temporary private or government shelters.
- d) Police sensitization and training: It requests provision for sensitization and training of police personnel at all levels to tackle the problems of DNTs in a humane and considerate manner.
- e) Prevention of Atrocities: It insists creation of awareness about the human rights among the DNTs and provision of helpline in case of harassment, discrimination or violence etc.
- f) Give Forest Rights: It expects - forest officials to be sensitized, People dis-located from forests be given land titles, DNTs not to be labeled as Naxals, Action against forest guards and officials for harassing the ex-hunting communities, and sexual harassment of women and girls in isolated parts of forests.

- g) Extend all SC, ST and OBC benefits to DNTs: All benefits that accrue to SC, ST and OBC communities should be extended to DNT communities.
- h) Expand and improve livelihoods: Existing institutions should be made conscious of the special needs of DNTs and encouraged to design special programmes for strengthening the livelihoods of DNT communities.
- i) Rehabilitate forest communities: Steps be taken to rehabilitate traditional forest based DNTs.
- j) Mainstream DNTs: The Ministry of Social Justice and Empowerment to make special efforts to mainstream issues of DNTs into on-going government programmes like - Education, Banking, Health services, ICDS, Child labour, NREGA, National Rural Livelihoods Mission (NRLM), Old Age Pension, etc.

#### MAJOR ISSUES:

Major issues identified from the above studies include the amendment to the constitution, revisiting existing acts, census of DNT communities, and reservation for DNTs in government jobs, are explained below.

**1) Amendment to the Constitution:** The de-notified tribes/communities have been wrongly stigmatized as crime prone and subjected to high handed treatment as well as exploitation by the representatives of law and order as well as by the general society. Some of them are included in the list of Scheduled Tribes and others are in the list of Scheduled Castes and list of backward classes. The continued plight of these groups of communities distributed in the list of Scheduled Castes, Scheduled Tribes and backward classes is an eloquent illustration of the failure of the machinery for planning, financial resources allocation and budgeting and administration in the country to seriously follow the mandate of the Constitution including Article 46. Presently, legal experts' perceive two problems in giving reservation to the DNTs - to change the scheduled castes like SC/ST require a constitutional amendment and if special quota is given then it would breach the 50% ceiling on quota that would invite legal hassles.

**2) Revisiting Existing Acts:** Following legislative issues are to be revisited to improve the living conditions of DNTs.

- a) Habitual Offenders' Act, 1952: This Act is similar in spirit to the repealed Criminal Tribes Act of 1871.
- b) The Prevention of Begging Act 1959: This Act defines the term 'begging' and provides measure to prevent all forms of begging, included in definition, by DNT communities.
- c) The Bombay Prevention of Begging Act 1959: This act prevents street performing activities of nomadic communities such as acrobats, tight rope walkers, dancers and singers.
- d) Prevention of Cruelty to Animals Act, 1986: This act prohibits nomadic communities to engage in street entertainment with the help of animals like bears, monkeys, birds, snakes etc.
- e) Wildlife Protection Act, 1972 and the Forest (Conservation) Act, 1980: This Act includes some provisions that are adversely affecting forest and DNT communities. For example, prohibiting grazing of cattle, collection of forest produce, fishing in the forest ponds, hunting for food etc which are to be reviewed.
- f) Excise laws: This Law includes some provisions that prevent brewing and selling of traditional liquor that are adversely affecting source of livelihood of forest and DNT communities.

**3) Census of DNT communities:** There has been no census of the 'De-notified and Nomadic Tribes' (DNTs) of India though their number run into crores. They are found in almost all the states, and belong mostly to the OBC category in some large states. They are also included in SC and ST categories in others. Some communities are not covered by any of the three SC, ST and OBC categories. Even those covered under the three categories are often not able to avail of the benefits because of either not having caste certificates, or because the quotas are exhausted. Moreover, a number of states have not prepared lists of either the de-notified or nomadic communities, and the status of such people is unknown. As a result, currently, DNTs are among the most underprivileged and destitute communities in India.

**4) Reservation for DNTs in government jobs:** Renke Commission suggested extending reservations to DNTs like Scheduled Castes and Scheduled Tribes. In some states like Maharashtra, Uttar Pradesh etc reservation to DNTs is available in one or other form. For example, in Maharashtra, denotified tribes are entitled up to 11 per cent reservation in jobs,

education and other benefits. In Uttar Pradesh, de-notified communities are entitled to reservation in government jobs and educational institutes under OBC reservation of 27 per cent. However, De-notified Tribe Federation is demanding seven per cent out of the total 27 per cent reservation exclusively for the population of about 4.5 crore de-notified tribes consisting 34 communities. Similarly, the bifurcation of reservation share of de-notified tribes is demanded in other states also.

### MEASURES:

Following measures are suggested to mainstream issues of DNTs into on-going government programmes.

- a) Ensure that conventional definitions of "residence" and "address" flexible enough to cover all peripatetic and geographically isolated communities.
- b) Carry caste based census to study socio-economic condition and classify de-notified, nomadic and semi-nomadic tribes, or DNTs.
- c) Provide free housing to dislocated DNTs.
- d) Implement urban poverty alleviation and rural development programmes for DNTs.
- e) Classify these communities as DNTs (and not as ST, SC and OBCs) in all states to enable them to avail legal rights and benefits given to them.
- f) Extend the provisions of SC/ST (Prevention of Atrocities) Act, 1989, to deal with the different kinds of offences and atrocities against the DNTs.
- g) Abolish the Habitual Offenders' Act, 1959 and re-examine the Prevention of Begging Act, 1959, the Bombay Prevention of Begging Act, 1959, the Prevention of Cruelty to Animals Act, 1986, the Wildlife Protection Act, 1972, the Forest (Conservation) Act, 1980, and excise laws.
- h) Exempt DNTs from the scope of existing laws which prohibit DNTs from taking part in street entertainment, gathering forest products, hunting for food and growing food staples through shifting cultivation.
- i) Exempt DNTs from the ambit of the excise laws which prevent brewing and selling of traditional liquor.

- j) Set up back-up mechanisms and structures such as a special package and sub-plan for these groups and design new programmes and schemes for DNTs to enable improved livelihoods.
- k) Relax the rule that requires DNTs a permanent address, adhar card and bank account number for depositing wages under NREGA.

### **CONCLUSION:**

Since the inception of the Criminal Tribes Act in 1871, DNTs have been treated like criminals. The Government has not made any comprehensive study of the Socio -Economic condition of DNTs. It has not given any solid rehabilitation programme for DNTs. Although much has been done for SC / ST Communities, very little is done for these poor DNTs and their condition has become from bad to worst. It's high time to provide DNTs the constitutional protection and special privileges that correspond to SCs and STs.

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