

SOCIAL STIGMA AND STRUGGLE FOR LIFE OF MARGINAL GROUP IN MODERN INDIA

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Abstract

This study generally points out that Socio-economic status and criminal background of 198 tribes, which have been declared as a criminal bybirth in Criminal Tribe Act 1871 in India. Since then, they frequently have been confronting theirs a socio-economic problems like as Stigma of Crime. Besides, now these days, that a lot of problems are unresolved by the government. In which have mentioned that why and how these tribes have been neglected by the government from theirs development. Besides theirs marginalization also are becoming. Further, this article examines the specific meanings and obtains its social force only in particular contexts of use and utterance. Now whose people groups are marginalized thereof, they (excluded Scheduled Caste and Scheduled Tribes) are facing or struggling for human right in India.

Key Words: Criminal Tribe Act 1871, Exploitation of ex-criminal Tribes in India, Contradistinction of ex-criminal tribe's reservation policy.

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I. Introduction

In India, the British Government had declared to 198 Tribes by birth as a 'Criminal Tribes' "Criminal Tribe Act 1871". Which act was the degradation of the human being though the act was abolished in 1952, subsequently; an attitude of the society has not yet been changed toward these tribes. Due to this, sum Tribes have involved in Habitual crime, this fact is ignored by Indian Society. As well, constitutionally, these Ex-Criminal Tribes are divided into different caste and Tribes for their development, for instance, some tribes known as Scheduled Caste (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC) are main Categories, including NT (Nomadic tribes) and DNT (De-notified tribes). All these categories have been made an individual List of the several states in India. In which, some tribes are the Criminal tribes, which tribes (NT and DNT) have not been provided an individual reservation in an education and Service sector. Due to this, that most of the people remained backward by an educationally and economically. As well as, deliberately, that marginal group has been included into OBC (Other backward class).

According to Russel and Hiralal (1966), the Pardhi Tribe had come into exist by the Baori/Bauri/Bawari tribe or other Rajput from Rajasthan, as well, these communities belong to the Gond tribe, consequently, these tribes were existed by socially or-phonated society. It means, if we thought about Pardhi's similar group, those communities are surviving in a critical situation in these days. Subsequently, the maximum group is waiting to get the social justice to free from the critical situation, as well as, India also expects to the proper justice from the established higher communities or Society to be rehabilitating the marginal group of excluded tribe in India.

II. Objective of the study

1. To understand the concept of development in Ex-criminal Marginal groups in the context of the present socio economic scenario.
2. To analyse the implication of available Contradistinction reservation policy.
3. To suggest the measures of development for Ex-criminal Marginal groups.

- **Hypothesis**

After independence of India doesn't taken carefully for categorization of ex criminal Tribes

- **Research Methodology**

The research methodology is based on the relevant secondary data.

Coverage:The study, confines to a Concept of reservation policy in the ex-criminal marginal groups Development and Social Structure of India.

III. Literature Review

1. According to Babasaheb Ghatage, “Disabilities And Social Justice For Nomadic Tribal Communities In India”.The marginal group of modern India has been struggling for living their life for an ancient time such as the Nomadic and Denotified tribes have no means of production and livelihood as a result of which they have to move from village to village in the form of a caravan. Also, the children are deprived of education. They cannot take education through regular school systems in a settled society due to this unstable lifestyle. They are left away from the mainstream of life and their life is fossilized in poverty, superstition and ignorance.

2. As per said by Goldy George in his article “The Legacy of Criminal Tribes Act in the Present Context”. That the criminal tribes act in the present context, in which this description of historical positioning of communities in the early years of the colonial rule whoever opposed the British colonial expansion was perceived as a potential criminal. It was also the context under which the Brahminical caste hegemony manipulated the British power to stamp many of the lower caste communities who opposed the caste and Brahminical suppression, as well as, put on own self opinion of NT and DNT, that's how long the CTAs or DNTs are supposed to face the brute inhuman demeanour of the state and society? Do they have any rights of claiming to be citizens of this free nation? It is time to find answers to these persisting questions.

3. According to Celia Joanne Jenkins, in his essay “Constructed Criminality and Contemporary Solutions for De-Notified Tribes”. That the Criminal tribes or 'born criminals' of India represent a morbid concept etched into the minds of people at the time of British rule, and varnished over with legislation notifying them criminal and preserved for over a century.

They are still socially excluded, marginalized and face varying degrees of oppression.

4. **Santanu Panda, “Failure of the developmental state to deliver justice to the marginalized tribal community: a case study of the Lodhas¹ of West Bengal”.** In this essay the author defines that the government has a failure in the development of marginal groups such as Lodha community of Paschim (west) Medinipur district, which was designated as a ‘criminal tribe’ by the British colonialists. As well, exposed that a number of Lodhas received Patta land for cultivation only on paper, the land being occupied by the dominant groups. Even those who received land in reality could not use it properly owing to lack of irrigation facility and agricultural implements.

5. **Rudolf Heredia, “Denotified and Nomadic Tribes: The Challenge of free and Equal Citizenship”.** With This paper writer speak about particularly Nomadic tribes, which is more vulnerable to changes over them, they are under threat from dominant communities, as even now they are displaced from their own land in the name of development, these people most adversely affected by cultural hegemony and prejudice, economic marginalization and political exclusion.

IV. Discussion and Statement of the problem

Any mankind cannot live in the same situation for a long time. Means, it may ruin or hold a new nature, in fact, today’s situation, try to make a new form of social economic life. So, there is need to create dynamic efficiency and institutional leadership among ex-criminal tribes. As well as, the class systems nature has been changed as like the historical period. This form was created on the ground of social and economic disparity. Due to this, they were displaced by different power from their natural right of land holding of forest, so, they had not any substitute to be fulfilled their livelihood and they acquired the criminal occupation.

For instance, recently, we got experience doing Ph.D. and major research Project on Pardhi Tribe, most of families of ex-criminal tribes are involved in criminal activities in different State of India, for example Pardhi in Maharashtra, especially Bhil Tribe at khajuriya Village and Bauri in Gujrat and Rajasthan State. As well as, this paper, namely focuses on the issues of State wise Ex-criminal Tribes Reservation policy in India.

V. Facts of Ex-criminal Tribes Reservation

Naturally, those Marginal groups (Tribal) have been branded as a criminal by the British government in India. Cause of an elaborate arrangements for their surveillance. This one had understood a well larger strategy of imperial governance, in which policy that population have been segregated by logically into various strata. Concerning the Bill was introduced in 1871 by T. V. Stephens, which point out the stress of ethnological theories of caste which linked with the profession, upbringing and background of tribal people.

In British India, when 198 victim tribes were declared as a criminal tribe by the Act 1871, it means they were called as tribes not by caste. However, those tribes have been included into three categories such as Scheduled Caste (SC), Scheduled Tribe (ST) and Other Backward Class (OBC). So how was this classification process? It is to be researched study.

As well, the schemes and policies have implemented because of existence the constitutional provision and theirs awareness, but the marginal group of Other Backward Class (OBC), have been disregarded by the development. Below the table, describes the status of reserved categories of the 198 tribes as per the state wise list.

Firstly, the criminal tribes were categorized into individual class by the population census 1911. According to All India Inquiry Committee Report (1949), (the tribes with criminal occupations were categories as criminal tribe), the all tribes estimated population of India, was near 3.5 million, respectively.

After Independent of India, the all tribes have been classified into three categories (SC, ST. and OBC). Which were known as criminal tribes? As per the Census of 2001, the ex-criminal tribe's population of SC and ST (without OBC inclusion tribes), was near 11, 45, 91,576(11.5 crore). Which proportion was 11.17 % out of the total population of India? Now these tribes population is as per 2011 census 136908263. But which tribes are included into the OBC Category, that different caste population census is not applied by the government. Consequently, that estimated population numbers do not exist. If we consider about that estimated population, which are near about 15 crore.

Table:1 State wise included tribe'samongst 198 Ex-criminal Tribes for Reservation

S. N.	State/Union Territory	SC	ST	OBC	SLBC	Total
1	Andhra Pradesh	10	13	16	--	39
2	Arunachal Pradesh	00	08	10	09	27
3	Assam	01	01	16	01	19
4	Bihar	12	05	14	03	34
5	Chhattisgarh	16	09	00	--	25
6	Goa	01	01	--	--	02
7	Gujarat	07	07	23	--	37
8	Haryana	13	--	19	04	36
9	Himachal Pradesh	05	01	09	02	17
10	Jammu & Kashmir	04	01	02	02	09
11	Jharkhand	11	05	--	--	16
12	Karnataka	10	07	26	01	44
13	Kerala	04	02	01	--	07
14	Madhya Pradesh	15	10	--	11	36
15	Maharashtra	15	10	52	--	77
16	Manipur	NA	--	--	--	--
17	Meghalaya	01	01	--	--	02
18	Mizoram	01	01	--	--	02
19	Nagaland	NA	--	--	--	--
20	Orissa	20	07	14	--	41
21	Punjab	13	--	11	1	25
22	Rajasthan	19	05	08	01	33
23	Sikkim	01	01	--	--	02
24	Tamil Nadu	07	01	20	01	29
25	Tripura	07	02	06	--	15
26	Uttaranchal	28	01	--	--	29
27	Uttar Pradesh	29	01	14	--	44

28	West Bengal	06	--	02	--	08
29	Andaman & Nikobar	NA	--	--	--	--
30	Chandigarh	15		08	03	26
31	Dadara-Nagar Haveli	02	01	--	02	05
32	Diu-Daman	01	--	02	--	03
33	Delhi	17	--	15	--	32
34	Lakshadweep	NA	--	--	--	--
35	Pondicherry	03	--	14	04	21

Source: Ph.D. Thesis of Dr.Sandipan Gavhale University of Pune

*SLBC-State-wise central List of Backward Classes Notified by Government of India

Note: After 2001, some caste is included and some caste is excluded from SC and ST list. So the above information is an accountable till 2001.

Table no.1 indicates the reservation of 198 tribes whose declared as a criminal tribe in British rule in India, still these tribes is socially and economically backward, but today's reservation policy is becoming as Contrarily. That was reserved by Indian Constitution into three categories of Scheduled Caste (SC), Scheduled Tribe (ST) and Other Backward Class (OBC). And 198 tribes have classified into three categories instead of putting into one class. Due to this that reservation policies are different into several states and the union territories. In table no.1, illustrates the information about the total number of tribes into across the state and union territories.

Table: 2 State wise NT, DNT Tribes strength in India

S. N.	State/Union Territory	NT	DNT	SNT	Total
1	Andhra Pradesh	--	59	--	59
2	Chhattisgarh	09	04	--	13
3	Gujarat	28	12	--	40
4	Haryana	20	11	--	31
5	Karnataka	38	34	--	72

6	Kerala	08	01	--	09
7	Madhya Pradesh	30	21	--	51
8	Maharashtra	37	14	05	56
9	Orissa	09	12	--	21
10	Punjab	--	08	--	08
11	Rajasthan	13	08	10	31
12	Tamil Nadu	--	68	--	68
13	Uttar Pradesh	--	36	--	36
14	West Bengal	20	07	--	27
15	Delhi	--	18	--	18

Source: These are lists of the Denotified as well as the Nomadic Communities as recognized by each State, wherever these categories officially exist. Other states do not have these categories; however, the kinds of communities may exist there, with no specific recognition.

These lists were requested for to the National Commission for Denotified, Nomadic & Semi-Nomadic Tribes, Govt. of India; and it is with their kind permission that they are given here.

Table no.2 indicates the State wise information about the numbers of Nomadic Tribe (NT), Denotified Tribe (DNT) or 'vimukt jatis', Special Backward Classes (SBC) and SemiNomadic Tribe, which are the Marginal Group, that socio-economic condition is as like as the Scheduled Caste (SC), Scheduled Tribe (ST) tribes, but they are not included in that category, so they remained as a more backward than that caste.

VI. Marginalisation of Criminal Tribes

Considering, various socially active groups on this subject and a number of stories and personalized anecdotes from the members of such communities who had been harassed especially by the police or villagers. And, they quote this as an evidence of the police terror in their minds till date.

It is pertinent to note that the Criminal Tribes Act was not repealed by the end of the Colonial Rule over India. The “Criminal Tribe Act 1871” remained effective even after 1947. The members of such tribes finally got "independence" on August 31, 1952 when the tag of criminality was removed and then replaced Habitual Offenders Act. Now they are called de-notified tribes or 'vimukt jatis'.

Yet, as has been mentioned earlier, there has been little or no respite for the tribesmen as they have been subject to widespread marginalization and the new law, as promulgated by the Indian Legislature has yet again enslaved them to the discriminatory policies of the State whereby they have been debarred from most of the rights that are guaranteed to the other social groups in the country.

The current position of the de-notified tribes has not social recognition. These tribes struggle for recognition as a Scheduled caste (SC) and Scheduled tribes (ST). That's the fact of the tribes is not on equal footing to even the most marginalized of the mainstream population. They are being actively discriminated against and are also being denied the rights guaranteed to the tribes that have been seen as marginalized. The issue becomes grim as there is no uniformity in the characterization of Scheduled tribes.

It is generally through the process of law that social stigma is sought to be removed. However, the Criminal Tribe Act was an exception to this rule. It serves as an apt example of a piece of legislation that created an adverse label and attached it to persons who henceforth lived stigmatized, marginalized lives, effectively segregated from society as a whole.

VII. Finding

In Brittan, the Vagrancy was a crime by Vagrancy Act 1824, of which, the Gypsy people was not being stigmatized as a criminal. Similarly, the criminal tribes Act 1871 came into force on Vagrancy Act 1824, by the British rule in India. Due to this, many tribes have been a criminal by born, that time Britisher treats as a Gypsy to Nomads in India if it is a problem can be a shawl. Subsequently, after 1952, these tribes were known as ‘Denitrified’ tribes by the Nehru government, but they have not been rehabilitated. It means they become free for live nomadic

life. If this government does plans for stable of ex-criminal Tribes then these tribes can be settled, but has not become so still these Nomadic/Denitrified tribes are living into vagrant condition, and they are ignored by the government till today.

VIII. Suggestion

- The Criminal tribes (NT-DNT) of other Backward Classes (OBC), should be included into Scheduled Caste (SC) and Scheduled Tribe (ST) group, by constitutionally, if it is tough by politically and socially. After that, it will be known as individual categories, consequently, there would be implementing a Special Component plan as like as the SC and ST group.
- The people of ex-criminal tribes of OBC (out of 198 ex-criminal tribes), are displaced and unorganized into thousands, so they cannot fight against the punishing crime, so they should be given the protection of Atrocity Act and economic support from the government. For instance the autonomous commission can be established by the government.
- The socio economic survey plan of ex criminal tribes should be executed by the government through research institutes, at the micro level for implementing the development policy.
- Implements the reformative and welfare recommendation about ex-criminal groups of 1959 planning commission of the Government of India.
- The Criminal Tribes Act 1871 was repealed on August 1952, and that tribes have been declared as Denotified tribes, but no one special provision was accessible in the five year plan. Consequently, the development fund should be provided in every five year plan for the development of tribes.
- There should be implemented the caste census of (In Between Forward Caste and SC, ST, OBC, SBC, NT, DNT, Groups) tribes, if it is difficult of some political parties, but it is not impossible, because it may decrease the socio economic disparity among them, due to this we may know that the numbers of the marginal group and that name also, so that will be better to be executed the development plan for their development.
- The special ex-criminal tribe's commission should be established by the government for their social and economic development of Ex- criminal tribe's inclusion in a criminal group of SC, ST and OBC, because, they are very backward.

- They want to be given, those who choose the inactive path should be provided a guarantee for shelter.
- By Constitutionally, The Nomadic and De-notified tribes also should be provision of special reservation (instead of inclusion in OBC group) declared as scheduled tribes on a uniform basis.

VIII. Conclusion

In India, thousands of years, several marginal groups are living as bondage life, in which they have been made subjugated and helpless by the Social and political system. As well, that living standard found such like a beggar and not acquired the minimum standard of living they have been victimized by the same system operators, if have passed 60 years to freedom of India. Due to this degraded situation they are trained to be practicing the crime for the survived their life instead of moral life. Until now, these communities have been kept away from their development due to lack of political desire. That's all problems do not possess to only the particular community, it is one of a national problem, so the all people of the nation ought to fight with theirs social political and economic problems for improving their life.

In British India, which backward people have accepted the theft occupation to fulfill their livelihood, today's after 60 years that criminal activity are exist in Independent India. Nobody is considering about this problem on Social, Political and economic level. The customs of the Nomadic Tribes (NT) and De-notified Tribes (DNT) social group are the equivalent or similar as like as that Adivasi tribe. Especially, Pastoral Nomads and who depending on entertainment for live in which that is different of an ex-criminal tribes. Prior to the commencement of the Criminal Tribe Act 1871, these groups were primarily nomadic and their means of livelihood were non-sedentary.

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