

# 1

## Foreword

### 1.1 Formation of Technical Advisory Group

The Ministry of Social Justice and Empowerment, Government of India, vide its notification dated 8<sup>th</sup> September 2006 constituted the Technical Advisory Group with the following terms of reference:

- a) To review the existing schemes and programmes and to suggest suitable modifications therein for the development of Denotified, Nomadic and Semi-nomadic Tribes.
- b) To suggest action plan for the development of Denotified, Nomadic and Semi-nomadic Tribes,
- c) To examine the representations received from various organizations representing Denotified, Nomadic and Semi-nomadic Tribes; and
- d) To examine and make recommendations on any other matter referred to it by the Government of India.

It was provided in the Notification constituting the Technical Advisory Group that the TAG may obtain such information as the TAG considers necessary or relevant for the purpose from the Central Government, State Governments, Union Territories and any other agency, organization or individual.

The duration stipulated for completion of the report was three months from the date the Chairperson accepted the appointment.

### 1.2 Members of Technical Advisory Group

The persons invited to join the Technical Advisory Group were as follows:

Prof. G. N. Devy, writer, tribal activist and Co-founder of the Denotified and Nomadic Tribes Rights Action Group.

Dr. Rudolf Heredia, Scholar, former Director, St. Xavier's Social Science Research Centre, Bombay

Prof. Ajay Dandekar, Scholar, activist and co-founder of Lokdhara

#### TECHNICAL ADVISORY GROUP

Dr. Meena Radhakrishna, Sociologist and author of *Dishonoured by History* (Orient Longman, 2001);

Dr. Anil Kumar Pandey, Editor, *Budhan* (Hindi), activist and Prof. of Information technology

Shri Mohd. Aslam, Retired I. A. S., Jammu and Kashmir Cadre

Names of two more distinguished activist-scholars had been included in the Government's order dated 29.8.2006, No. 12016/3/2006-SCD (RL Cell). Since their acceptance had not been received by the Ministry of Social Justice and Empowerment till the date of issue of the Notification on 8<sup>th</sup> September 2006, their names were not included in the Notification.

Subsequently, on receiving their acceptance they were included as Members in the Technical Advisory Group. These two scholars were :

Prof. Kanji Patel, Gujarati Writer and Activist

Dr. K. M. Metry, Professor, Department of Tribal Studies, Kannada University, Hampi

Prof. G. N. Devy was asked to work as the Chairperson of the TAG.

### **1.3 Decision Regarding Recommending Schemes for Development**

The TAG held its first meeting at the Indian Council of Social Science Research at Delhi on 26 September. It was attended by all members and Shri T. C. Joshi of the Ministry of Social Justice and Empowerment.

During this meeting, the Members discussed the scope of the task set for the TAG by the Government of India, and decided to prepare the Report in two parts:

1. The Schemes for Development of Denotified, Nomadic and Semi-nomadic Tribes for submission to the Ministry of Social Justice and Empowerment, Government of India, for inclusion in the 11<sup>th</sup> Five Year Plan;
2. A Road-map for the long term development of Denotified, Nomadic and Semi-nomadic Tribes, outlining the steps to be taken for achieving that objective.

For this purpose, the Technical Advisory Group decided to set up two sub-groups.

Towards the end of the meeting, Shri Balakrishna Renke, Chairman, National Commission on Denotified, Nomadic and Semi-nomadic Tribes, visited the TAG and expressed his concerns and views about the Terms of Reference set for the TAG.

There was a difference of opinion between the Technical Advisory Group and the Chairman of the NCDNSTs regarding the procedure to be followed for ensuring that the Schemes recommended by the TAG get incorporated in the Eleventh Five Year Plan Allocations.

The TAG held the view that Recommendation for Schemes of development must be made with a sense of urgency as the processes of determining the 11th Five Year Plan are already at an advance stage; and, therefore, the TAG should submit its recommendations and explore ways of discussing the schemes proposed by the TAG with Secretary, Ministry of Social Justice and Empowerment, and Secretary, Ministry of Tribal Affairs, so that the proposed schemes get reflected in the respective Ministry's vision for the Eleventh Five Year Plan.

The Chairman of the National Commission on Denotified, Nomadic and Semi-nomadic Tribes expressed the opinion that this would amount to the violation of the terms of reference set for the TAG. Besides, he held the view that allocations for schemes can be made anytime during the plan period, and that the Honourable Prime Minister could get the allocation ensured by instructing the Planning Commission directly. He told the TAG Members that the DNT Commission had already prepared a proposal for the Ministry regarding the Schemes for DNT development.

There was, thus, a technical difficulty for the Technical Advisory Group to formulate and offer advice sought from it by Government of India as per the Terms of Reference set for the TAG.

**1.4** In order to clarify the issue, Chairperson, TAG formally wrote to the Chairperson of the DNT Commission:

Shri Balkrishna Renke  
Chairman, National Commission for Denotified, Nomadic and Semi-  
Nomadic Tribes  
  
Jawaharlal Nehru Stadium, Gate No 30, Second Floor  
Lodi Road  
New Delhi 110 003

#### TECHNICAL ADVISORY GROUP

Dear Shri Renke,

I would like to thank you for giving your valuable time to meet the Members of the Technical Advisory Group appointed by the Government of India during its first meeting held at the Indian Council for Social Science Research on 26th September 2006. I would like to particularly thank you for voicing your concerns regarding the procedural norms to be followed by the Technical Advisory Group (TAG). I would like to assure you that we have made a serious note of the concerns you expressed, and I would like to assure you that the TAG will fully adhere to the terms of reference laid down by the Government of India in the Appointment Order (F.No. 12016/3/2006-SCD (RL Cell)). At the same time the Group will ensure that the work of the Commission for Denotified, Nomadic and Semi-Nomadic Tribes is strengthened and further facilitated through the deliberations of the TAG. I hope this assurance will help you and the other Honourable Members of the Commission to set aside any apprehension about the divergence between the working of the Group and the working of the Commission. In case there is any such apprehension, I will be happy to discuss those concerns and issues with you.

As we informed you during our meeting on 26th September, the TAG strongly feels that merely suggesting Schemes and Programmes applicable to the Denotified, Nomadic and Semi-Nomadic Tribes will not result into any action unless a corresponding provision is made for funding support to run such Schemes and Programmes in the XIth Five Year Plan. As per the normal practice of the Government of India, such proposals are put before the Planning Commission by various Ministries or non-ministerial Statutory Bodies, or Special Groups invited by the Planning Commission. Therefore, in the case of Schemes related to DNTs, Nomadic and Semi-nomadic communities, the proposal will have to be put up to the Planning Commission by the Ministry of Social Justice and Empowerment or the Ministry of Tribal Affairs.

As I am involved in making these proposals for the XIth Five Year Plan in the case of two other Ministries, I am aware that a proposal for the Denotified, Nomadic and Semi-Nomadic Tribes will have to be firmed up latest by October 2006. If we miss the opportunity, I am afraid we may have to wait for another five years for preparing another proposal.

RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

Under these circumstances, I would like to know if the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes has already prepared a proposal, and in that case, if it would like to seek any inputs from the TAG. On the other hand, if the Commission has not initiated the process, would the Commission be willing to take up the issue with the two concerned Ministries and fix a date for presentation of a proposal? The TAG has agreed to hold its second meeting on 12th October 2006 in Delhi and the Group will be ready with a proposal of Schemes and Programmes for the XIth Five Year Plan which the Commission can use for a presentation to the two Ministries on its own, or together with the TAG if it so desires.

I will appreciate your response at the earliest. I will be grateful if you could copy your response through email to the members of TAG to save time, since time at our disposal is very short.

The email ids/addresses of the TAG Members are :

Dr G N Devy : ganesh\_devy@yahoo.com / brpc\_baroda@sify.com

Dr Rudolf Heredia : rudiheredia@gmail.com

Dr Ajay Dandekar : ajayd16@gmail.com

Dr K M Metry : metrykm@yahoo.com

Dr Meena Radhakrishna : meena.rkna@gmail.com

Dr Anil Pandey : rmcindia@gmail.com

Prof Kanji Patel, 12 Gayatri Society, Lunawada, Dist Godhra, Panchmahals

Tel : 02674 – 250788 @ 250048 (O)

Shri Modh Aslam, IAS (Retd), C/0 BMC Bank Limited, M A Road, Near Broad Hotel, Srinagar,

Contact nos : 09419136909 / 09419421458 / 09419181794 / 0191 – 2662144

With warm regards,

Yours sincerely,

G N Devy

Copy to : Members, Technical Advisory Group

**TECHNICAL ADVISORY GROUP**

Shri T C Joshi, Assistant Director, Ministry of Social Justice and Empowerment, Govt of India

**1.5** The Commission informed the TAG that a proposal for the Eleventh Five Year Plan has already been sent to the Ministry of Social Justice and Empowerment, and that a Position Paper on Comprehensive development of DNTs was at the final stages of its preparation, and would be shared with the Technical Advisory Group in its next meeting scheduled for 12<sup>th</sup> October 2006.

Date: Thursday, 28 Sep 2006 14:48:45 +0100 (BST)  
From: "ncdnt Tribes" <ncdnt2006@yahoo.co.in>  
Subject : Re: Commission AND TAG  
To: "Ganesh Devy" <ganesh\_devy@yahoo.com>

Dear Devyji

I am very happy that the differences between the Commission and TAG have been resolved amicably. I also appreciate this spirit of co-operation and collaboration with the commission in making adequate budget provisions for the welfare and development of Denotified, Nomadic and Semi-Nomadic Tribes. I fully agree with you that we should not miss this opportunity of making adequate finance provisions in the 11th five year plan and we should work together to achieve this.

The Commission has submitted a proposition to the Ministry of Social Welfare and Empowerment for making budgetary provisions in the 11th Five Year Plan. However, we feel that apart from the ministry of social welfare and empowerment we also need to involve other ministries such as Tribal Development, Ministry of Agro and Rural Industries, Ministry of Health and Family Welfare, Ministry of Housing and Urban Poverty Alleviation, Ministry of Labour and Employment, Ministry of Rural Development and Ministry of HRD in making adequate provisions for the benefit of DNT and NTs.

We are in a process of preparing a position paper on how these Ministries can contribute and be involved in the integrated scheme of development and welfare of the DNT and NTs. The commission would finalise this position paper before 12th Oct and would share it with the

TAG on its 12th October meeting. Then we can discuss and decide how to convince these ministries and the planning commission to make adequate budget provision in the 11th five year plan.

Looking forward to work with the TAG for the larger interest of the Denotified, Nomadic and Semi-Nomadic Tribes,

Yours,

Balkrishna Renake

### **1.6 Interim Consultation with Members of Technical Advisory Group**

In anticipation of receiving the Position Paper and copy of the proposal submitted by the DNT Commission to the Ministry of Social Justice and Empowerment, Members of the Technical Advisory Group decided to carry forward their consultations through e-mails and bring up the emerging points for discussion during the meeting scheduled for 12<sup>th</sup> October.

### **1.7 Second Meeting of Technical Advisory Group:**

In order to facilitate a serious discussion leading towards fulfilling the obligations placed on the TAG by the Government of India, each member was requested to make a presentation for 15 to 20 minutes responding to the following:

- a) Issues outlined by some members of the TAG as points for the Road Map
- b) Issues addressed by the Report produced by the previous DNT Commission
- c) Issues suggested to this Group by the present DNT Commission
- d) Issues arising out of the Position Paper that the DNT Commission had hoped to get ready before the TAG meeting.

The sequence of presentations was planned as follows:

Dr. Meena Radhakrishna

Dr. K M Metry

Prof. Kanji Patel

Shri Mohd Aslam

Prof. Ajay Dandekar

## TECHNICAL ADVISORY GROUP

Dr. Anil Pandey

Dr. Rudolf Heredia

Following the presentations, the Group was expected to prepare a list of concerns and priorities. Considering that the TAG has a short and fixed tenure, it was requested to suggest names of volunteers for formation of a sub-group to flesh out the short-listed concerns and issues for inclusion in the final Report of TAG.

### **1.8 Third Meeting of Technical Advisory Group :**

The suggestions made by Members of the Technical advisory Group during the meeting held on 12<sup>th</sup> October 2006 were properly recorded, and, together with other suggestions made in the past by the following Government Bodies and Commissions, they were circulated among the Members for discussion leading to the formulation of the Report and Recommendations of the Technical Advisory Group:

- a) The National Commission for Denotified, Nomadic and Semi-nomadic Tribes;
- b) The National Human Rights Commission;
- c) The Commission for Review of the Working of the Constitution
- d) The Ministry of Social Justice and Empowerment

**1.9** Reference documents presented during the meeting to the Members of the Technical Advisory Group included the following:

- a) The Criminal Tribes Act, 1871
- b) The Criminal Tribes Act, 1897
- c) The Criminal Tribes Act, 1911
- d) The Criminal Tribes Act, 1823
- e) The Criminal tribes Act, 1924
- f) The Bombay Habitual Offenders Act, 1959
- g) The Listing of Communities Notified as 'Criminal Tribes' up to 1952
- h) The listing of Communities as SC or ST in some states as samples
- i) The description of some of the Denotified Tribes in official Anthropological sources

The Third Meeting of the Technical Advisory Group was held at the ICSSR, New Delhi, on 2<sup>nd</sup> November 2006, during which the above materials were discussed and suggestions and recommendations to be offered to the Ministry of Social Justice and Empowerment, Government of India, were formulated with a view to finalizing them. Further, various categories were conceptualized for distributing the suggestions according to their thematic importance.

#### **1.10 Final Meeting of Technical Advisory Group :**

Members who were given the responsibility of formulating the recommendations for various categories sent their final formulations to the Chairperson of TAG for integrating them with other sections of suggestions and recommendations. The Technical Advisory Group held its final meeting in Delhi at the ICSSR on 19<sup>th</sup> November 2006 with a view to deciding the following :

1. Final formulation of recommendations
2. The format of the Report and Recommendations
3. Contents of the Introduction
4. The Petition of Banjara Community, forwarded to TAG by the Government of India.

#### **1.11 TAG Report and Recommendations :**

What follows is the entire set of suggestions, concerns and issues, as well as documents and records discussed by the Technical Advisory Group for formulating the Recommendations to Government of India in fulfillment of the obligations placed on the Technical Advisory Group.

*The Report and Recommendations* are being presented here in two parts :

**Part One:** containing the entire set of suggestions received from Members of TAG, suggestions emerging from various former reports, judgements and responses by the Ministry of Social Justice and Empowerment to petitions, as well as texts of various Criminal Tribes Acts enacted during the colonial times. In addition it contains official documents produced by Government authorities that perpetuate the stigma attached to the Denotified communities and deepen the stereotyping of which these communities have been the unfortunate victim. This Part of the Report also contains the 'Foreword' and the entire text of the final recommendations providing a road-map for the long term development of the Denotified, Nomadic and Semi-nomadic Communities and Tribes.

*Part Two*: containing the 'Foreword' and the 'Recommendations'.

**1.12** Members of the Technical Advisory Group would like to place on record their sense of satisfaction in being able to fulfill the obligations placed upon them by the Government of India within the specified time limit. TAG feels happy that the formulations offered as 'Recommendations' are unanimously approved by all members of the Group. The process of Notification of innocent communities traders, itinerant entertainers, peasants and disbanded soldiers, begun in 1871 through enactment of the Criminal Tribes Act, should have come to an end soon after Independence. Instead, a Habitual Offenders Act was slapped on them, and their sufferings continued through the last six decades. This entire episode of turning innocent and defenseless communities into vulnerable and victimized groups has been a chapter of shame in India's social history. During the last twenty years, there has been a strong movement shaping up from the grass-roots, which has sought to restore dignity and human rights to these communities. It is a gratifying thought that the Prime Minister of India took a special interest in the issue and the Government decided to invite the Technical Advisory Group to offer its opinion on the aspirations of the Denotified, Nomadic and Semi-nomadic Tribes and Communities, and the ways in which these aspirations need to reflect in law, the rights-discourse and welfare measures. Members of TAG would like to place on record their deep sense of appreciation for the Government's measure of initiating official thinking on this long-standing issue.

20 November 2006  
New Delhi

2

## Issues, Suggestions and Concerns

The following issues, suggestions and concerns were placed before the Technical Advisory Group by Members, through written submissions, exchange of e-mails, or oral presentations, for consideration of the Group:

### **Dr. Rudolf Heredia**

1. Atrocities Act to be extended to DNT, nomadic and semi nomadic tribes, if this order of priority. This will need Parliament's intervention and it can be pursued immediately.
2. A DNT, Nomadic, Semi-nomadic Tribes Act to include these groups in the Ninth schedule, as an independent list, or to the SC/ST one, depending on the feasibility at this point. This too will need Parliament's intervention, and it can be initiated by the Commission and completed within a time frame of say a year.
3. The DNT listing could go back to the denotification of 1952. The nomadic and semi-nomadic could go back to the 1931 Census. The population estimates could use the Mandal methodology of project estimates from the 1931 Census, on the basis of estimated growth rates of these groups and the general population.
4. The present schemes could be listed and reviewed, adapted and new ones proposed. This must be done in time to be taken up by the 11th Plan.
5. The present DNT Commission could be extended for a period of say 5 years to see all this through and then made permanent and eventually made statutory on par with other such commissions.

### **Prof. G N Devy**

1. Abolition of the Habitual Offenders Act from all States
2. Complete removal of area restrictions on movements
3. Complete removal of area restrictions on Recognition as ST/SC/OBC, which will bring a national uniformity in the status of any given community

#### TECHNICAL ADVISORY GROUP

4. Establishing Human Rights Protection Cells and Development Sub-plans at the location of all former DNT Settlements
5. Provision of Representation in Assemblies in proportion to the population of DNTs and NTs within a given state

#### **Dr. Ajay Dandekar**

1. We need to focus on the pastoral and the semi-pastoral groups as well. This is something that is also not on the radar of the Commission. They constitute about 4 to 5 percent of the population, have serious problems and the problems have an environmental and ecological dimensions.
2. With regard to the suggestions made by Dr. Rudolf Heredia and then added on by Prof. Devy, we can brainstorm on some other issues as well, like an introduction of a rehabilitation Act, Increase the ambit of the Atrocity act, and a comprehensive statutory commission on the lines of Peace Reconciliation Commission which will also have statutory powers.
3. The pace of technology demands that we must think of an educational programme that bridges the gap between knowledge and livelihood for the communities we are concerned with. Can we think of a comprehensive educational support system that has potential of delivering livelihoods.
4. The road map must have something on the land reforms. We should think about the roadmap for the DNTs and the land reforms, forest rights for pastoralists, razing rights and passage rights across the state boundaries for the sheep, camel, goat, yak buffalo and the other pastoral groups. Rights of performance for the non pastoral nomadic groups, access to land to these groups and so forth.
5. A curriculum in the education system on the communities we are concerned with. Lastly for the present, a structured document on the issues concerned, with a definite timeline for each of the issue to its final stage in the report.

#### **Supplementary Suggestions by Prof. Dandekar:**

1. *Separate list:* To prepare a separate list of DNTs (State-wise) except those communities who are included in the list of SC/STs.

2. *Constitutional Protection:* To give constitutional protection and privilege to DNTS on similar line as given to SC/STs creating a separate Third Schedule – “Denotified Tribes (DNTs)”. We may call it “Scheduled Denotified & Nomadic Tribes”.
3. *Separate Fund:* To earmark separate funds for development of DNTs in the 11th Five Year Plan on the same scale as provided for the STs and SCs.
4. *Development Board:* To constitute a Denotified Nomadic Tribe Development Board which can look after the overall development schemes of DNTs.
5. *Tanda Development Scheme:* The DNTs live in a separate location at the outskirts around the village. These places are called Tandas/Vadi Pardas. There should be separate scheme named “Tanda Development Scheme” where facilities like infrastructure, Road, Electricity, Drinking Water, Sanitation should be provide under a single window system. Like SC/STs, special provision and budgetary allocation be made in Sub Plan for DNTs for construction of road connecting their Tandas with the main village, providing electricity, drinking water facility, sanitation at their Tandas.
6. *Permanent Residence:* Most of these communities have no permanent residences. They generally live on the outskirts of village, the place where they stay are Pals or Tandas, or any non permanent settlement, some of which do not even fall under Gram Panchayat area. So a special Housing Scheme like Indira Awas Yojana may be sanctioned exclusively for DNTs.
7. *Basic Education, Residential Schools, Higher Education & Technical Education:* 99% of these communities are illiterate and they have had less chances of getting quality education. For educating the DNTs In every talukas there should be residential schools exclusively for DNTs, and NTs . So adequate special provision and budgetary allocation be made in this regard.
8. *Grants for studies abroad:* Financial assistance should be provided to the meritorious DNT students for pursuing higher studies in foreign country.
9. *Preservation of DNTs' cultural heritage/handicrafts:* Some of the communities have developed over a period of centuries expertise in artisanship and handicrafts. Various handicrafts items made by them are very popular in the country and there is a great demand of these items in international market too. But due to their poor financial condition, they

#### TECHNICAL ADVISORY GROUP

cannot improve their production capacity. Government should come forward and encourage them giving them assistance for their handicraft work. Special measures/package be sanctioned by Government to support and sustain this activity.

10. Census: A special Census & Survey of denotified and nomadic tribes should be done in the country immediately. However rough population estimates could be arrived at on the basis of the sample surveys and growth rates of population.
11. Health Awareness and Medical Facilities: As these communities are not connected with the mainstream of social life they are totally unaware about health awareness and medical facilities. They are so poor that they cannot afford/go to the qualified Doctors or Specialists. They even depend on the quacks as a result of which most of them are sick and suffer from TB, AIDS, Cancer and other diseases. Their women and children are most vulnerable to contamination of various diseases due to malnutrition. Provision of Mobile dispensaries to their bastis should be made. So special provision and budgetary allocation be made in Sub Plan for DNTs for Health/AIDS Awareness, family planning and for other Medical Facilities.
12. Abolition of Bonded Labour: It should be ensured that total liberation and full rehabilitation of bonded labourers and eliminate child labour practices. The creation of separate authority exclusively for the DNTs and NTs be considered for this very specific purpose.
13. Protection for DNTs from atrocities: To bring an Act named DNTs (Prevention and Atrocities) Act 2006 for exclusive special court of sessions with judges and investigation officers and public prosecutors without any other burden of work, inclusion of social and economic boycott and blackmail as substantive crime of atrocities, provision of death sentence for murder, full economic rehabilitation of DNTS victims and their survivors.
14. Forest Rights: The benefit of Schedule Tribes (Recognition of Forest Rights) Bill, 2005 should be extended to DNTs, NTs and Pastoralists.
15. Employment: Like ST/ST/OBC, provision for special reservation for DNTs should be made for higher education, technical education and in service. In most of the States DNTs are included in the OBCs list as per

Mandal Commission Report. They be considered as a separate entity as per point 1 stated above and suitable provisions be made.

16. Welfare Schemes: On the line of various SC/ST Welfare Schemes, various Welfare schemes for the welfare of child, women, old aged exclusively for DNTs be formulated and sanctioned. A special provision and budget allocation be made in this regard.
17. Special Coaching Centres: NGOs should be encouraged by giving Central Government aids for setting up of Special Coaching Centre for DNTs for various competitive examinations like UPSC, SSC, etc.
18. Scholarship & Book Bank: Scholarships should be provided to DNTs students from Primary Level to Higher Education to bring them in the main stream of society. Separate Book Bank for DNTs should be established.
19. Language: Introduction of Mother tongue (Banjara Language) in Primary Education in Tanda's (Village) School, under Sarbashiksha Abhiyan for Banjaras, under Article 29(1) and 350(A) of the Constitution of India and inclusion of Tribal Banjara Language in 8th Schedule of the Constitution. Similarly other languages be also considered.
20. Separate Department: To form a separate Department named as Department of DNTs should be created in Government for looking after the matter is DNTs exclusively.
21. Land related activities: To launch a comprehensive National Programme for minor irrigation of all lands held by DNTs and bring irrigation by any means for all their irrigable land. Give landless DNTs some land through proper implementation of land ceiling and land redistribution legislation, and development these land through irrigation and other means.
22. Exemption from Creamy Layer: DNTs should be exempted from the purview of Creamy Layer, since they are the most backward in the country.
23. Special Grants for Small Scale Industries: To sanction special grants to DNTs for setting up of small scale industries.

**Dr. Anil Kumar Pandey**

1. A rehabilitation Act should be made for the De-notified and Nomadic tribes. The rehabilitation scheme should include allotment of houses with

#### TECHNICAL ADVISORY GROUP

adequate space for raising animals. There should be proper provision of water and other amenities. The nomads and semi-nomads should also be allotted land for cultivation, which would initially supplement their subsistence and gradually may become their primary occupation. Before evolving rehabilitative strategies, impact analysis should be conducted to determine how settlement would affect their lifestyle and traditional instinct for survival.

2. 'Atrocities Act' should be extended to cover De-notified, Nomadic and Semi-Nomadic Tribes
3. Nomadic and Semi-Nomadic people should be given a domicile certificate by a competent local authority to say that a person has stayed in a particular place for certain duration. Besides, Election Identity Cards should also be issued to them even if they are nomadic. Even migrant workers have ration cards as they move out for jobs. These cards can be given on the basis of tentative address.
4. The Central Government should initiate dialogue with Forest Department of state governments and evolve a policy that ensures the traditional rights of these communities over forests. 'Indian Forest Act' and 'Wild Life Protection Act' should be reviewed and properly amended to ensure that these people are not deprived of their basic human rights and right to livelihood.
5. 'The Habitual Offenders Act' should be repealed in all the states. It is an instrument in the hands of the police to harass and punish the DNTs in the most brutal way.
6. State-level offices of the DNT Commission should be set up since the Commission at the national level may not be able to give full attention to the human rights violations all over the country involving the DNT and the National Human rights Commission may have difficulties in this regard since their mandate covers human rights violations for all communities and not DNTs alone.
7. The NHRC in their 7<sup>th</sup> annual report had suggested that a senior police officer be appointed in every state to look in to the cases of violation of human rights of denotified and nomadic tribes and report to the state Human Rights Commission. This recommendation should be implemented.

8. The entire administrative machinery, especially the police, needs to be sensitized and reoriented to the problems of these communities.
9. National Police Academy and other Police Training Institute may be instructed to bring about attitudinal changes in the Police officials by incorporating suitable items in the curriculum.
10. Women of DNTs are vulnerable to sexual harassment by men of other communities, Special cells are needed to allow women of the DNTs to come forward and complain in case of sexual harassment.
11. There are ample evidence that settled DNTs are forced by the police to commit crimes like brew illicit liquor in order to get their share of the earnings. While rehabilitating such groups, care should be taken to see that the local police are not given the authority over them for a specified period so that they are actually given the breathing space to start their new lives.
12. The programme for the development of these communities should be group oriented, addressed to the problems identified for each specific group. There should be centrally sponsored schemes for the development of these groups. For implementation of programs there should be close coordination between the Ministry of Home Affairs and the Ministry of Social Justice and Empowerment. There should be mapping of priority areas of education, vocation training and livelihood.
13. A massive information campaign should be launched to sensitize the public about their problems so as to take away the stigma of criminality.
14. There should be a schedule for the De-notified, Nomadic and Semi-Nomadic Tribes. Since this will need Parliament's intervention and it can be initiated by the DNT Commission and completed within a time frame.
15. Since no data is available regarding the present population the DNT list, as it was at the time of de-notification in 1952, could be taken as standard list. Similarly the Nomadic and Semi-Nomadic list could go back to the 1931 Census. The population estimates could use the 'Mandal Commission' methodology of project estimates from the 1931 Census, on the basis of estimated growth rates of these groups and the general population. Ministry of Social Justice should establish a special cell in the Ministry for undertaking preparation of a fresh and accurate list of DNTs in collaboration with Registrar General of India.

#### TECHNICAL ADVISORY GROUP

16. People belonging to Nomadic and Semi Nomadic Tribes engaged in pastoral activities should be encouraged to form their own cooperatives and should be given financial incentives to set up food processing units.
17. These wandering communities possess wonderful knowledge about herbs and medicines therefore their expertise can be utilized in the collection and development of herbs and medicinal plants, which are in great demand in the country and outside.
18. The Govt. should give training to these people for scientific grazing so that they could continue their traditional livelihood activities without demanding the local environment and forest resources. These people should be encouraged and be involved in agriculture-based projects such as horticulture, floriculture and Bamboo plantation etc.
19. The DNT Commission should be made permanent and eventually made statutory on par with other such commissions.
20. Looking into the very poor nutritional status of the children of the De-notified, Nomadic, and Semi-Nomadic tribes, there must be special schemes to cater to the infants and toddlers of these communities through specially set up balwadis at the Panchayat level. Here supplementary nutrition could be provided to the children on a priority basis. Additional supplementary nutrition is also a must for the women who are normally highly anemic and suffering from a number of female ailments.
21. A number of primary, secondary and senior- schools, colleges and vocational training institutes should be opened for the benefit of these communities. Scheme of Mid-Day Meal has proven to be an important incentive for the children to attend school and this should form a part of the routine as well.
22. It is difficult for nomads to send their children to regular schools because their livelihood makes it necessary for them to keep moving. These groups include people who move from village to village repairing agricultural implements; tribal groups who move seasonally in search of paid work in cities; and nomadic pastoralists from different communities who are found all over India. Thus Special Mobile Schools & residential schools should be opened for children of these communities.
23. The Government should launch special vocational training programs for De-notified, Nomadic and Semi-Nomadic tribes. There should be special

training program to develop leadership qualities among its youth so that they can act as focal point of dissemination of knowledge in their respective areas of activities.

24. Serious efforts should be made to develop traditional skills among these communities as this can ensure a sustainable source of income for these communities.
25. The 'Commission for Scientific and Technical Terminology', Ministry of HRD, Government of India could be entrusted the task of developing text-books, reference books, supplementary reading materials and terminologies in the languages of these communities.
26. The Government should give special financial initiatives to the prospective young entrepreneurs from these communities to learn modern techniques/methods in training and entrepreneurship skills.
27. Himachal Pradesh has experimented with teachers traveling with the nomadic groups in order to achieve 100% enrolment of children between 6 and 14. This experiment should be followed up and assessed for possibility of its application in other states
28. Special provision needs to be made for the education and vocational training of girl child so that they could be prevented from the possibilities of forced prostitution. Similarly, women of these communities need to be retrained in their traditional crafts and market for there produce could be provided through government channels.
29. Residential schools are very important way of encouraging them to send the younger children to get education voluntarily in a settled place. Current data shows that the nomadic people are very keen on the education of their children and will cooperate with 'setting' them through a schooling system.
30. The J&K government has special coaching for SC/ST students from 9<sup>th</sup> to 12<sup>th</sup> standards and also for allied services. Wherever there is a settled DNT population, these schemes can be introduced to support the studies of the students.

**Dr. Meena Radhakrishna**

1. Government of India should constitute a permanent Commission for addressing the situation, rights and grievances of Denotified, Nomadic

#### TECHNICAL ADVISORY GROUP

and Semi-nomadic Tribes. This Commission should have similar powers as the National Commission for Scheduled Tribes enjoys at present

2. An exercise to do a proper vocational analysis of the Denotified Communities be undertaken at the national level in order to determine:
  - a) The shifts away from the traditional occupations, trades and vocations;
  - b) To determine the differences in economic status of the most marginalized among the DNTs and the comparatively developed communities among them.;
  - c) To decide on the nature of trades training institutes to be set up for them;
  - d) To avoid the blunder of imposing a 'fancy and mis-guided' version of their traditional occupation on the DNTs. For example, Madaris need not be forced to open Venom-Banks.
3. In order to provide the facilities of elementary schooling to the children of nomadic communities, Mobile Schools should be set up at the locations of their stay, within the entire trajectory of their movement so that no child remains without access to education.
4. The Nomadic and Denotified communities often face difficulty in obtaining birth certificates and domicile certificates. The difficulty is more acute in obtaining domicile certificate. Provision should be made for an easy issuance of these certificates; and the officials who do not provide the certificates should be punished under law. Legal provision should be created for 'Atrocity' of this nature.
5. Gender injustice has been an issue of central importance with relation to the Denotified, Nomadic and Semi-nomadic Communities. Any and every welfare scheme prepared for these communities must keep gender equity as a goal within its framework. Similarly, the National Commission for Women must be kept in the picture while planning any development for the DNTs by asking the NCW to send a representative to the proposed DNT Commission, or by asking the DNT Commission to the NCW as a mandatory arrangement.
6. School administrations are known to have refused admission to children belonging to Denotified Tribes owing to the stigma attached to them. An

act to prevent atrocity to the Denotified Tribes must include this aspect of social discrimination within it as an essential component.

7. Extension of Mid-day Meals scheme to all children belonging to Denotified, Nomadic and Semi-nomadic Tribes will enhance the educational standards of these communities.
8. Whether the children of Denotified and Nomadic communities attend the Mobile Schools, or Settled Schools, the children must have an easy access to an equal-opportunity education, which means that the recruitment of teachers to these schools will be done by adhering to the standards of excellence at par with other schools. Similarly, the facilities and infrastructure in the special DNT schools will be of the national standard. But, more importantly, in order to avoid and prevent ghettoisation the children of Denotified, Nomadic and Semi-nomadic Tribes should be provided access to the General Schools so that they can have a social co-education.
9. For encouraging Middle-school and High school level education, hostels should be created for the children from Denotified and Nomadic Tribes. In addition, special residential schools be conceptualized and created for these children.
10. The Law Preventing Atrocity to Scheduled Tribes and Scheduled Castes, which is at present applicable to the SCs and STs, should be extended in its intent and operation to cover all Denotified, Nomadic and Semi-nomadic Communities.
11. Further, the Prevention of Atrocity Act must be extended to take into account atrocities caused by policemen and officials as well.
12. Special Priority should be given to members of Denotified, Nomadic and Semi-nomadic Tribes be given for receiving benefits of the Schemes prepared for Scheduled Tribes and Scheduled Castes, respectively, where the DNTs fall under the ST or SC categories.
13. In order to provide such priority within the SC or ST categories, a special category such as SC(DNT) or ST(DNT) be created.
14. While making schemes for providing shelters and dwellings to the families belonging to the Denotified, Nomadic and Semi-nomadic Tribes, special care must be taken to ensure that they do not end up getting only shanty huts unfit for human habitation. Modern kind of dwellings will have to be conceptualized under such a scheme, and the Government will

#### TECHNICAL ADVISORY GROUP

have to provide for loans and subsidy funding for the families to be able to build, buy or own such housing.

15. A proper Census of the Denotified, Nomadic and Semi-nomadic Tribes and communities needs to be carried out for determining the exact need of welfare assistance and getting a clear picture of the present situation of the DNTs.
16. Government should encourage research about the Denotified, Nomadic and Semi-nomadic Tribes. Schemes to encourage research need to be put in place.

#### **Prof. Kanjibhai Patel**

1. Persons belonging to Denotified and Nomadic Tribes must be given Mobile Voting Cards to enable them to exercise their democratic duty of voting during elections. These MVCs should have validity throughout the Migrational Trajectory of the Nomadic Tribes, while the votes can get registered for pre-determined locations and constituencies.
2. The Government should perceive the needs of the Denotified, Nomadic and Semi-nomadic Tribes as a matter of Historic Duty and Obligation of the State since they have mostly remained outside the welfare network over the last six decades. Hence the schemes to be proposed by the Government should be a substantial magnitude.
3. Government must ensure that there is a strong legal protection to the Denotified, Nomadic and Semi-nomadic Tribes from the social stigma, atrocity and privation. The Law that will protect the DNT communities must ensure that the Constitutional Guarantees provided to a citizen of India get fully and effectively extended to the members of the Denotified, Nomadic and Semi-nomadic communities.
4. Throughout the previous century the access of the Denotified, Nomadic and Semi-nomadic Communities to natural resources and land has been placed under very severe constraints. Particularly, the case of the pastoral communities dependent on grazing lands needs a very special attention, at par with the Tribal Rights on Forest Land. The proposed Law must take care to cover this aspect of the situation of the DNTs.
5. Irrespective of the occupation, location of work and the entries in the village records, all members of Denotified, Nomadic and Semi-nomadic communities should be entered in the official lists of Bellow Poverty Line

persons; and the benefits of schemes specially made for the BPL families must be extended to the DNT families.

6. In order that the benefits of any or every scheme designed for the development of Denotified, Nomadic and Semi-nomadic Tribes reaches them, it is highly essential that the administrative machinery handling these schemes gets a thorough re-orientation so that it shows enough sensitivity to the plight of the DNT's.
7. Those communities among the Denotified, Nomadic and Semi-nomadic Tribes that do not fall at present within the ST category for the purpose of the Central Government should have opportunities of direct political representation. Therefore special Nomadic Constituencies be created within the States and the Union elections to allow representation of the Non-ST Nomadic Communities. Considering the extent of their present population, which is over One Crore (i.e., the Non ST-Nomadic and Pastoral Communities), pro-rata Five Seats in the Parliament must be reserved for these communities.
8. A Permanent National Commission to address the issues, rights and development of Denotified, Nomadic and Semi-nomadic Tribes be established at par with the National Commission for Scheduled Tribes.
9. A National Denotified, Nomadic and Semi-nomadic Corporation (DNT-C) be established for providing revolving funds and seed capital, skill enhancement and craft marketing to the DNT's.
10. A very large number of families belonging to the Denotified, Nomadic and Semi-nomadic Communities are at present without shelters and dwellings of any kind at all. There needs to be a National Mission for Housing for the families belonging to these communities. The root cause for the severe underdevelopment and deprivation of the DNT's has been the lack of access to natural resources and the lack of housing facilities. The National Mission for DNT Housing must provide nearly 40.00,000 dwelling of habitable standard to these communities in a time-bound manner; and therefore, the task must be undertaken on a war-footing.
11. One part of the National Mission for DNT Housing will be a proper legalization of the dwellings that the DNT's own at present. Often, they manage to construct these houses after years of work and saving, but due to the lack of proper documents and the knowledge about legal documentation, they end up being unjustly displaced. Thus, the asset

#### TECHNICAL ADVISORY GROUP

creation activity of the DNTs is thwarted due to a structural flaw in the legal system. In order to reduce the social sector burden on the National Exchequer, a nation-wide legalization of the DNT dwellings as-is-where-is basis must be undertaken.

12. Old persons in DNT families normally end up begging by the road-side. Special provision for Old-Age-Community Housing needs to be made so that they do not have to 'legalise' their deprivation reflected in their begging by registering themselves under the present public order law as 'criminals' without which the Law does not provide shelter in the Social Defence Community Wards.
13. There is a need to create a scheme for a special package for paying compensation to those DNTs who get displaced due to the present urban demolition drives. There are at present no parameters available to measure the damages caused by displacement to the families belonging to Nomadic Tribes. Dwelling Rights, in absence of proper land records, need to be recognized as 'value' for assessing the damages and the compensation package.
14. Similarly, The Act to Prevent Atrocity Against SC and ST proposed to be extended to the DNTs should have a component of monetary compensation in instances of atrocity caused by the police, which often is the case with the Denotified Tribes, and which should be paid by the State to the families of the persons suffering loss of life or livelihood possibilities due to such atrocity.
15. Mobile Primary Schools and Industrial Training Institutes be created specially for Denotified, Nomadic and Semi-nomadic Communities.
16. A massive publicity campaign must be launched in order to bring about a change in the general attitude towards the Denotified, Nomadic and Semi-nomadic Tribes till the stigma of criminality attached to these communities has been wiped out.
17. The term "Atrocity" needs to be defined freshly within the Indian system of law and administration in the light of the endless suffering that the Denotified and Nomadic Communities have undergone over the last century and a quarter.

**Shri Mohd. Aslam**

1. Suggestions made by the Technical Advisory Group to the Government of India must be of a practical nature and the contents of those suggestions should be such that creating schemes around them becomes feasible.
2. The Schemes and Programmes recommended for conceptualization and implementation to the Government of India and to various State Governments must be 'Ostensibly Possible'
3. It will not be desirable to think of a DNT Commission for each State as it will not be a tactible mechanism for addressing the needs and developmental issues of the DNTs. Therefore, only one National Commission for Denotified, Nomadic and Semi-nomadic Tribes should be proposed.
4. The Directors or Commissioners of Tribal Development in the States should be asked to assist the National Commission in its work
5. Communities not listed in any previous lists of Denotified or Nomadic or Semi-nomadic Tribes, but are of the type or manner by which they should belong to the lists, must be added to the lists and a final list of Denotified and Nomadic and Semi-nomadic Tribes.
6. An Advisory Board should be created every State having a sizable population of Denotified, Nomadic and Semi-nomadic Tribes to monitor if the benefits of formal education have been reaching to the DNTs or not, to facilitate issuance of domicile and birth certificates and access to schooling during admissions.
7. Issuing certificates for birth, domicile or any other for of certification necessary for protection of entitlement and rights should be made a responsibility of the local administration since the community's information about domicile, etc. will be the most reliable.
8. Enumeration of the communities for inclusion in the Tribes Lists, or for providing BPL status, etc., should be made the responsibility of the Rural Development Department since the DRDA has already accumulated very useful data on these matters, which is probably the most reliable data so far about the situation on the ground.
9. Similarly, the Forest Department can be asked to provide the data that is with the Forest Department to supplement the data received from the DRDA.

#### TECHNICAL ADVISORY GROUP

10. The Human Rights Commission established in various States is given the responsibility of monitoring the human rights situation in relation to the Denotified, Nomadic and Semi-nomadic Tribes.
11. Every new 'Housing Construction Project' coming up in cities and towns should be given clearance after the project keeps about 5 per cent (or a fixed per cent) land 'Reserved for Denotified and Nomadic Tribes'. This land should be acquired by the Government at the Government price and used for providing housing to the DNTs at a nominal and subsidized price. This will help in de-ghettoisation of the DNTs and will dilute the stigma attached to them.
12. Special Vocational training Centre should be set up for training and skill enhancement of Denotified, Nomadic and Semi-nomadic Tribes.

#### **Dr. K. M. Metry**

1. All the 339 issues, suggestions and Concerns enumerated in the comprehensive list from the TAG members and other government sources, which have been examined by TAG shall be appropriately classified, scheduled and elaborately analysed so that we can avoid duplications and reduced the unwieldy numbers into specific and core points to operate as a pivot. This would also generate a collective thinking which is absolutely essential.
2. All the 19 (a to s) relevant recommendations made in TAG 2006 shall constitute core points for an approach paper to establish a permanent National Commission for DNT,NT and SNT as a National Commission alone would resolve all the prevailing and unforeseen problems.
3. All our suggestions and recommendations need to be anchored and oriented towards the 11th plan which is imminent.
4. National perspective is more important than the state and regional peculiarities as its aim is always to give relief and support to the end beneficiary at the lowest social rung and also to ensure no harassment to anybody, at any cost. Social, economic and educational parameters need to be applied while structuring the perspective.
5. After defining appropriately the terms NT and SNT related to traditional pastoral, traditional performance and artisan groups, the relevant programmes and packages need to be organised.

**RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006**

6. All the synonyms of these communities need to be resolved to establish a wholesome core distributed amongst SCs and STs.
7. The Commission should also ensure appropriate implementation of resolutions regarding categorization as a result of displacement from OBCs.
8. Nodal study centres need to be established in various regional universities to enable them work out a national perspective.
9. Short term crash programmes need to be taken up to resolve basic problems like permanent housing instead of temporary tents with a target period of two years. Full fledged housing infrastructure needs to be honed.
10. Community profiles leading to household surveys need to be evolved, keeping in view the related ethnic backgrounds.

### 3

## **National Commission on Denotified, Nomadic and Semi-nomadic Tribes**

Dr. Meena Radhakrishna and Dr. Anil Kumar Pandey, Members of the present Technical Advisory Group, and Dr. Ramesh Pranesh, had helped the Former Member-Secretary of the National Commission on Denotified, Nomadic and Semi-nomadic Tribes, in drafting a Working Paper, which was submitted to the Ministry of Social Justice and Empowerment in October 2004. Since the text of the Working Paper has been shared among several important activists and scholars in the country, the suggestions and recommendations made in that Report, were taken into consideration by the present Technical Advisory Group.

\* \*

National Commission for Denotified, Nomadic and Semi-Nomadic Tribes  
Ministry of Social Justice and Empowerment, Govt. of India  
Gate No 30, IIInd floor,  
Jawahar Lal Nehru Stadium,  
Lodhi Road, New Delhi

Atul Sinha  
Member Secretary  
D.O. No. NCDNT/P/6

October 31, 2004

1. As I hand over the charge of the post of Member Secretary of the National Commission for Denotified Tribes, Nomadic and Semi-nomadic Tribes, I deem it appropriate to submit a Discussion Paper, which I have prepared on behalf of the Commission. You would however note that this is not a formal report of the Commission since the post of Chairman of the Commission is vacant since 16 June 2004 and two other Members are only part time. Further, no other officer or technical staff has been provided to the Commission and therefore I have prepared this Discussion Paper based on whatever I have been able to study and

RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

whatever I have been able to ascertain based on my informal interactions with stake holders as well as reports from States.

2. I am confident that this Paper would be useful for the Ministry of Social Justice and Empowerment for policy formulation and would also be found useful as background material for the working of the Commission, if an when it is reconstituted.
3. For the preparation of this Paper, I have found valuable support and contribution from Dr. (Mrs) Meena Radhakrishna, Deptt of Humanities and Social Sciences, IIT, New Delhi, Dr. Anil Kumar Pandey, Editor “Budhan” and Secretary, Mahapandit Rahul Sankrityayan Pratishthan, Delhi and Shri Ramesh Pranesh, Director, “Sarthak” Delhi. They agreed to work without charging any remuneration or other facilities because of their deep knowledge of the subject and their sensitivity and commitment to the cause of the Denotified Tribes, Nomadic and Semi-Nomadic Tribes. I commend their efforts in this regard.
4. I also thank the Ministry of Social Justice & Empowerment, Govt. of India for having set up the Commission and for having given me an opportunity to study this extremely important subject concerning one of the most disadvantaged groups of our country.

Yours sincerely,

(Atul Sinha )

Smt. Sarita Prasad,  
Secretary,  
Ministry of Social Justice and Empowerment,  
New Delhi.

## DISCUSSION PAPER

1. The Terms of Reference for the Commission on Denotified Tribes, Nomadic and Semi-nomadic Tribes contained in the Notification of the Ministry of Social Justice and Empowerment dated 23. 10.2003 and published in the Gazette of India, dated 22.11.2003 are as under:
  - a) to identify Denotified, Nomadic and Semi-nomadic Tribes and prepare a State/Union Territory-wise list of those who have been categorized amongst them as Scheduled Castes and Scheduled Tribes and Other Backward Classes;
  - b) to study socio-economic and educational needs of Denotified, Nomadic and Semi-nomadic Tribes;
  - c) to recommend to the Government of India, the specific interventions required for their overall developmental aspects; and
  - d) make any other recommendations connected therewith or incidental thereto, which the Commission considers necessary.
  
2. The same Notification further provides that:
  - a) The Commission may obtain such information as considered necessary or expedient for its purpose from the Central Government, any State Government and any other authority, organization or individual.
  - b) The Commission shall consist of a Chairperson and four other Members with suitable expertise; one of them will function as the Member Secretary.
  - c) The Commission will adopt its own procedure of working and may visit any part of India as and when considered necessary.
  - d) The Commission shall submit its report within one year from the date of the Resolution.

### 3. Procedure Followed So far

In the context of para 5 of the Notification, Member Secretary, even in the absence of a proper office and staff, proceeded to issue D.O. letters to Chief Secretaries of all States/Union Territories, Tribal Research Institutes in the

country and to some known NGOs as well as relevant Govt. offices like Registrar General of India, etc. and later to DGPs of States also, seeking information and status papers in respect of problems for reference to the Commission. This was also followed by two d.o. reminders as well as a d.o. reminder from the Secretary, SJ&E. In spite of these efforts, the level of response was not sufficient, both qualitatively and quantitatively. Efforts were also being made to remind the concerned Chief Secretaries on telephone. Initially, the delay was due to the Lok Sabha elections but the continued delay was unfortunate. Many reports were very brief.

**4. Modalities which were proposed to be followed:**

- a) Status reports would be obtained from various States and Tribal Research Institutes as well other concerned Government Departments.
- b) Well-established NGOs like “Denotified Tribes, Rights Action Group”, Baroda, “Muktidhara”, Virat Nagar, Dist Ajmer, “Sarthak”, New Delhi etc. would be contacted to provide such material as they may have on the basis of their experience of working with these communities.
- c) A newspaper advertisement would be released in various parts of the country inviting views, suggestions, and issues relating to Denotified Tribes, Nomadic & Semi-nomadic Tribes. The comments could also come from the leaders of these communities or their associations/groups involved with their welfare regularly. This method would have sensitized people in general and would have provided publicity to these disadvantage groups in terms of their problems.
- d) It was also planned for the Members of the Commission to visit various State headquarters and one or two selected districts to visit the actually settlement of these Denotified Tribes. The Commission had planned to invite officials of the SC/ST Departments, Anthropology Departments of the Universities, NGOs and other experienced workers and opinion makers to give their representations/statements before the Commission in respect of various items included in the Terms of Reference.
- e) It was also planned to collect previously published data/reports on the subject of Denotified Tribes, Nomadic and Semi-nomadic tribes from various offices including Anthropology Survey of India,

#### TECHNICAL ADVISORY GROUP

Planning Commission, Registrar General of India, etc. so that topics which had already been researched could be taken on board in the work of the Commission.

- f) It was planned that after this data was acquired, the technical staff of the Commission could analyze and correlate the data and prepare an interim “Discussion Paper” which could then be discussed amongst the Members of the Commission for formulating the distinctive views of the Commission.
  - g) This “Discussion Paper” could then have formed the basis of a National Seminar, which could be organized in Delhi. The seminar would have been attended by academics, NGOs, some distinguished members who have been writing on issues relating to Denotified Tribes and officials and representatives from some of the major States with Denotified Tribes/Nomadic/Semi-nomadic population.
  - h) The recommendations of this National Seminar along with the Discussion Paper would have been discussed in the Commission after which the Commission could finalize its report.
5. Unfortunately, because of the reasons mentioned at the end of this paper, this ambitious road map could not be traversed in spite of all efforts. However, if and when the Commission is revisited and its full membership is available along with the appropriate level of technical and administrative staff, this road map could be traveled so that the work of the Commission could be satisfactorily completed.

#### 6. **Published Material consulted/to be consulted by the Commission**

- a) Demands of the DNT placed before various for a by various NGOs.
- b) Criminal Tribes Act 1871 as amended in 1897, 1911, 1923, 1924 and 1947.
- c) Report of the Ayyangar Committee (1949-50) leading to the Abrogation of Criminal Tribes Act 1871.
- d) Social Encyclopedia, Part III. Published by the Government of India in 1968, containing a list of DNT.
- e) Report of the Mandal Commission – Dissent Notes by Shri L.R. Naik, Ex-MP, needing special constitutional provisions for these DNT.

#### RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

- f) Special Report on DNT published by the 'Hindu' Chennai dt. 16.7.2000.
- g) Special issue of Boodhan Magazine, Jan 2000.
- h) Dishonoured by History, a book by Dr. Meena Radhakrishna.
- i) Branded by Law, a book by Dilip D'Souza.
- j) Chapter 10 of the Report of the Committee for Review of the Constitution under Justice Venkatchaliah
- k) The suggestions by the various Groups/NGOs working for Denotified Tribes Rights Action Group (DNT-RAG), forwarded to the Ministry of Social Justice for examination by the Commission for Review of the Constitution.
- l) A Memorandum given by DNT to the Govt. of India on 16.8.2002
- m) Representation given to Justice Venkatchaliah, the then Chairman of the National Human Rights Commission on 4.5.1998.
- n) Report of the Advisory Committee set up by National Human Rights Commission under Dr. B.D. Sharma
- o) Reports from States in response to Commission's letter.

#### **7. Suggestions given by various consultative groups/committees:**

- a) Every State should appoint retired a Reserve Police Officer to oversee complaints of atrocities on the DNT and report this to the Commission. Additional officers may also be appointed in districts having a large population of DNT, for this purpose.
- b) National Police Academy and other Police Training Institutes may be instructed to bring about attitudinal changes in the Police officials by incorporating suitable items in the curriculum.
- c) NHRC should take appropriate steps for abrogation of Habitual Offenders Act.
- d) Even though several DNT have been included in the SC/ST/OBC category, there are several other DNT, which have not been classified into any of these disadvantage categories. Such DNT are not even able to access the basic amenities and relief, which are available to an ordinary Indian. Govt. should take steps to correct this situation.

#### TECHNICAL ADVISORY GROUP

- e) Since DNT are not shown as separate category during the Census operation, Ministry of Social Justice and Empowerment may set up a special Cell for identifying these DNT and direct the Central/State Govts to enumerate all these communities as also the Registrar General of Census should be directed to enumerate the DNT comprehensively during 2011 Census.

#### 8. For the economic upliftment of the DNT, the following steps were recommended:

- a) Allotment of cultivable land for the communities
- b) Establishment of schools and vocational training institutes.
- c) Identification of areas having large concentration of the DNT and their identification for experimental projects.
- d) Encouragement to DNT for creating their own institutes and maintaining their own programmes. Establishment of cooperative societies where DNT possess traditional skills would be desirable.
- e) Instructions to be given to State Governments to prepare Action Plans for DNT and ensure that the benefits of the schemes reach those for whom they are designed.
- f) A special Act to be prepared for DNT and presented before the Parliament.
- g) Launch of a special publicity drive to encourage the change of attitudes amongst the people at large about the DNT.

#### 9. Demands by Various Groups/NGOs

- a) A State-level office of the Commission for DNT should be set up to look after their security and human rights since the Commission at the national level may not be able to give full attention to the human rights violations all over the country involving the DNT and the National Human Rights Commission may have difficulties in this regard since their mandate covers human rights violations for all communities and not DNT alone.

**RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006**

- b) Formulation of a rehabilitation package by the State Govt. and its implementation in time bound manner for DNT
- c) A special drive for grant of voting rights to the Nomadic DNT communities should be drawn and undertaken by the Election Commission of India so that Voter's Identity Cards could also be issued to members of these communities. This too should be implemented in time bound manner so that the Nomadic members of the DNT are able to exercise their franchise like any other citizen of India.
- d) Besides training of the senior officials of the Police Department for dealing with the problems of DNT in a human and considerate manner, the Director General of Police must undertake training of the subordinate staff of theirs especially since the interface of the DNT is with Head constables, Sub-inspectors and inspectors, etc.
- e) Primary educational facilities must be provided to resettled DNT communities.
- f) Special efforts should be made to provide drinking water facilities to settlements of Nomadic DNT communities.
- g) A Commissioner for DNT should be appointed at each State headquarters with the pattern of the Commissioner for SC/ST. The argument is that the DNT are the most disadvantages amongst various disadvantaged groups because of their precarious living conditions, their low economic status and skills and the label of criminality of birth attached to them for more than 130 years.
- h) Uniformity should be maintained with regard to the listing of these communities in SC/ST/OBC categories. Though it has been left to the state governments to make recommendations about the suitability of a particular community for being listed in the reserved categories, it would be better if there is a better coordination among various states in making an objective assessment about a particular community. If the communities in question are in the scheduled lists, that should be extended to them through out the country. At the moment, for instance, Vaddars might be listed as nomadic tribes in one state and SCs in another. The benefits of the scheduled lists should be extended to the entire community wherever they are. It has been

observed that the lack of uniformity with regard to this listing has caused a lot of difficulties to these people.

## 10. Recommendations for DNT, Nomadic and Semi-nomadic Tribes made by various NGOs and Experts

### 1. Classification & Reservation

- a) The communities belonging to denotified tribes which have not been included in SC/ST/OBC as yet and therefore are deprived of any benefit of reservation or other welfare schemes being run by state or Central government should be identified. Either the present Commission for Denotified, Nomadic and Semi-Nomadic tribes may be entrusted with the responsibility of making suitable recommendations with regard to the reservation of these communities or a separate Commission may be appointed for this purpose.
- b) Ministry of Social Justice should establish a special cell in the Ministry for undertaking preparation of a fresh and accurate list of DNTs in collaboration with Registrar General of India for 2011 census.
- c) A new legislation in the Parliament may be introduced so that stigma of criminality is removed from the lives of DNTs.
- d) It should be ensured that the quota for denotified/Nomadic and Semi-Nomadic tribes is not used up by people belonging to SC/ST/OBCs.
- e) Considering DNTs as a distinctive group, special plans should be made for three distinct categories: i) for those who have settled to normal agriculture or settled to pursue other vocations; ii) for those who still are nomadic' iii) for those who still resort to crime.
- f) The Draft National Policy on tribals fails to refer to the denotified tribes. The special disabilities suffered by these communities must be addressed.
- g) Those DNTs' who are not covered under the SC/ST/OBC lists should be given adequate representation in panchayats, assemblies, parliament and the police in order to empower them.
- h) Panchayat offices should be set up as contact points for nomadic communities.

## 2. Proposed Welfare Schemes

- a) The Govt. should launch special welfare schemes for the promotion of welfare, ensuring social justice and empowerment of this most disadvantaged and marginalized sections of Indian society. The objective of these welfare schemes should be to bring these people into the mainstream of development by assisting them to overcome their social, physical and educational handicaps. In this manner, their progress through capacity building can be ensured. These schemes should aim to equip them to employ their capabilities to their fullest potential reducing their reliance/dependence on others and achieving independence to the maximum extent possible.
- b) The services of the voluntary organization in assisting the schemes for these people are necessary. They should supplement the efforts of the state in ensuring that the benefits of these schemes reach the maximum number. But it should be made mandatory for these voluntary organizations to have adequate representation from these communities in their governing bodies or at least the active participation of these communities in the project implementation. Voluntary organizations should also accord increasing priority to the involvement of the community in the social activity that the organization may be undertaking. Community involvement in projects has several apparent and consequential or spin-off benefits.

## 3. Vocational Training & Entrepreneurship Development

- a) The govt. should launch special vocational training programmes for Denotified, Nomadic and Semi-Nomadic tribes to develop leadership qualities among its youth through vocational training so that they can act as focal point of dissemination of knowledge in their own area of activity.
- b) Serious efforts should be made to develop traditional skills among these communities as many of them are actively engaged in weaving and handicraft. This can ensure a sustainable source of income for these communities.
- c) The govt. should give special financial initiatives to the prospective young entrepreneurs from these communities to learn modern techniques/methods in training and entrepreneurship skills.

## 11. Some other Recommendations by NGOs

### 1. Livelihood Issue

- a) Once land is made available, care should be taken that the pattas are jointly held by men and women to ensure gender equality.
- b) Under the various employment schemes, priority should be given to the members of these communities which are one of the most disadvantaged groups.
- c) Give the former forest communities the employment in forests to guard them against poaching, timber trade and other forms of destruction of forests.
- d) Training should be given to these groups, with as close a connection as possible between their traditional skills and current training, to be able to get back to productive work.
- e) Cooperative societies and banks should be established for loans and sale of their products.
- f) Special avenues for employment should be made available for the educated members of these communities.
- g) There is a case for urgently stepping up the food for work programmes for these very vulnerable groups.

### 2. Education

- a) Education which is a fundamental right for children upto 14 years should be provided to the children of these communities through mobile schools. J&K has a successful programme of mobile schools which could be assessed and introduced in other states as well.
- b) Wherever possible, DNT and nomadic children should be given admission in local schools without the need to furnish documentary evidence of permanent residence etc. Refusal or harassment of such children should be made an offence.
- c) Himachal Pradesh has experimented with teachers travelling with the nomadic groups in order to achieve 100% enrolment of children between 6 and 14. This experiment should be followed up and assessed for possibility of application in other states as well.
- d) Special provision needs to be made for the girl children's education to prevent the possibilities of forced prostitution. Similarly, women of

these communities need to be retrained in their traditional crafts so as to find a market for them through government channels.

- e) Special schools need to be set up in the colonies of DNTs, while encouraging the children to attend the mainstream schools wherever possible. Principals of these schools should take responsibility for ensuring the safety and dignity of DNT students.
- f) Scheme for Mid Day Meal has proven to be an important incentive for the children to attend school. In the special schools set up for these communities, this should form a part of the routine.
- g) For the children of nomadic and semi nomadic tribes, adequate hostel facilities and residential schools are a very important way of encouraging them to send the younger children to get education voluntarily in a settled place. Current data shows that the nomadic people are very keen on the education of their children and will cooperate with 'settling' them through a schooling system.
- h) The J&K government has special coaching for SC/ST students from 9<sup>th</sup> to 12<sup>th</sup> standards and also for allied services. Wherever there is a settled DNT population, these schemes can be introduced to support the studies of the students.
- i) Haryana government had started an education scheme for nomadic children, but it collapsed due to lack of funds. Here an incentive of a rupee per child per day was supposed to be given as allowance for attending school, along with free textbooks, stationery etc. However, this was not done on a regular basis, and a potentially successful scheme collapsed.
- j) Wherever available, educated members of these communities should be trained as teachers and educators.
- k) Schools with boarding facilities should be set up for these groups, with vocational training a part of the education.

### **3. Health & Nutrition**

- a) J&K government provides free treatment to the livestock during migration of the Gujjars and Bakerwals. This protects the livelihood of these communities. Such schemes can be introduced in other states as well.

#### TECHNICAL ADVISORY GROUP

- b) Hand pumps need to be established in areas where the semi-nomads are settled.
- c) Looking into the very poor nutritional status of the children of the DNTs, nomadic and semi nomadic tribes, there must be special schemes to cater to the infants and toddlers of these communities through specially set up balwadis at the panchayat level. Here supplementary nutrition could be provided to the children on a priority basis.
- d) J&K has such mobile medical units which are reasonably successful. Apart from giving routine medical care, a programme of immunisation should be got under way for the children of these communities through mobile health units. Additional supplementary nutrition is a must for not just children but also the women who are normally highly anaemic and suffering from a number of female ailments.

#### 4. Human Rights

- a) The NHRC in their 7<sup>th</sup> annual report had suggested that a senior police officer be appointed in every state to liaise with the problems of denotified and nomadic tribes and report to the state Human Rights Commission. There has been no follow up on this, and this should be now done immediately.
- b) The Habitual Offenders' Act should be repealed in all the states. This Act allows similar atrocities on the individual members which the Criminal Tribes Act did on whole communities. It is an instrument in the hands of the police to harass and punish them in the most brutal way.
- c) Any planning should be co-ordinated with SC/ST Commission as some denotified/nomadic communities are in the scheduled lists.
- d) The entire administrative machinery, especially the police, needs to be sensitised and reoriented to the problems of these communities.
- e) Women of DNTs are especially vulnerable as it is a recorded fact that men of other communities try to sexually harass them. In case a DNT man tries to protect his women against such harassment, his DNT status is constantly used to get him beaten, jailed, or even killed in retaliation. Special cells are needed to allow women of the DNTs to come forward and complain in case of sexual harassment.

- f) More than a mere thumb impression on any legal document (in case of police complaint, or as a witness etc.) should be required from the illiterate members of these communities in place of signature. It has been frequently found that such an impression can be taken by force. Some measure is necessary, like a witness testifying that the signatory indeed understood and voluntarily agreed with what was being thumb printed.
- g) There is ample evidence that settled DNTs are forced by the police to commit crimes like brew illicit liquor in order to get their share of the earnings. While rehabilitating such groups, care should be taken to see that the local police are not given the authority over them for a specified period so that they are actually given the breathing space to start their new lives.
- h) In the case of DNTs, it would be necessary to immunise them from harassment on mere suspicion. Instant help in distress should be built into the program.
- i) A special body should be created at the state level to enquire into the human right violations and atrocities on these communities.
- j) In states where there is a sizable population of DNTs, a retired police officer of high reputation may be appointed to watch the cases of atrocities against them and to report them to the authorities. Where there is a concentration or an old settlement existing, a separate officer may be appointed at the district level.

The Working Group Report on development of Schedules Castes during 8<sup>th</sup> Five year plan, Ministry of Welfare, SCD Division made the following recommendations about the DNTs, nomadic and semi-nomadic tribes. Some of them are still relevant:

- a) The program for the development of these communities should be group oriented, addressed to the problems identified for each specific group.
- b) There should be centrally sponsored schemes for the development of these groups.
- c) Voluntary organisations may be involved for assisting in government programmes for these groups, and their credentials and functioning can be monitored by the Ministry.

#### TECHNICAL ADVISORY GROUP

- d) Police can be involved in the development programmes for these groups to give them a first hand understanding of the vulnerability rather than their criminality.
- e) There should be close coordination between the Home department and the Welfare department at the state level.
- f) A massive information campaign by the Ministry of I & B should be launched to sensitise the public about their problems and to take away the stigma of criminality.
- g) There should be mapping of priority areas. DNT Settlements which are still in existence may be considered for taking up pilot educational or vocational programmes.
- h) These communities may be encouraged to form their own associations to manage the schemes.

#### 12. Historical Background:

##### a) How the Criminal Tribes Act came into existence

The history of the Denotified communities is a poignant one. Historically speaking, there were political and social reasons for declaring such large number of whole communities criminal, and it needs to be put on record as to how such a process with long-term consequences was put into action. A study of the records of the late nineteenth century shows that due to a set of colonial policies, certain communities lost their livelihood, and this lack of work got linked to the concept of such communities living by crime. (Even in England, lack of “ostensible means of livelihood” made a person qualify as a potential criminal at that time.) In fact, it was officially recognised that the British administration’s economic policies, aimed at raising revenue, had made the itinerant communities economically redundant and anachronistic.

##### b) How the Nomadic communities lost their livelihood

In the 1850s, road and railway networks were established throughout the Presidency, and wandering communities’ trade – carried out largely on pack bullocks or donkeys – became largely if not wholly redundant. Further, the famines of the late nineteenth century were devastating as far as itinerant trade was concerned. Large number of their cattle died, which used to be crucial for carrying their merchandise. And as they were traders in cattle as well, they suffered huge losses during the famine decades.

Their grain trade too suffered drastically during this period, because of the way famines were managed by the British administration, favouring the bigger grain merchants. Small traders like the Yerukulas in the South found this item totally inaccessible at a time when their cattle, which carried it, were dying in large numbers as well. Forest laws of the 1880s prevented them from collecting forest produce, an important item of barter in their trade, and also did not allow them now to collect bamboo and leaves, which they used for making mats, baskets and brooms etc. Common pastureland and grazing areas were cordoned off, and not available any more to their cattle. Another example is of communities like Banjaras, Lambadas, Koravars, Yerukulas, Korachas etc, who were trading in salt. They were crucially affected by the new salt policy of the government in the 1880s, which allowed large trading companies to enter the salt trade. A large number of retail outlets were established by the government all over the Presidency on railway routes, where salt was now sold through the agents of large company traders.

In this way, as a result of a host of factors, a number of wandering communities suffered a massive economic setback during the period between the 1850s and 1860s.

**c) Role of Anthropology**

It is worth pointing out here that there was the additional input into notions of criminality by the then developing discipline of Anthropology and Anthropometry as well. These disciplines in India addressed themselves to the study of particular sections of the Indian population, mostly indigenous 'tribal' communities and itinerant groups, and contributed in a very substantial way to the conceptual outline of a criminal in the popular mind. By focusing on bizarre or exotic ritual aspects of the social lives of such communities, and at the same time also on their differential Anthropometric measurements (of skull, nose etc.), these disciplines managed to draw the fine line between a civilised and barbaric individual. In the popular ethnographic literature of the period, a sketch was drawn of a criminal who possessed not just bizarre social customs, but a strange body and psyche as well, 'which had criminality written all over'. This discipline thus squarely threw in its ideological lot in favour of criminality being a hereditary trait and in fact one which showed. The communities which were trawled under the CTA, not

unexpectedly, were those which were also grist for the anthropological mill of the time.

**d) Role of the idea of hereditary criminality: Eugenics**

It is important to understand another reason why the idea of 'Criminal Tribes' had wide support and why it continues to do so even today. In England, from where much of the policy inspirations came, the concept of a 'hereditary criminal class', was an important and attractive explanation for continuing problem of social crime. There was a strong school of thought, put forward by criminologists and scientists, which held that crime was inherited over generations in a family through a set of genes of a parent or an ancestor. Interestingly, as early as 1860s in England, the term "criminal tribes" was already in usage to define gypsies, who, it was alleged, preferred to rob rather than submit to the discipline of steady work. Organisations like the Eugenics Education Society tried to address the problem of 'criminal classes' as well. One eugenicist included 'pauperism' in his list of hereditary traits, another criminality. The social policies contemplated by eugenicists were directed against paupers and persistent criminal offenders.

Interestingly, the era in which the British Indian administration instituted the Criminal Tribes Act was exactly one in which eugenics was making tremendous advances as a science and had wide appeal amongst the public. 1900-1920 in Britain was the period when eugenics enjoyed popularity of the highest order.

**e) Notion of crime as a hereditary profession**

The Criminal Tribes Act had its conceptual origins also in Indian systems and structures. In the late nineteenth century, there was a renewed interest in, and admiration for the Indian caste system in British administrative and intellectual circles: the criminal tribes seemed to belong to a definable caste - of hereditary criminals - within the Hindu social system. Though neither the concerned communities, nor 'the Hindus' thought of the matter in these terms, the British nevertheless transfixed these communities into an existing hierarchy. By an extension of the same logic, the communities in question also came to be perceived by the British

through the yardstick of Brahmanical, in addition to Victorian notions and norms.

Though individual crime in India was also seen to stem from a hereditary cause, the investing of entire communities with hereditary criminality was radically different in the case of India and England. In India it was based not on the notion of genetically transmitted crime as in England, but on crime as a profession passed on from one generation of criminal caste to another: like a carpenter would pass on his trade to the next generation, hereditary criminal caste members would pass on this profession to their offspring.

**f) Social prejudices**

Itinerant communities were considered to be, for various reasons, more criminal than others, their 'restlessness' being a troublesome feature in a milieu where members of sedentary communities defined notions of respectability.

The relationship between itinerant and sedentary communities has become more problematic in modern times. The more the itinerant communities get marginalised to the main sphere of society because of transformative processes, the more they become suspect from the point of view of the sedentary society they interact with. Gradually their 'itinerancy', in the popular mind, becomes either 'wandering' or worse, 'vagrancy'. In real terms, their increasing marginality simply compounds the already existing prejudices against them. In Europe, gypsies became gradually marginalised to the established system with the processes of industrialisation. In India, as described above, it was the colonial revenue policies, which destroyed the itinerant communities' earlier trading practises.

As they become marginalised to the main system, prejudices and myths that already exist about nomads have a fresh lease of life, or come to the surface more explicitly. Social scientist David Mayall has pointed out some of these in his discussion of gypsy travellers in nineteenth century England. Some of these apply to itinerant communities in general, all over the world.

Firstly and most importantly, the nomads' lack of property, and supposed lack of due regard for others' property, is seen to be a threat to the established order. Their independence from rigid norms and constraints

of sedentary societies is found equally objectionable. In fact, itinerancy is seen as a possible escape route for the so-called outcasts and refuse of sedentary societies - if one is an itinerant; it is probably because he or she was not acceptable to the sedentary society. There have been other charges against gypsies, or migrants or nomadic people: they are escaping from the arm of law, or simply fleeing from hard work of any kind. In agriculture based societies, the men resent their escaping the hard work of ploughing and tilling, and the women that, or the harder labour of housekeeping and child rearing. In short, itinerancy is not seen as a chosen way of life, but as an aberration of some sort. In fact, their very marginality to the established system is suspected to stem from a deliberate rejection of that system, and this offends the established members of sedentary societies. Accusations of vagrancy, lust for wandering, lack of stability and general purpose in life, restlessness and aimlessness plague all itinerant communities.

In addition, their superior knowledge of the world, acquired during extensive travels, is possibly seen to endow them with greater mental resources and a potential for greater manipulation of others. But it is worth emphasising here that many of the above prejudices are not held so much by the local people, but by the local authorities. In the Indian case, these would mean the administration, the police establishment, the high caste sections and the village landlords.

More grievances are added to the standard list of charges against itinerants by the Indian authorities: their lack of predictability of movements implied a potential lack of control; their shifting abodes meant shifting loyalties to different patrons, and so they were seen to be perennially disloyal; the impossibility of taxing them, or raising any kind of revenue out of them, unlike their sedentary counterparts was probably a major irritant to the administration. In addition, for the keepers of social morality, their lack of visible social institutions implied complete disorder in their community life. Their lack of written codes of conduct, and absence of loudly articulated norms of morality implied absolute licentiousness.

At another level, there were more problems. These communities had amongst its members, acrobats, singers, dancers, tight ropewalkers and fortune-tellers. More and more, like their counterparts all over the world, street entertainment provided by them was, and still is, seen to be a threat

to public order. (In today's context, it is being replaced by other forms of recreation including television or cinema.)

It is worth mentioning here that in England, all laws relating to the gypsies are to protect the settled communities from itinerant ones and never the other way around. Large-scale harassment of these communities by members of settled communities is a common feature in Europe, and there is evidence of this happening in India as well.

It is also important at this juncture to keep in mind the ambivalences and contradictions in the attitude of sedentary communities to itinerant ones. These are symptomatic of the latter's simultaneous usefulness and marginality to the established systems they have to interact with. It is, for instance, felt that these communities must be settled somewhere, but 'not near us, not here'. This is reminiscent of a similar ambivalence: 'they should visit our village, but should not stay too long'. Further, they are expected to become a part of the mainstream, but were expected also to be segregated from the main society while this was being done, so as not to corrupt it.

**g) Accusations against Nomadic communities**

While considering some of the general prejudices about itinerant communities, it is also useful to mention some specific additional charges against wandering communities which exist in the minds of the administrators, and which at one time contributed substantially to their being labelled a criminal tribe. Moreover, the bulk of the administration's prejudices are shared by the high caste, landlord sections, on whom the administration relies sometimes for first hand knowledge of society.

The most important of the accusations has been that the itinerants have an 'insatiable lust for wandering aimlessly'. It is important here to point out that historically speaking, the wandering of itinerant trading communities could not have been aimless - they always had fixed trade routes, depending on the demand for their wares; on the cycle of annual festivals and fairs; on availability of raw material for making mats or baskets; and on the season in which the forest produce would be available, or stocks of grain, which they used for barter. The Koravars' movements, for example, also depended on the salt manufacturing cycle, an important item of their trade, or simply on availability of casual work

which they did from time to time. Their routes and schedules of stopping and moving were fixed and cyclic.

The second of the significant charges still is that they were idle, lazy and not keen on hard work. Booth Tucker, the head of the Salvation Army in India wrote of them, "When we asked them to till the land, or work in a factory, they were shocked. Work? They said, we never work, we just sing and dance." Now, if they did not work, neither they nor their trade, nor their crafts would have survived for so long. What is being discussed was not whether they worked or not, but the nature of their work. Their work was independent, not time bound and most important, was not wage work.

The third prejudice, which had a long life was that of their lack of any social norms, especially regarding their women. Charges of looseness of character, and even prostitution were frequent, stemming from their polygamous practises. Buying and selling of females was another charge, with origins in bride-price, which they paid at the time of marriages. The myth of their licentiousness had its roots in their unfamiliar social organisation (unfamiliar to the high caste sections) which included freedom in choosing of spouses, easy divorce, widow remarriage, and a marked absence of marriage of girls before puberty. Interestingly, however, this particular view about their immoral women prevailed with the British administrators as well, possibly because of the polygamy component.

The final and major charge that plagued the itinerant communities was that of their ostensible criminality. This had two aspects: one was that they are born criminals - all gypsies and nomads are supposedly so - and secondly, that they had become dangerous criminals once they lost their earlier means of livelihood.

#### **h) Some facts about the nomadic communities**

Research shows that in the annual crime figures, the proportion of the criminal population of itinerant communities was always lower than their proportion in the actual population. (In fact, sometimes a high caste category would account for a much higher proportion of total crime in relation to their proportion in the total population in the region). Moreover, the districts through which they regularly passed, or where they stopped for relatively longer periods, did not have a higher proportion of

crime than other districts with which they had little contact. Incidentally, when there were genuine crimes committed in areas where they stopped, it was admitted by the police themselves that it was the handiwork of local elements, who got more active whenever an itinerant community was around - these elements were merely using an existing view of itinerants to their advantage, knowing that the crime would be blamed on the itinerants.

However, the second part of this accusation - their becoming criminals because they lost their means of livelihood - is more important. This is because part of this assertion was true: they had lost their chief means of livelihood over a period of time. The loss of means of livelihood was correctly attributed to a host of colonial policies, which had made their trading activities redundant.

The point, however, is that itinerant communities never had a single means of livelihood. In fact, they did a number of other things apart from their major activities. Because of cyclical nature of work of some of the communities, they always had fallback occupations for different times of the year. For example, Yerukulas, Koravars and Korachas, who were primarily salt and grain traders, were also cattle breeders and traders; dealers in all kinds of forest and agricultural produce; were casual workers; made baskets, mats, brooms and brushes, and as mentioned earlier, were also acrobats, dancers, singers and fortune tellers. They certainly got marginalised drastically as a result of British policies, but they probably did not become criminals, certainly not as a community. They had too many other resources they could still fall back upon. In the Tamil speaking region, where they were called Koravars, they continued to be called inji (ginger), kal (stone) or dabbai (bamboo) Koravars, depending on what they sold or the work they still did.

In any case, the general point to emphasise here is that the category of a criminal tribe was not a sudden development - different strands of social and political opinions and considerations had been shaping the general category of an 'Indian criminal' for several decades. The complexity of these converging currents has not been explored in this book. A criminal could, for instance, be any one who resisted the British, or even resisted a local oppressive landlord or high caste member. In addition, the plethora of new legislation that the British introduced created new 'criminals' all

the time. These were either people ignorant of the new laws, or those wilfully defiant of the ones, which encroached on their traditional rights - for instance, forest laws. To give an example of the broadness and flexibility of the term 'criminal', and the open ended uses to which the Criminal Tribes Act could be put, it was suggested that the Act could be used profitably "for combating secret societies, political preachers who might create unrest and so on" to combat the newly emerging nationalist movement showing the ill intention behind an Act such as this.

A large number of communities were declared 'criminal tribes' throughout British India. Under one of its provisions, once a community was thus branded, each and every individual member was now considered a criminal. Whether an individual had committed any offence or not, he or she could be confined to a criminal tribe settlement without much judicial procedure. Whereas an ordinary convict sent to jail has some limit to his sentence, and some hope of final release, a member of a criminal tribe had none. Once he or she was 'settled', it could be for life. Research shows that such captive people were used as forced labour by industrialists, plantation owners and by landlords in connivance with the police. These practices drew unflinching criticism by the leaders of the freedom movement, and by 1952, Pt. Jawaharlal Nehru declared these communities free from the notification under the Criminal Tribes Act. Henceforth they came to be known as denotified communities.

**i) Subsequent developments**

The Backwards Classes Enquiry Committee (1955) under Kaka Kalelkar had recommended certain measures for the upliftment of the denotified communities in its report. No serious attempts had however been made by the states or central governments to implement these measures. Excepting a few, most of them still remain socially isolated. While the criminal tribes settlements protected by barbed wires have vanished yet in many areas DNT continued to live in isolation and often in ghettos with the tag of 'criminality' etched in the minds of the police and more unfortunately of the people. There are allegations that the police have vested interests in the continuation of these ghettos where illegal activities like liquor brewing and prostitution can lead to some income for the police too. It is further alleged that the police also finds it convenient to pick up accused persons from these ghettos whenever there is a complaint of theft/illicit distillation and when they need to push up their

prosecution statistics. The efforts of the DNT to perform legal trading and manufacturing activities in the cities also often do not succeed because of archaic technology, limited public demand and distrust in the public mind about them. The DNT thus are avoided by the civil society, harassed by the police and neglected by the political leaders since most of them are not voters because of their unsettled and nomadic existence. It indeed appears unfortunate that more than five per cent of India's population is thus still deprived of peaceful and dignified life and full fruits of India's freedom, simply because of the "cross" of criminality which they have been bearing unjustifiably for more than a century now.

**13. Socio-economic and Educational needs of Denotified Tribes, Nomadic and Semi-Nomadic Tribes**

The DNT have been the victims of the doctrine of criminality by birth. This concept is abhorrent to the present-day thinking and even the Ayyangar Committee found this concept untenable and this led to the de-notification of these tribes in 1952. However, the sufferings of these communities at the hands of the society and the Police for more than 80 years left a mark on their psyche. Even after the abrogation of the Criminal Tribes Act 1871, views of the society and the Police did not change and inequalities were even legally perpetuated by the Habitual Offenders Act 1958 which is active even today. The Police find it very convenient to hold these communities responsible for all kinds of crimes in the urban and rural areas and many of these communities are not even able to defend themselves due to poverty and low-income levels as well as the fear of harsher reprisal by the Police if they do not admit their crimes. Their problems are compounded by the fact that the society also treats them as pariah. It has to be recognized that crimes can and are committed by criminals and such persons could come from any community. Ironically, robbery, thefts etc. have been committed by members of other communities, often involving much higher amounts than those, which have been stolen by DNT.

The other socio-economic and educational problems of the DNT spring from this background and can be listed as under:

- a) People belonging to other communities do not want to accommodate members of the DNT in their midst. Accordingly, DNT are forced to stay in settlements, removed from the normal habitation. This in turn creates two problems; firstly there is a ghetto mentality and these communities

feel ostracized. Secondly, the members of the ‘respectable communities’ have all kinds of wrong notions about the life style of the DNT leading to mistrust and hostility. This leads to efforts by the more powerful ‘respectable’ communities to perpetrate crimes against the DNT, and to have them punished in collusion with the Police, which in any case consider the DNT responsible for all evils. The DNT therefore face the ire of both the people and the Police and have no one to protect them except themselves. This too often triggers attacks and counter attacks. Unfortunately, it has come out repeatedly that the Police have rarely found the DNT to be the victims. These situations are merely a manifestation of social conditions and are avoidable. The DNT therefore cannot be totally blamed if they are driven to a corner and retaliate when they find no one supporting them.

The educational standards amongst the DNT are much much lower than those of the rest of the communities for the following reasons:

- i. Many of the parents of the children belonging to DNT who have been to Police stations or face criminal charges, find it difficult to admit their children to normal schools as the other communities find some pretext or the other to keep them out. Because of the nomadic nature of their existence, the children of the DNT have very little opportunities for sustained and credible studies. Their educational standards are therefore comparatively much lower and their ability to afford modern education is virtually non-existent. As a consequence, most of the students particularly girls belonging to DNT, are unable to pursue education at the primary or the secondary level. Their capacity to undertake higher education particularly vocational is therefore seriously curtailed.
- ii. At this stage, it must be stated that the Govt. has declared some of the DNT as SCs/STs/OBCs and therefore at least on paper the educational facility is earmarked for these categories but it becomes available to only those DNT who are lucky enough to be included in the SC/ST/OBC category. However, the truth of the matter is that the size of the cake is so limited that the facilities are taken by the SC/ST/OBC who have a more settled existence and who do not carry the ‘criminal tag’ on their heads and therefore have been able to build respectable base for themselves.

The Commission intended to collect sample statistics about the scholarships made available to members of the DNT who have got included as SC/ST/OBC out of the total quantum of such facilities available to these groups. This would bring out the commonly perceived view that the DNT represent the most 'disadvantaged segment of the disadvantaged category represented by SC/ST/OBC.

The Commission would then have to take a view whether there could be a separate reservation for the DNT or whether there could be some other mechanism to ensure that not only on paper but in actual practice also, the benefits available to SC/ST/OBC are also physically available to DNT. According to their needs, the government would have to realize that while SC/ST/OBC are disadvantaged and therefore deserving the special facilities given to them, the DNT are even more disadvantages since they carry than additional cross, due to their nomadic existence and tag of 'criminality' given by the British as also the very large gap between the 'respectable communities' and the DNT in terms of skills, economic status and above all the political power.

The social conditions of the DNT are once again a fall out of the tag of criminality by birth on them and the distrust of the society and highhandedness of the Police. It is perhaps for this reasons that the DNT are still not accepted in the social interactions, particularly in the rural areas and are forced to stay in secluded areas so that they do not rub off their criminal tag. In rural areas, there is not much of mixing in terms marriage etc. with DNT even when they have been classified as ST/SC. The alienation and the sense of injustice caused in the minds of DNT therefore is not difficult to understand.

The disadvantages which the DNT face because of their poor social and educational status, and the tag of criminality by birth, have contributed in part to their poor economic conditions and there is enough evidence to show how DNT and other nomadic tribes originally performed valuable trade and economic functions in the society and they were the carriers of salt, grains and other items when the country was not connected by rail, roads, etc. They were also providing entertainment particularly in the rural

areas when the modern methods of entertainment like radio and TV were not prevalent. They also manufactured swords, when these were not prevalent and agricultural implements for agrarian communities when the modern agricultural implements had not appeared on the scene.

However, the modern technologies have robbed DNT of their livelihood based on these activities. Unfortunately, the DNT could not keep pace with time simply because they did not have the educational facilities available to others in the society and were always living with the stigma of “born criminals”. Consequently, as the civilization advanced, the DNT found themselves to be anachronistic and were increasingly becoming marginalized with no one guiding them about direction to take. Some DNT who had been earning their living, trapping wild animals, birds, reptiles, etc. and then selling them, gradually found these sources of income drying up. They also faced the ire of the Forest and Police Departments since catching or trapping wild animals or reptiles was declared illegal. The dilemma is that such DNT communities found it difficult to adopt other skills or even study sufficiently to go into white collar jobs and on the other hand the current thinking would not permit restoration of their rights to catch wild animals, reptiles in the forests. Their efforts to maintain their own habits and skills for their survival invited reprisals through costly court proceedings which further impoverished the DNT and further incited public ire.

Secondly, the advent of radio, TV etc has left very little scope for the traditional entertainers amongst the DNT. There has been a limited revival of fortune with the advent of tourism since the tourists do like enjoying the traditional skills of the DNT musicians’ performers. However, this too has a very limited scope. The terms of trade of the civil society with DNT are very adverse against DNT.

Last but not the least, the demands for low cost of agricultural implements has been virtually snuffed out by the advent of modern materials and implements, manufactured by established industries. In any case, products of the DNT are mostly restricted

to crude hand tools, which require backbreaking labour to produce with negligible return/profits.

Obviously the solution to the socio economic and educational problems would lie in creating socio economic and educational programmes and ensuring a delivery system suited to the unique life style of the nomadic DNT. Above all, there has to be a well-founded system of monitoring with full involvement of these communities so that mere statistics do not suffice for measuring the efficacy of the input package.

#### 14. Specific interventions required for overall development of the DNT

It is felt that the Habitual Offenders Act (HOA), which brings in the concept of 'criminality by birth' through back door, has to be abrogated immediately so that the Police rely on the normal provisions of law in dealing with the criminals without branding the entire community as criminal. The HOA like its predecessor the Criminal Tribes Act 1871, was a shortcut made available to the Police by the so-called civil society without perhaps realizing the impact of these Draconian measures on DNT communities who are entitled to a place under the sun as much as any one else. It must be realized that in spite of this Act, crime in the society has not come down and has instead increased in terms of numbers and size. This would lead to the conclusion that criminals from other communities have substantially contributed to crime statistics also. No useful purpose is being served by condemning and branding the DNT as habitual offenders. It is time that the civil society asks the question whether those members of the DNT, who were repeatedly involved in crimes had the educational facilities, the status in society or the economic clout and skills which permitted them to undertake the lawful economic activities! Unfortunately, there is no response also to the recommendations of the Committee under Dr. B.D. Sharma for abrogation of the HOA. The Chief Secretaries of 8 States gave out fairly insipid response during the meeting on 15.2.2000 in the NHRC. Only Gujarat and Karnataka came out clearly in favour of abolishing the HOA. For upgrading their educational facilities and standards of living, the following steps could be considered:

- a) Teachers preferably drawn for the DNT could be appointed to teach students from the nomadic and DNT communities. They could travel with the groups of students in order to establish a proper rapport with them and could give exclusive attention to these children. The experiment

#### TECHNICAL ADVISORY GROUP

has been tried in Himachal Pradesh and based on assessment of the experiment and after removing the perceived problem areas, it could be implemented in other states also.

- b) A higher level of scholarship for DNT could be considered as an incentive for these communities to send their children to schools.
- c) To obviate the problems because of the reluctance of the normal schools to admit children of the DNT, special residential schools would have to be established in the short term till the children of these communities come up to the levels already attained by children of other communities. However, it is important to ensure that children from DNT communities merge with the students from other communities at the earliest in order to ensure greater social interaction and to prevent the growth of a mentality ghetto mentality.
- d) Given the competition in the society it may not be worthwhile for the students from DNT to go and follow routine educational routes leading to BA/MA degrees. They have to be put in the way for technical and vocational courses provided by Polytechnics and computer schools so that long years of liberal education which may not be translated into jobs could be avoided. Obviously such residential institutes would also have to be established in selected districts involving high population of DNT.
- e) Developmental programmes, fulfilling the basic immediate needs of these communities in getting water, health and sanitation etc. would have to be undertaken. There is no dearth of resources but apparently these go to the existing settlements of the 'normal' communities more often than not the DNT living in the outer fringe in the villages because of their unique social ostracization and very often they have encroached land because no one allots them land for the fear of their 'criminality tag'. State administrations therefore attempt to evict them in collaboration with the 'normal' societies. In these situations, no effort is made to provide them a regular source of drinking water as well and in populated areas no medical facilities are provided through visits of para- medical staff, out of fear that this would perpetuate their 'illegal settlements'. Surely, the DNT cannot be expected to vanish from the face of the earth!
- f) Fortunately, there is a strong trend to settle illegal encroachment in the cities since efforts to dislodge these persons have not succeeded and since these local squatters are rather recognized as part of the civil society.

Consequently urban administrations are providing them school and other amenities. The same logic can surely be transplanted to the rural areas in favour of the DNT. However, this would require substantial political will and efforts of the State administration.

- g) Unfortunately political will often does not manifest when there is no political voice. Since the DNT are still nomadic, broadly speaking, they are not issued voter's identity cards (VIC) and are therefore not able to vote in the elections. The most important step immediately beneficial to this group will be to launch a special drive to provide them a listing in the Voters' list and a Voter Identity card even if they do not have a legal or regular home. This political empowerment of the DNT represents the easiest and most important first step in ensuring that the legitimate problems and concerns of these communities are addressed by powers that be especially at the local level.
- h) Some innovative methods can also be tried to tap the traditional skills of the DNT in the short term, pending their education and training for better jobs. The communities traditionally catching snakes could be trained to catch snakes and deliver the venom to the Venom Banks at convenient locations. Since there may be problems of efficiency and exploitation in the government system, it may be desirable to encourage the private sector drug companies to set up such Venom Banks and enter into agreements with the DNT communities for supply of venom. Needless to add those illegally indulging in selling of snakes etc. could be punished heavily. Since these DNT would depend on snakes for venom, they should be trusted that they would not destroy their regular sources of income.
- i) Similarly, pending the operation of education and training programmes, the DNT engaged in manufacturing traditional items could be given designs by the National Institute of Designs and other professional bodies and thereafter the products could be marketed through KVIC and State Emporia.
- j) DNT communities involved in traditional skills of music and puppetry etc could be resettled in areas frequently visited by tourists so that they could provide variety to the tourists' experience.
- k) There is a strong case for special drive to recruit soldiers in the army and the para military forces out of the DNT communities, which are known

for their muscular bodies, skills and hardy physique. It may however not be desirable to have a regiment drawn solely from these communities simply because all opportunities should be given to them to integrate with other communities.

- l) The biggest problem appears to be the settlement of Nomadic DNT, The Indira Awas Yojna is in existence for quite long and yet for reasons enumerated above, the normal communities do not encourage settlement of DNT among their midst, Consequently there have been several cases of forced 'occupation' of government land leading to litigation and revenue courts and criminal courts where fights have taken place between the 'normal communities' and the DNT, where the Police often sides with the former. Strong political will have to be displayed to allot government land near a source of water to these communities and allotment of cultivable government land on a community basis with irrigation facilities and loans from cooperative and financial institutions. Since DNT communities are most disadvantaged, they cannot be expected to survive on un-irrigated or uncultivable land and also failure to settle them in agriculture area has been primarily because of the wasteland allotted to them. Needless to add agriculture would have to be encouraged along with the animal husbandry in order to keep them reach economically viable level of activity. It is only when the normal communities recognize their dependence on the unique skills of the DNT that the process of their acceptance and then partnership would begin.
- m) It was noted with appreciation that Madhya Pradesh had constituted a Denotified Tribes, Nomadic and Semi-nomadic Tribes Development Authority, which was specifically tasked with responsibility of formulating and implementing development programmes for these communities. The experiment could be replicated in other States with large DNT populations in order to have a more focused delivery system and better monitoring.

## 15. Nomadic & Semi-Nomadic Tribes

- a) There is no clear definition of the term 'Nomadic' or Semi-nomadic'. At best, we can consider a criterion whereby communities, which are regularly on the move over the districts/states in search of food and fodder for their cattle, could be classified as 'Nomadic'. However, it is known that even these communities settle down for a certain period of

the year and move out only seasonally. The Gaddis in Himachal Pradesh, Bakarwals in J&K and Gujjars in Terai areas are good examples.

- b) The problem is more acute for defining semi-nomadic tribes since the ext of the word 'semi' can be conceptualized in many ways. The Commission would take a view on the subject based on the advice from sociologists and anthropologists otherwise the term 'semi-nomadic' could take various dimension creating problems in policy formulation.

Briefly, therefore, the clear cut criteria would have to be laid down by the Commission in its final report, listing the ingredients which must be fulfilled before a community can be called a Nomadic Tribe or Semi-nomadic Tribe. Needless to add, there would be several cases where certain community would be Nomadic in one State and lose its identity as a Nomadic community in another because of local conditions. Another issue to be clearly identified would be the cut-off date for identifying these communities. This issue becomes important because several communities were in fact Nomadic at the dawn of Independence but after 57 years of independence, many of them have settled down in urban and rural areas and may have lost their nomadic characteristics. The policy interventions in their life, if at all called for, would obviously be different.

Nomadic communities can be classified into pastoral and non-pastoral communities. The exact number of these nomadic communities is unknown because a formal census has never been conducted of these communities.

### **1. Non-pastoral nomads**

Non-pastoral nomads survive on providing various types of services or goods to people living in villages, towns and cities, they visit during their travel. They are engaged in various livelihood activities such as selling basic commodities, basket weaving, blacksmithing etc. Today they are confronted with barriers of discrimination and exclusion. The livelihood of Nomadic and Semi-Nomadic tribes have been adversely affected by various factors such as privatization, degradation of natural resources and restriction on their access to these resources. This has an impact on their livelihood pattern. For instance, a large number of these communities are now forced to work as labourer on daily wages.

### **2. Pastoral Nomads : Historical Perspective**

There are various communities in India, which come under the categories of pastoral nomads. These include Gujjars, Bakarwals, Gaddis, Todas etc. There has been a long history of subsistence on hunting of animals and gathering of plant food. It was total dependence on nature for life support. This kind of

#### TECHNICAL ADVISORY GROUP

subsistence strategy necessitated living in small bands and moving from place to place in pursuit of game, as well as exploring new areas for vegetative food resources. As such, the nomadic hunting-gathering way of life is the primal adaptation of hominids for food procurement, which set the course for human bio-cultural evolution in a harmonious relationship with nature.

During the course of this primal adaptation early hominids and their descendants must have, by trial and error, learnt about the characteristic features, specially behaviour pattern and habits, of the animals which constituted their food supply and their food reserve. They also must have learnt about the edible qualities and desirability of almost all available plant resources. As a result of this knowledge base built over hundreds of generations, a major shift was bound to come in the subsistence strategy.

About 10,000 years ago the transition from hunting and foraging for food to the domestication of plants and animals took place. It was a shift from food quest or food procurement to food production. It was by no means a smooth transition and may have been spread over many centuries. At first people may have had to supplement the food they produced with food they procured by hunting and foraging, but gradually the dependence on wild food resources may have lessened as domesticated plants and animals increased in quantity and improved in quality. Spatial mobility, a basic requisite of the nomadic way of life, may also have given way to the process of sedentarisation, which is a necessary condition for the domestication of plants or cultivation. However, the domestication of animals or animal husbandry has different requirements. Spatial mobility, which may have temporarily been given up, became the basic requisite for animal herding.

The shift from food quest to food production occurred with the onset of the Neolithic period, and one of the first regions to undergo this transition was south-west Asia, as is shown by polynological and archaeo-zoological studies of the remains of domesticated plants and animals in Israel, Jordan, Syria, Turkey, Iraq and Iran, all from before 5000 BC.

The first animals to be domesticated, before 6000 bc, were probably sheep and goats from the arid highlands of Persia and Anatolia, to be followed by cattle (*Bos*) in the lowlands of Mesopotamia. Gradually diverse animals would have come under human control in other regions also. In the Indian subcontinent there is evidence from Mohenjo-Daro and Harappa indicating the domestication of sheep, cattle (even buffaloes) from the animal remains that have been found and studied (Clason, 1977).

Historically, pastoralism is considered an offshoot of mixed agricultural and herding subsistence patterns, in adaptation to grasslands and marginal areas not suitable for growing cereal plants. Pastoralism was probably the consequence of new problems in managing domesticated plant and animal resources (Darlington, 1969).

After about 4,000 years of mixed farming and animal husbandry, two different kinds of people emerged: the peasant, who was completely sedentarised on permanent sites suitable for agricultural pursuits, and the herdsman or pastoralist, who was almost entirely dependent on livestock raising. People in remote parts of the world have maintained nomadic pastoralism as a way of life, but as a cultural system it has Old World origins. The livestock on which pastoralism is based include sheep, goats, bovines (cattle, yaks), equines (horses, asses). Buffaloes seem to have come under human control at a later period about 2000 bc in the Indus Valley and 1000 BC in China.

Pastoralism as a cultural system has existed longest in the Middle East, from the Mediterranean to the Indus Valley, and also extending to the Himalayas. Over the past fifty years or so a great deal of information has been assembled about the beginning of domestication of animals, but we do not yet have the answer to how and why this happened. It is certain that there will have been different causative factors in different regions as well as for different animals. One observation of general validity needs mention. As a hunter our ancestor must have ensured that the animals whom he considered his food reserve and whom he followed closely would propagate and grow into large herds in order to maintain adequate food supply in the following seasons. It was a kind of unconscious herd management and suggestive of first step towards domestication. Adult females capable of reproduction may not have been hunted and may have been taken under human care.

### **3. Socio-Economic Life**

Pastoralism is an economic activity involving the care of herds of domesticated livestock. Man and herd live in a symbiotic community, making social and psychological adjustments to each other, together adapting to the natural environment in which the herds have their special ecological niche, the pasture. Since pastoralists and their herds depend upon the bounty of nature (the animals graze the grass and browse the foliage), it follows that nature must be allowed time to regenerate and provide for the following season. As such, mobility from pasture to pasture is a characteristic feature of pastoralism. Pastoral people are

#### TECHNICAL ADVISORY GROUP

traditionally mobile, as they have to follow or lead their herds in a never-ending quest for pasture and water.

Pastoralism therefore involves mobility and a series of encampments varying seasonally; as the resources of different areas are used up and must be allowed time to regenerate. Typically there is a winter encampment and a summer one, between which pastoralists move back and forth. Concomitant with this kind of subsistence strategy or life-style are certain actions based on some basic principles which are the characteristic feature of herd raising, care and management.

Their movement is seasonal, often from drier and warmer regions in the summer months to moister and cooler mountains and back again in the winter months. This kind of movement is known as transhumance. Anthropological usage of the term links it with a subsistence pattern combining agriculture and animal husbandry. In this mixed subsistence strategy, generally the herder and the herd move seasonally between a permanent settlement and known pastures (Evans-Pritchard, 1940), or else only livestock moves between mountains and plains without any agriculture (Gulliver, 1955).

By about 3000 BC pastoral communities were firmly established in Central Asia, South West Asia and North-East Africa, later spreading to contiguous areas of the major nuclear regions, and distinct from farming villages. The pastoral people may have relied on horticulture to supplement their subsistence but rarely practised agriculture.

Transhumance is a highly developed form of pastoralism and has varying forms in different parts of the world. In the Himalayas, where transhumance is almost universal, it takes the form of cyclic movement of people and their livestock between previously earmarked sites, which become more or less permanent seasonal encampments or bases. These seasonal cyclic movements allow time for the regeneration of resources, which alone can sustain this kind of life-style. The seasonal cyclic movements and utilisation of resources in a rotational manner has placed transhumant people in a situation where they are nomadic on the one hand and transitionally or marginally sedentary on the other.

The pastoral nomads are dependent on the livestock and therefore have the welfare of the animal uppermost in their minds. Over the years their herds have been conditioned to move to cooler climatic areas in summer where nutritious grass is available, which not only improves their health but also increases milk yield. Thus there is interdependence between the herd and the herder and a dependence of both of them on nature, in this case the regenerated pastures.

Herding or pastoralism was initially an adaptation to semi-arid and marginal areas where pasturage was available. Such areas were not suitable for cultivation and thus could not support large populations. Besides, for regeneration of the grass it was necessary that there was no animal or human presence on the pastures for at least part of the year, and thus no permanent settlements were sustainable in such areas. Pastoral communities, comparatively small and mobile, are ideally adapted to the requirements of the pasture ecosystem. The first animals to be domesticated around 7000 BC were probably sheep followed by goats. These animals subsist on grass and are mobile, so their domestication necessarily meant following them from pasture to pasture. It may have been a pattern similar to that followed by hunters and gatherers, with the difference that hunters follow the herd to kill while pastoralists deliberately cultivate the herd so that it increases in size. Both the hunter and the herder must synchronize their lives with the needs of the herd, but whereas hunters simply follow the animals wherever they go, herders lead their herds to areas where natural resources are available.

#### **4. Problems of Pastoral Nomads**

In the past these nomads saw to it that the entire pasture was not grazed so there was not any problem of overgrazing. Thus there was scope for regeneration during the winter months. This kind of resource management promoted a relationship, which to some extent can be termed symbiotic. But such a relationship can exist only up to a point, beyond which an imbalance is bound to occur due to clearly recognizable factors such as increase in the animal population and consequent increased grazing pressure on the pastures. These nomads are aware that the optimum level has been reached and that imbalance has set in. Though man and animal are still in a symbiotic relationship, their relationship with nature has turned parasitic instead, which is indicated by overgrazing and resource depletion? It would thus appear that the pastoral nomadic mode of subsistence is gradually becoming unsustainable.

Livestock husbandry and mobility are closely associated because the livestock must be fed throughout the year to maintain its productivity. With the approach of the summer months, when grass and other fodder as well as water become scarce in one region, they take their herds to another pasture where nutritious grass is regenerated and is abundantly available.

The nutritious grasses have an invigorating effect on the animals, improve their health and increase productivity both quantitatively and qualitatively. There is thus interdependence between the pastoral nomads and their herds and a dependence

of both herder and herd on pasture and water. To a certain extent this relationship is symbiotic.

Earlier the movement was during the day and the herds were halted in agricultural fields where a substantial quantity of dung was left when the herd moved. Thus the villagers got manure without any expenditure. There were other transactions also, such as the purchase of fodder by the pastoral nomads and occasional purchase of male buffaloes by the villagers for breeding purposes. The relationship between these pastoral nomads and the local populations was cordial and the nomads were welcome in the vicinity of the villages. However, there has been some change in the attitude of the local populations, which is related to resource availability as well as reasons political. These nomads are no longer welcome in the vicinity of villages, although economic transactions are still carried through. The result is that movement is now mostly during the night and the camps are at secluded places away from the villages, at times on the highway itself.

##### **5. From Nomadic Pastoralism to Sedentarisation and Rehabilitation**

A trend of change from pastoral nomadism to sedentarisation is clearly noticed. In the Kashmir Valley the Gujar were settled during the time of Maharaja Ranbir Singh, who started settling the Gujar from Jammu in the Valley. In the Jammu region there was a noticeable difference between the Dudh Gujar, who followed pastoralism with transhumance, and the Zamidar Gujars who were settled on land and practised agriculture. Among the Dudh Gujar also, a change towards agro-pastoralism was noticed. In Himachal Pradesh and the Uttar Pradesh hills the trend towards sedentarisation was evident from the fact that the winter encampment areas were becoming larger and larger and taking on a semi-permanent shape, as quite a number of them were not abandoned as in the past.

There is clearly a preference for grazing for their herds within the forest area and access to market centres for their produce. The desire for change is also expressed by these nomads themselves as they want to have a settled life so that they could enjoy the fruits of development, their living conditions could improve and their children could get education. However, they want the permanent settlement within the Reserve Forest area.

Gradually the transhumant mode of subsistence is being abandoned due to the multifactoral changes. However, the most important change has come in the relationship between man and animal on the one hand, and man, animal and nature on the other. The relationship has been rendered exploitative and

parasitical due to the phenomenal growth of human and animal populations and depletion of resources due to overutilization.

The pastoral nomads have perceived the change in this relationship and would like to readjust the adaptive strategy. As a matter of fact they have started making efforts in that direction. Reduction in the number of migrant *deras* to high altitude pastures is a step in the process of sedentarisation. Taking up horticulture and agriculture in their semi-permanent winter encampment areas is another step towards giving up nomadic life. It is true that these nomads are at present reluctant to completely give up the pastoral mode of subsistence, but they are aware that it is no longer a successful adaptive strategy as it used to be, and in the changed situation needs either to be modified or given up altogether.

The Forest Department, in the interest of conservation of natural resources and environmental protection, is gradually imposing restrictions on issuing of permits to the pastoral nomads. They would rather have these people move out of the forest and also give up their transhumance. These people for the time being have chosen an easier option, amounting to deception with the connivance of minor forest officials. They do not disclose the actual number of livestock, always giving a lower figure. As for humans, there has not been an accurate census and only estimates of the population are available. The strategy is to keep the figures at a level which may be considered sustainable in the forest environment. But this cannot work for long and these pastoral nomads will have to be persuaded to settle. However, while doing so they should be taken into confidence and their rehabilitation outside the forest area must be done in a manner that allows them to pursue their life-style and also enjoy the fruits of development.

The Nomads are not yet fully convinced about the rehabilitation scheme. Their skepticism is natural and they will need a lot of persuasion and a humanitarian approach to finally make them move. Their viewpoint should be accommodated wherever feasible. For instance, they have the apprehension in their minds that the rehabilitation being offered may not sustain their life-style. Till such time as there is a shift in their mode of subsistence this may be true, but the change may come in when they actually take up horticulture and agriculture or streamline dairying operations on a cooperative basis.

While some literature is available on the problems of DNT and several groups have worked on them, there is comparatively less attention on the Nomadic and Semi-nomadic Tribes, which are prevalent in Himachal Pradesh, Uttaranchal and J&K. This is primarily because their numbers are smaller as compared to the DNT and also because they have not faced the problems which have been

bestowed on the DNT because of the Criminal Tribes Act and later the Habitual Offenders Act.

Nonetheless the problems faced by the Nomadic and Semi-nomadic tribes are no less because of the precarious nature of their existence and the harshness of the environment. These communities are generally characterized by their movements to the upper reaches of the mountains in summer season for grazing their cattle and for trade in items needed by the people living in the higher altitudes. Some Nomadic groups go down to the plains, in the winter season and lead a comparatively settled life till it is time to move again. Since they are on the move in sparsely populated areas, they are unable to access to schools and medical facilities. They are also unable to avail of veterinary facilities.

Another feature is that unlike the DNT, who are mistrusted, the Nomadic tribes are often welcomed by the farmers since their cattle fertilize latter's agricultural fields.

The issue therefore is to devise programmes and delivery systems, which are specially suited to the felt needs of these nomadic communities and which can also take care of their needs without relying on the stationary infrastructure of the State.

## **6. Specific Recommendations for Nomadic & Semi Nomadic Tribes**

- a) One of the key problems related to Nomadic & Semi-Nomadic communities is the lack of any authentic information about their actual population. The nomads and semi-nomads, who have to migrate from one place to another for survival and in search of pasture and water to sustain their animals are not usually in the villages at the time of counting or may not possess any proof of permanent address, they are mostly excluded from the census enumeration. Therefore, a proper policy and system should be evolved to enumerate these communities in the next Census.
- b) Since to formulate such policy for census enumeration of nomadic and semi-nomadic communities may take some time, special surveys can be conducted with the help of the state governments to have an estimate of their approximate population.
- c) It has been found that a large section of nomadic and semi-nomadic tribes even till today don't have Voting Identity Cards. Therefore, this is recommended that Election Commission should immediately look into this matter and with the consultation with the census commissioner and

other relevant govt. bodies should evolve a policy to ensure that these people be given election identity cards. These Identity cards will also help to protect these communities from police harassment for not being able to give proof of residence. Having no proof of residence also makes them vulnerable to harassment when they are nomadic outside their districts.

- d) Nomadic and Semi-Nomadic people should also be given a domicile certificate by a competent local authority that says that a person has stayed in a particular place for certain duration. Besides Election Identity Cards should also be distributed to them even if they are nomadic. Even migrant workers have ration cards as they move out for jobs. These cards can be given on the basis of tentative address.
- e) Mobile Health Care Services for Nomadic & Semi Nomadic People with facilities such as maternity health care.
- f) Surveys & Studies should be conducted about their health practices, delivery system and special health problems.
- g) It is difficult for nomads to send their children to regular schools because their livelihood makes it necessary for them to keep moving. These groups include people who move from village to village repairing agricultural implements; tribal groups who move seasonally in search of paid work in cities; and nomadic pastoralists from different communities who are found all over India. Thus Special Mobile Schools & residential schools should be opened for children of these communities
- h) Special drive should be launched by health departments for the immunization of children of these communities.
- i) People belonging to Nomadic & Semi Nomadic Tribes engaged in pastoral activities should be encouraged to form their own cooperatives and should give financial incentives in the form of subsidies to set up food processing units.
- j) These wandering communities possess wonderful knowledge about herbs and medicines found in and around forests. Therefore their expertise can be utilized in the collection and development of herbs and medicinal plants which are in great demand in the country and outside.
- k) The Govt. should give training to these people for scientific grazing so that they could continue their traditional livelihood activities without damaging the local environment and forest resources.

#### TECHNICAL ADVISORY GROUP

- l) These people should be encouraged and be involved in agriculture based projects such as horticulture, floriculture and Bamboo plantations.
- m) The new forest policy of the government has deprived these people of their traditional rights over forest and has destabilized their livelihood. Instead it would be wiser if the same people are won over, trained and given the responsibility of protecting the same forest land from natural disasters such as forest fire.
- n) The rehabilitation scheme should also include allotment of houses with adequate space for raising animals. There should be proper provision of water and other amenities. The nomads and semi nomads should also be allotted land for cultivation, which would initially supplement their subsistence and gradually may become their primary occupation. Before evolving rehabilitative strategies, impact analysis should be conducted to determine how settlement will affect their lifestyle and traditional instinct for survival.
- o) The central government should initiate dialogue with Forest Department of state governments and evolve a policy that ensures the traditional rights of these communities over forests. It is also recommended that Indian Forest Act and Wild Life Protection Act should be reviewed and properly amended to ensure that these people are not deprived of their basic human rights of livelihood.
- p) In the light of absence of authentic information about Denotified, Nomadic and Semi-Nomadic tribes, in-depth studies and surveys should be conducted to have an objective assessment of their socio-economic status and identify their problems.
- q) Special community based livelihood training programme should be initiated on addressing the specific needs of Denotified, Nomadic and Semi-Nomadic tribes.
- r) Public awareness should be raised about the issues confronting Denotified, Nomadic and Semi-Nomadic tribes.
- s) The needs of the communities should be identified and articulated in order to design programs that facilitate their lifestyle adaptation.

#### 16. Constraints

The work of the Commission has been severely constrained for the following reasons:

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**RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006**

- a) The Chairman and other two Members of the Commission resided out Delhi and therefore their guidance for day-today work and deliberations of the Commission were not available on a regular basis.
- b) Even though Secretarial and Class IV staff was sanctioned, when the Commission was founded, in actual practice the staff was never made available, because the Internal Finance Division opined that staff should be put in place only after the Chairman and the relevant Members started work for full time basis. Since that did not happen, only the Member Secretary worked on a full time basis in the Commission. Consequently only two watch and ward staff and one Peon and two PAs have been put in place on contract.
- c) No technical staff or other Secretarial staff for managing the Commission has been sanctioned yet on the ground that the Commission is to be revisited. The revisit by the Ministry and the Cabinet does not seem to have taken place yet.
- d) One Member of the Commission, out of five originally envisaged in para 6 of the Resolution, never joined the Commission since he was elected as a Member of the Parliament.
- e) The Commission did not have a regular accommodation till 25.5.2004.
- f) The infrastructure relating to the electricity, telephone, office equipment etc. have been delayed since there was no office space till 25.5.2004 and all these had to be handled by the single officer in the Commission viz Member Secretary as there was no other subordinate executive staff like Section Officer/Under Secretary.
- g) Last but not the least, there have been major problems relating to administration and accounts since the Member Secretary has not yet been formally declared Head of Department unlike the practice in other Commissions. In the absence of a willing DDO or any full time officer, the Member Secretary has to function as the DDO also for the Commission relating to substantial work like maintenance of accounts, passages of bills, etc.
- h) In order to push the technical work of the Commission in the absence of regular technical staff, Member Secretary proposed the appointment of a part-time Consultant at Rs. 13,000 per month but even this proposal was not accepted on the ground that the Commission was being “revisited”.

**TECHNICAL ADVISORY GROUP**

- i) Meanwhile, the Chairman of the Commission resigned from his post on 16.6.04 and ever since, no meetings of the Commission have been called and we have been waiting for new Chairman to be appointed. This has not taken place yet.

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In addition to the above, Shri Balkrishna Renke, Chairperson, National Commission of DNT Commission had communicated in September 2006 some of his concerns and issues for the consideration of the Technical Advisory Group through the following letter:

To  
Prof. G.N. Devy  
The Chairman,  
Technical Advisory Group.  
Dear Prof. Devy,

I must express my gratitude for listening me in the first meeting of the Technical Advisory Group. I am extremely sorry for not being able to attend the meeting earlier and failed to listen to your views. I take this opportunity to repeat some of the concerns of the Commission that I shared during the meeting. Your inputs in these issues will be helpful for the commission to write its report.

1. What should be done to give the benefits of reservation to the Denotified, Nomadic and Semi-Nomadic Tribes?
2. Comprehensive Plan on Securing and delivering the fundamental rights.
3. Broad outline of a positive image building campaign in the civil society.
4. The historical perspective of the Nomadic Tribes and criteria for the identification and classification of Denotified, Nomadic and Semi-Nomadic Tribes.

The commission would also welcome your insights and comments on any other issue you think important for the benefit of Denotified, Nomadic and Semi-Nomadic Tribes.

Yours sincerely,

Mr Balkrishna Renake.

### **OTHER SUGGESTIONS RECEIVED FROM THE DNT COMMISSION 2006**

#### **A. ON RESERVATION POLICY**

1. Requests of some communities to include them either in ST or SC category who at present belong to either SC or OBC category. As they are not able to compete with other stronger and advanced communities in OBC and ST, they feel moving into SC or ST category would be beneficial for them.
2. There are requests from the lower caste and tribal groups who now profess a religion other than Hindu religion to be considered as SC or ST. For example, Muslim Beldars. They are at present in OBC list. They demand to include them in ST list as others in their community who are Hindus are categorized as ST.
3. There are requests from many nomadic and denotified communities who are now classified as SC or OBC, to prepare a separate list and extend all benefits that SC and STs get.
4. The members of the nomadic and denotified communities should also be given reservation benefits while considering promotions.
5. There should be uniformity in categorizing a community through out India. Hence, a detailed study of the synonymous terms of the communities should be conducted across the country. This would help in classifying them in an appropriate category in all states.

#### TECHNICAL ADVISORY GROUP

6. There should be sub-categorisation among the nomadic and denotified tribes and a system of horizontal reservation should be considered to promote the most disadvantaged groups within the nomadic and denotified tribes.
7. There should be provision for reservations in jobs in the private sector as well.

#### **B. ECONOMIC DEVELOPMENT AND WELFARE MEASURES**

1. To give priority to the Vadars in issuing mining licence. Similarly, other communities should also be given encouragement by making special provisions in modern professions and trades having close link to their traditional occupations.
2. They should be provided housing and plots for building houses in appropriate places by the government.
3. Each member of the nomadic and denotified should be provided Ration Card. And those who are still below the Poverty line should be given BPL card.
4. Those who wish to start business should be provided loans. A Finance and Development corporation should be created at the National Level for this purpose. The procedures of the Corporation should be simple so that semi-literate and illiterate members of the nomadic and denotified tribes would access the facilities and benefits without much difficulty.
5. An exclusive integrated infrastructural development program in the settlements of nomadic and denotified tribes should be implemented to provide the basic amenities such as road, school, electricity, drinking water etc. This should be a CSP or centrally sponsored program.
6. The nomadic and denotified tribes who still are not settled should be given priority in the Indira Awas Yojana.
7. The unemployed youths of the nomadic and denotified tribes should be provided stipends as a major of social security.
8. The wastelands and grazing or semi-forest lands in possession of the government should be allotted to the willing families of the nomadic and denotified tribes who would use them to earn their livelihood.
9. The government should encourage employment of the educated members of the nomadic and denotified tribes by conducting special recruitment drives for them in Armed Forces, Police and other such services.

10. The governments should plan and implement a comprehensive rehabilitation plan for those who are still nomadic. They should be settled and provided employment opportunity near their settlements.
11. The nomadic fishing communities should be settled close to the Dams and reservoirs, so that they can carry out their traditional occupation.
12. There should be a separate cell/wing in the employment exchanges all over the country to help the nomadic and denotified tribes to get the information on job opportunities and to apply for them.
13. A special developmental sub-plan should be prepared to focus on the developmental requirements of the denotified and nomadic tribes.
14. The KVIC promotes cluster development programs and income generation schemes. Such schemes can also include the craft and other skills of the nomadic and denotified communities.
15. Microfinance should be promoted in a big way to promote savings habit and to meet the requirements of credit within nomadic and denotified tribes.
16. Pastoralism or Mobile animal herding should be given industrial status to enable them the benefits of availability of easy credits and marketing of their products.

### **C. EDUCATION**

1. There should be one Ashram Shala (Residential Schools) in each taluka having concentration of the nomadic population.
2. Scholarships should be provided specifically for the nomadic and denotified communities at every level. The amount of scholarship should be increased so that the student can comfortably bear the expenses of education.
3. The government should open and run coaching centres for the educated youths to prepare for the UPSC and other such Civil Service Competitive exams.
4. There should be reservation in admission to all streams of higher education.
5. The Muslim Bandarwala community wants to have balwadis and primary school in Urdu medium.
6. Day care centres for the kids belonging to parents of the nomadic and denotified tribes should be established so that their elder brothers and sisters who usually detained at home for taking care of their siblings can attend

#### **TECHNICAL ADVISORY GROUP**

school. This would also help the working mothers to contribute to the economy of the family while not compromising on the growth and development of the children.

7. In the enrollment drive in primary schools, special attention should be paid to the nomadic and denotified tribes.
8. The quality of the education provided in the EGS & AE centres functioning for the nomadic and denotified tribes is quite low. The government should improve the quality of education in these centres.
9. The nomadic and denotified settlements should have public library to encourage reading habit among the educated members. This can also be useful to fulfill the requirement of the text book among the students of these communities.
10. Like other backward communities such as SC and ST, the state government should provide free stationeries to the children of these communities.
11. Vocational Training centres should be opened for the denotified and nomadic tribes to train them in self-employment.
12. The SSA, the flagship program of the country for universalizing education should specially address the educational problems of nomadic communities.
13. Some of the communities which possess traditional knowledge in fields such as traditional medicine, crafts and handicrafts should be provided vocational certificates from the open schools and distance education institutions.
14. All social security schemes should have a special component for the benefit of the vulnerable section within nomadic and denotified tribes.
15. The Employment Guarantee Scheme and the Law in this regard should mention special protection or provision for the nomadic and denotified tribes.

#### **D. WOMEN AND GENDER EQUALITY**

1. There should be some honorarium paid to the widows and destitute elderly women from the nomadic and denotified tribes.
2. The governments should provided support for marriage of the daughters of the widows and destitute women.
3. There should be day-care centres for the infants which would help the working mothers to contribute to the family income and the children would get appropriate care and protection during the daytime.

4. Women should be specially sensitized to fight against the drinking habits within the community among men. This will help the families to create savings and reduce the rate of crime.

**F. POLITICAL EMPOWERMENT AND REPRESENTATION**

1. There should be reservation in Governance bodies such as Panchayat/Municipal, Zilla Parishad, State and National level for elected representatives from nomadic and denotified communities.
2. The president should nominate at least one candidate from the nomadic and denotified community to represent them in the Rajya Sabha or upper house of the Parliament.

**G. LAWS, PROCEDURES AND POLICY MATTERS**

1. The procedure for obtaining a caste certificate should be modified. At present the nomads face difficulties in obtaining caste certificates as officials demand documents such as school attendance certificate of parents, any property documents, and such other documents. Being nomadic, these people do not possess these documents. Hence, they are often denied. The procedures should be examined and the conditions that are difficult for the nomads to fulfill should have some alternatives.
2. The government should plan and implement a time bound program for distribution of caste certificate; birth certificate and BPL ration cards.
3. There should be a separate ministry in the central government and state government to coordinate the developmental activities of the nomadic and denotified tribes.
4. There should be some safe-guard or protection available to the denotified tribes in such manner that would prevent the police from implicating the members of the denotified tribes in false criminal cases.
5. The members of the denotified tribes who are still into criminal life should be rehabilitated and the youths particularly should be given ample opportunities so that they do not adopt illegal means to earn their livelihood.
6. The police training manual in some of the states still contains objectionable material about Criminal Tribes or Denotified Tribes. These sections should be omitted and the knowledge of this revision or change should be communicated through departmental circulars and the matter should be discussed during in-service training sessions.

#### **TECHNICAL ADVISORY GROUP**

7. There are many communities whose members are brewing country liquor. Hence, the brewing country liquor should be legalized and be declared as a 'Kutir Shilpa'. Their activities should be legalized and regulated appropriately like the foreign liquor industry in the country.
8. Each state should have a committee with chairmanship of the chief minister to examine the complaints against the police and other state govt. officers. This would help in reducing the police atrocities and discrimination/exploitation by the government offices.
9. It is mostly found that the Government appointed Notary does not cooperate with the members of the nomadic tribes. Hence, the reputed social workers and prominent citizens among their communities should be given the authorities of certification vested in the Notary.
10. The government notification of the creamy layer in 2004 should be cancelled.
11. There should be a special cell in the planning commission to design developmental plans for the nomadic and denotified tribes.
12. The provisions of the Prevention of Atrocities Act should be extended to the denotified tribes to prevent them from atrocities from the police and local communities.

#### **H. TO ERADICATE SOCIAL STIGMA AND DISCRIMINATIONS:**

1. The media should portray the identity of the community sensibly and with sensitivity to the feelings of the community as a whole.
2. An objective study on status of the criminality should be conducted among the denotified tribes. The result of this study should be compared to the criminality found in other communities. This would help eradicating the stigma of criminality on these tribes, as at present majority of them are leading lawful life. This would also help improving a public image and reduction of discrimination against them.
3. The government should hold a campaign to improve the social image of these communities. This would help reducing the stigma and social discrimination practiced against them.
4. The civil society is largely ignorant about the discrimination and exploitation that these communities are subjected to. Hence, the civil society should be informed about these gross violation of human rights and sensitized to raise their voice against these practices.

**I. LANGUAGE, LITERATURE, AND CULTURE**

1. The government should build community centres for nomadic and denotified tribes colonies and settlements to hold their social functions and gatherings.
2. The government should establish cultural development centres to promote and conserve the cultural tradition of the nomadic and denotified tribes.
3. The government should develop and conserve the religious and pilgrimage sites which are important for the nomadic and denotified tribes.
4. Some of the nomadic communities have traditional skills in gymnastics and acrobatics. They should be encouraged in the games akin to their traditional skills to participate in all national and international events.
5. The artists from the nomadic and denotified tribes should be encouraged in participating in the cultural events and national celebrations.
6. The names of the Roads, Chowks and other public buildings should be kept on the names of important personalities from these communities.

**J. GENERAL/MISCELLANEOUS**

1. There should be a census of the nomadic tribes to estimate their population who are often missed during the official census.
2. Other socio-economic studies and surveys should be conducted to collect information on these nomadic and denotified tribes.
3. Attitude of the police should be changed towards the denotified tribes.
4. The members of the nomadic and denotified tribes should be provided with identity cards which should be an acceptable base document for all official purposes.
5. The land on which the 52 settlement colonies were established by the British Government should be allotted to the families of the denotified tribes who lived there. This land may also be allocated for the common facilities such as parks, playgrounds, community centres, schools and other such institutions.

**III. OTHERS/MISCELLANEOUS**

1. A summary procedure or special courts to be formed to try the backlog of the cases registered on the names of the denotified tribes. Those who are found to be innocent should be given a certificate to this effect freeing them from harassment by the police. Those, found guilty may be

**TECHNICAL ADVISORY GROUP**

convicted and their rehabilitation and correctional training should be started.

2. The government should run a special program for the Children and Adolescents of the denotified and nomadic tribes who are involved in crimes and special attempts should be made to take them out of the crime net and provide them appropriate opportunities for employment in lawful manner.

## 4

### The National Human Rights Commission Judgment 2000

The Chairperson of the Technical Advisory Group had filed a petition to the National Human Rights Commission in 1998, in his capacity as Secretary, Denotified and Nomadic tribes Rights Action Group. The NHRC had appointed an Advisory Group, similar to the present Technical Advisory Group, of which the Chairman of the TAG was made a Member. The NHRC deliberated upon the Petition, and the Report of the Advisory Group, and made a number of Resolutions.

A majority of the Members of the present Technical Advisory Group had been Members of the Forum that had filed the Petition, and participated in ensuing discussions. Since the National Human Rights Commission has not rescinded any of their Resolutions so far, they form a vital part of the collective wisdom and views of the present Technical Advisory Group.:

*The following is the text of the note of the Advisory Group on the Human rights of the Denotified Communities and other similarly placed communities prepared by Dr. Rajeev Dhavan and submitted to the National Human Rights Commission.*

#### **Introduction :**

1.1 From the end of the eighteenth century through to Independent India, successive British regimes in India followed a policy of constituting certain communities and groups as criminal through various statutory and other notifications.

(Reg. XII of 1793 : Act XXX of 1836 : *Notification of Criminal Tribes and Castes Act 1871*, renewed in 1910 and 1920)

1.2 The statutory demarcation of these communities added to their isolation and further victimization, led to invidious treatment being meted out towards them, the destruction of their existing or potential resource base, increasing social and governmental persecution and the continuance of inhuman treatment towards them from one generation to the next, with no hope or respite.

#### TECHNICAL ADVISORY GROUP

1.3 The Criminal Tribes Act 1871-1911 was repealed in Madras in 1947 and Bombay in 1949 and more generally, in 1952 (following the All India Criminal Tribes Enquiry Committee of 1949). However, the plight of these 'so-called' tribes --- now statutorily renamed 'denotified communities' (DC) or *vimukta jatis* has worsened. According to one estimate drawn from the census, the Census of 1961 placed their number at 27,102,180 in 1961. Such estimates are inexact. Various government reports simply refer to these communities as "unspecified". A large number of peoples are thus, even excluded from the memory of enumeration.

1.4 Although British settlements for these communities proved to be persecutorial ghettos, some ameliorative measures were suggested for their plight - a sentiment echoed in the Report of the Backward Classes Commission (1955) - but, never firmly put into effect.

None the less, the possible benefits of the repeal of the Criminal Tribes Act in 1952 was short lived, in that 'Habitual Offenders' legislation was passed by various States opening up precisely the same avenues for mal-identification and persecution as the Criminal Tribes Act of 1871.

1.5 Over the last few years, various concerned literatures and activities have pointed to the continuing plight of the DCs and asked for the creation of a National Commission to examine the issue.

(see DNT Rights Action Group newsletter : *Budhan* by Mahasveta Devi and others)

1.6 There is sufficient testimony that the DCs are amongst the most disadvantaged and discriminated against communities in the world and live in conditions of constant and continuous persecution. Possessed of no resources and little programmatic help, there is little possibility of social redemption for them or their children for generations to come.

#### **The Proposal :**

2.1 Following discussions with the National Human Rights Commission (NHRC), it is proposed that an Advisory Group by the NHRC be set up:

- a) To examine and report on the predicament of the denotified communities and others similarly placed, on an ongoing basis;
- b) And, in particular,

RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

- i. To consider how the NHRC public authorities and the public generally can be appraised of the predicament of these communities;
  - ii. To document information and data on the said communities;
  - iii. To advise on how serial demography and geographical location of these communities can be ascertained in the Census;
  - iv. To report on atrocities and prosecutions and denial of human rights to these communities by officials and others; and suggest what can be done by way of immediate and long-term remedies in respect of denial of such actions;
  - v. To make any further reports or recommendations on any other matter referred to the NHRC or which the Advisory Group considers appropriate.
- 2.2 The Advisory Group may add to their number with the permission of the Chairperson of the NHRC, and, may - at its own discretion - appoint such further subgroups to assist it in its work.
- 2.3 The Advisory Group may have its meeting at the Commission which shall provide such assistance and support as it may consider appropriate.

*In response to the Petition submitted to the National Human Rights Commission by the Denotified and Nomadic Tribes Rights Action Group and the Note prepared by Dr. Rajeev Dhavan, the NHRC issued the following order :*

"The Petition above mentioned was placed before the Commission on 18-5-1998 and as per directions therein, the Commission has constituted an Advisory Group set out below to examine the matter and advise the Commission as to the nature of the enquiries that the Commission could undertake as well as the recommendations that it could make to the Central/State Governments on areas of human rights concerns in respect of the 'Denotified Tribes' and to furnish its advice and suggestions within two months :

1. Shri B. D. Sharma, Chairman
2. Smt. Mahasveta Devi, Member
3. Dr. G. N. Devy, Member
4. Shri Laxman Gaikwad, Member
5. Smt. Ananya Chatterjee, Member

**TECHNICAL ADVISORY GROUP**

6. Dr. Rajeev Dhavan, Senior Advocate Supreme Court of India, as the Legal Advisory of the Advisory Group.

I am, therefore, to forward, herewith a copy of the Commission's directions dated 18-5-1998 and to request you to submit the report by 17-7-1998 for placing it before the Commission."

(Signed by Shri E. I. Malekar, Assistant Registrar--Law--National Human Rights Commission)

*Minutes of the meeting with National Human Rights Commission on 15th February 2000 to discuss the problems of rights, reforms and rehabilitation of the Denotified and Nomadic Tribes.*

At the outset, the Chairperson welcomed Smt. Mahasveta Devi and all the participants and informed that the meeting has been organised to highlight the problems so that top officers of the state administration understand and appreciate the problems of the specific group of people who are suffering in various ways because of certain past policies. He drew attention of the participants to the inability of Shri Rajiv Dhawan, Senior Advocate of Supreme Court to remain present, but who has taken the trouble to study the problem and send his views in writing (The note of Shri Rajiv Dhawan was circulated to the participants). He then invited all the participants to join in the discussion on the implementation of the various recommendations of the Advisory Group.

During the initial general discussion the following salient points were brought out :

1. In many states, the former Denotified Tribes and Nomadic Tribes (NT and DNT) have been made part of SC, ST or OBC Groups, excepting in Maharashtra where the distinction was being maintained to a certain extent.
2. Many states have taken up welfare measures for the amelioration of the lot of this group of people. Maharashtra State now has a separate department to look to the welfare of this group.
3. In view of (1) above, the census may not reveal the true size of the population of this category, as under the category of NT/DNT very few numbers will be shown.
4. Wherever this group is already made part of SC, ST or OBC, they would be entitled to the same concessions and facilities which are applicable to the respective category. It may be difficult to provide within the category (namely of SC, ST or OBC) further subdivision to provide for special treatment to this

group, though it is appreciated by all that this group is likely to be the most deprived within that category.

5. It was, however, noted that in some states some further sub-groupings have been done within the broad group of SC, ST or OBC and some special concessions were being provided and other states, if they are so inclined, can examine these provisions and decide for themselves whether they would like to adopt similar policies.
6. It was brought out that while special treatment to a group within a category may not be acceptable to all states, it is quite possible to devise special schemes, wherever this group was located in a definite area, through area-based schemes.

Thereafter the recommendations made by the Advisory Group were taken up for discussion seriatim and the following decisions were taken in respect of the recommendations.

#### **Recommendation No. 1**

*Issue :* A retired senior police officer of high reputation may be appointed in every state by the Commission to watch the cases of atrocities against DNTs and to report them to the Commission. Where there is a concentration or an old settlement existing, a separate officer may be appointed at the district level.

*Decision :* The idea of having an identified retired Senior Personnel of high reputation to liaise with this group and to report about their problems and cases of atrocities against them to the Commission as well as to the State Governments was broadly accepted. However, depending upon the spread of the population in the State, each state may decide the kind of apparatus that is needed for their specific requirement and report the same to the Commission. The Chairperson clarified that the Commission would be asking the Commission's Special Rapporteurs wherever they are, to associate themselves with this work and further, the Commission would consider associating the State Human Rights Commissions also, suitably in this work.

#### **Recommendation No. 2**

*Issue :* Since the police training is still faulty in this respect, the National Police Academy and other institutions imparting training to police officers may be advised to reorient their syllabi.

**TECHNICAL ADVISORY GROUP**

*Decision* : It was agreed that sensitising the entire state machinery specially police officers is an important and urgent task which could be undertaken by the states as far as they are themselves concerned and by the Commission suitably taking up the matter with the National Police Academy.

**Recommendation No. 3**

*Issue* : NHRC may take the necessary steps leading to the repeal of the Habitual Offenders Act.

*Decision* : During the discussion it came out that in Gujarat, Karnataka and Andhra Pradesh, there were hardly any cases registered under the Habitual Offenders Act. There was a general consensus that this Act being hardly in use can be repealed with the recommendation of the NHRC.

**Recommendation No. 4**

*Issue* : Central/State Governments may be directed to make proper enumeration of the DNCs.

*Decision* : As far as the enumeration is concerned, the need for making proper enumeration of NT-DNT throughout the country was the general perception, except for the Chief Secretary, Karnataka who felt that this would not be useful as there were no NT-DNT any more in Karnataka because of their merger into SC, ST or OBC-1 categories. Punjab representative expressed the view that in spite of the NT-DNTs merger in the SC category, certain special and specific requirements of the NT-DNTs justify special treatment even after their merger in the category of SCs. While it is likely that there may be variation in the requirements of earlier NT-DNTs now merged into the category of SC/ST/OBCs, that would be a matter requiring separate treatment with respect to distinct territories. The Ministry of Home Affairs would be in a position to provide statistics to facilitate this enumeration on the basis of the available records.

**Recommendation No. 5 & 6**

*Issue* : The DNCs may be provided educational, employment and other infrastructural facilities.

*Issue* : State Governments may consider and work out action plans for DNCs with specific provisions in the plans. The planning Commission may be advised in this regard.

*Decision* : There was a consensus that the NT-DNTs would need better access to education, employment and other infrastructural facilities. Where they have been merged into SC, ST and OBC categories, they would be entitled to such facilities as are made available to the respective categories. Even so, the State may consider and work out action plans for NT-DNT with specific provision in their annual plans keeping in mind the special problems of this group. Further, the Planning Commission will require to be advised in the matter of specific problems of this group.

#### **Recommendation No. 7**

*Issue* : To launch a massive information campaign aimed at bringing about change in the general attitude towards the DNCs.

*Decision* : There were contrary views on the issue of having a massive campaign. While some felt that such special campaign may make their integration within the respective categories more difficult, others felt that in view of the fact that these groups were very highly deprived and discriminated against, the campaign will help to change the mind sets of many in favour of this group. In view of the sharp divergence of views on this issue, it was decided that the matter would be considered separately later by the Commission.

#### **Recommendation No. 8**

*Issue* : The National Sample Survey Organisation should be directed to make a special survey of the socio-economic conditions of the DNCs.

*Decision* : It was decided that the survey of socio-economic conditions would be undertaken after Dr. Devy can identify locations and areas where a survey could be taken up on association with the different State Governments. Further, Dr. Devy agreed to give specific information about the problems of this group in different States which the Chairperson, NHRC assured will be taken up by the Commission with the respective states.

The Chairperson concluded the meeting after thanking all the participants and requesting them to sensitise the entire State machinery suitably and to provide access to Smt. Mahasveta Devi and Dr. G. N. Devy in their quest to provide social justice to this severely handicapped group.

## 5

### **The Commission for Review of the Working of the Constitution**

*Headed by Honourable Justice M. N. Venkatachaliah, Former Chief Justice of India & Chairperson, National Human Rights Commission*

Chapter 10 of the Report of the Constitutional Review Commission forms the first record of a debate in the Government since the Denotification in 1952, pertaining to the Constitutional guarantees for Denotified, Nomadic and Semi-nomadic Tribes. The suggestions and recommendations made in the Report, explicitly for the Denotified, Nomadic and Semi-nomadic Tribes, as well as for the Scheduled Castes, Scheduled Tribes, Minorities, Children and Women, have a clear bearing on the status of the Denotified, Nomadic and Semi-nomadic Tribes as citizens of India. The entire text of Chapter Ten of the Commission's Report becomes a subject for consideration by the Technical Advisory Group.

#### **CHAPTER 10**

##### **PACE OF SOCIO-ECONOMIC CHANGE AND DEVELOPMENT**

###### **Contents**

- 10.1Ø Constitutional Aspirations
- 10.10Ø Strengthening of constitutional provisions in favour of SCs and STs
- 10.2Ø Progress towards social justice
- 10.11Ø Minorities
- 10.3Ø Issues of governance
- 10.12Ø Denotified Tribes/ Communities and Nomadic and Semi-nomadic Tribes/ Communities

#### RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

- 10.4Ø Education – Establishment of Residential Talent Schools and Protection of Educational Interest of Weaker Sections
- 10.13Ø Unorganised labour
- 10.5Ø Liberation and Rehabilitation of Safai Karmacharis (Scavengers)
- 10.14Ø Bonded and Child Labour
- 10.6Ø Socio-economic Development and Empowerment of SCs, STs and Revitalisation of Special Component Plan for SCs and Tribal sub-plan
- 10.15Ø Development of Backward Classes
- 10.7Ø Land Reforms10.16Ø Empowerment of Women
- 10.8Ø Legal protection for security of life and human dignity
- 10.17Ø Immoral traffic in women and girls children- rescue and rehabilitation
- 10.9Ø Science and Technology

### PACE OF SOCIO-ECONOMIC CHANGE AND DEVELOPMENT

#### Constitutional Aspirations

- 10.1.1 The Constitution aimed at a social revolution that would transform the Indian society. There were many dimensions to this historic endeavour.

## TECHNICAL ADVISORY GROUP

There was, first, the task of catching up with the agricultural and industrial revolutions that had characterised the developed world. This among other reforms involved vast technological changes for increasing productivity of both capital and labour. It was not easy to introduce new techniques of production based on modern science and technology. New structures and institutions had to be created to suit these, a difficult and disruptive exercise in the best of circumstances.

- 10.1.2** In the Indian context there were other serious obstacles to overcome, obstacles that had not been confronted by the presently developed nations. Hierarchy and attendant inequality presented an entirely new aspect in India in the shape of the caste system which stifled the creative energies of vast numbers condemned to labour in conditions of degrading exploitation. The exploiter and the exploited were both stripped of human dignity and worth. Patriarchy added yet another element of subjection of women and children to this enormously tragic blockage of initiative and innovation. Religious differences of a plural tradition were turned into a pernicious divide by the deliberate policy of the master minds of the Raj which continues to cast its vicious shadows on Indian polity.
- 10.1.3** The colonial version of modernity not only carefully preserved inherited inequalities and oppressions, but also overlaid them with more powerful subtexts of new inequalities of a parasitic feudalism and dominations deriving from arrested development.
- 10.1.4** Faced with the daunting task of modernising India against this setting, the constitution makers set to work with unflinching faith and unbounded hope - faith in the revolutionising principles of liberty, equality and fraternity and in the genius of the Indian people to build a better future for themselves, and hope that the promised transformation would be accomplished without violence and within the framework of democracy.

### **Progress towards social justice**

- 10.2.1** The Preamble to the Constitution accords primacy to Justice, social, economic, and political, in the making of state policy and in state action. Accordingly, an impressive array of legislative enactments and executive orders have provided a firm legal framework for government action to abolish the most outrageous aspects of the caste system, viz., untouchability; to anchor in law the scheme of reservations for the

Scheduled Castes and Scheduled Tribes in political institutions of governance, and to provide for reservation in government services and educational institutions; to reform land relations in order to enable the weaker sections, predominantly belonging to the scheduled castes and scheduled tribes, to access productive assets so that they may work with freedom and dignity; to protect the incomes of landless labour and marginal and holders through minimum wage legislation; to provide financial and organisational resources for the scheduled caste children to receive elementary, secondary and higher education; to prevent and penalise atrocities; to allocate plan resources under specially designed schemes for economic, educational and social development of the scheduled castes and scheduled tribes and to provide the plan mechanism of Special Component Plan for SCs and Tribal Sub-plan to channelise more developmental resources to them and to integrate the scheduled castes and scheduled tribes with the mainstream of social and economic life in the country. There is a misconception that the problems of Scheduled Castes, Scheduled Tribes and Backward Classes are sectional and marginal. In reality these are part of the central and core problems of the country. These three categories of people constitute about 3/4th of the population of the country and almost the entire physical labour force of the country is drawn from them. It is the failure to tackle their problems so as to remove their disabilities and secure their full potential for national development that lies at the root of the many weaknesses faced by post-Independence India to this day. Therefore, these issues and the remedial measures should be approached as central and core concerns of India.

- 10.2.2** It is true that there is some progress in breaking the mould of social inequality and caste oppression and in the economic and educational spheres but there is a long way to go before social equality, educational equality, freedom from caste oppression, freedom from economic dependence are achieved. The traditional sanction for inequality has been decisively questioned and to some extent undermined. What is most important is the cultural and intellectual upsurge in the dalit communities across the country evidenced in their literary and intellectual productions. This is a development which fills us with hope for the future.
- 10.2.3** Yet, one still waits for a cultural revolution that would uproot inherited attitudes, values, institutions, practices, and postures, replacing them with

values and attitudes relevant to a modern, egalitarian society. Education has still to perform the role of dissolving the encrusted debris of birth sanctioned superiority and birth-based discrimination, deprivation and exploitation. Vast numbers of landless and marginal farmers still hope for a change in institutional arrangements that would end their abject dependency on the existing power structures in the rural areas.

**10.2.4** However, even when faced with the reality of the gap between aspiration and achievement, we cannot but pay our humble tribute to the foresight and wisdom of the Constitution makers in frontally tackling an issue of immense significance to nation building. It remains for us to carry forward the task of bringing about social, economic and educational equality fortified by the mandates of our Constitution. Reservation, no doubt, helped the deprived sections to secure a share, though not to an adequate extent, in governance. Reservation was intended to be part of a comprehensive package of an entire gamut of economic, educational and social measures. This comprehensive package has not been provided in its fullness. Consequently, reservation alone by itself has not been able to bring about the total social transformation envisaged in the Constitution.

**10.2.5** The outcome of the failure to provide the comprehensive package envisaged by the Constitution gives material for a sobering thought. More than half century after the Constitution, the bulk of the SC families remain agricultural wage labourers as in the past many centuries. The bulk of STs continue to remain in remote areas and are being progressively deprived of their lands converting many of them into agricultural labourers. The bulk of the backward classes pertaining to economic categories like traditional artisans, fisher-folks and the like are being deprived of their traditional occupations while being denied access to relevant technology and modern occupations, thereby pushing them into the unorganised labour force. All the three categories continue to be the victims, in varying forms and degrees, of all-round deprivations, discriminations and disabilities, in all spheres – economic, educational, social – in the case of SCs extending to the extreme of untouchability and in the case of STs to the extreme of isolation.

### **Issues of governance**

**10.3.1** In line with our earlier analysis of the Executive and Public Administration (Chapter 6), we emphasise the paramount need for a

radical redefinition of governance to change the mind-set of the political executive and the permanent civil service. The movement must be from governance to self-governance. It should be recognised that constitutional rights of the citizenry, human dignity, Human Rights, human security are not rewards of development but are critical to development itself. Self-governance must necessarily include developmental autonomy for SCs and STs through empowered special institutions on their behalf and empowerment of SCs, STs, BCs and other deprived categories to shape relevant and appropriate policies and programmes for their development and empowerment and the implementation of those policies. Since civil society is an important element figuring conceptually in model of self-governance, it has to be emphasised that civil society must include Scheduled Caste, Scheduled Tribes, Backward Classes and other deprived categories outside Government and governmental institutions and they should be enabled to have a hand in the continuing process of development and programmes.

- 10.3.2** The Commission recommends that Citizens' Charters be prepared by every service providing department/agency to enumerate the entitlements of the citizens. In case a citizen fails to receive the public goods and the services in the manner and to the extent set out in such charters, he/she should have recourse to an easy and effective system of grievance redressal through chartered Ombudsman. These citizen's charters should include specifically the entitlements of citizens belonging to SCs, STs and other deprived classes. In the case of these deprived classes the charters can with advantage provide for National and State Commission for SC, ST, BC. Minorities, women, safai karamcharis to function effectively as ombudsman-bodies. Concomitantly, the Commission recommends that the charter of these National and State Commissions and the way they are constituted should be such as to facilitate the role, inter alia, as ombudsman-bodies for different deprived classes.
- 10.3.3** Personnel policy should consciously aim at sensitizing public servants, especially officers in the Indian Administrative Service and the Indian Police Service to the special needs of women, the scheduled castes, the scheduled tribes, minorities, and other weaker sections. The Commission recommends that the Civil Services Boards, recommended to be set up under Chapter 6 for considering promotions and placements, should be directed to specifically consider the performance of officers in promoting

the welfare of scheduled castes, scheduled tribes and other deprived categories. When officers are being considered for promotion and placement economic agencies/ministries, weightage should be given to officers who have worked conscientiously and efficiently to implement constitutional values and norms under the law and rules and regulations for the welfare, development and empowerment of the above disadvantaged categories and those who have failed in this and those who have not worked at least for five years in the areas and sectors pertaining to these categories should be excluded from placements in economic ministries/agencies. For this purpose, the Commission recommends that provision be made for Social Justice Clearance before an officer of class I or class II is promoted along the lines detailed in para 3.2 at pages 1390-1391 of Book-3, Vol.II.

**10.3.4 The Commission recommends that:**

- i. reservation for SCs and STs should be brought under the purview of a statute covering all aspects of reservation , as detailed in para 8.10 at pages 1406-1408 of Book-3, Vol.II, including setting up Arakshan Nyaya Adalats or Tribunal to adjudicate upon all cases and disputes pertaining to reservation in posts and vacancies in Government, Public Sector, Banks and other financial institutions, Universities and all other institutions and organisations to which reservations are and become applicable. These Tribunals should have the status of High Courts, appeals lying only to the Supreme Court. These Tribunals should have their main Bench at Delhi and other Benches in the States. The Chairperson, Vice-Chairperson and other Members of the Tribunal and its benches should be selected on the basis of their record in the implementation of Reservation in their earlier positions. The statute should, inter alia, have a penal provision including imprisonment for those convicted of willfully or negligently failing to implement reservation; and
- ii. the proposed statute and related provisions should be brought under the Ninth Schedule to the Constitution.

**10.3.5** The **Commission further** recommends that the three constitution amendment enacted in the last two years to undo the harm done in 1997 to the long pre-existing rights of SCs and STs in reservations should be put into forthwith. The Central and State Governments should amend the

executive orders issued in 1997 regarding the roster and restore the pre-1996 roster. This should also be brought into the purview of the statute mentioned above.

- 10.3.6** The Commission recommends that Reservation for backward classes should also be brought under a statute which, while containing the specificities of reservation for BCs should also contain provisions for Arakshan Nyaya Adalats or Tribunal for providing Justice in Reservation, penal provisions etc. as recommended in the case of the statute in respect of SCs and STs.
- 10.3.7** The Commission recommends that It should be mandatorily stipulated in the Memoranda of Understanding (M.O.U.s.) of privatisation or investment of public sector undertakings that the policy of reservation in favour of SCs, STs and BCs shall be continued even after privatization or dis-investment in the same form as it exists in the Government and this should also be incorporated in the respective statutes of reservation. As a measure of social integration there should be a half per cent reservation for children of parents one of whom is SC/ST and the other parent is non-SC/non-ST and this reservation should be termed as reservation for the Casteless.
- 10.3.8** In higher judiciary, the representation of judges from Scheduled Castes, Scheduled Tribes and other backward classes is inadequate. Out of 610 judges in the High Courts, there are hardly about 20 judges belonging to the Scheduled Castes and the Scheduled Tribes. In S.P. Gupta's 2 case and Supreme Court Advocates on Record 3 case, popularly known as the First Judges' Case and Second Judges' Case respectively, the Supreme Court upheld the constitutionality of the circular letter addressed by the Union Law Minister requesting the State Governments and the High Courts to recommend the names of competent candidates belonging to the Scheduled Castes, the Scheduled Tribes, women and Other Backward Classes.
- 10.3.9** In view of the above and also taking into account the weighty opinion against the formal introduction of reservation in the higher judiciary, and the fact that over fifty years, the progress of education, however tardy, has certainly produced adequate number of persons of the SC, ST and BC in every State who possess the required qualifications, having necessary integrity, character and acumen required for Judges of Supreme Court and High Courts for appointment as Judge of the superior judiciary, a way

could and should, therefore, be found to bring a reasonable number of SCs, STs and BCs on to the Benches of the Supreme Court and High Courts in the same way in which, in practice, it is found is followed in respect of advocates from different social segments/regions of the country/States or different religious communities so that on the one hand the overwhelming opinion against formal reservation in the Supreme Court and High Courts is respected and on the other hand, the feeling of alienation of the vast majority of Indians comprising SCs, STs and BCs that, in spite of having persons of requisite calibre and character among them, they are being ignored in the appointment of Judges, is resolved.

- 10.3.10** The Commission recommends that there should be reservation for SCs, STs and BCs (including BC minorities and especially More and Most Backward classes), with a due proportion of women from each of these categories in the matter of allotment of shops under the public distribution system, and other allotments like petrol stations, gas agencies, etc. for distribution of commodities by public authority. There is need for support mechanism to help entrepreneurs among these deprived sections to help them to come up in these business ventures. These measures should be taken along detailed lines as spelt out in para 4.6 at page 1393 of Book-3 Vol.II.
- 10.3.11** In the context of PDS, taking note of people who do not have purchasing power even to pay for subsidised food-grains available through PDS, the Commission recommends that massive programmes of employment be undertaken and expanded to cover all such people and provide them employment at statutory minimum wage fixed for agricultural labourers at least for 80 days in the year over and above the unsteady employment they normally have. The nature of the work to be undertaken, the mode of payment of wages etc. should be as detailed in para 4.5 at pages 1392 to 1393 of Book-3 of Volume-II. Inclusion of Right to Work as a fundamental right has been recommended in para 3.13.2 of this Report and this will provide the necessary constitutional base and support for this programme.

### **Education - Establishment of Residential Talent Schools and Protection of Educational Interest of Weaker Sections**

- 10.4.1** Education was envisaged as one of the most powerful engines for the social and economic liberation of the SCs, STs, BCs and for bringing

about social equality and empowerment of these categories. The mandate of Article 46 of the Constitution is very clear on these aspects. Yet the best education has not been brought within the reach of these sections. In the context of realities, it is imperative to set up residential schools of high quality for SC, ST and BC, each of which is not a single community but hundreds of communities, recognised and categorised together on the basis of criteria like untouchability, and social backwardness. Unless such schools are set up for them, the goal of educational equalisation and quality education will continue to elude them and the constitutional mandate envisaged by Article 46 will continue to be flouted. This Commission, therefore, recommends the establishment of residential schools for SCs and STs in every district in the country – one each for SC boys and SC girls, and ST boys and ST girls, as one item of an important package of comprehensive measures required for the development and empowerment of SCs and STs. Similarly, the Commission recommends that residential schools should be set up for the BCs in every district, one each for BC boys and BC girls, including minorities who belong to BCs and with special attention to More Backward and Most Backward classes among BCs. The proportion of the students of the specific category of weaker sections (say 75 per cent) and of other social categories (say 25 per cent), the principles of location, methodology of covering the Minority B.C., phasing and funding, mode of selection of the candidates, management etc. should be as detailed in paras 5.4 and 6.2 at pages 1395 to 1398 of Book 3 of Volume II. This system has got the support of the precedent and experience for the last two decades in Andhra Pradesh state, providing ground for hope in this important and indispensable measure. In addition, the Commission recommends that it is also necessary to see that the SCs, STs and BCs especially the More and Most Backward classes of BCs from poor and middle-class families get due benefit of good and prestigious private educational institutions in the country as well as in foreign educational institutions at all levels and in all disciplines, at state cost. Funding for this can be found by measures outlined in sub para (V) of para 5.4 at page 1396 of Book 3 of Volume II. The measures detailed in sub para (ii) and (iv) of para 5.4 at pages 1395 and 1396 of Book 3 of Volume II should be followed in the matter.

- 10.4.2** The Commission feels that the time has come to build up the educational coverage of SC and ST in technical, vocational, scientific and professional disciplines, with appropriate incentive and support and with special

budgetary outlays so that a reservoir of highly educated professional, scientific and technological manpower is built up among the SCs and STs and also the More and Most Backward Classes of BCs, commensurate with their population proportion. Incentives should be offered to students to prepare for such courses of study. Only a massive transfer of resources to the educational programmes for the scheduled castes and scheduled tribes will enable us to achieve the kind of quantitative expansion needed to bring these communities on par with others in terms of skills and knowledge base to engage with the modern world. It is only then that they would be in a position to compete on the basis of their own strength and rise to the leadership role in different spheres of public life. The Commission recommends that this aspect of measures for building up a reservoir of highly educated professional, scientific and technological manpowers among these categories in population equivalent proportion should be borne in mind along with its earlier recommendations regarding residential schools of high quality and elementary education, and provisions and outlays should be made accordingly.

- 10.4.3** growth of high quality educational institutions built up by the wealthier sections, almost entirely drawn from non-SC, non-ST, non-BC categories, as a high quality stream distinct and separate from the state educational system, it becomes important to ensure that other measures in addition to reservations Social policy should aim at enabling the SC, ST and BC (including BC minorities and especially the More and Most Backward Classes among BCs) and with particular attention to the girls in each of these categories to compete on equal terms with the general category. This was always necessary but this becomes more important and increasingly urgent in the context of a knowledge society that is emerging. Reservation has helped the above deprived categories to enter state educational institutions from which they had been debarred and / or otherwise excluded in the past. Reservation continues to be necessary since these adverse factors have not ceased to exist. That is why the Commission has recommended establishment of high quality residential schools for boys and girls of these categories in every district, and ensuring a share for boys and girls of these categories from poor and middle-class families, at state cost, in private institutions of excellence created for themselves by the wealthier sections and also a share for these disadvantaged categories in foreign educational institutions again at state

cost. Without these measures, along with the Commissions recommendations on elementary education, the gap between the SC, ST and BC on the one hand and the rest of society will inexorably continue and even be widened.

### **Liberation and Rehabilitation of Safai Karamcharis (Scavengers)**

- 10.5** Manual scavenging is a degrading practice. The Commission recommends that the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, be strictly enforced to bring to an early end to this degrading practice so offensive to human dignity without abridgement of the employment and income of existing Safai Karamcharis. Automatic applicability of the Act to all states should be brought about by the amendment suggested in para 7.2 at page 1399 of Book 3 of Volume II. Further, the specifics and details of the abolition of the manual scavenging system and the liberation and rehabilitation of safai karamcharis and protection of safai karamcharis during the transition period should be as detailed in para 7.3 of pages 1399 to 1401 of book 3 of Volume II, including its incorporation in the System of Social Justice Clearance of officers at the time of their consideration for promotion. Limitations placed on the National Commission of Safai Karamcharis should be removed and it should be given the same powers and functional autonomy as is being enjoyed by the National Human Rights Commission; it should be adequately equipped to achieve its objective of total liberation and full rehabilitation of safai karamcharis. This should form an integral part of a National Sanitation Policy-cum-National Social Justice Policy.

### **Socio-economic Development and Empowerment of SCs, STs and Revitalisation of Special Component Plan for SCs and Tribal sub-Plan**

- 10.6.1** For comprehensive development and empowerment of Scheduled Castes and Scheduled Tribes, the Government have followed, over the last 25 years, a policy of earmarking a proportion of total plan outlay, not less than the proportion of the population of SCs/STs in India as a whole (for the central plan) and in each State (for State Plans). It has also been formally decided many years back that population equivalent proportion of the total plan outlay of the Centre and of each State should be for the Special Component Plan for Scheduled Castes (SCP), and Tribal Sub-Plan (TSP). Further the concept has been that programmes and schemes in

accordance with the developmental needs and priorities of the SCs and STs should be formulated under the SCP and TSP. This commendable policy has no doubt helped but has not been able to bring about the required qualitative change in the conditions of the SCs and STs. Adequate Plan outlays and corresponding budgetary allocations as required for SCP and TSP are never made for want of seriousness of purpose in line with Article 46 of the Constitution, in the process of plan formulation and implementation. In recent years even the aggregate allocations for the development of SCs and STs have declined as a proportion of the total plan outlay. Another serious problem is that the allocated amounts are not fully utilised due to lack of coordination between various Departments and want of seriousness and sincerity. Further funds earmarked for SCP and TSP allocated for the development of SCs and STs often have been diverted in spite of specific policy decisions and guidelines from the Centre as well as States against such diversions.

- 10.6.2** The Commission strongly feels that this bleak situation will continue to bedevil the SCs and STs and the nation unless appropriate new institutions are created to take charge of the full quantum of outlay of SCP and TSP (i.e. outlay not less than the population equivalent proportion of the total plan outlay of the Centre/each State) and manned by competent experts of SCs and STs and others genuinely working for them, to formulate Plans in accordance with the developmental needs and priorities of the SCs and STs and ensure that these plans are implemented effectively. This will help to take planning and implementation of development of SCs and STs out of the hands of those who have no interest in them. This new institutional system should consist of an integrated network of National Development Council for SCs and STs, and National SCs and STs Development Authority, State SCs and STs Development Authorities and District SCs and STs Development Authorities. Out of the total plan outlay of the Centre and of each State, before sectoral allocations are made, an outlay equivalent to the population proportion of SCs and STs should be placed at the disposal of the National and respective State Authorities, as the corpus of SCP and TSP for formulation of plans in accordance with the needs and priorities of SC & ST. For this, the system as detailed in para 9.2 at pages 1409 to 1411 of Book-3, Volume-II should be established. The schemes as illustrated in sub-para (9) of para 9.2 at page 1410 to 1411 of Book-3,

Volume-II should also be taken up on a massive scale. This will at one stroke remove the various limitations and difficulties faced by the SCP and TSP and create a powerful, integrated instrument of social transformation based on the vision of economic liberation, educational equality and social dignity of the SCs and STs.

### **Land Reforms**

- 10.7.1** management of forest resources, for not only their livelihoods, but also for protecting their way of life and cultural identity which are indissolubly linked to forests. For this purpose, action as recommended in sub-para (10) and (11) of para 13.2 at pages 1415 to 1416 of Book-3, Volume-II should be taken.
- 10.7.2** In the matter of harmonising the preservation of the land ownership of STs, industrial and other development, the Commission recommends that action be taken as outlined in sub-para (6),(8) and (9) of para 13.2 of pages 1415 to 1416 of Book-3, Volume-II.
- 10.7.3** The tribal communities are repositories of myriad cultural traditions – tribal lore, the arts and crafts, music, dance, and design, textiles, metallurgy and eco-friendly technology. There is a tremendous range of attainment in all these different aspects of their heritage. Knowledge of flora and fauna, herbal medicine and therapies, time-reckoning, animal husbandry, veterinary practices etc. represent additional areas of specialized knowledge in tribal societies in different parts of the country. It is of crucial importance that these variegated elements of tribal cultural heritage are protected from being overrun or expropriated. The Commission recommends that special safeguards should be provided to protect the wholesome traditions of the cultural heritage and of the intellectual property rights of the tribal people. This is no less important for the tribal identity than the effort to prevent alienation of land and land-related institutional rights of tribal people.
- 10.7.4** As a means of improving the administration of the areas inhabited by the Scheduled Tribes and promoting local autonomy, the Commission recommends that all areas governed by the Fifth Schedule of the Constitution should be forthwith transferred to the Sixth Schedule extending the applicability of the Sixth Schedule to tribal areas other than the North Eastern States to which alone the Sixth Schedule now applies, and all tribal areas which are neither in the Fifth Schedule nor in the

Sixth Schedule should also be brought forthwith under the Sixth Schedule. Special programmes of training and orientation for the elected representatives of the Sixth Schedule bodies and related officials should be undertaken and conducted regularly in order to secure the full potential of local developmental and administrative autonomy envisaged under the Sixth Schedule.

- 10.7.5** The Commission took into account the changing parameters of State action in the context of the tectonic shift toward globalization and liberalization. At present SC and ST employees in the private sector are numerically insignificant except at the shop floor level. This is also true of More and Most Backward Classes to a considerable extent including BC Minorities and women, particularly women from these sections. It is obvious that in the context of the severe bias against the SCs and STs and also in varying degrees against BCs, women and minorities shared by the captains of the private sector with the rest of the advanced sections of the society, they will not, left to themselves, be able to provide adequate space for the SCs and STs and also to BCs, women and Minorities and meet their just aspirations. It is necessary for the Government to step in firmly and clearly, if the gap is to be bridged between private prejudices, camouflaged in the name “efficiency” on the one hand and the just aspirations of the SC, ST, BC including BC minorities, and women. For this purpose the Commission recommends that the Government should take the initiative along the lines suggested in para 11.3 at pages 1412 to 1413 of Book-3, Volume-II.
- 10.7.6** Further the Government should examine other economic and activity sectors at every level of each such sector and see whether the SCs and STs are adequately represented in each of them. If they are not, remedial measures either through reservation or through other means should be undertaken to see that they are adequately represented at every level in every such sector. Similar action should also be taken with regard to backward classes including BC minorities, especially More and Most Backward Classes and women of all categories. This is possible, if non-economic prejudices are excluded, without watering down the genuine requirements of efficiency.
- 10.7.7** Agriculturists and other traditional producing classes face certain adverse effects of sudden and unprepared exposure to the regimes of WTO, IPR, etc. In order to protect them from these adverse effects while at the same

time to secure the benefits of those regimes, a national convention should be convened involving Ministers in charge of Ministries connected with globalisation and Ministers in charge of Agriculture and other sectors of traditional produce and authentic representatives of the peasant organizations as well as organisations of other traditional producing classes, to identify remedial Steps arrive at a consensus about them and these should be implemented quickly. There should be a continuing mechanism involving all these to continuously monitor implementation and corrections and modifications required from time to time.

- 10.7.8** Further agriculturists and many other traditional producing classes suffer from the adverse effects of natural calamities like drought, cyclone, floods, etc. A similar national convention should identify the measures required to protect them from such adverse effects of natural calamities including crop insurance, preparedness etc., arrive at a consensus about these measures and institute a continuing machinery of continuous monitoring and corrections and modifications.

#### **Legal protection for security of life and human dignity**

- 10.8.1** The Commission recognises that on the one hand there should be an effective legal structure to protect the SCs and STs against atrocities and discriminatory practices based on untouchability and along with such structure and its efficient functioning, there should also be attitudinal change of a profound nature in the general society.
- 10.8.2** With regard to legal structure, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 needs to be strengthened and its effective enforcement ensured. This include the establishment of special courts exclusively to try offences under this Act, inclusion of certain crimes in the list of atrocities, certain penal provisions where they do not exist, appropriate plugging of certain loopholes and comprehensive rehabilitation of victims and so on. For this purpose, the Commission recommends the measures suggested in para 8.2.1, 8.2.2, 8.2.3, 8.3 and 8.4 (a) to (p) of Book-3, Vol.II at pages 1401 to 1404.
- 10.8.3** Regarding untouchability which continues to be widely prevalent in old classic forms as well as in new forms in line with modern developments, multi-pronged measures covering human rights education, moral education, building up of a strong democratic movement against

untouchability and effective punitive action under the Protection of Civil Right Acts, 1955 (PCR Act) are required. In view of this, the Commission recommends the adoption of the entire gamut of measures suggested in paras 8.6 to 8.8 at pages 1404 to 1405, Book-3, Vol.II.

### **Science and Technology**

- 10.9** The National Science and Technology Commission referred to in Chapter 6 should also promote measures for extending the umbrella of modern science and technology and higher scientific and technological research to cover SCs, STs and BCs, women and other poor sections of the society, devise means by which they can also be introduced into this field and potential talent among them identified and nurtured so that they also are enabled to contribute to the advancement of higher scientific and technological research in the country and so that there is no feeling that they are shut out from this important area on account of non-scientific prejudices.

### **Strengthening of constitutional provisions in favour of SCs and STs**

- 10.10** The Constitution of India was shaped by the guiding hand and genius of Dr. Babasaheb Ambedkar with the goodwill of Pt. Nehru, Sardar Patel and Dr.Rajendra Prasad and other stalwarts of the Constituent Assembly under the inspiration of Mahatma Gandhi and contains distinct provisions for the protection and promotion of the interests of Scheduled Castes and Scheduled Tribes, Backward classes, women, minorities and other weaker sections so that an egalitarian society could be built up. If these provisions had been implemented in the right spirit, the problems bedeviling the masses of the people and country as a whole should have disappeared by now. Taking the realities of the recent decades and the failure to implement these constitutional provisions, the Commission considers it necessary to strengthen these provisions by amendments, transfer of certain articles to Part III Fundamental Rights, and certain other similar steps. Accordingly, the Commission recommends amendments to the Constitution listed in para 15 at pages 1417 and 1418 of Book-3, Vol.II, covering articles 46, 335, 16, 15 and List III of the Seventh Schedule.

### **Minorities**

**10.11.1** The general argument for creating a better cultural, economic and educational environment for protection of rights and of development of disadvantaged sections applies mutatis mutandis to the religious and linguistic minorities. Constitutional safeguards already exist. What is needed is a major break through in educational and economic spheres. In this context, it is also to be noted that the bulk of the religious minorities consist of castes/communities which are included in the list of socially and educationally backward classes. They are mainly counterparts of Hindu Backward Classes and to some extent of Hindu Scheduled Castes.

**10.11.2 The Commission recommends that-**

- a) Steps should be taken for improvement of educational standards amongst the minority communities. Special programmes should be drawn up after the widest consultation with the leaders of minority communities including leaders of BCs, SCs and STs among Minorities from academic, professional, business, and socio-political spheres and from low-occupational spheres. Such programmes should be generously funded. Only educational and cultural advancement will help the cause of national integration as well as raise the capabilities of the communities. This is the high road to national cohesion.
- b) At present the political representation of minority communities in legislatures, especially Muslims, has fallen well below their proportion of population. The proportion of BCs among them is next to nil. This can lead to a sense of alienation. It is recommended that in situations of this kind, it is incumbent for political parties to build up leadership potential in the minority communities, including BCs, SCs and STs among them, for participation in political life. The role of the state for strengthening the pluralism of Indian polity has to be emphasised.
- c) Backward classes belonging to religious minorities who have been identified and included in the list of backward classes and who, in fact, constitute the bulk of the population of religious minorities should be taken up with special care along with their Hindu counterparts in the developmental efforts for the backward classes. This should be on the pattern of the approach to the development of Backward Classes formulated by the Working Group for the Development and Empowerment of Backward Classes in the Tenth Plan referred to separately under Backward Classes. This will, on the one hand, help the

#### TECHNICAL ADVISORY GROUP

development of the masses of religious minorities and on the other hand help bring about national cohesion.

- d) An effort needs to be made to carry out special recruitment of persons belonging to the underrepresented minority communities in the police forces of States, para military forces and armed forces. This will instill confidence among minority populations as well as help them to develop responsible attitudes toward security issues confronting the nation.

**10.11.3** There exist in every State minority people speaking languages other than the State language in other words linguistic minorities, who suffer from the disadvantage of education being available only in the language of the State concerned. Keeping in view the psychology of learning, the Commission recommends that in every State the linguistic minorities should be provided the facility of having instruction for their children at elementary stage in their mother tongue. Numerous recommendations in this behalf and other matters have been made by the Commissioner for Linguistic Minorities in his successive Annual Reports regarding the various problems faced by the linguistic minorities. The Commission recommends that the Ministry of Social Justice and Empowerment and the Ministry of HRD should collate all these recommendations and see that substantive action is taken on each of them.

**10.11.4** The Secretary, Ministry of Social Justice & Empowerment requested the Commission to examine the relevance of the Office of the Commissioner for Linguistic Minorities under article 350B. After considering the matter, the Commission felt that no change in article 350B was desirable.

#### **Denotified Tribes/Communities and Nomadic and Semi-nomadic Tribes/ Communities**

**10.12.1** The denotified 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 special approach to their development has been delineated and emphasized in the Reports of the Working Groups for the Development of Scheduled Tribes, Scheduled Castes and

Backward Classes in successive Plans and also in the Annual Reports of the Commissioners for Scheduled Castes and Scheduled Tribes, National Commission for Scheduled Castes and Scheduled Tribes and the National Commission for Backward Classes. There are also special reports available on de-notified tribes. their recommendations have not received attention. The Commission recommends that the Ministry of Social Justice and Empowerment and the Ministry of Tribal Welfare should collate all these materials and recommendations contained in the reports of the working groups and the reports of the National Commissions and other reports referred to and strengthen the programmes for the economic development, educational development, generation of employment opportunities, social liberation and full rehabilitation of denotified tribes. Whatever has been said about vimuktajatis also holds good for nomadic and semi-nomadic tribes/communities. The Commission recommends similar action in respect of nomadic and semi-nomadic tribes/communities as done in the case of de-notified tribes or vimuktajatis. 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. The Commission also points out that the setting up of an integrated net work of National Scheduled Castes and Scheduled Tribes Development Authority, etc. recommended in para 10.5.2 to 10.5.3 above will provide a structural mechanism to deal in a practical way with the vimuktajatis as well as nomadic and semi-nomadic tribes/communities within the frame work of the SCP and TsP. Similarly the approach to the development of backward classes referred to at para 10.14 below contains the approach to deal in a practical way with the Vimuktajatis and nomadic and semi-nomadic tribes/communities who are in Backward Class list.

- 10.12.2 The Commission also considered the representations made on behalf of the De-notified and Nomadic Tribal Rights Action Group and decided to forward them to the Ministry of Social

**Justice & Empowerment with the suggestion that they may examine the same preferably through a Commission. unorganized labour**

- 10.13.1** In 1991, out of a total work force of 286 million, an overwhelming proportion was in the unorganized sector. Nothing illustrates better, the dualistic structure of our economy. Whereas legal protection for the rights of workers in the organized sector has a long history and the trade union movement has made a major contribution to organized workers' welfare, unorganized labour is in an extremely vulnerable situation. Bereft of trade union support, ill supported by the enforcement agencies of State Governments in regard to the implementation of minimum wages legislations and let down by political formations of nearly all descriptions, unorganized workers have looked to the State in vain to come to their help.
- 10.13.2** The Commission recommends that the Union legislation for agricultural workers, drafted as far back as 1978-80, should be introduced and passed immediately. It is regrettable that a legal measure of great importance for the welfare of unorganized workers in the rural sector has not had the political salience it deserved. A realistic scheme of credible implementation of minimum wages Acts with particular attention to agricultural labours, relying to a suitable degree on the district Collectors/Dy. Commissioners and district superintendents of police, should be immediately put into action. For this purpose the measures suggested in para 17.2 at page 1419 of Book 3 Vol.II should be followed.

**Bonded and Child Labour**

- 10.14** Despite prohibition of beggar and other forms of forced labour by the Constitution, the practice of bonded labour has not ended as it is patronised by the most powerful sections in the rural areas. Child labour too is widespread. In order to deal effectively with this problem in keeping with the mandate of the Constitution, the Commission recommends that a fully empowered National Authority for the Liberation and Rehabilitation of bonded labour, as recommended by the Commission for Rural Labour in 1990-91, should be set up immediately along with similar authorities at the State level. In addition, the Commission recommends simultaneous rehabilitation of released

Bonded Labourers and education for released bonded child labourers and other measures referred to in para 19.2 at page 1420 of Book 3, Vol. II.

### **Development of Backward Classes**

- 10.15** Socially and educationally backward classes other than SC and ST were recognised at the national level and many States as a category needing focused developmental attention, only in 1990 and this could be put into effect only after the Supreme court's Mandal judgment in November 1992. On account of this unfortunate delay, there has been a serious lacuna in respect of planned development of Backward Classes and there is no national policy and programmes consensus as in the case of SCs and STs. The Working Group on the Empowerment of Backward Classes in the Tenth Plan has given a clear and comprehensive approach to the development of backward classes. The best that can be said is that the Government should immediately implement everyone of the recommendations of the Working Group. As mentioned in para 10.9.1 above, the backward classes include identified castes/communities of religious minorities who together constitute the bulk of the population of religious minorities of the country. The Commission recommends that the Government should immediately implement every one of the recommendations of the Working Group on Employment of Backward Classes in the Tenth Plan which covers all aspects and fields of their development - Economic, Educational, social, employment, reservation, etc. taking in with particular care those backward classes who belong to religious minorities along with their Hindu counterparts in a cohesive manner. For example, some of the residential talent schools earmarked for Backward Classes should be located in areas of concentration of Muslim B.Cs. Further there should be residential talent schools for backward classes as separately recommended for SCs and STs at the rate of one each for boys and girls in each district, 75% being taken from backward classes and 25% from other categories. The Government should without any delay introduce reservation for backward classes in seats in educational institutions since absence of promotion of their education through reservation and other means when there is reservation of employment is anomalous.

### **Empowerment of Women**

- 10.16** Disabilities to which women of all categories are subject to and the deprivations are well documented in various books, reports and papers as well as the background paper on the Pace of Socio-Economic Change under our Constitution. In addition, the women of SC, ST and BC and other weaker sections have extra dimensions of disabilities along with their men folk. In view of this, the Commission recommends to the Government action in accordance with the suggestions made in para 16.2 at page 1418 of Book 3 Vol.II, covering reservation, development, empowerment, health including malnutrition and maternal anaemia and protection against violence.

### **Immoral traffic in women and girls children - rescue and rehabilitation**

- 10.17** The problems relating to prostitution, child prostitutes and children of prostitutes have been the subject of a landmark judgment of the Supreme Court in Gaurav Jain's case of 9th July, 1997 and the Report of Committee of Secretaries on Prostitution, Child Prostitutes and children of Prostitutes set up in 1997 as explained in para 20.1 and 20.2 at pages 1414 to 1415 of Book 3 Vol.II. In respect of this area of problem, the Commission recommends to the Government that action be taken according to the suggestion listed at para 20.3 at page 1415 of Book 3 of Vol.II, covering implementation of the judgement and the Secretaries' report, eliminating the Devadasi system, provision of development and education and prevention of HIV / AIDS.

1 See also the Consultation Paper released by the Commission on "Pace of Socio-Economic Change Under the Constitution" in Volume-II (Book 1) and the Background Paper on "Pace of Socio-Economic Change and Development" in Volume-II (Book 3).

2 AIR 1982 SC 149

3 AIR 1994 SC 268

## Ministry of Social Justice and Empowerment

### THE MINISTRY OF WELFARE

*A meeting was convened by the Ministry of Welfare, Government of India, on the 25th May 1998 to discuss various issues related to the Denotified and Nomadic Communities. The following is the text of the Note prepared as the basis for the discussion by the Ministry.*

#### **Introduction :**

In the First five-year Plan, 198 criminal tribes were estimated numbering over 40 lakhs. The Criminal Tribes Acts have since been repealed w.e.f. 30-8-1952. Since then the problem is being dealt with differently, i.e. individual acts of criminality are dealt with according to the ordinary law whereas the entire community is developed economically. It was felt that scheme of education should be such that their children are weaned away from present practices. Their vitality, energy, resourcefulness and skill are made use of in adventure, romance and achievement. Agriculture and handicraft may perhaps not suit them.

Denotified and Nomadic tribal people numbering about two crore at present were treated as born and habitual criminals before Independence by the British Government. Even today they become victims of mob lynching, arson and police atrocity.

#### **Efforts made in various Five Year Plan Periods:**

During First Five Year Plan to Fourth Five year Plan, efforts were made to set up settlements and colonies for DNTs. Assistance for house construction, sinking of wells and agriculture development was provided. Cooperatives were organised and Industrial Centres set up. Educational centres, schools, Sanskar Kendras, Balwadis and Ashram schools were established for the children and scholarship was disbursed to school going students of DNT communities.

Approach for their development was changed from surveillance and punishment to correction, rehabilitation and assimilation into the wider community. Role of voluntary workers and organisations was recognized. Correctional-cum-welfare approach was supported by schemes of general education, social education,

#### TECHNICAL ADVISORY GROUP

economic upliftment and housing. With the introduction of the strategy of Tribal Sub-Plan and Special Component Plan for Scheduled Castes, it was envisaged that development of DNTs, where they are STs would be taken care of by the TSP strategy and those DNTs who are SCs would draw benefit out of SCP. The DNTs left out would get support from respective State Plans and also out of 10% of SCA given to each SCP State (for sweepers and scavengers, bonded laborers and DNTs.).

#### Views of Lokur Committee:

(The Report of the Advisory Committee on the Revision of the Lists of Scheduled Castes and Scheduled Tribes, government of India, 1965). Extract : "We are inclined to feel that it would be in the best interest of these communities if they are taken out from the lists of Scheduled Castes and Scheduled Tribes and treated exclusively as a distinctive group, with development schemes specially designed to suit their dominant characteristics.... In the absence of adequate information, and due to the limitation on our time, we are not in a position to decide on merits the cases of individual communities. We have, therefore, no option but to maintain the *status quo ante*. We suggest that the present anomalous position regarding the denotified and nomadic tribes who could more properly be identified as communities rather than tribes, should be rectified as soon as possible after a detailed investigation (page 17 para 29 of the report)."

#### Working Group Report on Development of Scheduled Castes during 8th Five Year Plan:

Following recommendations were made for DNTs by the working Group on the development of Scheduled Cases:

- 1) Enumeration of Denotified, Nomadic and Semi-Nomadic groups in the census.
- 2) The program for the development of Denotified, Nomadic and Semi-Nomadic Communities should be group-oriented addressed to the problems identified for each specific group.
- 3) The programs for Denotified, Nomadic and Semi-Nomadic communities should be comprehensive in coverage. Covering all aspects of their social and economic life should be outside its ambit.

- 4) In the case of Denotified communities it will be necessary to immunize them from harassment on mere suspicion. Instant help in distress should be built into the program.
- 5) In the case of Nomadic and Semi-Nomadic communities, their adjustment to the new economic forces and provision of social services should be given priority.
- 6) Ashram-type schools may be set up for these groups. These schools should also have vocational training programs.
- 7) There should be a Centrally Sponsored Scheme for the development of these groups at the Central level.
- 8) Voluntary organizations may be involved in the welfare of Nomadic/Semi-Nomadic and Denotified groups. Land may be allotted to these groups for cultivation.
- 9) It was noted that the police was not helpful to these groups. Therefore police administration should be involved in the administration of these groups actively.
- 10) The various programs for the rehabilitation of these groups should be taken in an integrated manner and Special Central Assistance provided for these purposes. The program must be reviewed and maintained regularly.
- 11) There should be close co-ordination between the Home Department and the Welfare Department at the State level. (page 144).

**Measures suggested by the Denotified & Nomadic Tribal rights Action Group, Baroda:**

**A. Ministry of Home Affairs (Police)**

Police Officers at all levels may be re-oriented for having a humane approach towards DNT. Police personnel ill-treating them should be punished.

**B. Ministry of Welfare**

- a) The Ministry of Welfare should launch a massive information campaign for bringing about change in the general attitude towards the DNT.

#### TECHNICAL ADVISORY GROUP

- b) Ministry of Welfare should undertake special programs for social upliftment and economic betterment of the DNTs through the TSPs and other schemes.
- c) Ministry of Social Justice should establish a special cell in the Ministry for undertaking preparation of a fresh and accurate list of DNTs in collaboration with RGI for 2001 census.
- d) A new legislation in the Parliament may be introduced so that stigma of criminality is removed from the lives of DNTs.

#### **Petition dated 6-4-1998 from Shri Gangappa, Advocate addressed to the Chief Justice of India:**

In the above cited petition the petitioners have demanded the following:

- 1) The quarry workers known as Voddars in Karnataka (also known as DNTs and Nomadic tribes) were traditional artisans of stone work, and today they are working as high-grade labourers and bonded labourers in the country. The Supreme Court has been requested to direct the Central and State Governments to organize industrial cooperative societies of such workers and reserve all the quarries for them.
- 2) They have also demanded that residential schools for the children of quarry workers and maternity/health centres may be set up and a Commission of quarry and construction labour be appointed to evolve a strategy for a comprehensive development of this group of society.
- 3) Removal of area restriction in respect of Vaddars, Bhovi, Boyars, etc. wherever they are Scheduled Castes/Scheduled Tribes, should be considered and these communities may be recognised as SCs/STs throughout the country.

#### **Action Proposed by Ministry of Welfare for the Development of DNTs:**

- 1) For checking maltreatment of DNTs at the hands of police and adopting human approach towards them, it is proposed to discuss the matter with the officers of MHA (Police) - Action MHA.

#### RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

- 2) For launching a massive information campaign, it is proposed to draw a Media Schedule on DNTs for 1998-99. - Action Ministry of I & B.
- 3) As Census of 2001 is likely to cover all the castes;, DNTs would also be covered. (Action - RG)
- 4) Need for new legislation for ensuring development of DNTs may be discussed. However, at present it is not considered necessary.
- 5) ***In-depth Studies*** - An independent assessment may be made of development of DNTs. Ten per cent of SCA to SCP is proposed to be allocated by the Ministry of Welfare for three categories of vulnerable people, namely, sweepers and scavengers, bonded labourers and DNTs. An exercise may be made to assess the quantum of SCA that has gone with the development of DNTs in the country. An assessment of work done by NSFDC, SCDCs and TRIFED for DNTs (SC + ST) may also be made. (Action Ministry of Welfare).
- 6) A few NGOs could be invited to take up work among the DNTs.
- 7) Considering DNTs as distinctive group, an exclusive Central Sector Scheme for the Rehabilitation and Development of DNTs may be conceived. Development Plan for DNTs should be three-fold, group-wise and not community-wise, such as:
  - a) for those who have settled to normal agriculture or settled to pursue other vocations;
  - b) for those who still have a flair for nomadic life;
  - c) for those who still resort to crime (Action - Planning Commission)

Participants are requested to give their valued views on the issues raised in this Note.

#### **Minutes of The Meeting Held On 25th May**

A meeting was held in the Chamber of Minister of State (Welfare) - Mrs. Maneka Gandhi - to discuss issues relating to development of De-notified Tribes. Prominent among others who participated in the discussion were Smt. Mahasveta

#### TECHNICAL ADVISORY GROUP

Devi; Shri D. Gangappa, Advocate; Secretary (W), Joint Secretaries of SCD, TD and M & BC Divisions and representatives of the office of the Registrar General of India.

#### **Views expressed by Smt. Mahasveta Devi, President, De-notified & Nomadic Tribal Rights Action Group, Baroda:**

Smt. Mahasveta Devi agreeing with the comments of the Ministry of Welfare in their Note on De-notified Tribes stated that any change in the Constitutional provisions was not necessary for the present with regard to DNTs. It was very important that the Police force was reoriented for having a humane approach towards them. The Government should make efforts to bring about attitudinal changes towards them so that they lived life with honour and dignity. Exclusive schemes under Tribal Sub-Plan did not have any focus on DNTs and they were treated at par with other tribals. In-depth studies on various issues relating to development of DNTs might be carried out and approach for their welfare should be in totality.

She also stressed the need for ensuring rights over land presently in the possession of DNTs, adequate house sites and houses, integrated child development projects and primary schools. She also advocated that traditional skills of the people could be professionalised by imparting them training in vocational skills through community polytechnics. This would create demand for financial assistance and thus men and women would in turn avail of self-employment opportunities. Literacy centres, para medical courses, women cooperatives, promotion of their handicraft are other requirements of the people, which could be considered by the Government of India.

#### **Views of Shri D. Gangappa, Advocate:**

Shri D. Gangappa, who has filed an application before the Supreme Court of India treating it as W.P., observed that a high level task force to take measures for stopping atrocities by Police on DNTs may be set up immediately. Comprehensive Welfare measures, like health care, education on Navodaya Vidyalaya pattern, old age pension, and maternity benefits were required to be provided to the people on sustainable basis. For affording meaningful employment and rehabilitation for DNTs, a network of industrial cooperatives could be considered. He also pleaded for abolishing the State-wise list of DNTs (they are SCs in some States and STs in others) and instead bringing out a list common for the country as a whole.

**Remarks of Secretary (Welfare) :**

Intervening in the discussion, Shri D.K. Manavalan, Secretary (W) assured the champions of DNTs that he would take up the matter of police victimising the DNTs with the Ministry of Home Affairs. He would also draw the attention of State Government officers to accord priority to implement the programmes under SCP and the TSP in a focused manner in regard to DNTs. He would also ensure that proper linkages were established with NSFDC and TRIFED, wherever necessary, so that DNTs availed of the facility of financial assistance at their door steps.

**Observation of MOS (W) :**

Smt. Maneka Gandhi, MOS(W) requested the delegates not to speak in general, but rather about the specific needs and demands of specific people in a specific area/locality.

They should suggest Action Plan rather than posing problems. She motivated them to give concrete suggestions/proposals. She assured them that the Ministry of Welfare would certainly consider any proposal for DNTs, which would promote handicraft of DNTs, improve vocational skills including training in para-medical subjects, in setting up women co-operatives and in promoting literacy. Viable projects would also be considered by TRIFED and NSFDC of the Ministry of Welfare. She would also help the DNTs in getting them projects on Tree Plantation with the help of Wasteland Development Board authorities or the Ministry of Environment & Forests or the State Governments, as the case may be. As regards projects not related to the Ministry of Welfare, she would take up the case with the Ministry concerned, such as issue of literacy and education with Department of Education and the ICDS with the Department of Women and Child Development. For sharing the concern of the DNT people with general masses, she suggested that the Ministry of Welfare should come out with at least two films on DNTs. This would help in generating mass awareness and empathy for the cause of DNTs. JS (TD) will put up proposals on this point.

In the end, she reiterated that the Ministry of Welfare would pursue only those proposals which were place specific and programme specific and not those which were too general or vague. She also requested them to send self-contained proposals separately, rather than keeping all eggs in one basket.

Smt. Mahasveta Devi and Shri D. Gangappa thanked MOS(W) and assured her that they would submit the proposals within 7 to 10 days.

## 7

### Recommendations of the Antrolikar Committee, 1950

The most comprehensive set of suggestions and recommendations made for the development of the Denotified, Nomadic and Semi-nomadic Tribes so far has been by the Members of the Antrolikar Committee appointed by the Bombay Presidency Government. These Recommendations had lapsed into neglect by the State Governments after the formation of linguistic states after the redrawing of state boundaries between Maharashtra and the neighbouring states. The Report was reproduced in the pages of the *Budhan* magazine devoted to the national campaign of the Denotified and Nomadic Tribes Rights Action Group. Since all Members, except Shri Mohd Aslam, had been actively involved in the *Budhan* magazine, the Antrolikar Committee Report forms an essential and important component of their collective wisdom.

The Recommendations of the Antrolikar Committee were as follows:

#### Introductory

1. The Government of Bombay repealed the Criminal Tribes Act of 1924, in its application to the Bombay State, with effect from 13th August 1949 and by their Resolution, Education and Industries Department, No. 8721, dated the 25th August, 1949 were pleased to appoint a Committee to go in to the question of rehabilitation of members of the former Criminal Tribes. The following were the members appointed:
  1. Dr. K.B. Antrolikar, M.L.A., *Chairman*
  2. Shri B.N. Jakkal, *Member*
  3. Shri K.S. Sarangapani, *Member*
  4. Shri F.B. Dabhi, M.L.A., *Member*
  5. Shri G.G. Karkhanis, *Member*
  6. Shri Ravishankar Vyas, *Member*
  7. Shri P. S. Nadkarni, Engineer under the Joint Registrar for Industrial Co-operatives and Village Industries, *Member*

8. Shri P. S. Jadhao, a resident of Sholapur Ex-Settlement and a member of the Ex-criminal Tribes, was appointed as an additional member of the Committee under Government Resolution, Education and Industries Department, No. 8721 of 12th October 1949.
9. Shri U.R. Seolekar, Backward Class Welfare Officer, Sholapur, was appointed as Secretary of our Committee.
2. The Government Resolution announcing the appointment of the Committee specifies the term of reference in general as under:

"To go into the question of rehabilitation of members of tribes, till recently designated Criminal Tribes under the Criminal Tribes Act, 1924, in the conditions resulting from the repeal of that Act and to suggest ways and means of their uplift."
3. We were asked to submit our report within four months period. But the same had to be extended, often, giving in total fourteen and half months to the Committee to complete its work, as Dr. K.B. Antrolikar, Chairman of the Committee and Shri F.B. Dabhi, member of the Committee had to attend both the sessions of the Bombay Legislative Assembly of the year 1949-50 and they could find little time to tour with the Committee. Moreover the problems for which the Committee had to collect data were varied and required the Committee to undertake extensive tours in the State, which also required much time. In view of this delay to submit the final Report of the Committee, we made an Interim Report to The Government in the month of May 1950, and requested them to take urgent action on all proposals included therein.
4. We named our Committee as the Ex-Criminal Tribes Rehabilitation Committee and held its first meeting at Poona on the 11th September 1949 to chalk out our preliminary programme. A preliminary point was raised as to whether we should go into the question of rehabilitation of all Ex-criminal Tribes or restrict ourselves to the question of the rehabilitation of tribes which were treated criminal just before 13th August 1949. We came to the conclusion that we should go into the question of rehabilitation of all Ex-Criminal Tribes Denotified in and after the year 1939.
5. We adopted the following procedure for our work:
  - i. To prepare a questionnaire to assess public opinion on the problems of rehabilitation of Ex-Criminal Tribes.

**TECHNICAL ADVISORY GROUP**

- ii. (a) To visit Ex-settlement and Ex-Free Colony places in the State together with urban and rural localities where the members of the Ex-Criminal Tribes are residing in considerable number with a view to getting first-hand information about their living conditions in general.  
(b) To meet the representatives of the Ex-Criminal Tribes and others interested in the amelioration of their conditions and discuss with them difficulties and problems of uplift of the Ex-Criminal Tribes.
  - iii. To arrange meetings in the office of the Collector of each District visited by the Committee of officials and non-officials representing the following Departments and Agencies to have a healthy exchange of views on the problems of uplift and rehabilitation of the Ex-Criminal Tribes:
    - 1) The District Magistrate
    - 2) The District Superintendent of Police
    - 3) Administrative and Inspecting Officers of the Educational Department
    - 4) Officers of the Co-operative Department
    - 5) Officers of the Excise and Prohibition Department
    - 6) Officers of the Forest Department
    - 7) Managers of Remand Homes, Government Employment Exchanges, Textile Mills and Factories having members of Ex-Criminal Tribes as their employees
    - 8) Representatives of voluntary agencies and institutions doing ameliorative work among the Backward Classes and Ex-Criminal Tribes
    - 9) Prominent local social workers and leaders
  - iv. to examine witnesses specially acquainted with or taking special interest in the problems of the Ex-Criminal Tribes.
6. We issued over 950 copies of questionnaire to officials, non-officials and educated members of the Ex-Criminal Tribes. In all we received 150 replies to the questionnaire including 35 replies given by the representatives of the Ex-Criminal Tribes.
  7. We visited the following places and localities inhabited by the Ex-Criminal Tribes:

**Gujarat :** Nadiad, district Kaira. Uttarsanda, district Kaira. Mahudha, district Kaira. Borsad, district Kaira. Bochasan, district Kaira. Dabhashi, district Kaira.

Ahmedabad, district Ahmedabad. Naroda (Ahmedabad Ex-Settlement, district Ahmedabad). Baroda, district Baroda. Chhani, district Baroda. Sunsar, district Mehsana. Matarwadi, district Mehsana.

**Maharashtra :** Bombay (Kamatipura, Naygaon, Saitan Chowki and Worli). Ahmednagar, district Ahmednagar. Undrigaon, district Ahmednagar. Mundwa, district Poona. Baramati, district Poona. Sangli, district South Satara. Nandre, district South Satara. Karad, district North Satara. Umbraj, district North Satara. Kolhapur, district Kolhapur. Gadhinglaj, district Kolhapur. Waldoni village, district Thana. Ambarnath Ex-Settlement, district Thana. Barsi Ex-Free Colony, district Sholapur. Savatgaon Ex-Free Colony, district Sholapur. Pandharpur, district Sholapur. Sholapur Ex-Settlement, district Sholapur. Hotgi Ex-Free Colony, district Sholapur. Jalgaon, district East Khandesh. Parola, district East Khandesh. Dhulia, district West Khandesh. Dondaicha, district West Khandesh. Nandurbar, district West Khandesh.

**Karnataka :** Bijapur Ex-Settlement, district Bijapur. Bagalkot, district Bijapur. Muchkandi Tanda, district Bijapur. Gadag Ex-Settlement, district Dharwar. Hubli Ex-Settlement, district Dharwar. Belgaum, district Belgaum. Khanapur, district Belgaum. Konnur, district Belgaum. Gokak, district Belgaum.

8. Eleven meetings with district officials and non-officials were held at the following places :

(1) Ahmedabad; (2) Sholapur; (3) Bijapur; (4) Hubli (for Dharwar district); (5) Belgaum; (6) Ahmednagar; (7) Satara; (8) Sangli; (9) Kolhapur; (10) Jalgaon; (11) Dhulia.

9. In order to finish touring work in shorter a time we got ourselves divided in sub-committees. A sub-committee consisting of Dr. K.B. Antrolkar, Shri G.G.Karkhanis and Shri B.N. Jakkal visited the districts of South Satara, North Satara and Kolhapur. Another Sub-Committee consisting of Shri K.G. Sarangapani, P.S. Nadkarni, P.S. Jadhao and Shri U.R. Seolekar, Secretary, toured the Districts of Ahmednagar, Poona, East and West Khandesh. Shri Dabhi along with Shri Seolekar, Secretary of the Committee, toured the District of Mehsana, especially to see the condition of Thakardas who are an Ex-Criminal Tribe of the old Baroda State and who form a considerable population of the Mehsana District.

10. We express our sense of gratitude to officials and non-officials who gave full co-operation and assistance in the deliberations of our Committee and to those who took the trouble of sending replies to our questionnaire. We put on

#### TECHNICAL ADVISORY GROUP

record the loyal and devoted services rendered by the Secretary of our Committee, Shri U.R. Seolekar in writing and completing this report and we take this opportunity to thank him sincerely for the same.

U.R. Seolekar, Secretary

(Signed) Krishna B. Antrolikar (Chairman), Fulsinhji Dabhi, B.N.Jakkal, K.G. Sarangpani, G.G. Karkhanis, P.S. Nadkarni, Parshuram S. Jadhao, Poona dated the 2nd November 1950

### Summary of Conclusions and other Recommendations

#### General

1. There are 28 communities which are enumerated in the Criminal Tribes Act Enquiry Committee Report of 1939, which were brought under the operation of the Criminal Tribes Act. We add to this list Thakardas of the old Baroda State residing in villages where the Criminal Tribes Act was made applicable. We thus treat 29 tribes in all as the Ex-Criminal Tribes of the Bombay State.
2. As most of the Ex-Criminal Tribes are included in the list of the Backward Classes, we have recommended special facilities to be given to the Ex-Criminal Tribes over and above the facilities given to them as Backward Classes.
3. We recommend that Baraiyas of the Kaira District, Chhapparbands and Thakardas belonging to the villages brought under the operation of the Criminal Tribes Act of the old Baroda State should be included in the Backward Classes and they be made eligible for facilities provided by Government to the Backward classes at present. The special facilities recommended by us for Ex-Criminal Tribes may not be given to these communities.
4. Mang-Garudis, Kanjar Bhats and Pardhis should be treated as nomadic tribes and only they be made eligible for the facilities recommended for the nomadic tribes.
5. The term 'Dharalas' should be discontinued and tribes denoted by the term 'Dharalas' may be denoted by their respective names. For the sake of convenience we have used the term Baraiyas to denote all tribes denoted by the word 'Dharalas' in this Report.
6. New avenues for employment and industries, such as spinning and tile making for example which are basic in nature as they concern fundamental needs of

man of food, clothing and shelter should be found out and efforts made to organise them through the Government or other agencies. The members of the Ex-Criminal Tribes should be encouraged to take up such new industries. There are certain other occupations, which are not based on the fundamental needs of man and the economic life in general. But for these there is a demand as they are based on sentiment, culture, tradition or faith, such as selling grass for feeding cows to pilgrims by Pardhis of Pandharpur. Selling of Manipot or beads by Parch women in Bombay or selling of flowers by Waghari at Baroda may be found out and efforts made to make Ex-Criminal Tribes pick up such occupations.

7. Special elaborate suggestions about secondary and higher education have not been made, as the question of the same will not arise for a number of years. For the time being, we think that facilities given to them as Backward Classes will be sufficient. Government should proceed on the lines suggested by us for Primary Education, when the question of making special provisions for Secondary and Higher Education will arise.
8. As soon as a person belonging to any community and particularly to the Ex-Criminal Tribes is produced before a Magistrate for the second offence under the Indian Penal Code against property and person he should be handed over to experts in psychoanalysis, criminology and allied sciences to examine him. The result of such examination should be informed to the Magistrate who thereafter should proceed to pass judgment on such accused. Such a study of the accused will enable to find out whether the crime committed by him is a result of criminal tendency, which can be checked and directed to useful channels, or of a criminal tendency, which has been hardened and become a habit of the accused.  
**8A.** Useful activities run under the former Criminal Tribes Settlement Department should be revived and arrangement made to organise them properly for the benefit of the Ex-Criminal Tribes.

### **Education**

9. Rigid enforcement of the provisions of the Compulsory Primary Education Act is highly essential. The Government should issue strict orders to the various School Boards to enforce Primary Education in schools, situated in areas where the members of the Ex-Criminal Tribes are residing in considerable number. The Backward Class officer should be asked to furnish a list of all such schools to Government.

**TECHNICAL ADVISORY GROUP**

- 10.** District Committees formed of officers of the Backward Class Department and the Education Department with one or two non-officials interested in the amelioration of the Ex-Criminal Tribes to consider problems of education of Ex-Criminal Tribes and to make suggestions to make education popular among them should be constituted with the Backward Class Welfare Officer as its Secretary.
- 11.** It is necessary to make adequate provisions of free supply of slates, books, stationary and clothes to poor and deserving Backward Class pupils so as to induce their parents to take necessary interest in sending their children to school. Government should impose certain conditions, in consultation with the Backward Class Officer and the Director of Public Instruction to make the School Boards take full advantage of Government grant-in-aid in this regard, as it appears that Government grant-in-aid is sacrificed by School Boards in order to avoid payment of their due 'share' which results in making no provision or inadequate provision of expenditure required for supplying stationary, books and clothes to Backward Class pupils. An amount, sufficient to meet the estimated cost of supply of clothes, books, etc. to deserving Ex-Criminal Tribes pupils should be kept at the disposal of the Backward Class Officer in case the School Boards do not make necessary provisions for Ex-Criminal Tribes pupils. Or all school equipment should be given to Backward Class pupils by the Government direct through the Backward Class Department or the Educational Department and the various School Boards made to pay their share to Government.
- 12.** Big colonies of the Ex-Criminal Tribes should be treated as 'special treatment areas' and all measures to improve education should be implemented intensively in all such areas. It should be seen that within the next 10 years the educational standard of the Ex-Criminal Tribes is brought on par with others by implementing all measures recommended in this Report.
- 13.** Primary schools or classes for Ex-Criminal Tribes should be provided in their localities. A class should be provided in Ex-Criminal Tribes locality if there are at least 20 pupils to attend it. It should be a general policy to provide schools in their locality for the first two standards of the Primary School, at least.
- 14.** As far as possible all first grade schools situated in the Ex-Criminal Tribes localities should be converted to Basic Schools and education given to them through a selected useful craft suited to the Ex-Criminal Tribes.

15. Arrangement should be made to appoint one Supervisor Teacher, who should be a II year trained teacher, as an extra hand in each Special Treatment Area school.
16. The Head Master and Teachers of schools situated in the Ex-Criminal Tribes Colonies should be paid some special allowance for special and individual attention to Ex-Criminal Tribes pupils. It should be granted to them on conditions, which will ensure sincere efforts on their part and will bring qualitative fruitful results. Their additional exact duties should be defined. This measure should be tried as an experiment in a few schools in the beginning.
17. Night schools should be started for school going children who on the grounds of domestic and other difficulties do not attend day schools.
18. Qualified persons from Ex-Criminal Tribes should be appointed as Primary School Teachers in such Schools. The limit of percentage marks imposed on them should be withdrawn for a period of 10 years and qualified Ex-Criminal Tribes persons appointed as Teachers. Recruitment of such teachers should not be done through the Staff Selection Committee constituted by the Primary Education Act. Such teachers, if found inefficient, should be removed from service. Such teachers should be sent for training after completion of two years satisfactory service.
19. In Ex-Criminal Tribes colony schools, the number of pupils per teacher on rolls should be fixed as 30, with average attendance at 20.
20. Compulsion in education should be enforced to boys and girls of the age group 6 to 14 in Ex-Settlement areas at Ahmedabad, Sholapur and Hubli. Pupils who have passed the Primary School Certificate Examination standard should be exempted from such compulsion.
21. Rewards should be given to class teachers from whose class, the Ex-Criminal Tribes children pass their examination for promotion to the next class, according to the scale given in Chapter III of the Report. These rewards are to be limited for higher primary classes only. Grant or rewards should be modified in the case of teachers who would get special allowances.
22. Encouragement should be given in Primary Schools by awarding monthly scholarships to a fairly sufficient number of promising and regular pupils. These scholarships should be limited to the upper primary classes in the case of non-wandering tribes, while in the case of wandering tribes, they should be for the lower classes also. The rates of such scholarships at different stages in

#### TECHNICAL ADVISORY GROUP

the school should be according to the schedule given in Chapter III. In the case of wandering tribes,  $33\frac{1}{3}$  per cent pupils should be given such scholarships in the first five years and 25 per cent in the next five years. In the case of non-wandering tribes, these scholarships should be given to 20 per cent pupils in the first five years and 10 per cent pupils in the next five years. The position should be reviewed after 10 years.

23. The Regional Committees of Gujarat, Maharashtra and Karnataka should be requested to extend their social education work in Ex-Criminal Tribes colonies, by imposing conditions on social education officers to show special work of imparting social education to Ex-Criminal Tribes residing in their respective jurisdictions.
24. Literate boys, girls above the age of 12 years and adults should be trained in suitable cottage industries in rural areas through the peripatetic parties and mechanical trades, in urban areas, by regularly starting industrial schools. Such Industrial schools should be started at Ahmedabad, Sholapur, Hubli, Gadag, Bijapur and Ambernath. Trainees who receive training should be given Rs. 30 as stipends per month and after completion of training Rs. 500 should be given to him for purchase of equipment, tools and working capital to start the industry. Fifty per cent of this amount should be a subsidy and the remaining as loan returnable in 36 monthly instalments. Three big industrial training centres should be established at Ahmedabad, Sholapur and Hubli to train Ex-criminal tribes boys and girls in various trades.
25. An adequate number of vacancies for Tailoring and Carpentry courses should be reserved for Chhara boys in Government Industrial Technical workshop of the Labour Department at Ahmedabad, till the scheme of a separate industrial centre at Naroda materializes.
26. Segregation of children, particularly, the children of the hardened criminals, is neither desirable nor practical also. Neglected children should be sent to Certified schools under the provisions of the Children's Act and the said Act made applicable to all big Ex-Criminal Tribes colonies in the Bombay State.
27. Following additional hostel facilities should be given to Ex-Criminal Tribes pupils, over and above the facilities given to the Backward Class pupils -
  - (i) Backward Class Hostels run by Government and private agencies should take initiative to have 20 per cent children of the Ex-Criminal Tribes in the hostels. Backward class pupils, who can stay with their parents and have educational facility at the place of their residence, are not eligible for admission

to these hostels. This rule should be relaxed in the case of Ex-Criminal Tribes pupils, at least for a period of 10 years.

(ii) Children of nomadic tribes should have preference in admission to such hostels. A special hostel may be started for the nomadic Ex-Criminal Tribes pupils if 30 such pupils are available at one place. Such 10 hostels should be started in the year 1951-52 to begin with. Out of which, 6 hostels should be started, 2 at each place at Ahmedabad, Sholapur and Hubli, one for boys and one for girls. These 6 hostels should admit 50 inmates in each.

28. Study-cum-Recreation classes should be organized in big Ex-Criminal Tribes colonies for Ex-Criminal Tribes pupils who are not supervised through Backward Class Hostels or Hostels started for them.

### **Economic**

29. Strenuous efforts are necessary to see that a large percentage of Ex-Criminal Tribes is enabled to get jobs in Textile Mills and other Factories. The Rehabilitation Officer should be asked to collect statistical information of labourers required in various departments of the Textile Mills and other Factories and find out the scope for employing them. Percentage of Employment of the Ex-Criminal Tribes should be fixed up by the Backward Class Officer in consultation with the Labour Commissioner for a period of ten years.
30. Arrangement should be made through the Managers of Factories and Association of Textile Mill-owners to train Ex-Criminal Tribes on apprenticeship basis. The Government should pay liberal grants to the mills for such training arrangements or even bear the full cost of such training if mill managements do not voluntarily come forward to do this work.
31. Special provision should be made to give preference to the Ex-Criminal Tribes labourers in the present decasualization scheme.
32. Percentage of employment should be fixed in all Industrial concerns, Textile Mills and Factories where more than 50 labourers are working. Members of the Ex-Criminal Tribes may be rehabilitated at places where they will get remunerative jobs. This arrangement will automatically enable to split up their groups, and help their absorption in the society.
33. Employment should be provided to the Ex-Criminal Tribes in various Government Railway Workshops and semi-Government Factories and concerns. At least 5 per cent of the workers in such concerns should be the

#### TECHNICAL ADVISORY GROUP

members of the Ex-Criminal Tribes. They should be taken as unskilled labourers to begin with and trained in various skills in due course.

34. If Trading Estates are established, employment should be provided to them as unskilled labourers.
35. They should be employed in Jails as menial staff, in Government, Defence Service and in the Police, in Railway menial staff as coolies, gang men and in State Transport, as cleaners, drivers, and conductors, as labourers in Public Works Department, Municipal and District Local Board works.
36. They should be employed in fourth grade Government services as peons, coolies, watchmen and menial staff in various Departments.
37. All primary School Leaving Certificate Examination passed persons should be employed as Primary School Teachers, Talatis or given similar jobs in the Revenue Department, but none from them should be allowed to remain unemployed.
38. Three big industrial training-cum-Production Centres should be started at Ahmedabad, Sholapur and Hubli with training facilities in about half a dozen, useful and remunerative industries. Arrangement should be made to enable at least 100 Ex-Criminal Tribes persons to do work in one industry. These centres should be run purely as business concerns and efforts made to make them self-sufficient in due course.
39. Industrial training should be given to Ex-Criminal Tribes residing in considerable population through the peripatetic industrial schools and if necessary extra peripatetic schools organized for this purpose. The trainees should be provided liberal stipends while they are under training and adequate loan facilities to run the industry, in which they have received training. Liberal loan facilities should be given to groups of such trained persons rather than individuals as far as possible.
40. Government should provide experienced persons as secretaries to the industrial and other Co-operative societies organized by Ex-Criminal Tribes. Fifty per cent emoluments incurred on account of such secretaries should be borne by the Government itself.
41. Co-operative Societies of Ex-Criminal Tribes should be advanced loan for Share capital on easy terms to enable them to have adequate loan facility. Government should guarantee to central financing agencies, in case there is difficulty in obtaining loan.

42. The scheme of loan facilities to be given to Backward Class artisans should be implemented with advantage for the individual Ex-Criminal Tribes following productive industries, on individual basis. A committee constituted of the Assistant Registrar of Co-operative Societies, the Backward Class Welfare Officer of the District, the Deputy Registrar of Co-operative Societies of the Division concerned and the District Officer for Industrial Co-operative and Village industries having jurisdictions in the District should dispose of such individual loan applications. They may recommend loan but powers of sanctioning it should rest with the joint Registrar for Industrial Co-operative and Village Industries. The District Officer for Industrial Co-operative and Village Industries should work as Secretary of the Committee.
43. Apart from Industrial Co-operatives, Multipurpose and Labourers Co-operative should be organized through the Welfare Organizers in Ex-Criminal Tribes Colonies.
44. Facilities should be provided to train Ex-Criminal Tribes women in sewing, weaving, tailoring, embroidery work, needlework and other crafts suited to them. Women teachers to teach these crafts should be appointed in Ex-Criminal Tribes colonies. Women trainees should be provided similar facilities provided to the trainees receiving training through the Peripatetic Training Schools.
45. Young girls who are above the age of 12 should be trained in suitable crafts to train women by starting regular craft training schools at Ahmedabad, Sholapur and Hubli.
46. The proposal of agriculture colonization of Ex-Criminal Tribes does not appear feasible. However efforts should be made to enable some Ex-Criminal Tribes following agriculture as their avocation to stay with non-Ex-Criminal Tribes agriculturists in the scheme of agricultural colonization. Separate colonies of the Ex-Criminal Tribes should not be encouraged.

### **Housing**

47. We concur with the provisions of the Government Post War Reconstruction Scheme No.219 and recommend that lands should be given to the members of the Ex-Criminal Tribes at the rate of one and half gunthas to each family in the case of a non-agriculturist family and 3 gunthas in the case of an agriculturist family. It is necessary to have 400 square feet as the actual built

#### TECHNICAL ADVISORY GROUP

area of the house in the case of each family. An additional built area of 200 square feet is necessary for an agriculturist family to use it as a barn.

48. The Government should bring into existence an organization, which would start providing housing accommodation to the Ex-Criminal Tribes. For this purpose a committee consisting of the Collector or his Deputy as Chairman and the Executive Engineer, the Assistant Registrar of Co-operative Societies and one or two social workers as members and the Backward Class Welfare Officer as Secretary should be formed in all Districts where there is a considerable population of the Ex-Criminal Tribes and particularly in the Districts of Sholapur, Bijapur, Dharwar, Belgaum, Ahmedabad, Kaira, Bombay, Bombay Suburban and Thana. A sub-committee of the District Backward Class Committee may be asked to do this work if possible with the Assistant Registrar of Co-operative Societies and the Executive Engineer as members of the same.
49. Housing Co-operative Societies of the Ex-Criminal Tribes wherever possible should be organized.
50. Housing lands should be made available to the Ex-Criminal Tribes to build houses in rural and urban areas where there are more than 5 families. The Mahalkaris and Mamlatdars should be asked to provide housing lands to Ex-Criminal Tribes families where they are less than 5 in number.
51. In case of nomadic tribes, land should be given free. Loans also should be advanced to them to build houses at a very low interest and recovery ordered in easy installments.
52. There should be no Ex-Criminal Tribe family left without a housing site within the next 3 years in urban areas and 5 years in rural areas.
53. While granting housing sites it should be seen that the Ex-Criminal Tribes are not segregated from the rest of the population.
54. Government should provide at their cost, trained secretaries to Housing Co-operative Societies of Ex-Criminal Tribes having more than 50 members.

#### **Social Welfare**

55. Welfare activities of the Labour Welfare Department should be organized at all Ex-Criminal Tribes colonies in urban areas. Recreational activities should be organized at other places also through the Welfare Organizers.

56. The present system of caste Panchayat should be gradually remolded so as to make them channels of social reform. There should be one general Panchayat for all Ex-Criminal Tribes and non-Ex-Criminal Tribes staying in one locality. There should be Sub-Panchayat of each caste, having some advisory members in it from persons of reputation from other castes and social workers.
57. It is necessary to give moral education to the Ex-Criminal Tribes. Recreational and other activities should be arranged in such manner, that they should help to train the Ex-Criminal Tribes morally, for which Bhajans, Kirtans, lectures and discussions on morals and good principles of all religions should be arranged.

#### **Administrative Machinery and the Habitual Offenders Restriction Act**

58. Two officers, one as Rehabilitation Officer for the Ex-Criminal Tribes and the other to look to the industrial development should be appointed under the Backward Class Officer to plan, organize and co-ordinate activities which have been recommended by us in this Report. Welfare Organizers and officers to look to the industrial development should be appointed at Ahmedabad, Sholapur and Hubli and in Districts having considerable population of the Ex-Criminal Tribes. The Backward Class Welfare Officers of the Districts should be made responsible to execute the various schemes and proposals of rehabilitating these tribes.
59. The Habitual Offenders Restriction Act should be amended in the light of the Madras Habitual Offenders Act and its provisions made simpler and wider, in order to restrict all habitual offenders from Ex-Criminal Tribes and also others, as action on these few notorious characters will enable other Ex-Criminal Tribes to live peacefully in their localities. A conference of the Backward Class Officer, the Chief Inspector of Certified Schools and a few selected experts in criminology, magistracy and Police work should be called and amendments to the existing Habitual Offenders Restriction Act made in the light of recommendations made by it.

#### **Other Recommendations**

60. Government should encourage voluntary associations to do uplift work among the Ex-Criminal Tribes. But in case no voluntary effort is forthcoming, the Government should undertake to do uplift work for them and in due course give increasing scope to the voluntary associations.

**TECHNICAL ADVISORY GROUP**

61. The Government should include in their programme of the Housing Department, provision for housing of these communities. The Ahmedabad pattern of tenements used for the refugees at Naroda, costing Rs. 3900 for 6 tenements should be taken as a model. The Government should construct such tenements at suitable places and give them to the members of these communities on hire purchase system.
62. If there are any schemes of housing of the general population and if housing Co-operative Societies are formed for that purpose, a few members of these communities should be included as members of that society.
63. If there are Housing Societies and sites specially reserved for these communities, members from other communities should be encouraged to buy plots or be members in the Housing Co-operative Societies of the Ex-Criminal Tribes.
64. Housing sites owned by the Ex-Criminal Tribes, which were forfeited and given to non-Ex-Criminal Tribes by Government, should be restored to them if they are willing to go to their villages and stay there permanently.
65. Agricultural lands owned by the Ex-Criminal Tribes, which were forfeited and given to non-Ex-Criminal Tribes by Government, should be restored to them.
66. Panch Fund and some other public funds raised on the contributions given by the Ex-Criminal Tribes should be handed over to the associations or organizations of Ex-Criminal Tribes doing ameliorative work among them and it should be spent for their uplift.
67. The Umedpur village area (the Sholapur Ex-Settlement area) which is just on the outskirts of the Sholapur Municipal limits should be included in the Sholapur Municipal limits and sanitary and other amenities extended to that area for the benefit of the Ex-Criminal Tribes.
68. One member belonging to the Ex-Criminal Tribes should be nominated by the Government on each of the Backward Class District Committees of Sholapur, Bijapur, Dharwar, Poona, Thana, Kaira and Ahmedabad Districts.
69. One member belonging to the Ex-Criminal Tribes should be nominated by Government to represent them in the State Backward Class Board.

Villages where the Criminal Tribes Act of the old Baroda State was in operation have not been included in the list of the Backward Classes. But as they are members of the Ex-Criminal Tribes and as they are really very backward

educationally, economically and socially, we recommend that they should be included in the list of the Backward Classes and be made eligible for all the facilities provided to the Backward Classes by Government at present. The special facilities recommended for Ex-Criminal Tribes may not be given to these communities.

We have recommended some special concessions in education to the children of the wandering or nomadic tribes. For this purpose we recommended that Kanjar Bhats or Chharas, Pardhis and Mang-Garudis should be treated as wandering or nomadic tribes.

In Paragraph 72 of the Criminal Tribes Act Enquiry Committee Report , there is a recommendation that the following tribes can no longer be considered criminal :

(1) Fatgudis (2) Chhapparbands (3) Kamis (4) Katbus (5) Vanjaris. It also states that the danger from some foreign tribes has not been serious. These communities are the following: (6) Baurias (7) Bhars (8) Minas (9) Oudhias and (10) Pasis. Their population also is probably very small as there are no definite figures available. We may therefore very safely omit these communities from general discussion. The Committee again in the same para has referred to (11) Berads (12) Bhils (13) Kohs (14) Lamanis (15) Waddars and (16) Wagharis as showing gradual improvement in recent years and therefore has recommended their early denotification.

## 8

### Comprehensive List of Suggestions Examined by TAG

1. Atrocities Act to be extended to DNT, nomadic and semi nomadic tribes, if this order of priority. This will need Parliament's intervention and it can be pursued immediately.
2. A DNT, Nomadic, Semi-nomadic Tribes Act to include these groups in the Ninth schedule, as an independent list, or to the SC/ST one, depending on the feasibility at this point. This too will need Parliament's intervention, and it can be initiated by the Commission and completed within a time frame of say a year.
3. The DNT listing could go back to the denotification of 1952. The nomadic and semi-nomadic could go back to the 1931 Census. The population estimates could use the Mandal methodology of project estimates from the 1931 Census, on the basis of estimated growth rates of these groups and the general population.
4. The present schemes could be listed and reviewed, adapted and new ones proposed. This must be done in time to be taken up by the 11th Plan.
5. The present DNT Commission could be extended for a period of say 5 years to see all this through and then made permanent and eventually made statutory on par with other such commissions.
6. Abolition of the Habitual Offenders Act from all States
7. Complete removal of area restrictions on movements
8. Complete removal of area restrictions on Recognition as ST/SC/OBC, which will bring a national uniformity in the status of any given community
9. Establishing Human Rights Protection Cells and Development Sub-plans at the location of all former DNT Settlements
10. Provision of Representation in Assemblies in proportion to the population of DNTs and NTs within a given state
11. We need to focus on the pastoral and the semi pastoral groups as well. This is something that is also not on the radar of the commission. They constitute

about 4 to 5 percent of the population; have serious problems and the problems have environmental and ecological dimensions.

12. With regard to the suggestions made by Dr. Rudolf Heredia and then added on by Prof. Devy, we can brainstorm on some other issues as well, like an introduction of a rehabilitation Act, Increase the ambit of the Atrocity act, and a comprehensive statutory commission on the lines of Peace Reconciliation Commission which will also have statutory powers.
13. The pace of technology demands that we must think of an educational programme that bridges the gap between knowledge and livelihood for the communities we are concerned with. Can we think of a comprehensive educational support system that has potential of delivering livelihoods?
14. The road map must have something on the land reforms. We should think about the roadmap for the DNTs and the land reforms, forest rights for pastoralists, grazing rights and passage rights across the state boundaries for the sheep, camel, goat, yak buffalo and the other pastoral groups. Rights of performance for the non pastoral nomadic groups, access to land to these groups and so forth.
15. A curriculum in the education systems on the communities we are concerned with. Lastly for the present, a structured document on the issues concerned, with a definite timeline for each of the issue to its final stage in the report.
16. *Separate list:* To prepare a separate list of DNTs (State-wise) except those communities who are included in the list of SC/STs.
17. *Constitutional Protection:* To give constitutional protection and privilege to DNTs on similar line as given to SC/STs creating a separate Third Schedule – “Denotified Tribes (DNTs)”. We may call it “Scheduled Denotified & Nomadic Tribes”.
18. *Separate Fund:* To earmark separate funds for development of DNTs in the 11th Five Year Plan on the same scale as provided for the STs and SCs.
19. *Development Board:* To constitute a Denotified Nomadic Tribe Development Board which can look after the overall development schemes of DNTs.
20. *Development Scheme:* The DNTs live in a separate location at the outskirts around the village. These places are called Tandas/Vadi Pardas. There should be separate scheme named “Tanda Development Scheme” where facilities like infrastructure, Road, Electricity, Drinking Water, Sanitation should be provide under a single window system. Like SC/STs, special provision and budgetary

#### TECHNICAL ADVISORY GROUP

allocation be made in Sub Plan for DNTs for construction of road connecting their Tandas with the main village, providing electricity, drinking water facility, and sanitation at their Tandas.

21. *Permanent Residence:* Most of these communities have no permanent residences. They generally live on the outskirts of village, the place where they stay are Pals or Tandas, or any non permanent settlement, some of which do not even fall under Gram Panchayat area. So a special Housing Scheme like Indira Awas Yojana may be sanctioned exclusively for DNTs.
22. *Basic Education, Residential Schools, Higher Education & Technical Education:* 99% of these communities are illiterate and they have had less chances of getting quality education. For educating the DNTs in every talukas there should be residential schools exclusively for DNTs, and NTs so adequate special provision and budgetary allocation be made in this regard.
23. *Grants for studies abroad:* Financial assistance should be provided to the meritorious DNT students for pursuing higher studies in foreign country.
24. *Preservation of DNTs cultural heritage/handicrafts:* Some of the communities have developed over a period of centuries' expertise in artisanship and handicrafts. Various handicrafts items made by them are very popular in the country and there is a great demand of these items in international market too. But due to their poor financial condition, they cannot improve their production capacity. Government should come forward and encourage them giving them assistance for their handicraft work. Special measures/package be sanctioned by Government to support and sustain this activity.
25. *Census:* A special Census & Survey of denotified and nomadic tribes should be done in the country immediately. However rough population estimates could be arrived at on the basis of the sample surveys and growth rates of population.
26. *Health Awareness and Medical Facilities:* As these communities are not connected with the mainstream of social life they are totally unaware about health awareness and medical facilities. They are so poor that they cannot afford/go to the qualified Doctors or Specialists. They even depend on the quacks as a result of which most of them are sick and suffer from TB, AIDS, Cancer and other diseases. Their women and children are most vulnerable to contamination of various diseases due to malnutrition. Provision of Mobile dispensaries to their bastis should be made. So special provision and

budgetary allocation be made in Sub Plan for DNTs for Health/AIDS Awareness, family planning and for other Medical Facilities.

27. *Abolition of Bonded Labour*: It should be ensured that total liberation and full rehabilitation of bonded labourers and eliminate child labour practices. The creation of separate authority exclusively for the DNTs and NTs be considered for this very specific purpose.
28. *Protection for DNTs from atrocities*: To bring an Act named DNTs (Prevention and Atrocities) Act 2006 for exclusive special court of sessions with judges and investigation officers and public prosecutors without any other burden of work, inclusion of social and economic boycott and blackmail as substantive crime of atrocities, provision of death sentence for murder, full economic rehabilitation of DNTS victims and their survivors.
29. *Forest Rights*: The benefit of Schedule Tribes (Recognition of Forest Rights) Bill, 2005 should be extended to DNTs NTs and Pastoralists
30. *Employment*: Like ST/ST/OBC, provision for special reservation for DNTs should be made for higher education, technical education and in service. In most of the States DNTs are included in the OBCs list as per Mandal Commission Report. They be considered as a separate entity as per point 1 stated above and suitable provisions be made.
31. *Welfare Schemes*: On the line of various SC/ST Welfare Schemes, various Welfare schemes for the welfare of child, women, old aged exclusively for DNTs be formulated and sanctioned. A special provision and budget allocation be made in this regard.
32. *Special Coaching Centres*: NGOs should be encouraged by giving Central Government aids for setting up of Special Coaching Centre for DNTs for various competitive examinations like UPSC, SSC, etc.
33. *Scholarship & Book Bank*: Scholarships should be provided to DNTs students from Primary Level to Higher Education to bring them in the main stream of society. Separate Book Bank for DNTs should be established.
34. *Language*: Introduction of Mother tongue (Banjara Language) in Primary Education in Tanda's (Village) School, under Sarbashiksha Abhiyan for Banjaras, under Article 29(1) and 350(A) of the Constitution of India and inclusion of Tribal Banjara Language in 8<sup>th</sup> Schedule of the Constitution. Similarly other languages also be considered.

TECHNICAL ADVISORY GROUP

35. *Separate Department:* To form a separate Department named as Department of DNTs should be created in Government for looking after the matter is DNTs exclusively.
36. *Land related activities:* To launch a comprehensive National Programme for minor irrigation of all lands held by DNTs and bring irrigation by any means for all their irrigable land. Give landless DNTs some land through proper implementation of land ceiling and land redistribution legislation, and development these land through irrigation and other means.
37. *Exemption from Creamy Layer:* DNTs should be exempted from the purview of Creamy Layer, since they are the most backward in the country.
38. *Special Grants for Small Scale Industries:* To sanction special grants to DNTs for setting up of small scale industries.
39. A rehabilitation Act should be made for the De-notified and Nomadic tribes. The rehabilitation scheme should include allotment of houses with adequate space for raising animals. There should be proper provision of water and other amenities. The nomads and semi-nomads should also be allotted land for cultivation, which would initially supplement their subsistence and gradually may become their primary occupation. Before evolving rehabilitative strategies, impact analysis should be conducted to determine how settlement would affect their lifestyle and traditional instinct for survival.
40. 'Atrocities Act' should be extended to cover De-notified, Nomadic and Semi-Nomadic Tribes
41. Nomadic and Semi-Nomadic people should be given a domicile certificate by a competent local authority to say that a person has stayed in a particular place for certain duration. Besides, Election Identity Cards should also be issued to them even if they are nomadic. Even migrant workers have ration cards as they move out for jobs. These cards can be given on the basis of tentative address.
42. The Central Government should initiate dialogue with Forest Department of state governments and evolve a policy that ensures the traditional rights of these communities over forests. 'Indian Forest Act' and 'Wild Life Protection Act' should be reviewed and properly amended to ensure that these people are not deprived of their basic human rights and right to livelihood.

43. 'The Habitual Offenders Act' should be repealed in all the states. It is an instrument in the hands of the police to harass and punish the DNTs in the most brutal way.
44. State-level offices of the DNT Commission should be set up since the Commission at the national level may not be able to give full attention to the human rights violations all over the country involving the DNT and the National Human rights Commission may have difficulties in this regard since their mandate covers human rights violations for all communities and not DNTs alone.
45. The NHRC in their 7<sup>th</sup> annual report had suggested that a senior police officer be appointed in every state to look in to the cases of violation of human rights of denotified and nomadic tribes and report to the state Human Rights Commission. This recommendation should be implemented.
46. The entire administrative machinery, especially the police, needs to be sensitized and reoriented to the problems of these communities.
47. National Police Academy and other Police Training Institute may be instructed to bring about attitudinal changes in the Police officials by incorporating suitable items in the curriculum.
48. Women of DNTs are vulnerable to sexual harassment by men of other communities, Special cells are needed to allow women of the DNTs to come forward and complain in case of sexual harassment.
49. There are ample evidence that settled DNTs are forced by the police to commit crimes like brew illicit liquor in order to get their share of the earnings. While rehabilitating such groups, care should be taken to see that the local police are not given the authority over them for a specified period so that they are actually given the breathing space to start their new lives.
50. The programme for the development of these communities should be group oriented, addressed to the problems identified for each specific group. There should be centrally sponsored schemes for the development of these groups. For implementation of programs there should be close coordination between the Ministry of Home Affairs and the Ministry of Social Justice and Empowerment. There should be mapping of priority areas of education, vocation training and livelihood.
51. A massive information campaign should be launched to sensitize the public about their problems so as to take away the stigma of criminality.

**TECHNICAL ADVISORY GROUP**

52. There should be a schedule for the De-notified, Nomadic and Semi-Nomadic Tribes. Since this will need Parliament's intervention and it can be initiated by the DNT Commission and completed within a time frame.
53. Since no data is available regarding the present population the DNT list, as it was at the time of de-notification in 1952, could be taken as standard list. Similarly the Nomadic and Semi-Nomadic list could go back to the 1931 Census. The population estimates could use the 'Mandal Commission' methodology of project estimates from the 1931 Census, on the basis of estimated growth rates of these groups and the general population. Ministry of Social Justice should establish a special cell in the Ministry for undertaking preparation of a fresh and accurate list of DNTs in collaboration with Registrar General of India.
54. People belonging to Nomadic and Semi Nomadic Tribes engaged in pastoral activities should be encouraged to form their own cooperatives and should be given financial incentives to set up food processing units.
55. These wandering communities possess wonderful knowledge about herbs and medicines therefore their expertise can be utilized in the collection and development of herbs and medicinal plants, which are in great demand in the country and outside.
56. The Govt. should give training to these people for scientific grazing so that they could continue their traditional livelihood activities without demanding the local environment and forest resources. These people should be encouraged and be involved in agriculture-based projects such as horticulture, floriculture and Bamboo plantation etc.
57. The DNT Commission should be made permanent and eventually made statutory on par with other such commissions.
58. Looking into the very poor nutritional status of the children of the De-notified, Nomadic, and Semi-Nomadic tribes, there must be special schemes to cater to the infants and toddlers of these communities through specially set up balwadis at the Panchayat level. Here supplementary nutrition could be provided to the children on a priority basis. Additional supplementary nutrition is also a must for the women who are normally highly anemic and suffering from a number of female ailments.
59. A number of primary, secondary and senior- schools, colleges and vocational training institutes should be opened for the benefit of these communities.

Scheme of Mid-Day Meal has proven to be an important incentive for the children to attend school and this should form a part of the routine as well.

60. It is difficult for nomads to send their children to regular schools because their livelihood makes it necessary for them to keep moving. These groups include people who move from village to village repairing agricultural implements; tribal groups who move seasonally in search of paid work in cities; and nomadic pastoralists from different communities who are found all over India. Thus Special Mobile Schools & residential schools should be opened for children of these communities.
61. The Government should launch special vocational training programs for De-notified, Nomadic and Semi-Nomadic tribes. There should be special training program to develop leadership qualities among its youth so that they can act as focal point of dissemination of knowledge in their respective areas of activities.
62. Serious efforts should be made to develop traditional skills among these communities as this can ensure a sustainable source of income for these communities.
63. The 'Commission for Scientific and Technical Terminology', Ministry of HRD, Government of India could be entrusted the task of developing text-books, reference books, supplementary reading materials and terminologies in the languages of these communities.
64. The Government should give special financial initiatives to the prospective young entrepreneurs from these communities to learn modern techniques/methods in training and entrepreneurship skills.
65. Himachal Pradesh has experimented with teachers traveling with the nomadic groups in order to achieve 100% enrolment of children between 6 and 14. This experiment should be followed up and assessed for possibility of its application in other states
66. Special provision needs to be made for the education and vocational training of girl child so that they could be prevented from the possibilities of forced prostitution. Similarly, women of these communities need to be retrained in their traditional crafts and market for there produce could be provided through government channels.
67. Residential schools are very important way of encouraging them to send the younger children to get education voluntarily in a settled place. Current data

#### TECHNICAL ADVISORY GROUP

shows that the nomadic people are very keen on the education of their children and will cooperate with 'setting' them through a schooling system.

68. The J&K government has special coaching for SC/ST students from 9<sup>th</sup> to 12<sup>th</sup> standards and also for allied services. Wherever there is a settled DNT population, these schemes can be introduced to support the studies of the students.
  69. Government of India should constitute a permanent Commission for addressing the situation, rights and grievances of Denotified, Nomadic and Semi-nomadic Tribes. This Commission should have similar powers as the National Commission for Scheduled Tribes enjoys at present
  70. An exercise to do a proper vocational analysis of the Denotified Communities be undertaken at the national level in order to determine:
    - a) The shifts away from the traditional occupations, trades and vocations;
    - b) To determine the differences in economic status of the most marginalized among the DNTs and the comparatively developed communities among them.;
    - c) To decide on the nature of trades training institutes to be set up for them;
    - d) To avoid the blunder of imposing a 'fancy and mis-guided' version of their traditional occupation on the DNTs. For example, Madaris need not be forced to open Venom-Banks.
  71. In order to provide the facilities of elementary schooling to the children of nomadic communities, Mobile Schools should be set up at the locations of their stay, within the entire trajectory of their movement so that no child remains without access to education.
  72. the Nomadic and Denotified communities often face difficulty in obtaining birth certificates and domicile certificates. The difficulty is more acute in obtaining domicile certificate. Provision should be made for an easy issuance of these certificates; and the officials who do not provide the certificates should be punished under law. Legal provision should be created for 'Atrocity' of this nature.
  73. Gender injustice has been an issue of central importance with relation to the Denotified, Nomadic and Semi-nomadic Communities. Any and every welfare scheme prepared for these communities must keep gender equity as a goal within its framework. Similarly, the National Commission for Women must be kept in the picture while planning any development for the DNTs by
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- asking the NCW to send a representative to the proposed DNT Commission, or by asking the DNT Commission to the NCW as a mandatory arrangement.
74. School administrations are known to have refused admission to children belonging to Denotified Tribes owing to the stigma attached to them. An act to prevent atrocity to the Denotified Tribes must include this aspect of social discrimination within it as an essential component.
  75. Extension of Mid-day Meals scheme to all children belonging to Denotified, Nomadic and Semi-nomadic Tribes will enhance the educational standards of these communities.
  76. Whether the children of Denotified and Nomadic communities attend the Mobile Schools, or Settled Schools, the children must have an easy access to an equal-opportunity education, which means that the recruitment of teachers to these schools will be done by adhering to the standards of excellence at par with other schools. Similarly, the facilities and infra-structure in the special DNT schools will be of the national standard. But, more importantly, in order to avoid and prevent ghettoisation the children of Denotified, Nomadic and Semi-nomadic Tribes should be provided access to the General Schools so that they can have a social co-education.
  77. For encouraging Middle-school and High school level education, hostels should be created for the children from Denotified and Nomadic Tribes. In addition, special residential schools be conceptualized and created for these children.
  78. The Law Preventing Atrocity to Scheduled Tribes and Scheduled Castes, which is at present applicable to the SCs and STs, should be extended in its intent and operation to cover all Denotified, Nomadic and Semi-nomadic Communities.
  79. Further, the Prevention of Atrocity Act must be extended to take into account atrocities caused by policemen and officials as well.
  80. Special Priority should be given to members of Denotified, Nomadic and Semi-nomadic Tribes be given for receiving benefits of the Schemes prepared for Scheduled Tribes and Scheduled Castes, respectively, where the DNTs fall under the ST or SC categories.
  81. In order to provide such priority within the SC or ST categories, a special category such as SC(DNT) or ST(DNT) be created.

**TECHNICAL ADVISORY GROUP**

82. While making schemes for providing shelters and dwellings to the families belonging to the Denotified, Nomadic and Semi-nomadic Tribes, special care must be taken to ensure that they do not end up getting only shanty huts unfit for human habitation. Modern kind of dwellings will have to be conceptualized under such a scheme, and the Government will have to provide for loans and subsidy funding for the families to be able to build, buy or own such housing.
83. A proper Census of the Denotified, Nomadic and Semi-nomadic Tribes and communities needs to be carried out for determining the exact need of welfare assistance and getting a clear picture of the present situation of the DNTs.
84. Government should encourage research about the Denotified, Nomadic and Semi-nomadic Tribes. Schemes to encourage research need to be put in place.
85. persons belonging to Denotified and Nomadic Tribes must be given Mobile Voting Cards to enable them to exercise their democratic duty of voting during elections. These MVCs should have validity throughout the Migrational Trajectory of the Nomadic Tribes, while the votes can get registered for pre-determined locations and constituencies.
86. the Government should perceive the needs of the Denotified, Nomadic and Semi-nomadic Tribes as a matter of Historic Duty and Obligation of the State since they have mostly remained outside the welfare network over the last six decades. Hence the schemes to be proposed by the Government should be a substantial magnitude.
87. government must ensure that there is a strong legal protection to the Denotified, Nomadic and Semi-nomadic Tribes from the social stigma, atrocity and privation. The Law that will protect the DNT communities must ensure that the Constitutional Guarantees provided to a citizen of India get fully and effectively extended to the members of the Denotified, Nomadic and Semi-nomadic communities.
88. Throughout the previous century the access of the Denotified, Nomadic and Semi-nomadic Communities to natural resources and land has been placed under very severe constraints. Particularly, the case of the pastoral communities dependent on grazing lands needs a very special attention, at par with the Tribal Rights on Forest Land. The proposed Law must take care to cover this aspect of the situation of the DNTs.

89. Irrespective of the occupation, location of work and the entries in the village records, all members of Denotified, Nomadic and Semi-nomadic communities should be entered in the official lists of Below Poverty Line persons; and the benefits of schemes specially made for the BPL families must be extended to the DNT families.
90. In order that the benefits of any or every scheme designed for the development of Denotified, Nomadic and Semi-nomadic Tribes reaches them, it is highly essential that the administrative machinery handling these schemes gets a thorough re-orientation so that it shows enough sensitivity to the plight of the DNTs.
91. Those communities among the Denotified, Nomadic and Semi-nomadic Tribes that do not fall at present within the ST category for the purpose of the Central Government should have opportunities of direct political representation. Therefore special Nomadic Constituencies be created within the States and the Union elections to allow representation of the Non-ST Nomadic Communities. Considering the extent of their present population, which is over One Crore (i.e., the Non ST-Nomadic and Pastoral Communities), pro-rata Five Seats in the Parliament must be reserved for these communities.
92. A Permanent National Commission to address the issues, rights and development of Denotified, Nomadic and Semi-nomadic Tribes be established at par with the National Commission for Scheduled Tribes.
93. National Denotified, Nomadic and Semi-nomadic Corporation (DNT-C) be established for providing revolving funds and seed capital, skill enhancement and craft marketing to the DNTs.
94. A very large number of families belonging to the Denotified, Nomadic and Semi-nomadic Communities are at present without shelters and dwellings of any kind at all. There needs to be a National Mission for Housing for the families belonging to these communities. The root cause for the severe underdevelopment and deprivation of the DNTs has been the lack of access to natural resources and the lack of housing facilities. The National Mission for DNT Housing must provide nearly 40.00,000 dwelling of habitable standard to these communities in a time-bound manner; and therefore, the task must be undertaken on a war-footing.
95. One part of the National Mission for DNT Housing will be a proper legalization of the dwellings that the DNTs own at present. Often, they

#### TECHNICAL ADVISORY GROUP

manage to construct these houses after years of work and saving, but due to the lack of proper documents and the knowledge about legal documentation, they end up being unjustly displaced. Thus, the asset creation activity of the DNTs is thwarted due to a structural flaw in the legal system. In order to reduce the social sector burden on the National Exchequer, a nation-wide legalization of the DNT dwellings as-is-where-is basis must be undertaken.

96. Old persons in DNT families normally end up begging by the road-side. Special provision for Old-Age-Community Housing needs to be made so that they do not have to 'legalise' their deprivation reflected in their begging by registering themselves under the present public order law as 'criminals' without which the Law does not provide shelter in the Social Defense Community Wards.
97. There is a need to create a scheme for a special package for paying compensation to those DNTS who get displaced due to the present urban demolition drives. There are at present no parameters available to measure the damages caused by displacement to the families belonging to Nomadic Tribes. Dwelling Rights, in absence of proper land records, need to be recognized as 'value' for assessing the damages and the compensation package.
98. Similarly, The Act to Prevent Atrocity Against SC and ST proposed to be extended to the DNTs should have a component of monetary compensation in instances of atrocity caused by the police, which often is the case with the Denotified Tribes, and which should be paid by the State to the families of the persons suffering loss of life or livelihood possibilities due to such atrocity.
99. Mobile Primary Schools and Industrial Training Institutes be created specially for Denotified, Nomadic and Semi-nomadic Communities.
100. A massive publicity campaign must be launched in order to bring about a change in the general attitude towards the Denotified, Nomadic and Semi-nomadic Tribes till the stigma of criminality attached to these communities has been wiped out.
101. The term "Atrocity" needs to be defined freshly within the Indian system of law and administration in the light of the endless suffering that the Denotified and Nomadic Communities have undergone over the last century and a quarter.

102. Suggestions made by the Technical Advisory Group to the Government of India must be of a practical nature and the contents of those suggestions should be such that creating schemes around them becomes feasible.
103. the Schemes and Programmes recommended for conceptualization and implementation to the Government of India and to various State Governments must be 'Ostensibly Possible'
104. It will not be desirable to think of a DNT Commission for each State as it will not be a tractable mechanism for addressing the needs and developmental issues of the DNTs. Therefore, only one National Commission for Denotified, Nomadic and Semi-nomadic Tribes should be proposed.
105. The Directors or Commissioners of Tribal Development in the States should be asked to assist the National Commission in its work
106. Communities not listed in any previous lists of Denotified or Nomadic or Semi-nomadic Tribes, but are of the type or manner by which they should belong to the lists, must be added to the lists and a final list of Denotified and Nomadic and Semi-nomadic Tribes.
107. An Advisory Board should be created every State having a sizable population of Denotified, Nomadic and Semi-nomadic Tribes to monitor if the benefits of formal education have been reaching to the DNTs or not, to facilitate issuance of domicile and birth certificates and access to schooling during admissions.
108. Issuing certificates for birth, domicile or any other for of certification necessary for protection of entitlement and rights should be made a responsibility of the local administration since the community's information about domicile, etc. will be the most reliable.
109. Enumeration of the communities for inclusion in the Tribes Lists, or for providing BPL status, etc., should be made the responsibility of the Rural Development Department since the DRDA has already accumulated very useful data on these matters, which is probably the most reliable data so far about the situation on the ground.
110. Similarly, the Forest Department can be asked to provide the data that is with the Forest Department to supplement the data received from the DRDA.

**TECHNICAL ADVISORY GROUP**

111. The Human Rights Commission established in various States be given the responsibility of monitoring the human rights situation in relation to the Denotified, Nomadic and Semi-nomadic Tribes.
112. Every new 'Housing Construction Project' coming up in cities and towns should be given clearance after the project keeps about 5 per cent (or a fixed per cent) land 'Reserved for Denotified and Nomadic Tribes'. This land should be acquired by the Government at the Government price and used for providing housing to the DNTs at a nominal and subsidized price. This will help in de-ghettoisation of the DNTs and will dilute the stigma attached to them.
113. Special Vocational training Centre should be set up for training and skill enhancement of Denotified, Nomadic and Semi-nomadic Tribes.
114. Every State should appoint retired a Reserve Police Officer to oversee complaints of atrocities on the DNT and report this to the Commission. Additional officers may also be appointed in districts having a large population of DNT, for this purpose.
115. National Police Academy and other Police Training Institutes may be instructed to bring about attitudinal changes in the Police officials by incorporating suitable items in the curriculum.
116. NHRC should take appropriate steps for abrogation of Habitual Offenders Act.
117. Even though several DNT have been included in the SC/ST/OBC category, there are several other DNT, which have not been classified into any of these disadvantage categories. Such DNT are not even able to access the basic amenities and relief, which are available to an ordinary Indian. Govt. should take steps to correct this situation.
118. Since DNT are not shown as separate category during the Census operation, Ministry of Social Justice and Empowerment may set up a special Cell for identifying these DNT and direct the Central/State Govts to enumerate all these communities as also the Registrar General of Census should be directed to enumerate the DNT comprehensively during 2011 Census.
119. Allotment of cultivable land for the communities
120. Establishment of schools and vocational training institutes.

121. Identification of areas having large concentration of the DNT and their identification for experimental projects.
122. Encouragement to DNT for creating their own institutes and maintaining their own programmes. Establishment of cooperative societies where DNT possess traditional skills would be desirable.
123. Instructions to be given to State Governments to prepare Action Plans for DNT and ensure that the benefits of the schemes reach those for whom they are designed.
124. A special Act to be prepared for DNT and presented before the Parliament.
125. Launch of a special publicity drive to encourage the change of attitudes amongst the people at large about the DNT.
126. A State-level office of the Commission for DNT should be set up to look after their security and human rights since the Commission at the national level may not be able to give full attention to the human rights violations all over the country involving the DNT and the National Human Rights Commission may have difficulties in this regard since their mandate covers human rights violations for all communities and not DNT alone.
127. Formulation of a rehabilitation package by the State Govt. and its implementation in time bound manner for DNT
128. A special drive for grant of voting rights to the Nomadic DNT communities should be drawn and undertaken by the Election Commission of India so that Voter's Identity Cards could also be issued to members of these communities. This too should be implemented in time bound manner so that the Nomadic members of the DNT are able to exercise their franchise like any other citizen of India.
129. Besides training of the senior officials of the Police Department for dealing with the problems of DNT in a human and considerate manner, the Director General of Police must undertake training of the subordinate staff of theirs especially since the interface of the DNT is with Head constables, Sub-inspectors and inspectors, etc.
130. Primary educational facilities must be provided to resettled DNT communities.
131. Special efforts should be made to provide drinking water facilities to settlements of Nomadic DNT communities.

**TECHNICAL ADVISORY GROUP**

- 132.** A Commissioner for DNT should be appointed at each State headquarters with the pattern of the Commissioner for SC/ST. The argument is that the DNT are the most disadvantages amongst various disadvantaged groups because of their precarious living conditions, their low economic status and skills and the label of criminality of birth attached to them for more than 130 years.
- 133.** Uniformity should be maintained with regard to the listing of these communities in SC/ST/OBC categories. Though it has been left to the state governments to make recommendations about the suitability of a particular community for being listed in the reserved categories, it would be better if there is a better coordination among various states in making an objective assessment about a particular community. If the communities in question are in the scheduled lists, that should be extended to them throughout the country. At the moment, for instance, Vaddars might be listed as nomadic tribes in one state and SCs in another. The benefits of the scheduled lists should be extended to the entire community wherever they are. It has been observed that the lack of uniformity with regard to this listing has caused a lot of difficulties to these people.
- 134.** The communities belonging to denotified tribes which have not been included in SC/ST/OBC as yet and therefore are deprived of any benefit of reservation or other welfare schemes being run by state or Central government should be identified. Either the present Commission for Denotified, Nomadic and Semi-Nomadic tribes may be entrusted with the responsibility of making suitable recommendations with regard to the reservation of these communities or a separate Commission may be appointed for this purpose.
- 135.** Ministry of Social Justice should establish a special cell in the Ministry for undertaking preparation of a fresh and accurate list of DNTs in collaboration with Registrar General of India for 2011 census.
- 136.** A new legislation in the Parliament may be introduced so that stigma of criminality is removed from the lives of DNTs.
- 137.** It should be ensured that the quota for denotified/Nomadic and Semi-Nomadic tribes is not used up by people belonging to SC/ST/OBCs.
- 138.** Considering DNTs as a distinctive group, special plans should be made for three distinct categories: i) for those who have settled to normal agriculture

or settled to pursue other vocations; ii) for those who still are nomadic' iii) for those who still resort to crime.

139. The Draft National Policy on tribals fails to refer to the denotified tribes. The special disabilities suffered by these communities must be addressed.
140. Those DNT who are not covered under the SC/ST/OBC lists should be given adequate representation in panchayats, assemblies, parliament and the police in order to empower them.
141. Panchayat offices should be set up as contact points for nomadic communities.
142. The Govt. should launch special welfare schemes for the promotion of welfare, ensuring social justice and empowerment of this most disadvantaged and marginalized sections of Indian society. The objective of these welfare schemes should be to bring these people into the mainstream of development by assisting them to overcome their social, physical and educational handicaps. In this manner, their progress through capacity building can be ensured. These schemes should aim to equip them to employ their capabilities to their fullest potential reducing their reliance/dependence on others and achieving independence to the maximum extent possible.
143. The services of the voluntary organization in assisting the schemes for these people are necessary. They should supplement the efforts of the state in ensuring that the benefits of these schemes reach the maximum number. But it should be made mandatory for these voluntary organizations to have adequate representation from these communities in their governing bodies or at least the active participation of these communities in the project implementation. Voluntary organizations should also accord increasing priority to the involvement of the community in the social activity that the organization may be undertaking. Community involvement in projects has several apparent and consequential or spin-off benefits.
144. The govt. should launch special vocational training programmes for Denotified, Nomadic and Semi-Nomadic tribes to develop leadership qualities among its youth through vocational training so that they can act as focal point of dissemination of knowledge in their own area of activity.
145. Serious efforts should be made to develop traditional skills among these communities as many of them are actively engaged in weaving and

#### TECHNICAL ADVISORY GROUP

handicraft. This can ensure a sustainable source of income for these communities.

146. The govt. should give special financial initiatives to the prospective young entrepreneurs from these communities to learn modern techniques/methods in training and entrepreneurship skills.
147. Once land is made available, care should be taken that the pattas are jointly held by men and women to ensure gender equality.
148. Under the various employment schemes, priority should be given to the members of these communities which are one of the most disadvantaged groups.
149. Give the former forest communities the employment in forests to guard them against poaching, timber trade and other forms of destruction of forests.
150. Training should be given to these groups, with as close a connection as possible between their traditional skills and current training, to be able to get back to productive work.
151. Cooperative societies and banks should be established for loans and sale of their products.
152. Special avenues for employment should be made available for the educated members of these communities.
153. There is a case for urgently stepping up the food for work programmes for these very vulnerable groups.
154. Education which is a fundamental right for children upto 14 years should be provided to the children of these communities through mobile schools. J&K has a successful programme of mobile schools which could be assessed and introduced in other states as well.
155. Wherever possible, DNT and nomadic children should be given admission in local schools without the need to furnish documentary evidence of permanent residence etc. Refusal or harassment of such children should be made an offence.
156. Himachal Pradesh has experimented with teachers travelling with the nomadic groups in order to achieve 100% enrolment of children between 6 and 14. This experiment should be followed up and assessed for possibility of application in other states as well.

157. Special provision needs to be made for the girl children's education to prevent the possibilities of forced prostitution. Similarly, women of these communities need to be retrained in their traditional crafts so as to find a market for them through government channels.
158. Special schools need to be set up in the colonies of DNTs, while encouraging the children to attend the mainstream schools wherever possible. Principals of these schools should take responsibility for ensuring the safety and dignity of DNT students.
159. Scheme for Mid Day Meal has proven to be an important incentive for the children to attend school. In the special schools set up for these communities, this should form a part of the routine.
160. For the children of nomadic and semi nomadic tribes, adequate hostel facilities and residential schools are a very important way of encouraging them to send the younger children to get education voluntarily in a settled place. Current data shows that the nomadic people are very keen on the education of their children and will cooperate with 'settling' them through a schooling system.
161. The J&K government has special coaching for SC/ST students from 9<sup>th</sup> to 12<sup>th</sup> standards and also for allied services. Wherever there is a settled DNT population, these schemes can be introduced to support the studies of the students.
162. Haryana government had started an education scheme for nomadic children, but it collapsed due to lack of funds. Here an incentive of a rupee per child per day was supposed to be given as allowance for attending school, along with free textbooks, stationery etc. However, this was not done on a regular basis, and a potentially successful scheme collapsed.
163. Wherever available, educated members of these communities should be trained as teachers and educators.
164. Schools with boarding facilities should be set up for these groups, with vocational training a part of the education.
165. J&K government provides free treatment to the livestock during migration of the Gujjars and Bakerwals. This protects the livelihood of these communities. Such schemes can be introduced in other states as well.
166. Hand pumps need to be established in areas where the semi-nomads are settled.

**TECHNICAL ADVISORY GROUP**

167. Looking into the very poor nutritional status of the children of the DNTs, nomadic and semi nomadic tribes, there must be special schemes to cater to the infants and toddlers of these communities through specially set up balwadis at the panchayat level. Here supplementary nutrition could be provided to the children on a priority basis.
168. J&K has such mobile medical units which are reasonably successful. Apart from giving routine medical care, a programme of immunisation should be got under way for the children of these communities through mobile health units.
169. Additional supplementary nutrition is a must for not just children but also the women who are normally highly anaemic and suffering from a number of female ailments.
170. The NHRC in their 7<sup>th</sup> annual report had suggested that a senior police officer be appointed in every state to liaise with the problems of denotified and nomadic tribes and report to the state Human Rights Commission. There has been no follow up on this, and this should be now done immediately.
171. The Habitual Offenders' Act should be repealed in all the states. This Act allows similar atrocities on the individual members which the Criminal Tribes Act did on whole communities. It is an instrument in the hands of the police to harass and punish them in the most brutal way.
172. Any planning should be co-ordinated with SC/ST Commission as some denotified/nomadic communities are in the scheduled lists.
173. The entire administrative machinery, especially the police, needs to be sensitised and reoriented to the problems of these communities.
174. Women of DNTs are especially vulnerable as it is a recorded fact that men of other communities try to sexually harass them. In case a DNT man tries to protect his women against such harassment, his DNT status is constantly used to get him beaten, jailed, or even killed in retaliation. Special cells are needed to allow women of the DNTs to come forward and complain in case of sexual harassment.
175. More than a mere thumb impression on any legal document (in case of police complaint, or as a witness etc.) should be required from the illiterate members of these communities in place of signature. It has been frequently found that such an impression can be taken by force. Some measure is

necessary, like a witness testifying that the signatory indeed understood and voluntarily agreed with what was being thumb printed.

176. There is ample evidence that settled DNTs are forced by the police to commit crimes like brew illicit liquor in order to get their share of the earnings. While rehabilitating such groups, care should be taken to see that the local police are not given the authority over them for a specified period so that they are actually given the breathing space to start their new lives.
177. In the case of DNTs, it would be necessary to immunise them from harassment on mere suspicion. Instant help in distress should be built into the program.
178. A special body should be created at the state level to enquire into the human right violations and atrocities on these communities.
179. In states where there is a sizable population of DNTs, a retired police officer of high reputation may be appointed to watch the cases of atrocities against them and to report them to the authorities. Where there is a concentration or an old settlement existing, a separate officer may be appointed at the district level.
180. The program for the development of these communities should be group oriented, addressed to the problems identified for each specific group.
181. There should be centrally sponsored schemes for the development of these groups.
182. Voluntary organisations may be involved for assisting in government programmes for these groups, and their credentials and functioning can be monitored by the Ministry.
183. Police can be involved in the development programmes for these groups to give them a first hand understanding of the vulnerability rather than their criminality.
184. There should be close coordination between the Home department and the Welfare department at the state level.
185. A massive information campaign by the Ministry of I & B should be launched to sensitise the public about their problems and to take away the stigma of criminality.

**TECHNICAL ADVISORY GROUP**

- 186.** There should be mapping of priority areas. DNT Settlements which are still in existence may be considered for taking up pilot educational or vocational programmes.
- 187.** These communities may be encouraged to form their own associations to manage the schemes.
- 188.** It is felt that the Habitual Offenders Act (HOA), which brings in the concept of 'criminality by birth' through back door, has to be abrogated immediately so that the Police rely on the normal provisions of law in dealing with the criminals without branding the entire community as criminal. The HOA like its predecessor the Criminal Tribes Act 1871, was a shortcut made available to the Police by the so-called civil society without perhaps realizing the impact of these Draconian measures on DNT communities who are entitled to a place under the sun as much as any one else. It must be realized that in spite of this Act, crime in the society has not come down and has instead increased in terms of numbers and size. This would lead to the conclusion that criminals from other communities have substantially contributed to crime statistics also. No useful purpose is being served by condemning and branding the DNT as habitual offenders. It is time that the civil society asks the question whether those members of the DNT, who were repeatedly involved in crimes had the educational facilities, the status in society or the economic clout and skills which permitted them to undertake the lawful economic activities! Unfortunately, there is no response also to the recommendations of the Committee under Dr. B.D. Sharma for abrogation of the HOA. The Chief Secretaries of 8 States gave out fairly insipid response during the meeting on 15.2.2000 in the NHRC. Only Gujarat and Karnataka came out clearly in favour of abolishing the HOA. For upgrading their educational facilities and standards of living, the following steps could be considered.
- 189.** Teachers preferably drawn for the DNT could be appointed to teach students from the nomadic and DNT communities. They could travel with the groups of students in order to establish a proper rapport with them and could give exclusive attention to these children. The experiment has been tried in Himachal Pradesh and based on assessment of the experiment and after removing the perceived problem areas, it could be implemented in other states also.
- 190.** A higher level of scholarship for DNT could be considered as an incentive for these communities to send their children to schools.

191. To obviate the problems because of the reluctance of the normal schools to admit children of the DNT, special residential schools would have to be established in the short term till the children of these communities come up to the levels already attained by children of other communities. However, it is important to ensure that children from DNT communities merge with the students from other communities at the earliest in order to ensure greater social interaction and to prevent the growth of a mentality ghetto mentality.
192. Given the competition in the society it may not be worthwhile for the students from DNT to go and follow routine educational routes leading to BA/MA degrees. They have to be put in the way for technical and vocational courses provided by Polytechnics and computer schools so that long years of liberal education which may not be translated into jobs could be avoided. Obviously such residential institutes would also have to be established in selected districts involving high population of DNT.
193. Developmental programmes, fulfilling the basic immediate needs of these communities in getting water, health and sanitation etc. would have to be undertaken. There is no dearth of resources but apparently these go to the existing settlements of the 'normal' communities more often than not the DNT living in the outer fringe in the villages because of their unique social ostracization and very often they have encroached land because no one allots them land for the fear of their 'criminality tag'. State administrations therefore attempt to evict them in collaboration with the 'normal' societies. In these situations, no effort is made to provide them a regular source of drinking water as well and in populated areas no medical facilities are provided through visits of para medical staff, out of fear that this would perpetuate their 'illegal settlements'. Surely, the DNT cannot be expected to vanish from the face of the earth!
194. Fortunately, there is a strong trend to settle illegal encroachment in the cities since efforts to dislodge these persons have not succeeded and since these local squatters are rather recognized as part of the civil society. Consequently urban administrations are providing them school and other amenities. The same logic can surely be transplanted to the rural areas in favour of the DNT. However, this would require substantial political will and efforts of the State administration.
195. Unfortunately political will often does not manifest when there is no political voice. Since the DNT are still nomadic, broadly speaking, they are

#### TECHNICAL ADVISORY GROUP

not issued voter's identity cards (VIC) and are therefore not able to vote in the elections. The most important step immediately beneficial to this group will be to launch a special drive to provide them a listing in the Voters' list and a Voter Identity card even if they do not have a legal or regular home. This political empowerment of the DNT represents the easiest and most important first step in ensuring that the legitimate problems and concerns of these communities are addressed by powers that be especially at the local level.

196. Some innovative methods can also be tried to tap the traditional skills of the DNT in the short term, pending their education and training for better jobs. The communities traditionally catching snakes could be trained to catch snakes and deliver the venom to the Venom Banks at convenient locations. Since there may be problems of efficiency and exploitation in the government system, it may be desirable to encourage the private sector drug companies to set up such Venom Banks and enter into agreements with the DNT communities for supply of venom. Needless to add those illegally indulging in selling of snakes etc. could be punished heavily. Since these DNT would depend on snakes for venom, they should be trusted that they would not destroy their regular sources of income.
197. Similarly, pending the operation of education and training programmes, the DNT engaged in manufacturing traditional items could be given designs by the National Institute of Designs and other professional bodies and thereafter the products could be marketed through KVIC and State Emporia.
198. DNT communities involved in traditional skills of music and puppetry etc could be resettled in areas frequently visited by tourists so that they could provide variety to the tourists' experience.
199. There is a strong case for special drive to recruit soldiers in the army and the para military forces out of the DNT communities, which are known for their muscular bodies, skills and hardy physique. It may however not be desirable to have a regiment drawn solely from these communities simply because all opportunities should be given to them to integrate with other communities.
200. The biggest problem appears to be the settlement of Nomadic DNT, The Indira Awas Yojna is in existence for quite long and yet for reasons enumerated above, the normal communities do not encourage settlement of

DNT among their midst, Consequently there have been several cases of forced 'occupation' of government land leading to litigation and revenue courts and criminal courts where fights have taken place between the 'normal communities' and the DNT, where the Police often sides with the former. Strong political will have to be displayed to allot government land near a source of water to these communities and allotment of cultivable government land on a community basis with irrigation facilities and loans from cooperative and financial institutions. Since DNT communities are most disadvantaged, they cannot be expected to survive on un-irrigated or uncultivable land and also failure to settle them in agriculture area has been primarily because of the wasteland allotted to them. Needless to add agriculture would have to be encouraged along with the animal husbandry in order to keep them reach economically viable level of activity. It is only when the normal communities recognize their dependence on the unique skills of the DNT that the process of their acceptance and then partnership would begin.

201. It was noted with appreciation that Madhya Pradesh had constituted a Denotified Tribes, Nomadic and Semi-nomadic Tribes Development Authority, which was specifically tasked with responsibility of formulating and implementing development programmes for these communities. The experiment could be replicated in other States with large DNT populations in order to have a more focused delivery system and better monitoring.
202. There is no clear definition of the term 'Nomadic' or Semi-nomadic'. At best, we can consider a criterion whereby communities, which are regularly on the move over the districts/states in search of food and fodder for their cattle, could be classified as 'Nomadic'. However, it is known that even these communities settle down for a certain period of the year and move out only seasonally. The Gaddis in Himachal Pradesh, Bakarwals in J&K and Gujjars in Terai areas are good examples.
203. The problem is more acute for defining semi-nomadic tribes since the ext of the word 'semi' can be conceptualized in many ways. The Commission would take a view on the subject based on the advice from sociologists and anthropologists otherwise the term 'semi-nomadic' could take various dimension creating problems in policy formulation.
204. Briefly, therefore, the clear cut criteria would have to be laid down by the Commission in its final report, listing the ingredients which must be fulfilled before a community can be called a Nomadic Tribe or Semi-nomadic Tribe.

#### TECHNICAL ADVISORY GROUP

Needless to add, there would be several cases where certain community would be Nomadic in one State and lose its identity as a Nomadic community in another because of local conditions. Another issue to be clearly identified would be the cut-off date for identifying these communities. This issue becomes important because several communities were in fact Nomadic at the dawn of Independence but after 57 years of independence, many of them have settled down in urban and rural areas and may have lost their nomadic characteristics. The policy interventions in their life, if at all called for, would obviously be different.

205. One of the key problems related to Nomadic & Semi-Nomadic communities is the lack of any authentic information about their actual population. The nomads and semi-nomads, who have to migrate from one place to another for survival and in search of pasture and water to sustain their animals are not usually in the villages at the time of counting or may not possess any proof of permanent address, they are mostly excluded from the census enumeration. Therefore, a proper policy and system should be evolved to enumerate these communities in the next Census.
206. Since to formulate such policy for census enumeration of nomadic and semi-nomadic communities may take some time, special surveys can be conducted with the help of the state governments to have an estimate of their approximate population.
207. It has been found that a large section of nomadic and semi-nomadic tribes even till today don't have Voting Identity Cards. Therefore, this is recommended that Election Commission should immediately look into this matter and with the consultation with the census commissioner and other relevant govt. bodies should evolve a policy to ensure that these people be given election identity cards. These Identity cards will also help to protect these communities from police harassment for not being able to give proof of residence. Having no proof of residence also makes them vulnerable to harassment when they are nomadic outside their districts.
208. Nomadic and Semi-Nomadic people should also be given a domicile certificate by a competent local authority that says that a person has stayed in a particular place for certain duration. Besides Election Identity Cards should also be distributed to them even if they are nomadic. Even migrant workers have ration cards as they move out for jobs. These cards can be given on the basis of tentative address.

209. Mobile Health Care Services for Nomadic & Semi Nomadic People with facilities such as maternity health care.
210. Surveys & Studies should be conducted about their health practices, delivery system and special health problems.
211. It is difficult for nomads to send their children to regular schools because their livelihood makes it necessary for them to keep moving. These groups include people who move from village to village repairing agricultural implements; tribal groups who move seasonally in search of paid work in cities; and nomadic pastoralists from different communities who are found all over India. Thus Special Mobile Schools & residential schools should be opened for children of these communities
212. Special drive should be launched by health departments for the immunization of children of these communities.
213. People belonging to Nomadic & Semi Nomadic Tribes engaged in pastoral activities should be encouraged to form their own cooperatives and should give financial incentives in the form of subsidies to set up food processing units.
214. These wandering communities possess wonderful knowledge about herbs and medicines found in and around forests. Therefore their expertise can be utilized in the collection and development of herbs and medicinal plants which are in great demand in the country and outside.
215. The Govt. should give training to these people for scientific grazing so that they could continue their traditional livelihood activities without damaging the local environment and forest resources.
216. These people should be encouraged and be involved in agriculture based projects such as horticulture, floriculture and Bamboo plantations.
217. The new forest policy of the government has deprived these people of their traditional rights over forest and has destabilized their livelihood. Instead it would be wiser if the same people are won over, trained and given the responsibility of protecting the same forest land from natural disasters such as forest fire.
218. The rehabilitation scheme should also include allotment of houses with adequate space for raising animals. There should be proper provision of water and other amenities. The nomads and semi nomads should also be allotted land for cultivation, which would initially supplement their

#### TECHNICAL ADVISORY GROUP

subsistence and gradually may become their primary occupation. Before evolving rehabilitative strategies, impact analysis should be conducted to determine how settlement will affect their lifestyle and traditional instinct for survival.

219. The central government should initiate dialogue with Forest Department of state governments and evolve a policy that ensures the traditional rights of these communities over forests. It is also recommended that Indian Forest Act and Wild Life Protection Act should be reviewed and properly amended to ensure that these people are not deprived of their basic human rights of livelihood.
220. The light of absence of authentic information about Denotified, Nomadic and Semi-Nomadic tribes, in-depth studies and surveys should be conducted to have an objective assessment of their socio-economic status and identify their problems.
221. Special community based livelihood training programme should be initiated on addressing the specific needs of Denotified, Nomadic and Semi-Nomadic tribes.
222. Public awareness should be raised about the issues confronting Denotified, Nomadic and Semi-Nomadic tribes.
223. The needs of the communities should be identified and articulated in order to design programs that facilitate their lifestyle adaptation.
224. Comprehensive Plan on Securing and delivering the fundamental rights.
225. Broad outline of a positive image building campaign in the civil society.
226. The historical perspective of the Nomadic Tribes and criteria for the identification and classification of Denotified, Nomadic and Semi-Nomadic Tribes.
227. To document information and data on the said communities;
228. To advise on how serial demography and geographical location of these communities can be ascertained in the Census;
229. To report on atrocities and prosecutions and denial of human rights to these communities by officials and others; and suggest what can be done by way of immediate and long-term remedies in respect of denial of such actions;

**230.** To make any further reports or recommendations on any other matter referred to the NHRC or which the Advisory Group considers appropriate.

**231. Recommendation No. 1**

*Issue :* A retired senior police officer of high reputation may be appointed in every state by the Commission to watch the cases of atrocities against DNTs and to report them to the Commission. Where there is a concentration or an old settlement existing, a separate officer may be appointed at the district level.

*Decision :* The idea of having an identified retired Senior Personnel of high reputation to liaise with this group and to report about their problems and cases of atrocities against them to the Commission as well as to the State Governments was broadly accepted. However, depending upon the spread of the population in the State, each state may decide the kind of apparatus that is needed for their specific requirement and report the same to the Commission. The Chairperson clarified that the Commission would be asking the Commission's Special Rapporteurs wherever they are, to associate themselves with this work and further, the Commission would consider associating the State Human Rights Commissions also, suitably in this work.

**232. Recommendation No. 2**

*Issue :* Since the police training is still faulty in this respect, the National Police Academy and other institutions imparting training to police officers may be advised to reorient their syllabi.

*Decision :* It was agreed that sensitising the entire state machinery specially police officers is an important and urgent task which could be undertaken by the states as far as they are themselves concerned and by the Commission suitably taking up the matter with the National Police Academy.

**233. Recommendation No. 3**

*Issue :* NHRC may take the necessary steps leading to the repeal of the Habitual Offenders Act.

*Decision :* During the discussion it came out that in Gujarat, Karnataka and Andhra Pradesh, there were hardly any cases registered under the Habitual Offenders Act.

**TECHNICAL ADVISORY GROUP**

There was a general consensus that this Act being hardly in use can be repealed with the recommendation of the NHRC.

**234. Recommendation No. 4**

*Issue* : Central/State Governments may be directed to make proper enumeration of the DNCs.

*Decision* : As far as the enumeration is concerned, the need for making proper enumeration of NT-DNT throughout the country was the general perception, except for the Chief Secretary, Karnataka who felt that this would not be useful as there were no NT-DNT any more in Karnataka because of their merger into SC, ST or OBC-1 categories. Punjab representative expressed the view that in spite of the NT-DNTs merger in the SC category, certain special and specific requirements of the NT-DNTs justify special treatment even after their merger in the

category of SCs. While it is likely that there may be variation in the requirements of earlier NT-DNTs now merged into the category of SC/ST/OBCs, that would be a matter requiring separate treatment with respect to distinct territories. The Ministry of Home Affairs would be in a position to provide statistics to facilitate this enumeration on the basis of the available records.

**235. Recommendation No. 5 & 6**

*Issue* : The DNCs may be provided educational, employment and other infrastructural facilities.

*Issue* : State Governments may consider and work out action plans for DNCs with specific provisions in the plans. The planning Commission may be advised in this regard.

*Decision* : There was a consensus that the NT-DNTs would need better access to education, employment and other infrastructural facilities. Where they have been merged into SC, ST and OBC categories, they would be entitled to such facilities as are made available to the respective categories. Even so, the State may consider and work out action plans for NT-DNT with specific provision in their annual plans keeping in mind the special problems of this group. Further, the Planning Commission will require to be advised in the matter of specific problems of this group.

**236. Recommendation No. 7**

*Issue* : To launch a massive information campaign aimed at bringing about change in the general attitude towards the DNCs.

*Decision* : There were contrary views on the issue of having a massive campaign. While some felt that such special campaign may make their integration within the respective categories more difficult, others felt that in view of the fact that these groups were very highly deprived and discriminated against, the campaign will help to change the mind sets of many in favour of this group. In view of the sharp divergence of views on this issue, it was decided that the matter would be considered separately later by the Commission

**237. Recommendation No. 8**

*Issue* : The National Sample Survey Organisation should be directed to make a special survey of the socio-economic conditions of the DNCs.

*Decision* : It was decided that the survey of socio-economic conditions would be undertaken after Dr. Devy can identify locations and areas where a survey could be taken up on association with the different State Governments. Further, Dr. Devy agreed to give specific information about the problems of this group in different States which the Chairperson, NHRC assured will be taken up by the Commission with the respective states.

**238. The denotified 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 special approach to their development has been delineated and emphasized in the Reports of the Working Groups for the Development of Scheduled Tribes, Scheduled Castes and Backward Classes in successive Plans and also in the Annual Reports of the Commissioners for Scheduled Castes and Scheduled Tribes, National Commission for Scheduled Castes and Scheduled Tribes and the National Commission for Backward Classes. There are also special reports available on de-notified tribes. Their recommendations have not received attention. The Commission recommends that the Ministry of Social Justice and Empowerment and the Ministry of Tribal Welfare should collate all these materials and recommendations contained in the reports of the working groups**

and the reports of the National Commissions and other reports referred to and strengthen the programmes for the economic development, educational development, generation of employment opportunities, social liberation and full rehabilitation of denotified tribes.

239. Whatever has been said about vimuktajatis also holds good for nomadic and semi-nomadic tribes/communities. The Commission recommends similar action in respect of nomadic and semi-nomadic tribes/communities as done in the case of de-notified tribes or vimuktajatis. 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.
240. The Commission also points out that the setting up of an integrated net work of National Scheduled Castes and Scheduled Tribes Development Authority, etc. recommended in para 10.5.2 to 10.5.3 above will provide a structural mechanism to deal in a practical way with the vimuktajatis as well as nomadic and semi-nomadic tribes/communities within the frame work of the SCP and TsP. Similarly the approach to the development of backward classes referred to at para 10.14 below contains the approach to deal in a practical way with the Vimuktajatis and nomadic and semi-nomadic tribes/communities who are in Backward Class list.
241. The Commission also considered the representations made on behalf of the De-notified and Nomadic Tribal Rights Action Group and decided to forward them to the Ministry of Social Justice & Empowerment with the suggestion that they may examine the same preferably through a Commission. unorganized labour
242. In the First five-year Plan, 198 criminal tribes were estimated numbering over 40 lakhs. The Criminal Tribes Acts have since been repealed w.e.f. 30-8-1952. Since then the problem is being dealt with differently, i.e. individual acts of criminality are dealt with according to the ordinary law whereas the entire community is developed economically.

243. It was felt that scheme of education should be such that their children are weaned away from present practices. Their vitality, energy, resourcefulness and skill are made use of in adventure, romance and achievement. Agriculture and handicraft may perhaps not suit them.
244. Denotified and Nomadic tribal people numbering about two crores at present were treated as born and habitual criminals before Independence by the British Government. Even today they become victims of mob lynching, arson and police atrocity.
245. During First Five Year Plan to Fourth Five year Plan, efforts were made to set up settlements and colonies for DNTs. Assistance for house construction, sinking of wells and agriculture development was provided. Cooperatives were organised and Industrial Centres set up.
246. Educational centres, schools, Sanskar Kendras, Balwadis and Ashram schools were established for the children and scholarship was disbursed to school going students of DNT communities.
247. Approach for their development was changed from surveillance and punishment to correction, rehabilitation and assimilation into the wider community. Role of voluntary workers and organisations was recognized. Correctional-cum-welfare approach was supported by schemes of general education, social education, economic upliftment and housing.
248. With the introduction of the strategy of Tribal Sub-Plan and Special Component Plan for Scheduled Castes, it was envisaged that development of DNTs, where they are STs would be taken care of by the TSP strategy and those DNTs who are SCs would draw benefit out of SCP.
249. The DNTs left out would get support from respective State Plans and also out of 10% of SCA given to each SCP State (for sweepers and scavengers, bonded laborers and DNTs.).
250. "We are inclined to feel that it would be in the best interest of these communities if they are taken out from the lists of Scheduled Castes and Scheduled Tribes and treated exclusively as a distinctive group, with development schemes specially designed to suit their dominant characteristics.... In the absence of adequate information, and due to the limitation on our time, we are not in a position to decide on merits the cases of individual communities. We have, therefore, no option but to maintain the *status quo ante*."

**TECHNICAL ADVISORY GROUP**

251. We suggest that the present anomalous position regarding the denotified and nomadic tribes who could more properly be identified as communities rather than tribes, should be rectified as soon as possible after a detailed investigation (page 17 para 29 of the report)."
252. Enumeration of Denotified, Nomadic and Semi-Nomadic groups in the census.
253. The program for the development of Denotified, Nomadic and Semi-Nomadic Communities should be group-oriented addressed to the problems identified for each specific group.
254. The programs for Denotified, Nomadic and Semi-Nomadic communities should be comprehensive in coverage. Covering all aspects of their social and economic life should be outside its ambit.
255. In the case of Denotified communities it will be necessary to immunize them from harassment on mere suspicion. Instant help in distress should be built into the program.
256. In the case of Nomadic and Semi-Nomadic communities, their adjustment to the new economic forces and provision of social services should be given priority.
257. Ashram-type schools may be set up for these groups. These schools should also have vocational training programs.
258. There should be a Centrally Sponsored Scheme for the development of these groups at the Central level.
259. Voluntary organizations may be involved in the welfare of Nomadic/Semi-Nomadic and Denotified groups. Land may be allotted to these groups for cultivation.
260. It was noted that the police was not helpful to these groups. Therefore police administration should be involved in the administration of these groups actively.
261. The various programs for the rehabilitation of these groups should be taken in an integrated manner and Special Central Assistance provided for these purposes. The program must be reviewed and maintained regularly.
262. There should be close co-ordination between the Home Department and the Welfare Department at the State level. (page 144).
263. Ministry of Home Affairs (Police)

264. Police Officers at all levels may be re-oriented for having a humane approach towards DNT. Police personnel ill-treating them should be punished.
265. The Ministry of Welfare should launch a massive information campaign for bringing about change in the general attitude towards the DNT.
266. Ministry of Welfare should undertake special programs for social upliftment and economic betterment of the DNTs through the TSPs and other schemes.
267. Ministry of Social Justice should establish a special cell in the Ministry for undertaking preparation of a fresh and accurate list of DNTs in collaboration with RGI for 2001 census.
268. A new legislation in the Parliament may be introduced so that stigma of criminality is removed from the lives of DNTs.
269. The quarry workers known as Voddars in Karnataka (also known as DNTs and Nomadic tribes) were traditional artisans of stone work, and today they are working as high-grade labourers and bonded labourers in the country. The Supreme Court has been requested to direct the Central and State Governments to organize industrial cooperative societies of such workers and reserve all the quarries for them.
270. residential schools for the children of quarry workers and maternity/health centres may be set up and a Commission of quarry and construction labour be appointed to evolve a strategy for a comprehensive development of this group of society.
271. Removal of area restriction in respect of Vaddars, Bhovi, Boyars, etc. wherever they are Scheduled Castes/Scheduled Tribes, should be considered and these communities may be recognised as SCs/STs throughout the country.
272. For checking maltreatment of DNTs at the hands of police and adopting human approach towards them, it is proposed to discuss the matter with the officers of MHA (Police) - Action MHA.
273. For launching a massive information campaign, it is proposed to draw a Media Schedule on DNTs for 1998-99. - Action Ministry of I & B.
274. As Census of 2001 is likely to cover all the castes;, DNTs would also be covered. (Action - RG)

**TECHNICAL ADVISORY GROUP**

275. Need for new legislation for ensuring development of DNTs may be discussed. However, at present it is not considered necessary.
276. *In-depth Studies* - An independent assessment may be made of development of DNTs. Ten per cent of SCA to SCP is proposed to be allocated by the Ministry of Welfare for three categories of vulnerable people, namely, sweepers and scavengers, bonded labourers and DNTs. An exercise may be made to assess the quantum of SCA that has gone with the development of DNTs in the country. An assessment of work done by NSFDC, SCDCs and TRIFED for DNTs (SC + ST) may also be made. (Action Ministry of Welfare).
277. A few NGOs could be invited to take up work among the DNTs.
278. Considering DNTs as distinctive group, an exclusive Central Sector Scheme for the Rehabilitation and Development of DNTs may be conceived. Development Plan for DNTs should be three-fold, group-wise and not community-wise, such as:
- a) for those who have settled to normal agriculture or settled to pursue other vocations;
  - b) for those who still have a flair for nomadic life;
  - c) for those who still resort to crime (Action - Planning Commission)

Participants are requested to give their valued views on the issues raised in this Note.

279. NSFDC and TRIFED, wherever necessary, so that DNTs availed of the facility of financial assistance at their door steps.
280. Promote handicraft of DNTs, improve vocational skills including training in para-medical subjects, in setting up women co-operatives and in promoting literacy.
281. Viable projects would also be considered by TRIFED and NSFDC of the Ministry of Welfare.
282. Projects on Tree Plantation with the help of Wasteland Development Board authorities or the Ministry of Environment & Forests or the State Governments, as the case may be.
283. As regards projects not related to the Ministry of Welfare, she would take up the case with the Ministry concerned, such as issue of literacy and

education with Department of Education and the ICDS with the Department of Women and Child Development.

284. For sharing the concern of the DNT people with general masses, she suggested that the Ministry of Welfare should come out with at least two films on DNTs. This would help in generating mass awareness and empathy for the cause of DNTs. JS (TD) will put up proposals on this point.
285. There are 28 communities which are enumerated in the Criminal Tribes Act Enquiry Committee Report of 1939, which were brought under the operation of the Criminal Tribes Act. We add to this list Thakardas of the old Baroda State residing in villages where the Criminal Tribes Act was made applicable. We thus treat 29 tribes in all as the Ex-Criminal Tribes of the Bombay State.
286. As most of the Ex-Criminal Tribes are included in the list of the Backward Classes, we have recommended special facilities to be given to the Ex-Criminal Tribes over and above the facilities given to them as Backward Classes.
287. We recommend that Baraiyas of the Kaira District, Chhapparbands and Thakardas belonging to the villages brought under the operation of the Criminal Tribes Act of the old Baroda State should be included in the Backward Classes and they be made eligible for facilities provided by Government to the Backward classes at present. The special facilities recommended by us for Ex-Criminal Tribes may not be given to these communities.

Mang-Garudis, Kanjar Bhats and Pardhis should be treated as nomadic tribes and only they be made eligible for the facilities recommended for the nomadic tribes.

288. The term 'Dharalas' should be discontinued and tribes denoted by the term 'Dharalas' may be denoted by their respective names. For the sake of convenience we have used the term Baraiyas to denote all tribes denoted by the word 'Dharalas' in this Report.
289. New avenues for employment and industries, such as spinning and tile making for example which are basic in nature as they concern fundamental needs of man of food, clothing and shelter should be found out and efforts made to organise them through the Government or other agencies. The members of the Ex-Criminal Tribes should be encouraged to take up such new industries. There are certain other occupations, which are not based on the fundamental needs of man and the economic life in general. But for

#### TECHNICAL ADVISORY GROUP

these there is a demand as they are based on sentiment, culture, tradition or faith, such as selling grass for feeding cows to pilgrims by Pardhis of Pandharpur. Selling of Manipot or beads by Pardhi women in Bombay or selling of flowers by Wagharies at Baroda may be found out and efforts made to make Ex-Criminal Tribes pick up such occupations.

290. Special elaborate suggestions about secondary and higher education have not been made, as the question of the same will not arise for a number of years. For the time being, we think that facilities given to them as Backward Classes will be sufficient. Government should proceed on the lines suggested by us for Primary Education, when the question of making special provisions for Secondary and Higher Education will arise.
291. Soon as a person belonging to any community and particularly to the Ex-Criminal Tribes is produced before a Magistrate for the second offence under the Indian Penal Code against property and person he should be handed over to experts in psychoanalysis, criminology and allied sciences to examine him. The result of such examination should be informed to the Magistrate who thereafter should proceed to pass judgment on such accused. Such a study of the accused will enable to find out whether the crime committed by him is a result of criminal tendency, which can be checked and directed to useful channels, or of a criminal tendency, which has been hardened and become a habit of the accused.
292. Useful activities run under the former Criminal Tribes Settlement Department should be revived and arrangement made to organise them properly for the benefit of the Ex-Criminal Tribes.

#### Education

293. Rigid enforcement of the provisions of the Compulsory Primary Education Act is highly essential. The Government should issue strict orders to the various School Boards to enforce Primary Education in schools, situated in areas where the members of the Ex-Criminal Tribes are residing in considerable number. The Backward Class officer should be asked to furnish a list of all such schools to Government.
294. District Committees formed of officers of the Backward Class Department and the Education Department with one or two non-officials interested in the amelioration of the Ex-Criminal Tribes to consider problems of education of Ex-Criminal Tribes and to make suggestions to make

education popular among them should be constituted with the Backward Class Welfare Officer as its Secretary.

295. It is necessary to make adequate provisions of free supply of slates, books, stationery and clothes to poor and deserving Backward Class pupils so as to induce their parents to take necessary interest in sending their children to school. Government should impose certain conditions, in consultation with the Backward Class Officer and the Director of Public Instruction to make the School Boards take full advantage of Government grant-in-aid in this regard, as it appears that Government grant-in-aid is sacrificed by School Boards in order to avoid payment of their due 'share' which results in making no provision or inadequate provision of expenditure required for supplying stationery, books and clothes to Backward Class pupils. An amount, sufficient to meet the estimated cost of supply of clothes, books, etc. to deserving Ex-Criminal Tribes pupils should be kept at the disposal of the Backward Class Officer in case the School Boards do not make necessary provisions for Ex-Criminal Tribes pupils. Or all school equipment should be given to Backward Class pupils by the Government direct through the Backward Class Department or the Educational Department and the various School Boards made to pay their share to Government.
296. Big colonies of the Ex-Criminal Tribes should be treated as 'special treatment areas' and all measures to improve education should be implemented intensively in all such areas. It should be seen that within the next 10 years the educational standard of the Ex-Criminal Tribes is brought on par with others by implementing all measures recommended in this Report.
297. Primary schools or classes for Ex-Criminal Tribes should be provided in their localities. A class should be provided in Ex-Criminal Tribes locality if there are at least 20 pupils to attend it. It should be a general policy to provide schools in their locality for the first two standards of the Primary School, at least.
298. As far as possible all first grade schools situated in the Ex-Criminal Tribes localities should be converted to Basic Schools and education given to them through a selected useful craft suited to the Ex-Criminal Tribes.
299. Arrangement should be made to appoint one Supervisor Teacher, who should be a II year trained teacher, as an extra hand in each Special Treatment Area school.

TECHNICAL ADVISORY GROUP

300. The Head Master and Teachers of schools situated in the Ex-Criminal Tribes Colonies should be paid some special allowance for special and individual attention to Ex-Criminal Tribes pupils. It should be granted to them on conditions, which will ensure sincere efforts on their part and will bring qualitative fruitful results. Their additional exact duties should be defined. This measure should be tried as an experiment in a few schools in the beginning.
301. Night schools should be started for school going children who on the grounds of domestic and other difficulties do not attend day schools.
302. Qualified persons from Ex-Criminal Tribes should be appointed as Primary School Teachers in such Schools. The limit of percentage marks imposed on them should be withdrawn for a period of 10 years and qualified Ex-Criminal Tribes persons appointed as Teachers. Recruitment of such teachers should not be done through the Staff Selection Committee constituted by the Primary Education Act. Such teachers, if found inefficient, should be removed from service. Such teachers should be sent for training after completion of two years satisfactory service.
303. In Ex-Criminal Tribes colony schools, the number of pupils per teacher on rolls should be fixed as 30, with average attendance at 20.
304. Compulsion in education should be enforced to boys and girls of the age group 6 to 14 in Ex-Settlement areas at Ahmedabad, Sholapur and Hubli. Pupils who have passed the Primary School Certificate Examination standard should be exempted from such compulsion.
305. Rewards should be given to class teachers from whose class, the Ex-Criminal Tribes children pass their examination for promotion to the next class, according to the scale given in Chapter III of the Report. These rewards are to be limited for higher primary classes only. Grant or rewards should be modified in the case of teachers who would get special allowances.
306. Encouragement should be given in Primary Schools by awarding monthly scholarships to a fairly sufficient number of promising and regular pupils. These scholarships should be limited to the upper primary classes in the case of non-wandering tribes, while in the case of wandering tribes, they should be for the lower classes also. The rates of such scholarships at different stages in the school should be according to the schedule given in Chapter III. In the case of wandering tribes,  $33\frac{1}{3}$  per cent pupils should

be given such scholarships in the first five years and 25 per cent in the next five years. In the case of non-wandering tribes, these scholarships should be given to 20 per cent pupils in the first five years and 10 per cent pupils in the next five years. The position should be reviewed after 10 years.

307. The Regional Committees of Gujarat, Maharashtra and Karnataka should be requested to extend their social education work in Ex-Criminal Tribes colonies, by imposing conditions on social education officers to show special work of imparting social education to Ex-Criminal Tribes residing in their respective jurisdictions.
308. Literate boys, girls above the age of 12 years and adults should be trained in suitable cottage industries in rural areas through the peripatetic parties and mechanical trades, in urban areas, by regularly starting industrial schools. Such Industrial schools should be started at Ahmedabad, Sholapur, Hubli, Gadag, Bijapur and Ambernath. Trainees who receive training should be given Rs. 30 as stipends per month and after completion of training Rs. 500 should be given to him for purchase of equipment, tools and working capital to start the industry. Fifty per cent of this amount should be a subsidy and the remaining as loan returnable in 36 monthly instalments. Three big industrial training centres should be established at Ahmedabad, Sholapur and Hubli to train Ex-criminal tribes boys and girls in various trades.
309. An adequate number of vacancies for Tailoring and Carpentry courses should be reserved for Chhara boys in Government Industrial Technical workshop of the Labour Department at Ahmedabad, till the scheme of a separate industrial centre at Naroda materializes.
310. Segregation of children, particularly, the children of the hardened criminals, is neither desirable nor practical also. Neglected children should be sent to certified schools under the provisions of the Children's Act and the said Act made applicable to all big Ex-Criminal Tribes colonies in the Bombay State.
311. Following additional hostel facilities should be given to Ex-Criminal Tribes pupils, over and above the facilities given to the Backward Class pupils -
  - i. Backward Class Hostels run by Government and private agencies should take initiative to have 20 per cent children of the Ex-Criminal Tribes in the hostels. Backward class pupils, who can stay with their parents and have educational facility at the place of their residence, are not eligible for admission to these hostels. This rule should be

#### TECHNICAL ADVISORY GROUP

relaxed in the case of Ex-Criminal Tribes pupils, at least for a period of 10 years.

- ii. Children of nomadic tribes should have preference in admission to such hostels. A special hostel may be started for the nomadic Ex-Criminal Tribes pupils if 30 such pupils are available at one place. Such 10 hostels should be started in the year 1951-52 to begin with. Out of which, 6 hostels should be started, 2 at each place at Ahmedabad, Sholapur and Hubli, one for boys and one for girls. These 6 hostels should admit 50 inmates in each.
- 312.** Study-cum-Recreation classes should be organized in big Ex-Criminal Tribes colonies for Ex-Criminal Tribes pupils who are not supervised through Backward Class Hostels or Hostels started for them.

#### Economic

- 313.** Strenuous efforts are necessary to see that a large percentage of Ex-Criminal Tribes is enabled to get jobs in Textile Mills and other Factories. The Rehabilitation Officer should be asked to collect statistical information of labourers required in various departments of the Textile Mills and other Factories and find out the scope for employing them. Percentage of Employment of the Ex-Criminal Tribes should be fixed up by the Backward Class Officer in consultation with the Labour Commissioner for a period of ten years.
- 314.** Arrangement should be made through the Managers of Factories and Association of Textile Mill-owners to train Ex-Criminal Tribes on apprenticeship basis. The Government should pay liberal grants to the mills for such training arrangements or even bear the full cost of such training if mill managements do not voluntarily come forward to do this work.
- 315.** Special provision should be made to give preference to the Ex-Criminal Tribes labourers in the present decasualization scheme.
- 316.** Percentage of employment should be fixed in all Industrial concerns, Textile Mills and Factories where more than 50 labourers are working. Members of the Ex-Criminal Tribes may be rehabilitated at places where they will get remunerative jobs. This arrangement will automatically enable to split up their groups, and help their absorption in the society.

317. Employment should be provided to the Ex-Criminal Tribes in various Government Railway Workshops and semi-Government Factories and concerns. At least 5 per cent of the workers in such concerns should be the members of the Ex-Criminal Tribes. They should be taken as unskilled labourers to begin with and trained in various skills in due course.
318. If Trading Estates are established, employment should be provided to them as unskilled labourers.
319. They should be employed in Jails as menial staff, in Government, Defense Service and in the Police, in Railway menial staff as coolies, gangs men and in State Transport, as cleaners, drivers, and conductors, as labourers in Public Works Department, Municipal and District Local Board works.
320. They should be employed in fourth grade Government services as peons, coolies, watchmen and menial staff in various Departments.
321. All primary School Leaving Certificate Examination passed persons should be employed as Primary School Teachers, Talatis or given similar jobs in the Revenue Department, but none from them should be allowed to remain unemployed.
322. Three big industrial training-cum-Production Centres should be started at Ahmedabad, Sholapur and Hubli with training facilities in about half a dozen, useful and remunerative industries. Arrangement should be made to enable at least 100 Ex-Criminal Tribes persons to do work in one industry. These centres should be run purely as business concerns and efforts made to make them self-sufficient in due course.
323. Industrial training should be given to Ex-Criminal Tribes residing in considerable population through the peripatetic industrial schools and if necessary extra peripatetic schools organized for this purpose. The trainees should be provided liberal stipends while they are under training and adequate loan facilities to run the industry, in which they have received training. Liberal loan facilities should be given to groups of such trained persons rather than individuals as far as possible.
324. Government should provide experienced persons as secretaries to the industrial and other Co-operative societies organized by Ex-Criminal Tribes. Fifty per cent emoluments incurred on account of such secretaries should be borne by the Government itself.

#### TECHNICAL ADVISORY GROUP

325. Co-operative Societies of Ex-Criminal Tribes should be advanced loan for Share capital on easy terms to enable them to have adequate loan facility. Government should guarantee to central financing agencies, in case there is difficulty in obtaining loan.
326. The scheme of loan facilities to be given to Backward Class artisans should be implemented with advantage for the individual Ex-Criminal Tribes following productive industries, on individual basis. A committee constituted of the Assistant Registrar of Co-operative Societies, the Backward Class Welfare Officer of the District, the Deputy Registrar of Co-operative Societies of the Division concerned and the District Officer for Industrial Co-operative and Village industries having jurisdictions in the District should dispose of such individual loan applications. They may recommend loan but powers of sanctioning it should rest with the joint Registrar for Industrial Co-operative and Village Industries. The District Officer for Industrial Co-operative and Village Industries should work as Secretary of the Committee.
327. Apart from Industrial Co-operatives, Multipurpose and Labourers Co-operative should be organized through the Welfare Organizers in Ex-Criminal Tribes Colonies.
328. Facilities should be provided to train Ex-Criminal Tribes women in sewing, weaving, tailoring, embroidery work, needlework and other crafts suited to them. Women teachers to teach these crafts should be appointed in Ex-Criminal Tribes colonies. Women trainees should be provided similar facilities provided to the trainees receiving training through the Peripatetic Training Schools.
329. Young girls who are above the age of 12 should be trained in suitable crafts to train women by starting regular craft training schools at Ahmedabad, Sholapur and Hubli.
330. The proposal of agriculture colonization of Ex-Criminal Tribes does not appear feasible. However efforts should be made to enable some Ex-Criminal Tribes following agriculture as their avocation to stay with non-Ex-Criminal Tribes agriculturists in the scheme of agricultural colonization. Separate colonies of the Ex-Criminal Tribes should not be encouraged.

#### Housing

331. We concur with the provisions of the Government Post War Reconstruction Scheme No.219 and recommend that lands should be given to the members of the Ex-Criminal Tribes at the rate of one and half gunthas to each family in the case of a non-agriculturist family and 3 gunthas in the case of an agriculturist family. It is necessary to have 400 square feet as the actual built area of the house in the case of each family. An additional built area of 200 square feet is necessary for an agriculturist family to use it as a barn.
332. The Government should bring into existence an organization, which would start providing housing accommodation to the Ex-Criminal Tribes. For this purpose a committee consisting of the Collector or his Deputy as Chairman and the Executive Engineer, the Assistant Registrar of Co-operative Societies and one or two social workers as members and the Backward Class Welfare Officer as Secretary should be formed in all Districts where there is a considerable population of the Ex-Criminal Tribes and particularly in the Districts of Sholapur, Bijapur, Dharwar, Belgaum, Ahmedabad, Kaira, Bombay, Bombay Suburban and Thana. A sub-committee of the District Backward Class Committee may be asked to do this work if possible with the Assistant Registrar of Co-operative Societies and the Executive Engineer as members of the same.
333. Housing Co-operative Societies of the Ex-Criminal Tribes wherever possible should be organized.
334. Housing lands should be made available to the Ex-Criminal Tribes to build houses in rural and urban areas where there are more than 5 families. The Mahalkaris and Mamlatdars should be asked to provide housing lands to Ex-Criminal Tribes families where they are less than 5 in number.
335. In case of nomadic tribes, land should be given free. Loans also should be advanced to them to build houses at a very low interest and recovery ordered in easy installments.
336. There should be no Ex-Criminal Tribe family left without a housing site within the next 3 years in urban areas and 5 years in rural areas.
337. While granting housing sites it should be seen that the Ex-Criminal Tribes are not segregated from the rest of the population.
338. Government should provide at their cost, trained secretaries to Housing Co-operative Societies of Ex-Criminal Tribes having more than 50 members.

### **Social Welfare**

339. Welfare activities of the Labour Welfare Department should be organized at all Ex-Criminal Tribes colonies in urban areas. Recreational activities should be organized at other places also through the Welfare Organizers.
340. The present system of caste Panchayat should be gradually remolded so as to make them channels of social reform. There should be one general Panchayat for all Ex-Criminal Tribes and non-Ex-Criminal Tribes staying in one locality. There should be Sub-Panchayat of each caste, having some advisory members in it from persons of reputation from other castes and social workers.
341. It is necessary to give moral education to the Ex-Criminal Tribes. Recreational and other activities should be arranged in such manner, that they should help to train the Ex-Criminal Tribes morally, for which Bhajans, Kirtans, lectures and discussions on morals and good principles of all religions should be arranged.

### **Administrative Machinery and the Habitual Offenders Restriction Act**

342. Two officers, one as Rehabilitation Officer for the Ex-Criminal Tribes and the other to look to the industrial development should be appointed under the Backward Class Officer to plan, organize and co-ordinate activities which have been recommended by us in this Report. Welfare Organizers and officers to look to the industrial development should be appointed at Ahmedabad, Sholapur and Hubli and in Districts having considerable population of the Ex-Criminal Tribes. The Backward Class Welfare Officers of the Districts should be made responsible to execute the various schemes and proposals of rehabilitating these tribes.
343. The Habitual Offenders Restriction Act should be amended in the light of the Madras Habitual Offenders Act and its provisions made simpler and wider, in order to restrict all habitual offenders from Ex-Criminal Tribes and also others, as action on these few notorious characters will enable other Ex-Criminal Tribes to live peacefully in their localities. A conference of the Backward Class Officer, the Chief Inspector of Certified Schools and a few selected experts in criminology, magistracy and Police work should be called and amendments to the existing Habitual Offenders Restriction Act made in the light of recommendations made by it.

### Other Recommendations

344. Government should encourage voluntary associations to do uplift work among the Ex-Criminal Tribes. But in case no voluntary effort is forthcoming, the Government should undertake to do uplift work for them and in due course give increasing scope to the voluntary associations.
345. The Government should include in their programme of the Housing Department, provision for housing of these communities. The Ahmedabad pattern of tenements used for the refugees at Naroda, costing Rs. 3900 for 6 tenements should be taken as a model. The Government should construct such tenements at suitable places and give them to the members of these communities on hire purchase system.
346. If there are any schemes of housing of the general population and if housing Co-operative Societies are formed for that purpose, a few members of these communities should be included as members of that society.
347. If there are Housing Societies and sites specially reserved for these communities, members from other communities should be encouraged to buy plots or be members in the Housing Co-operative Societies of the Ex-Criminal Tribes.
348. Housing sites owned by the Ex-Criminal Tribes, which were forfeited and given to non-Ex-Criminal Tribes by Government, should be restored to them if they are willing to go to their villages and stay there permanently.
349. Agricultural lands owned by the Ex-Criminal Tribes, which were forfeited and given to non-Ex-Criminal Tribes by Government, should be restored to them.
350. Panch Fund and some other public funds raised on the contributions given by the Ex-Criminal Tribes should be handed over to the associations or organizations of Ex-Criminal Tribes doing ameliorative work among them and it should be spent for their uplift.
351. The Umedpur village area (the Sholapur Ex-Settlement area) which is just on the outskirts of the Sholapur Municipal limits should be included in the Sholapur Municipal limits and sanitary and other amenities extended to that area for the benefit of the Ex-Criminal Tribes.
352. One member belonging to the Ex-Criminal Tribes should be nominated by the Government on each of the Backward Class District Committees of Sholapur, Bijapur, Dharwar, Poona, Thana, Kaira and Ahmedabad Districts.

TECHNICAL ADVISORY GROUP

**353.** One member belonging to the Ex-Criminal Tribes should be nominated by Government to represent them in the State Backward Class Board.

Villages where the Criminal Tribes Act of the old Baroda State was in operation have not been included in the list of the Backward Classes. But as they are members of the Ex-Criminal Tribes and as they are really very backward educationally, economically and socially, we recommend that they should be included in the list of the Backward Classes and be made eligible for all the facilities provided to the Backward Classes by Government at present. The special facilities recommended for Ex-Criminal Tribes may not be given to these communities.

We have recommended some special concessions in education to the children of the wandering or nomadic tribes. For this purpose we recommended that Kanjar Bhats or Chharas, Pardhis and Mang-Garudis **should be treated as wandering or nomadic tribes.**

In Paragraph 72 of the Criminal Tribes Act Enquiry Committee Report, there is a recommendation that the following tribes can no longer be considered criminal :

(1) Fatgudis (2) Chhapparbands (3) Kamis (4) Katbus (5) Vanjaris. It also states that the danger from some foreign tribes has not been serious. These communities are the following: (6) Baurias (7) Bhars (8) Minas (9) Oudhias and (10) Pasis. Their population also is probably very small as there are no definite figures available. We may therefore very safely omit these communities from general discussion. The Committee again in the same para has referred to (11) Berads (12) Bhils (13) Kohs (14) Lamanis (15) Waddars and (16) Waghars as showing gradual improvement in recent years and therefore has recommended their early denotification.

## 9

### The Colonial Law and the Notification of Tribes

#### A

#### CRIMINAL TRIBES ACT, 1871

The Criminal Tribes Act of 1871, passed by the governor of India in Council, (received the assent of the Governor General on the 12<sup>th</sup> October 1871), an Act for the Registration of Criminal Tribes and Eunuchs as modified up to 1<sup>st</sup>, February 1897.

Whereas it is expedient to provide for the registration, surveillance and control of certain criminal tribes and eunuchs, it is thereby enacted as follows:

1. This Act may be called “The Criminal Tribes’ Act, 1871”. (Commencement, repealed by Act XVI of 1874, section 1 and Schedule, Part I.)

This section and section 20 extend to the whole of British India: the rest of this act extends only to the interiors under the governments of the Lieutenant Governors of Bengal, the North –Western Province and the Punjab respectively, and under the administration of the Chief Commissioner of Oudh.

Provided that any local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare all or any of the provisions of this act as amended by subsequent legislation. To be in force in the whole or any part of the territories under its government.

Definition of the Tribe, Gang and Class

1A. In this Act the words tribe, gang, and class shall be deemed to include any portion or members of a tribe, gang or class.

Part I, Criminal Tribes:

Local Government to report what tribes should be declared criminal

2. If the local government has reason to believe that any tribe, gang, or class of person is addicted to the systematic commission of non-bailable offences, it may report the case to the Governor General in Council, and may request his permission to declare such tribe, gang or class to be a criminal tribe.

**TECHNICAL ADVISORY GROUP**

3. The report shall state the reason why such tribe, gang or class is considered to be addicted to the systematic commission of non-bailable offence, and as far as possible, the nature and the circumstances of the offence in which the member of the tribe are proposed to have been concerned; and shall describe the manner in which it is proposed that such tribe, gang or class shall earn its living when the provision hereinafter contained have been applied to it.
4. If such tribe, gang or class has no fixed place of residence, the report shall state whether such tribe, gang, or class follows any lawful occupation, and Government, the real occupation of such tribe, gang, or class, or a pretence for the purpose of facilitating the commission of the crimes, and shall set forth the ground on which such opinion is based; and the report shall also specify the place of residence in which such wandering tribe, gang, or class were proposed to be made for enabling it to learn its living therein.
5. If upon the consideration of such report, the Governor-General in council is satisfied that the tribe, gang, or class to which it relates ought to be declared criminal, and that the means by which it is proposed that such the tribe, gang, or class shall earn its living are adequate, he may authorize the local government to publish in the local Gazette a notification declaring that such the tribe, gang, or class is a criminal tribe, and thereupon the provision of this act shall become applicable to such the tribe, gang, or class.
6. No court of justice shall question the validity of any such notification on the ground that the provision therein before contained, or any of them, have not been complied with, or entertain in any form whatever the question whether they have been complied with; But every such notification shall be conclusive proof that the provision of this act are applicable to the tribe, gang, or class specified therein.
7. When the notification mentioned in section 5 has been published, the local government may direct the magistrate of any district in which such tribes, gang or class, or any part thereof. The declaration of the local government that any such tribes, gang or class, or any part of it, is resident in any district, shall be conclusive proof of such residence.
8. Upon receiving such direction, the said magistrate shall publish a notice in the place where the register is to be made, calling upon all the members of such tribes, gang or class, or of such portion thereof as is directed to be registered, to appear, at a time and place therein specified, before such person as he

appoints, and to give those persons such information as may be necessary to enable them to make the register.

9. Any member of any such tribes, gang or class, who, without lawful excuse, the burden of proving which shall lie upon him, shall fail to appear according to such notice, or shall intentionally omit to furnish such information, or who shall furnish, as true, information on the subject which he knows or has reason to believe to be false, shall be deemed guilty of an offence under the first part of section 174 or 176 or 177 of the Indian Penal Code (a), respectively, as the case may be.
10. The register, when made shall be kept by the district superintendent of police, who shall, from time to time, report to the said magistrate any alterations which ought to be made therein, either by way of addition or erasure.
11. No alteration shall be made in such register except by or order of the said Magistrate, and he shall write his initials against every such alteration. Notice shall be given of any such intended alteration, and of the time when, and place where, it is to be made, to every person affected thereby.
12. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register either when the register is first made or subsequently, may complain to the said Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein, or erase it there from, as he may see fit. Every order for the erasure of any such person's name shall state the grounds on which such person's name is erased. The commissioner shall have power to review any order of entry, retention or erasure, passed by the said magistrate on any such complaint, either on appeal by the person registered or proposed to be registered or otherwise.
13. Any tribes, gang or class, which has been declared to be criminal, and which has no fixed place of residence, may be settled in a place of residence prescribed by the local government.
14. Any tribes, gang or class, which has been declared to be criminal, or any part thereof, may, by order of the local government, be removed to any other place of residence.
15. No tribes, gang or class, shall be settled or removed under this act until such arrangements as the local government shall, with the concurrence of the Governor General in council, consider suitable, have been made for enabling such tribes, gang or class, or such part thereof, as is to be so settled or

**TECHNICAL ADVISORY GROUP**

removed, to earn a living in the place in or which it is to be settled or removed.

16. When the removal of persons has been ordered under the Act, the register of such persons' names shall be transferred to the district superintendent of police of the district to which such persons are removed, and the commissioner of the division in which it is situated, shall there be empowered to exercise the powers provided in sections 11 and 12.
17. The Local Government may, with the sanction of Governor General in council, place any tribe, gang or class, which has been declared to be criminal, or any part thereof, in a reformatory settlement.

17A (1) The local government may establish and maintain settlement for children and may separate and remove them from their parents and place in such a reformatory settlement the children of the registered members of any tribe, gang or class, which has been declared to be criminal.

(2) For every reformatory settlement for children established under subsection (1) a superintendent shall be appointed by the local government.

(3) The superintendent of a reformatory settlement for children shall be deemed to be the guardian, within the meaning of Act No. XIX of 1850 (concerning the binding of apprentices), of every child detained in such settlement; and such superintendent, may if he shall think fit, and subject to any ruler which the local government may make in this behalf, apprentice such child under the provision of the aforesaid act.

“Explanation – the term children in this section includes all persons under the age of 18 and above the age of four years.”

18. The local government may, with the previous consent of the Governor General in council, make rules to prescribe –
- (1) the form in which the register shall be made by the said Magistrate
  - (2) the mode in which the said Magistrate shall publish the notice prescribed in section 8, and means by which persons whom it concerns, and the headmen, village watchmen, and land owners or the occupiers of the village, in which such persons reside, or the agents of such land owners or occupiers, shall be informed of its publication
  - (3) the mode in which the notice prescribed in the section 11 shall be given;

RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

- (4) the limits within which persons whose names are on the register shall reside;
  - (5) conditions as to hold passes, under which such persons may be permitted to leave the said limits;
  - (6) conditions to be inserted in any such pass as to (a) the places where the holder of the pass may go or reside; (b) the officers before whom, from time to time, he shall be bound to present himself; (c) and the time during which he may absent himself;
  - (7) Conditions as to answering at roll-call or otherwise, in order to satisfy the said magistrate or persons authorized by him, that the reasons whose names are on the register are actually present at given times within the said limits;
  - (8) The inspection of the residences and villages of any such tribes, gang or class, and the prevention or removal of contrivances for enabling the residents therein to conceal stolen property, or to leave their place of residence without leave;
  - (9) The terms upon which registered persons may be discharged from the operation of this Act;
  - (10) The mode in which the criminal tribes shall be settled and removed;
  - (11) The control and supervision of reformatory settlement;
  - (12) The works on which and the hours during which persons placed in a reformatory settlement shall be employed, the rates at which they shall be paid, and the dispersal, for the benefit of such persons, of the surplus proceeds of their labor, after defraying the whole or such part of the expenses of their supervision and control as to the Local Government shall seem fit;
  - (13) The discipline to which persons endeavoring to escape from any such settlement, or otherwise offending against the rules for the time being in force, shall be submitted; the periodical visitation of such settlement, and the removal from it of such persons as it shall seem expedient to remove;
  - (14) And generally, to carry out the purposes of this act.
19. (1) Any person registered under this act violating a rule made under clause (4), clause (5) or clause (6) of section 18 shall be punishable with rigorous imprisonment for a term which may extend, on a first conviction, to one year,

**TECHNICAL ADVISORY GROUP**

on a second conviction, to two years, and, on any subsequent conviction, to three years, and shall also, whether on the first or any subsequent conviction, be liable to whipping.

(2) Any such person being a member of a proclaimed tribe violating a rule made under any other clause of section 18 shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine, or with whipping or with all or any two of those punishments; and on any subsequent conviction for a breach of any such rule, with rigorous imprisonment for a term which may extend to one year, or with fine, or with whipping, or with all or any two of those punishments.

20. A. Whoever, being a member of any tribe, gang or class which has been declared criminal, and having been convicted of any of the offences under the Indian Penal code specified in the schedule to this act, shall therefore be convicted of the same or any other offence specified in the said schedule, then he shall, in the absence of special reason to the contrary to be mentioned in the judgment of the court, be punished, on such second conviction, with rigorous imprisonment for a term of not less than seven years, and on a third conviction, with transportation for life.

Nothing in this section shall affect the liability of such persons to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

B. Whoever, being a registered member of any tribe, gang or class which has been declared criminal, is found in any place under such circumstances as to satisfy the court that he was about to commit, or aid in the commission of theft or robbery, or that he was waiting for an opportunity to commit theft or robbery, shall be punishable with rigorous imprisonment for a term which may extend to three years, and shall also be liable to fine.

21. Any person registered under the provision of this Act, who is found in any part of British India, beyond the limits so prescribed for his residence, without such pass as may be required by the said rules, or in place or at a time not permitted by the conditions of his pass, or who escapes from a reformatory settlement, may be arrested without warrant by any police-officer or village watchman, and taken before a Magistrate, who on proof of the facts, shall order him to be removed to the district in which he ought to have resided, or to the reformatory settlement from which he has escaped (as the case may be), there to be dealt with according to the rules under this Act for

the time being in force. The rules for the time being in force for the transmission of prisoners shall apply to all persons removed under this section: provided that an order from the local government or from the Inspector General of prisons shall not be necessary for removal of such persons.

22. It shall be the duty of every village headman and village watchman in a village in which any persons belonging to a tribe, gang or class which has been declared criminal reside, and of every owner or occupier of land on which any such person reside, give the earliest information in his power at the nearest police station. (1) The failure of any such person to appear and give information, as directed in section 8(2) the departure of any such person to appear and give or form such land (as the case may be). And it shall be the duty of every village headman and village watchman in a village, and of every owner or occupier of land, or of the agent of such in his power at the nearest police station of the arrival of any persons who may reasonably be suspected of belonging to any such tribe, gang or class.

Any village headman, village watchman, owner or occupier of land or agent of such owner or occupier, who shall fail to comply with the requirements of section 21, shall be deemed to have committed an offence under the first part of the section 176 of the Indian Penal Code.

## **B**

### **CRIMINAL TRIBES ACT, 1897**

Passed by the Governor General of India in Council

(Received the assent of the Governor General on the 28th January, 1897)

1. An Act to amend the Criminal Tribes' Act, 1871. Whereas it is expedient to amend the Criminal Tribes' Act, 1871; it is hereby enacted as follows:

(1) This Act may be called the Criminal Tribes' Act Amendment Act, 1897, and

(2) It shall come into force at once.

2. To section 1 of the Criminal Tribes' Act, 1871, the following proviso shall be added, namely:-

Provided that any Local Government, with previous sanction of the Governor General in Council, may, by notification in the local official

**TECHNICAL ADVISORY GROUP**

Gazette, declare all or any of the provisions of this Act, as amended by subsequent legislation to be in force in the whole or any part of the territories under its government.”

3. After section 1 of the Criminal Tribes’ Act, 1871 the following section shall be inserted, namely, “ 1A. In this Act the words “tribe”, “gang” and “class” shall be deemed to include any portion or members of a tribe, gang or class.”
4. After section 17 of the said Act the following section shall be added, namely:- “17A.
  - (1) The Local Government may establish and maintain reformatory settlements for children and may separate and remove from their parents and place in such a reformatory settlement the children of the registered members of any tribe, gang or class which has been declared to be criminal.
  - (2) For every reformatory settlement for children established under subsection (1) a Superintendent shall be appointed by the Local Government.
  - (3) The Superintendent of a reformatory settlement for children shall be deemed to be the guardian, within the meaning of Act No XIX of 1850 (concerning the binding of apprentices), of every child detained in such settlement; and such Superintendent may, if he shall think fit, and subject to any rules which the Local Government may make in this behalf, apprentice such child under the provisions of the aforesaid Act. “

Explanation : The term “ children” in this section includes all persons under the age of eighteen and above the age of four years.”

5. For section 19 of the said Act the following section shall be substituted, namely:- “19.
  - (1) Any person registered under this Act violating a rule made under clause (4), clause (5) or clause (6) of section 18 shall be punishable with rigorous imprisonment for a term which may extend, on a first conviction, to one year, on a second conviction, to two years, and, on any subsequent conviction to three years, and shall also, whether on the first or any subsequent conviction, be liable to whipping.
  - (2) Any person being a member of a proclaimed tribe violating a rule made under any other clause of section 18 shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine, or with whipping, or with all or any two of those punishments; and on any

subsequent conviction for a breach of any such rule, with rigorous imprisonment for a term which may extend to one year, or with fine, or with whipping, or with all or any of two of those punishments.”

6. After section 19 of the said Act the following sections shall be added, namely:-

“19 A. Whoever, being a member of any tribe, gang or class which has been declared criminal, and having been convicted of any of the offences under the Indian Penal Code specified in the schedule to this Act, shall thereafter be convicted of the same or any other offence specified in the said schedule, then he shall, in the absence of special reasons to the contrary to be mentioned in the judgement of the Court, be punished, on such second conviction, with rigorous imprisonment for a term of not less than seven years, and on a third conviction with transportation for life. Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

“19B. Whoever, being a registered member of any tribe, gang or class which has been declared criminal, is found in any place under such circumstances as to satisfy the Court that he was about to commit, or aid in the commission of, theft or robbery, shall be punishable with rigorous imprisonment for a term which may extend to three years, and shall also be liable to fine”.

7. To the said Act, the schedule in the schedule to this Act shall be added.

### **The Schedule**

#### **Certain offences punishable under chapter XVI and XVII of the Indian penal code**

##### **Chapter XVI**

###### Sections

299. Culpable homicide.  
307. Attempt to murder.  
308. Attempt to commit culpable homicide.  
310. Thug  
322. Voluntarily causing grievous hurt.

**TECHNICAL ADVISORY GROUP**

- 324. Voluntarily causing hurt by dangerous weapons or means.
- 322. Voluntarily causing grievous hurt by dangerous weapons or means.
- 327. Voluntarily causing hurt to extort property or to constrain to an illegal act.
- 328. Causing hurt by means of poison, etc., with intent to commit an offence.
- 329. Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.
- 332. Voluntarily causing hurt to deter public servant from his duty.
- 333. Voluntarily causing grievous hurt to deter public servant from his duty.

**Chapter XVII**

Sections

- 382. Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft
- 383. Extortion.
- 385. Putting person in fear of injury in order to commit extortion.
- 386. Extortion by putting a person in fear of death or in order to commit extortion.
- 387. Putting person in fear of death or of grievous hurt in order to commit extortion.
- 390. Robbery.
- 391. Dacoity.
- 393. Attempt to commit robbery.
- 394. Voluntarily causing hurt in committing robbery
- 397. Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon
- 399. Making preparation to commit dacoity.
- 402. Assembling for purpose of committing dacoity.
- 458. Lurking house-trespass, house-breaking by night after preparation for hurt, assault or wrongful restraint.

459. Grievous hurt caused whilst committing lurking house-trespass or house breaking.
460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable with death or grievous hurt caused by one of them.

## **C**

### **CRIMINAL TRIBES ACT, 1911**

Passed by the Governor General of India in Council (Received the assent of the Governor General on the 1st March 1911)

#### **Contents**

Preliminary

Sections

1. Short title and extent.
2. Definitions.

Notifications of Criminal Tribes

3. Power to declare any tribe, gang or class a Criminal tribe.

Registration of Members of Criminal Tribes

4. Registration of members of Criminal Tribes
  5. Procedure in making register.
  6. Charge of register.
  7. Alterations in register.
  8. Complaints of entries in register.
  9. Power to take finger-impressions at any time.
  10. Members of Criminal Tribes to report themselves or notify residence.
  11. Procedure when deemed expedient to restrict movement of, or settle, criminal tribes.
-

#### **TECHNICAL ADVISORY GROUP**

12. Notification restricting movements of, or settling, tribe.
13. Power to vary specified area or place of residence.
14. Verification of presence of members of tribe within prescribed area place of residence.
15. Transfer of register in certain cases.

#### **Settlement and Schools**

16. Power to place tribe in settlement.
17. Power to place children in schools and to apprentice them.
18. Power of Local Government to discharge or remove persons from settlement or school.
19. Power of Governor General in Council to direct use of any settlement or school in British India for reception of persons.

#### **Rules**

20. Power to make rules.

#### **Penalties and Procedures**

21. Penalties for failure to comply with terms of notice under section 5 or 7.
22. Penalties for breach of rules.
23. Enhanced punishment for certain offences by members of criminal tribe after previous conviction.
24. Punishment for registered members of criminal tribe found under suspicious circumstances.
25. Arrest of registered persons found beyond prescribed limits.

#### **Sections**

26. Duties of village-headman, village-watchmen, and owners or occupiers of land to give information in certain cases.
27. Penalty for breach of such duties.

### **Supplemental**

28. Bar of jurisdiction of Courts in questions relating to notifications under sections 3, 12 and 13.
29. Repeals.

### **The Act**

An Act to amend the law relating to the registration, surveillance and control of Criminal Tribes.

Whereas it is expedient to amend the law relating to the registration, surveillance and control of criminal tribes; it is hereby enacted as follows :

#### **Preliminary**

1. (1) This Act may be called the Criminal Tribes Act 1911; and  
(2) It extends to the whole of British India.
2. In this Act, unless there is anything repugnant in the subject or context, -
  - (1) "Criminal tribe" means a tribe, gang or class of persons declared to be a criminal tribe by a notification under section 3;
  - (2) "prescribed" means prescribed by rules under this Act; and
  - (3) "tribe", "gang" or "class" includes any part or members of a tribe, gang or class.

#### **Notification of Criminal Tribes**

3. If the Local Government has reason to believe that any tribe, gang or class of persons is addicted to the systematic commission of non - bailable offences, it may, by notification in the local official Gazette, declare that such tribe, gang or class is a criminal tribe for the purposes of this Act.

#### **Registration of Members of Criminal Tribes**

4. The Local Government may direct the District Magistrate to make or cause to be made a register of the members of any criminal tribe or of any part thereof within his district.

**TECHNICAL ADVISORY GROUP**

5. Upon receiving such direction the District Magistrate shall publish a notice in the prescribed manner at the place where the register is to be made and at such other places as he may think fit, calling upon all the members of such criminal tribe, or of such part thereof as is directed to be registered : -

- a) To appear at a time and place therein specified before a person appointed by him on this behalf ;
- b) To give that person such information as maybe necessary to enable him to make the register; and
- c) To allow their finger impressions to be recorded:

Provided that the District Magistrate may exempt any individual member of such Criminal Tribe or part thereof from registration.

6. The register, when made, shall be placed in the keeping of the Superintendent of Police, who shall, from time to time, report to the District Magistrate any alterations which ought in his opinion to be made therein, either by way of addition or erasure.

7. (1) After the register has been placed in the keeping of the Superintendent of Police no person shall be added to the register, and no registration shall be cancelled except by or by the order in writing of the District Magistrate.

(2) Before the name of any person is added to the register under this section, the Magistrate shall give notice in the prescribed manner to the concerned person :-

- a) to appear before him or a person appointed by him in this behalf at a time and a place therein specified ;
- b) to give him or such person such information as may be necessary to enable him to make the entry; and
- c) to allow his finger impressions to be recorded.

8. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register either when the register is first made or subsequently, may complain to the District Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein, erase it there from, as he may see fit.

9. The District Magistrate or any officer empowered by him in this behalf may at any time order the finger-impressions of registered member of a criminal tribe to be taken.

**10.** The Local Government may, by notification in the local official Gazette, direct in respect of any criminal tribe that every registered member thereof shall, in the prescribed manner,-

- a) report himself at fixed intervals; or
- b) Notify his place of residence and any change or intended change of residence and any absence or intended absence from residence.

### **Restriction of Movements of Criminal Tribes**

**11.(1)** If the Local Government considers that it is expedient that any criminal tribe should be -(a) restricted in its movements to any specified area, or (b) settled in any place of residence, it may report the case for the orders of the Governor General in Council.

(2) Every such report shall state -

- i. the nature and the circumstances of the offences in which the members of the criminal tribe are believed to have been concerned, and reasons for such belief;
- ii. whether such criminal tribe follows any lawful occupation, and whether such occupation is in the opinion of such criminal tribe, or a pretence for the purpose of facilitating the commission of crimes, and the grounds on which such opinion is based;
- iii. the area to which it is proposed to restrict the movements of such criminal tribe, or the place of residence in which it is proposed to settle it; and
- iv. The manner in which it is proposed that such criminal tribe shall earn its living within the restricted area or in the settlement and the arrangements which are proposed to be made therefore.

**12.** If on the consideration of any such report the Governor General in Council is satisfied -

- a) that it is expedient to restrict the movements of such criminal tribe or to settle it in a place of residence, and
- b) That the means by which it is proposed that such criminal tribe shall earn its living are adequate.

He may authorize the Local Government to publish in the local official Gazette a notification declaring that such criminal tribe shall be restricted in its movements

#### TECHNICAL ADVISORY GROUP

to the area specified or shall be settled in the place of residence specified, and the Local Government may publish a notification accordingly.

**13.** The Local Government may at any time by a like notification vary the terms of any notification published by it under section 12 by specifying another area to which the movements of the criminal tribe shall be restricted, or another place of residence in which it shall be settled.

**14.** Every registered member of a criminal tribe, whose movements have been restricted or which has been settled in a place of residence, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

**15.** When the area to which the movements of a criminal tribe or any members thereof area restricted, or the place of residence in which a criminal tribe is settled is situated in a district other than that in which the register mentioned in section 4 was prepared, the register shall be transferred to the Superintendent of Police of the district in which the said area is situated, and the District Magistrate of the said district shall thereupon be empowered to exercise the powers provided in sections 7, 8 and 9.

#### **Settlements and Schools**

**16.** The Governor General in Council or the Local Government may establish industrial, agricultural or reformatory settlements and may place therein any criminal tribe or any part thereof, in respect of which a notification has been published under section 12.

**17.** (1) the Local Government may establish industrial, agricultural or reformatory schools for children and may separate and remove from their parents or guardians and place in such schools the children of members of any criminal tribe in respect of which a notification has been published under section 12.

(2) For every school established under sub section (1), a Superintendent shall be appointed by the Local Government.

(3) The provisions of section 18 to 22 (both inclusive) of the Reformatory Schools Act, 1897, shall, so far as may be, apply in the case of every school from children established under this section as if the Superintendent of such school were a Superintendent and the children placed in such school were youthful offenders within the meaning of that Act.

(4) For the purposes of this section, “children” includes all persons under the age of eighteen and above the age of six years.

(5) The decision of the District Magistrate as to the age of any person for the purposes of this section shall be final.

**18.** The Local Government may at any time, by general or special order, direct any person who may be in any industrial, agricultural or reformatory settlement or school in the Province -

- (a) To be discharged, or
- (b) To be removed to some other like settlement or school in the Province.

**19.** The Government General in Council may, by like order, direct that any person to whom the provisions of section 16 or section 17 are applicable may be placed in, or transferred to, any industrial, agricultural or reformatory settlement or school in any part of British India.

### **Rules**

**20.** (1) The Local Government may make rules to carry out the purposes and objects of this Act.

- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for and regulate -
  - a) the form and contents of the register prescribed in section 4;
  - b) the mode in which the notice prescribed in section 5 shall be published and the means by which the persons whom it concerns, and the village-headmen, village watchmen and landowners or occupiers of the village in which such persons reside, or the agents of such landowners or occupiers, shall be informed of its publication;
  - c) the addition of names to the register and the erasure of names therein and, the mode in which the notice prescribed in section 7 shall be given;
  - d) the mode in which persons mentioned in section 10 shall report themselves, or notify their residence or any change or intended change of residence or any absence or intended absence;
  - e) the nature of the restrictions to be observed by persons whose movements have been restricted by notification under section 12 or section 13;

#### TECHNICAL ADVISORY GROUP

- f) the conditions as to holding passes under which persons might be permitted to leave the place in which they are settled or confined or the areas to which their movements are restricted;
- g) the condition to be inserted in any such pass in regard to -
  - (i) the places where the holder of the pass may go or reside;
  - (ii) the persons before whom from time to time, he shall be bound to present himself; and
  - (iii) the time during which he may absent himself;
- h) the place and time at which and the persons before whom members of a criminal tribe shall attend in accordance with the provisions of section 14.
  - (i) the inspection of the residences and the villages of any criminal tribes;
- i) the teams upon which registered members of criminal tribes may be discharged from the operation of this Act;
- j) the management, control, and supervision of industrial, agricultural or reformatory settlements and schools;
- k) the works on which, and the hours during which persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour; and
- l) the discipline to which persons endeavoring to escape from any industrial, agricultural or reformatory settlement or school, or otherwise offending against the rule for the time being in force, shall be subject, the periodical visitation of such settlement or school and the removal from it of such persons as it shall seem expedient to remove.

#### Penalties and Procedures

21. Whoever, being a member of a criminal tribe, without lawful excuse, the burden of proving which shall lie upon him-

- a) fails to appear in compliance with a notice issued under section 5 or section 7, or

- b) intentionally omits to furnish any information required under those sections, or
- c) when required to furnish information required under either of those sections, furnishes any information which he knows or has reason to believe to be false, or
- d) refuse to allow his finger impressions to be taken, may be arrested without warrant, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or both.

**22.** (1) Whoever, being a registered member of a criminal tribe, violates a rule made under clause (e), clause (f) or clause (g) of section 20 shall be punishable for imprisonment for a term which may extend -

- a) On a first conviction, to one year.
- b) On a second conviction, to two years, and
- c) On any subsequent conviction to three years.

(2) Whoever being a registered member of a criminal tribe, violates a rule made under any, clause of other Section 20 shall be punishable, —

- a) on a first conviction , with imprisonment for term which may extend to six months, or with fine which may extend to two hundred rupees, or with both ; and
- b) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

**23.** (1) Whoever, being a member of any criminal tribe, and, having been convicted of any of the offences under the Indian Penal Code specified in the Schedule is hereafter convicted of the same or any other offence specified in the said schedule, shall, in the absence or special reasons to the contrary to be mentioned in the judgement of the Court, be punished -

- a) on a second conviction, with imprisonment for a term of not less than seven years, and
- b) on a third conviction, with transportation for life.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

**TECHNICAL ADVISORY GROUP**

**24.** Whoever, being a registered member of any criminal tribe, is found in any place under such circumstances as to satisfy the Court-

- a) that he was about to commit, or aid in the commission of theft or robbery, or
- b) that he was waiting for an opportunity to commit theft or robbery, shall be also punishable with imprisonment for a term which may extend to three years, and shall be liable to fine which may extend to one thousand rupees.

**25.** (1) Whoever, being a registered member of a criminal tribe,-

- a) is found in any part of British India, beyond the area, if any, prescribed for his residence, without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass; or
- b) escapes from an industrial, agricultural or reformatory settlement or school, may be arrested without warrant by any police officer, village headman or village watchman, and taken before a Magistrate, who, on proof of the facts, shall order him to be removed to the district in which he ought to have resided or to the settlement or school from which he has escaped (as the case may be), there to be dealt with in accordance with this Act or any rules made there under.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Act.

Provided that an order from the Local Government or from the Inspector General of Prisons shall not be necessary for the removal of such persons.

**26** (1) Every village headman and every village watch man in a village in which any persons belonging to a criminal tribe reside, and every owner or occupier of land on which any such persons reside or the agent of any such owner or occupier shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of-

- a) the failure of any such person to appear and give information as directed in section 5; or
- b) the departure of any registered member of a criminal tribe from such village or from such land (as the case may be).

(2) Every village headman and watchman in a village, and every owner or occupier of land or the agent of such owner or occupier of land or the agent of such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of the arrival at such village or on such land (as the case may be) of any persons who may reasonably be suspected of belonging to any criminal tribes.

27. Any village headman, village watch man, owner or occupier of land or the agent of such owner or occupier, who fails to comply with the requirements of section 26, shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian penal Code.

#### Supplemental

28. No Court of justice shall question the validity of any notification published under the provisions of section 3, section 12 or section 13 on the ground that the provisions herein before contained or any of them have not been complied with, or entertain in any form whatever the question whether they have been complied with; but every such notification shall be conclusive proof that it has been issued in accordance with law.

29. The Criminal Tribes Act, 1871, the Criminal Tribes (Amendment) Act, 1876 and the Criminal Tribes Act Amendment Act, 1897, are hereby repealed.

### The Schedule for section 23

#### Chapter XII

##### Sections

231. Counterfeiting coin.

232. Counterfeiting Queen's coin.

233. Making or selling instrument for counterfeiting coin.

234. Making or selling instrument for counterfeiting Queen's coin.

235. Possession of instrument or material for the purpose of using the same for counterfeiting coin.

239. Delivery of coin, possessed with the knowledge that it is counterfeit.

240. Delivery of Queen's coin possessed with the knowledge that it is counterfeit.

**TECHNICAL ADVISORY GROUP**

- 242. Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.
- 243. Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.

**Chapter XVI**

- 299. Culpable homicide.
- 307. Attempt to murder.
- 308. Attempt to commit culpable homicide.
- 310. Being a thug.
- 322. Voluntarily causing grievous hurt.
- 324. Voluntarily causing hurt by dangerous weapons or means.
- 326. Voluntarily causing grievous hurt by dangerous weapons or means.
- 327. Voluntarily causing hurt to extort property or to constrain to an illegal act.
- 328. Causing hurt by means of poison, etc, with intent to commit an offence.
- 329. Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.
- 332. Voluntarily causing hurt to deter public servants from his duty.
- 333. Voluntarily causing grievous hurt to deter public servant from his duty.
- 369. Kidnapping child under ten years with intent to steal from its person.

**Chapter XVII**

- 382. Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft.

**Sections**

- 383. Extortion.
- 385. Putting person in fear of injury in order to commit extortion.
- 386. Extortion by putting a person in fear of death or grievous hurt.
- 387. Putting person in fear of death or of grievous hurt in order to commit extortion.
- 390. Robbery.

- 391. Dacoity.
- 393. Attempt to commit robbery.
- 394. Voluntarily causing hurt in committing robbery.
- 397. Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399. Making preparation to commit dacoity.
- 402. Assembling for the purpose of committing dacoity.
- 457. Lurking, house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.
- 458. Lurking, house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
- 459. Grievous hurt caused whilst committing lurking, house trespass or house breaking.
- 460. All persons jointly concerned in lurking, house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

## **D**

### **CRIMINAL TRIBES ACT, 1923**

Passed by the Indian Legislature, (Received the assent of the Governor General on the 1st February, 1923)

An Act further to amend the Criminal Tribes Act, 1911.

Whereas it is expedient further to amend the Criminal Tribes Act 1911; it is hereby enacted as follows:-

1. This Act may be called the Criminal Tribes (Amendment) Act, 1923.

**TECHNICAL ADVISORY GROUP**

2. In section of the Criminal Tribes Act, 1911 (hereinafter referred to as the said Act),-
    - a) after clause (1) the following clauses shall be inserted, namely :-
      - (1a) 'district' includes a Presidency-town and the town of Rangoon;
      - (1b) "strict Magistrate" means, in the case of a Presidency-town or the town of Rangoon, the Commissioner of Police; and
    - b) after clause (2) the following clause shall be inserted, namely:-
      - (2a) "Superintendent of Police" means, in the case of a Presidency-town or the town of Rangoon, any officer appointed by the Local Government to perform the duties of Superintendent of Police under this Act.
  3. In section 4 of the said Act, the words "or of any part thereof" shall be omitted.
  4. In section 5 of the said Act-
    - a) for the words "a notice" the word "notice" shall be substituted:
    - b) the words "or of such part thereof as is directed to be registered" shall be omitted; and
    - c) in the proviso, the words "or part thereof" shall be omitted and after the word "registration" the words "and may cancel any such exemption" shall be added.
  5. In section 13 of the said Act, after the word "settled" the following shall be added, namely:-

" and any officer empowered in this behalf by the Local Government may, by order in writing, vary any notification made under section 11 or under this section by directing the restriction of such criminal tribe to another area, or, as the case may be, its settlement in another place, in the same district."
  6. After section 13 of the said Act, the following section shall be inserted, namely, -

"13 A. Any notification made by the Local Government under section 11 or section 13 may specify, as the area to which the criminal tribe shall be restricted or as the place in which it shall be settled, an area or place situated in any other province, provided that the consent of the Local Government of that province shall first have been obtained."
-

7. For section 15 of the said act, the following section shall be substituted, namely:-

"15. (1) Where a criminal tribe is restricted in its movements to an area, or is settled in a place of residence, situated in a province other than that by the Local Government of which the notification under section 3 relating to such criminal tribe was issued, all provisions of this Act and the rules made hereunder shall apply to the criminal tribe as if the notification has been issued by the Local Government of such other Province. (2) If a criminal tribe, having been registered under section 4 in any district, is restricted in its movement to an area, or is settled in a place of residence, situated in any another district ( whether in the same province or not), the register of any relevant entries or entry therein shall be transferred to the Superintendent of Police of the last-mentioned district, and all the provisions of this Act and the rules made hereunder shall apply as if such criminal tribe has been registered in that district, and the District Magistrate of that district shall have power to cancel any exemption granted under section 5."

8. In section 16 of the said Act, the words "Governor General in Council" or the words "and the words or any part thereof" shall be omitted; and to the same section the following proviso shall be added, namely:-

" Provided that no criminal tribe shall be placed in a settlement unless the necessity for so placing it has been established to the satisfaction of the Local Government after an inquiry held by such authority and in such manner as may be prescribed."

9. In section 18 of the said Act:-

- a) after the words "Local Government" the words " or any officer authorised by it in this behalf" shall be inserted; and
- b) in clause (b) the word "like" shall be omitted.

10. In sub section (2) of section 20 of the said Act,-

- (a) after clause (e) the following clause shall be inserted, namely:-
  - (ee) the circumstances in which members of a criminal tribe shall be required to possess and produce for inspection certificates of identity, and the manner in which such certificates shall be granted : "and (b) after clause (h) the following clause shall be inserted, namely:-

**TECHNICAL ADVISORY GROUP**

(hh) the authority by whom and the manner in which the inquiry referred to in section 16 shall be held."

**11.** In section 22 of the said Act,

- a) to sub section (1) the words or with fine which may extend to five hundred rupees, or with both" shall be added;
- b) in the sub section (2) , for the words " a rule made under any other clause of" the words "any other rule made under" shall be substituted; and
- c) after subsection (2) the following sub-section shall be added namely,-  
"(3) Any person who commits or is reasonably suspected of having committed an offence made punishable by this section which is not a cognizable offence within the meaning of the Code of Criminal Procedure, 1898, may be arrested without a warrant by any officer in charge of a police station or by any police officer not below the rank of a sub-inspector."

**12.** After section 27 of the said act the following sections shall be inserted, under the heading"

Supplement" namely, -

"27A. The Local Government, if it is satisfied that adequate provision has been made by the law of any state of India for the restriction of the movements or the settlement in a place of residence of persons such are referred to in section 3, and for securing the welfare of persons so restricted or settled, may, with the consent of the Prince or Chief of that State, direct the removal to that State of any criminal tribe for the time being in the province, and may authorise the taking of all measures necessary to effect such removal:

Provided that no person shall be removed if the local Government is satisfied that he is a subject of His Majesty.

27B. The references to a criminal tribe in sections 4, 5, 14; 17 and 27A, shall be deemed to be references to a criminal tribe or any part thereof, and the like references in sections 11, 13, 13A, 15 and 16 shall be deemed to be references to a criminal tribe or any part or member thereof."

**E**  
**CRIMINAL TRIBES ACT, 1924**  
**(Act VI of 1924)**  
**Ref 30 IV 55A**

[15th March, 1924)

*An Act to consolidate the law relating to Criminal Tribes.*

Whereas it is expedient to consolidate the law relating to criminal tribes; It is hereby enacted as follows:

**Preliminary**

**1.**

- 1) This Act may be called the CRIMINAL TRIBES ACT, 1924.
- 2) It extends to the whole of British India.
  - a) For Statement of Objects and Reasons, see Gazette of India, 1924, Pt V. p 7.

**2.** In this Act, unless there is anything repugnant in the subject or context, -

- 1) "District includes a Presidency-town <sup>a</sup>[\* \* \* \* \*];  
[a] The words "and the town of Rangoon" were *repealed by A.O.*
- 2) "District Magistrate" means, in the case of a Presidency town <sup>a</sup>[\* \* \* \* \*], the Commissioner of Police;  
(a) The words "or the town of Rangoon," were *repealed by A.O.*
- 3) 'Prescribed' means prescribed by rules made under this Act; and

**Provincial Amendment**

**Madras**

- a) *Renumber* clause (3) as (4); and
- b) *Insert* the following as clause (3): -

"(3) 'Notified tribe' means any tribe, Community, group or class of persons, or a part thereof, in respect of which a notification has been issued under section 3."

- Madras Act 29 [XXIX] of 1943, S 2. [11-1-1944].

TECHNICAL ADVISORY GROUP

(4) "Superintendent of Police" means, in the case of a Presidency town <sup>a</sup>[\* \* \* \* \*], any officer appointed by the <sup>b</sup>[Provincial Government] to perform the duties of a Superintendent of Police under this Act.

(a) The words "or the town of Rangoon" *were repealed* by A.O.

(b) *Substituted* by A.O. for "Local Government".

### Provincial Amendment

#### Madras

Renumber clause (4) as (5).

- *Madras Act 29 [XXIX] of 1943, S.2. [11-1-1944]*

#### *Notification of Criminal Tribes*

3. If the <sup>a</sup>[Provincial Government] has reason to believe that any tribe, gang or class, or persons, or any part of a tribe, gang, or class, is addicted to the systematic commission of non-bailable offences, it may, by notification in the <sup>b</sup>[Official Gazette], declare that such tribe, gang or class or, as the case may be, that such part of the tribe, gang or class is a criminal tribe for the purposes of this Act.

a) *Substituted* by A.O. for "Local Government".

b) *Substituted* by A.O. for "local official Gazette".

### Provincial Amendments

#### Madras

For S. 3 and the heading thereto *substitute* the following, namely, -

#### *Application of Act*

(3) If the Provincial Government have reason to believe that any tribe, community, group or class of persons, or a substantial number of persons belonging thereto, is addicted to the commission of non-bailable offences, they may, by notification in the Official Gazette, declare that such tribe, community, group, or class or as the case may be, a part thereof, shall be subject to all or any of the remaining provisions of this Act as specified in the notification.

Provided that before any such notification is issued, a reasonable opportunity shall be given to the tribe, community, group or class, or part thereof, which will be affected by the notification to show cause against its issue".

- *Madras Act 29 [XXIX] of 1943, S. 3* [11-1-1944]

4. The <sup>a</sup>[Provincial Government] may direct the District Magistrate to make or to cause to be made a register of the numbers of any criminal tribe, or part of a criminal tribe, within his district.

a) *Substituted* by A.O. for "Local Government",

### Provincial Amendment

#### Madras

(a) From the heading before S. 4 *omit* the words "*of Members of Criminal Tribes*".

(b) In section 4, *substitute* the words "notified tribe" for "Criminal tribe" in both the places where they occur.

- *Madras Act 29 [XXIX] of 1943, S. s. 4 and 5* [11-1-1944]

5. Upon receiving such direction, the District magistrate shall publish notice in the prescribed manner at the place where the register is to be made and at such other places as he may think fit, calling upon all the members of the criminal tribe or part, as the case may be, -

a) to appear at a time and place therein specified before a person appointed by him in this behalf;

b) to give to that person such information as may be necessary to enable him to make the register; and

c) to allow their finger-impressions to be recorded;

Provided that the District Magistrate may exempt any member from registration and may cancel any such exemption.

### Provincial Amendment

#### Madras

(a) In the opening paragraph, for "Criminal tribe", *substitute* "*notified tribe*".

(b) Before the proviso, *insert the* following proviso: -

**TECHNICAL ADVISORY GROUP**

"Provided that before registering any member in pursuance of this section, the District magistrate shall give him a reasonable opportunity to show cause against such registration".

(c) after the word "Provided" in the original proviso, *insert the* word "further".

- *Madras Act 29 [XXIX] of 1943, S. 5. [11-1-1944]*

6. The register, when made, shall be placed in the keeping of the Superintendent of Police, who, shall, from time to time, report to the District Magistrate any alterations which ought in his opinion to be made therein, either by way of addition or erasure.
7. (1) After the register has been placed in the keeping of the Superintendent of Police, no person's name shall be added to the register, and no registration shall be cancelled, except by, or under an order in writing of, the District Magistrate.  
(2) Before the name of any person is added to the register under this section, the Magistrate shall give notice in the prescribed manner to the person concerned -
  - a) to appear before him or an authority appointed by him in this behalf at a time and place therein specified;
  - b) to give to him or such authority such information as may be necessary to enable the entry to be made; and
  - c) to allow his finger-impressions to be recorded.

**Provincial Amendment**

**Madras**

To sub-S. (2), add: -

"Provided that before adding the name of any person to such register, the Magistrate shall give him a reasonable opportunity to show cause against such addition".

- *Madras Act 19 (XXIX) of 1943, S. 7. [11-1-1944]*

8. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register, either when the register is first made or subsequently, may complain to the District magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein or erase it there from, as he may think fit.

### Provincial Amendment

#### Madras

Section 8 shall be *omitted*.

- *Madras Act 29 [XXIX] of 1943, S. 8.* [11-1-1944]

9. The District Magistrate or any officer empowered by him in this behalf may at any time order the finger-impressions of any registered member of a criminal tribe to be taken.

### Provincial Amendment

#### Madras

For 'criminal tribe' *substitute "notified tribe"*.

- *Madras Act 29 [XXIX] of 1943, S. 9.* [11-1-1944]

10. <sup>a</sup>[(1)] the <sup>b</sup>[Provincial Government] may, by notification in the <sup>c</sup>[Official Gazette], issue in respect of any criminal tribe either or both of the following directions, namely, that every registered member thereof shall, in the prescribed manner,
  - a) report himself at fixed intervals;
  - b) notify his place of residence and any change or intended change of residence, and any absence or intended absence from his residence.<sup>d</sup>[(2)] Where a registered member of a criminal tribe in respect of which the <sup>b</sup>[Provincial Government] has issued a notification under subsection (1) changes his place of residence to a district other than that in which he has been registered (whether in the same province or not), or is for the time being in a district of a Province other than that by the <sup>b</sup>[Provincial Government] of which the said notification was issued, the provisions of this Act and of the rules made there under shall apply to him as if in pursuance of a direction made under section 4 he had been registered in that district; and where that district is in a Province other than that by the <sup>b</sup>[Provincial Government] of which the notifications under section 3 and subsection (1) of this section were issued in respect of such criminal tribe, as if the said notifications had been issued by the <sup>b</sup>[Provincial Government] of such other Province.
  - (3) Where any such registered member changes his place of residence to a district other than that in which he has been registered (whether in the same

#### TECHNICAL ADVISORY GROUP

province or not], the relevant entry in the register shall be transferred to the Superintendent of Police of that district.

[a] *Re-numbered* by the Criminal Tribes (Amendment) Act, 1925 (33 [XXXIII] of 1925), S. 2.

[b] *Substituted by A.O. for "Local Government"*.

[c] *Substituted by A.O. for "local official Gazette"*.

[d] *Inserted by Act 33 of 1925, S. 2.*

### Provincial Amendment

#### Madras

(a) In sub-S. (1), for "criminal tribe", substitute "notified tribe";

(b) *To sub-S. (1) add,*

"Provided that the District Magistrate or, subject to his control, the Superintendent of Police may, in accordance with such rules as may be prescribed, hold in abeyance the direction issued under clause (a) in respect of any registered member";

(c) In sub-S. (2) for "Criminal tribe" Wherever occurring, substitute "notified tribe" and for "has issued", substitute "have issued".

- *Madras Act 29 [XXIX] of 1943, S. 10 [11-1-1944] as amended by Mad. Act XXV of 1945. [6-12-1945]*

#### *Restriction of Movements of Criminal Tribes*

11. (1) If the <sup>a</sup>[Provincial Government] considers that it is expedient that any criminal tribe, or any part or member of a criminal tribe should be -

a) restricted in its or his movements to any specified area, or

b) settled in any place of residence, the <sup>a</sup>[Provincial Government] may, by notification in the <sup>b</sup>[Official Gazette], declare that such criminal tribe, part or member as the case may be, shall be restricted in its or his movements to the area specified in the notification, or shall be settled in the place of residence so specified as the case may be.

(2) before making any such declaration, the <sup>a</sup>[Provincial Government] shall consider the following matters, namely :-

- i. the nature and the circumstances of the offences in which the members of the criminal tribe or part or the individual member, as the case may be, are or is believed to have been concerned;
- ii. whether the criminal tribe, part or member follows any lawful occupation, and whether such occupation is a real occupation or merely pretence for the purpose of facilitating the commission of crimes ;
- iii. the suitability of the restriction area, or of the place of residence, as the case may be, which it is proposed to specify in the notification ; and
- iv. The manner in which it is proposed that the persons to be restricted or settled shall earn their living within the restriction area or in the place of residence, and the adequacy of the arrangements which are proposed therefore.

[a] *Substituted by* A.O. for "Local Government".

[b] *Substituted by* A.O. for "Local official Gazette".

### Provincial Amendment

#### Madras

- (i) In the heading before section 11, the words '*of Criminal Tribes*' shall be *omitted*.
- (ii) In section 11, for the word 'considers' in the opening paragraph the word 'consider' and for the words 'criminal tribe' wherever they occur, the words 'notified tribe' should be *substituted*.

- *Madras Act 29 [XXIX] of 1943, Ss. 11 and it.* [11-1-1944]

12. The <sup>a</sup>[Provincial Government] may by a like notification vary the terms of any notification issued by it under section 11 for the purpose of specifying another restriction area or another place of residence, as the case may be, and any officer empowered in this behalf by the <sup>a</sup>[Provincial Government] may, by order in writing, vary any notification made under section 11 or under this section for the purpose of specifying another restriction area, or, as the case may be, another place of residence in the same district.

[a] *Substituted by* A.O. for "Local Government."

### Provincial Amendment

## Madras

For the words "issued by it" *substitute* "issued by them".

- *Madras Act 29 [XXIX] of 1943, S. 13.* [11-1-1944]

13. Any notification made by the <sup>a</sup>[Provincial Government] under section 11 or section 12 may specify, as the restriction area or as the place of residence, an area or place situated in any other Province, provided that the consent of the <sup>a</sup>[Provincial government] of that Province shall first have been obtained.

[a] *Substituted by* A.O. for "Local Government".

14. Every registered member of a criminal tribe, whose movements have been restricted or who has been settled in a place of residence in pursuance of any notification under section 11 or section 12, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

## Provincial Amendment

### Madras

In section 14, for the words "criminal tribe" wherever they occur *substitute the* words "notified tribe".

- *Madras Act 29 [XXIX] of 1943, S. 14.* [11-1-1944]

15. (1) Where, in pursuance of any such notification, any member of a criminal tribe is restricted in his movements to an area, or is settled in a place of residence, situated in a Province other than that by the <sup>a</sup>[Provincial Government] of which the notification under section 3 relating to the criminal tribe was issued, all the provisions of this Act and the rules made there under shall apply to him as if the notification under section 3 had been issued by the <sup>a</sup>[Provincial Government] of such other Province.

(2) If any criminal tribe, or any part of a criminal tribe, which has been registered under section 4 in any district, or any member of such tribe or part, is restricted in its or his movements to an area, or is settled in a place of residence, situated in another district (whether in the same Province or not), the register or, as the case may be, the relevant entries or entry therein shall be transferred to the Superintendent of Police of the last mentioned district, and all the provisions of this Act and the rules made there under shall apply as if the criminal tribes or part had been registered in that district, and the District

magistrate of that district shall have power to cancel any exemption granted under section 5.

[a] *Substituted* by A.O. for "Local Government".

### Provincial Amendment

#### Madras

In section 15 for the words "criminal tribes" wherever they occur *substitute the* words "notified tribe".

- *Madras Act 29 [XXIX] of 1943, S. 14.* [11-1-1944]

#### *Settlements and Schools*

16. The <sup>a</sup>[Provincial Government] may establish industrial, agricultural, or reformatory settlements and may order to be placed in any such settlement any criminal tribe, or any part or member of a criminal tribe, in respect of which or of whom a notification has been issued under section 11:

Provided that no such order shall be made unless the necessity for making it has been established to the satisfaction of the <sup>a</sup>[Provincial Government], after an inquiry held by such authority and in such manner as may be prescribed.

### Provincial Amendment

#### Madras

In section 16, for the words "criminal tribes" wherever they occur *substitute the* words "notified tribe".

- *Madras Act 29 [XXIX] of 1943, S. 14.* [11-1-1944]

17. (1) The <sup>a</sup>[Provincial Government] may establish industrial agricultural, or reformatory schools for children, and may order to be separated and removed from their parents or guardians and to be placed in any such school or schools the children of members of any criminal tribe or part of a criminal tribe, in respect of which a notification has been issued under section 11.

#### TECHNICAL ADVISORY GROUP

(2) For every school established under subsection (1), a Superintendent shall be appointed by the <sup>2</sup>[Provincial Government].

(3) The provisions of sections 18 to 22 of the Reformatory Schools Act, 1897, shall, so far as may be, apply in the case of every school for children established under this section as if the Superintendent of such school were a Superintendent and the children placed in such school were youthful offenders within the meaning of that Act.

(4) For the purposes of this section the term "children" includes all persons under the age of eighteen and above the age of six years.

(5) The decision of the District magistrate as to the age of any person for the purposes of this section shall be final

[a] *Substituted by A.O. for "Local Government".*

### Provincial Amendment

#### Madras

In section 17

- (i) for sub-s. (1), *substitute* -

(1) The Provincial Government may order that the children of members of any notified tribe or part of a notified tribe, or of any member of a notified tribe, in respect of which tribe, part, or member, a notification has been issued under section 11, shall be separated and removed from their parents or guardians and placed in -

- a) certified schools established under Madras Children Act, 1920; or
- b) an industrial, agricultural or reformatory school or other educational institution for children established or approved by the Provincial Government;

(ii) in sub-section (2), for "schools established under sub-section (1)" *substitute* "School or educational institution established or approved under clause (b) of sub-section (1)".

(iii) *Re-number* sub-Ss. (4) and (5) as (5) and (6) respectively, and for sub-S.

(3) *substitute* the following -

"(8) The provisions of the Madras Children Act, 1920, shall, so far as may be, apply to children sent to a certified school under sub-section (1)

as if they were children, or as the case may be, youthful offenders, sent to such school under that Act.

(4) The provisions of sub-sections (1), (2) and (3) of section 33 of the Madras Children Act, 1920, shall, so far as may be, apply in the case of every school or other educational institution established or approved under clause (b) sub-section (1) as if the Superintendent of such school or institution had all the powers of the managers of a certified school established under the Act aforesaid and the children placed in such school or institution were children, or as the case may be, youthful offenders sent to a certified school under that Act" :

(iv) To sub-s. (5) as so renumbered, *add* the following -

"Provided that children shall not be sent to a certified school under sub-section (1) unless they are under the age of sixteen years".

- Madras Act 29 [XXIX] of 1943, S. 15, [11-1-1944]

18. The <sup>a</sup>[Provincial Government] or any officer authorised by it in this behalf may at any time, by general or special order, direct any person who may be in any industrial, agricultural or reformatory settlement or school in the Provision, -

(a) to be discharged, or

(b) to be transferred to some other settlement or school in the

Province.

[a] *Substituted* by A.O. for "Local Government."

### Provincial Amendment

#### Madras

a) In the opening paragraph, for "authorised by it," *substitute* "authorised by them", and after the words "reformatory settlement or school", *insert* or any certified school established under the Madras Children Act, 1920, or other educational institution.

b) In clause (b) for "some other settlement or school," *substitute* "any other such settlement, school, or educational institution."

- Madras Act 29 [XXIX] of 1943, S. 16 [11-1-1944]

19. Any order made under section 16, section 17 or section 18 may specify as the settlement or school in which any person is to be placed or to which he is to

#### TECHNICAL ADVISORY GROUP

be transferred, as the case may be, any industrial, agricultural or reformatory settlement or school in any other Province, provided that the consent of the <sup>a</sup>[Provincial Government] of that Province shall first have been obtained.

[a] *Substituted* by A.O. for "Local Government."

### Provincial Amendment

#### Madras

- a) For the words, "the settlement or school" substitute "the settlement, school or educational institution."
- b) After "reformatory settlement or school," *insert* " or any certified school or other educational institution."

- *Madras Act 29 [XXIX] of 1943, S. 17 [11-1-1944]*

#### Rules

20. (1) The <sup>a</sup>[Provincial Government] may make Rules to carry out the purposes and objects of this Act.'

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate -

- a) the form and contents of the register referred to in section 4;
- b) the manner in which the notice referred to in section 5 shall be published and the means by which the persons whom it concerns, and the village headmen, village watchmen and landowners and occupiers of the village in which such persons reside, and the agents of such landowners or occupiers, shall be informed of its publication;
- c) the addition of names to the register and the erasure of names therein, and the mode by which the notice referred to in sub-section (2) of section 7 shall be given;
- d) the manner in which persons mentioned in section 10 shall report themselves, or notify their residence or any change or intended change or residence, or any absence or intended absence ;
- e) the nature of the restrictions to be observed by persons whose movements have been restricted by notification under section 11 or section 12;

RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

- f) the circumstances in which members of a criminal tribe shall be required to possess and produce for inspection certificates of identity, and the manner in which such certificates shall be granted;
- g) the conditions as to holding passes under which persons may be permitted to leave the place in which they are settled or confined, or the area to which their movements are restricted ;
- h) the conditions to be inserted in any such pass in regard to -
  - i. the places where the holder of the pass may go or reside;
  - ii. the persons before whom, from time to time, he shall be bound to present himself; and
  - iii. the time during which he may absent himself ;
- i) the place and time at which, and the persons before whom, members of a criminal tribe shall attend in accordance with the provisions of section 14;
- j) the authority by whom and the manner in which the inquiry referred to in section 16 shall be held;
- k) the inspection of the residences and villages of any criminal tribe;
- l) the terms upon which registered members of criminal tribes may be discharged from the operation of this Act;
- m) the management, control and supervision of industrial, agricultural or reformatory settlements and schools;
- n) the works on which, and the hours during which, persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour; and
- o) the discipline to which persons endeavoring to escape from any industrial, agricultural or reformatory settlement or school or otherwise offending against the rules for the time being in force, shall be subject, the periodical visitation of such settlement or school and the removal from it of such persons as it shall seem expedient to remove.

[a] *Substituted by A.O. for "Local Government."*

**Provincial Amendment**

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## Madras

In sub-S. (2) -

- a) for the words, "Criminal tribe" *and* "Criminal tribes" *wherever they occur, substitute* respectively the words "notified tribe" and "notified tribes" ;
- b) after cl. (c) *insert* the following clause -  
"(ce) the periodical review of the cases of all persons whose names are entered in the register for ascertaining their suitability for exemption from registration" ;
- c) after cl; (d), *insert* the following clause -  
(dd) the circumstances in which and the conditions, restrictions and limitations subject to which, any direction issued under clause (a) of sub-section (1) of section 10 may be held in abeyance";
- d) in cl. (m) after the words "settlement and schools," add "and other educational institutions established or approved under this Act " ;
- e) at the end of cl. (n) omit the word "and"
- f) in cl. (o), after the words "reformatory settlement or school" insert the words "or other educational institution established or approved under the Act" and for the words "such settlement or school" substitute the words "such settlement, school or educational institution."
- g) after cl. (o) add the following clause -  
" (p) the periodical review of the cases of all persons who have been placed in an industrial, agricultural or reformatory settlement, for ascertaining the desirability of removing or modifying the restrictions imposed on them."

*- Madras Act 29 [XXIX] of 1943, S. 18 [11-1-1944]*

## ***Penalties and Procedure***

21. Whoever, being a member of a criminal tribe, without lawful excuse, the burden of proving which shall lie upon him -
  - a) fails to appear in compliance with a notice issued under section 5 or section 7, or
  - b) intentionally omits to furnish any information required under either of those sections, or

- c) when required to furnish information under either of those sections, furnishes as true any information which he knows or has reason to believe to be false, or
- d) refuses to allow his finger-impressions to be taken by any person acting under an order passed under section 9,

may be arrested without warrant, and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

### Provincial Amendment

#### Madras

For the words "criminal tribe" *substitute* the words "notified tribe".

- *Madras Act 29 [XXIX] of 1943, S. 19 [11-1-1944]*

22. (1) Whoever, being a registered member of a criminal tribe, contravenes a rule made under clause (e), clause (g) or clause (h) of section 20 shall be punishable with imprisonment for a term which may extend, -
- a) on a first conviction, to one year,
  - b) on a second conviction, to two years, and
  - c) on any subsequent conviction, to three years, or with fine which may extend to five hundred rupees, or with both.
- (2) Whoever, being a registered member of a criminal tribe, contravenes any other rule made under section 20 shall be punishable, -
- a) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both ; and
  - b) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees or with both.
- (3) Any person who commits or is reasonably suspected of having committed an offence made punishable by this section which is not a cognizable offence as defined in the Code of Criminal procedure, 1898, may be arrested without a warrant by any officer in charge of a police-station or by any police-officer not below the rank of a Sub-Inspector,

## Provincial Amendment

### Madras

*Re-number* sub-section (3) as sub-section (2) and for sub-sections (1) and (2) *substitute* the following: -

"22 (1) Whoever, being a registered member of a notified tribe, contravenes any rule made under section 20 shall be punishable -

- a) on a first conviction, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both ; and
- b) on any subsequent conviction, with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both."

- *Madras Act 29 [XXIX] of 1943, S.20* [11-1-1944]

23. (1) Whoever, being a member of any criminal tribe and having been convicted of any of the offences under the Indian Penal Code specified in Schedule I, is convicted of the same or of any other such offence, a [may] in the absence of special reasons to the contrary which shall be stated in the judgement of the Court, be punished,-

- a) on a second b [or further] conviction, with imprisonment for a term of not c[more] than seven years, and d [\* \* \* \* \*]

Provided that not more than one of any such convictions which may have occurred before the first day of March, 1911, shall be taken into account for the purposes of this sub-section.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law,

[a] *Substituted* by the Criminal Tribes (Amendment) Act, 1947 (1 [1] of 1947) s. 2 for "shall" [11-3-1947].

[b] Inserted, *ibid*,

[c] Substituted, *ibid*, for "less".

[d] The clause "(b) on a third or any subsequent conviction, with transportation for life" was *omitted*, *ibid*.

### Provincial Amendment

#### Bombay

For sub-s(1) *substitute* the following -

"(1) Whoever, being a member of any criminal tribe and having been convicted of any of the offences under the Indian Penal Code specified in Scheduled I, is convicted of the same or of any other offence specified in the Schedule shall be punishable with transportation for life or with imprisonment of either description for a term which may extend to ten years."

- *Bombay Act 14 [XIV] of 1942, S. 2 [12-8-1942].*

#### Madras

In sub-section (1) of section 23 -

- i. in the opening paragraph, for the words 'criminal tribe' *substitute* the words 'notified tribe' ;
- ii. for the provision, *substitute* the following provisions -

"Provided that no conviction which may have occurred more than ten years previously shall be taken into account for the purposes of this sub-section;

Provided further that notwithstanding anything contained in the Code of Criminal Procedure, 1938, a Presidency Magistrate or a Magistrate of the First Class may try

- i. a second offence if it could have been tried by him, had it been a first offence, and
  - ii. a third or subsequent offence if it is against property not exceeding fifty rupees in value and could have been tried by him, and it been a first offence ;
- and the offender, if convicted by the Magistrate, shall be punished with imprisonment not exceeding two years"

- *Madras Act 29 [XXIX] of 1943, S. 21 [11-1-1944]*

#### Section 23-A

#### Madras

After section 23, the following section shall be *inserted*, namely, -

- 23A. (1) The Provincial Government may direct that any member of a notified tribe who is accused of an offence shall, in lieu of prosecution thereafter, i.e. placed in a settlement established under section 16.

**TECHNICAL ADVISORY GROUP**

- (2) The Provincial Government may, if satisfied that any member of a notified tribe who is undergoing imprisonment in consequence of a sentence passed either before or after this section comes into force, might with advantage be placed in a settlement establishment under section 16, direct that such member shall be released from prison and placed in such settlement.
- (3) The provisions of this Act shall apply to every member of a notified tribe who has been directed to be placed in a settlement under sub-section (1) or sub-section (2) as if he had been originally ordered to be placed in such settlement under this Act."

- *Madras Act 29 [XXIX] of 1943, S. 22.* [11-1-1944]

- 24.** Whoever, being a registered member of any criminal tribe, is found in any place under such circumstances as to satisfy the Court, -
- a) that he was about to commit or aid in the commission of, theft or robbery, or
  - b) that he was waiting for an opportunity to commit theft or robbery, shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine which may extend to one thousand rupees.

### **Provincial Amendment**

#### **Madras**

For the words, "criminal tribe", *substitute* the words "notified tribe".

- *Madras Act 29 [XXIX] of 1943, S. 23* [11-1-1944]

- 25.** (1) Whoever, being a registered member of a criminal tribe, -
- a) is found in any part of British India, beyond the area or place of residence, if any, to which his movements have been restricted or in which he has been settled without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass, or
  - b) escapes from an industrial, agricultural or reformatory settlement or school, may be arrested without warrant by any police-officer, village-headman or village-watchman, and may be taken before a Magistrate, who, on proof of the facts, shall order him to be removed to such area or

place or to such settlement or school, as the case may be, there to be dealt with in accordance with this Act or any rules made there under.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Act;

Provided that an order from the [Provincial Government] or from the Inspector-General of Prisons shall not be necessary for the removal of such persons.

[a] *Substituted* by A.O. for "Local Government"

### Provincial Amendment

#### Madras

In sub-s (1) -

- a) In the opening paragraph, "for criminal tribe", *substitute* "notified tribe".
- b) In cl. (b), after "settlement or school", insert " or other educational institution established or approved under this Act".
- c) In the last paragraph, for "settlement or school", substitute "settlement, school or educational institution".

- *Madras Act 29 [XXIX] of 1943, S. 24 [11-1-1944]*

26. (1) Every village-headman and village-watchman in a village in which any members of a criminal tribe reside, and every owner or occupier of land on which any such persons reside, and the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police-station any information which he may obtain of
- a) the failure of any such person to appear and give information when required to do so by a notice issued under section 5; or
  - b) the departure of any registered member of a criminal tribe from such village or from such land, as the case may be,
- (2) Every village headman and village watchman in a village, and every owner or occupier of land and the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police-station any information which he may obtain of the arrival at such village or on such land, as the case may be, of any persons who may reasonably be suspected of being members of any criminal tribe.

### Provincial Amendment

#### Madras

(For the words, "criminal tribe" wherever they occur, *substitute* the words "notified tribe".

(b) After "reformatory settlement or school," *insert* " or any certified school or other educational institution."

- *Madras Act 29 [XXIX] of 1943, S. 25 [11-1-1944]*

27. Any village-headman, village-watchman, owner, or occupier of land, and the agent of any such owner or occupier, who fails to comply with the requirements of section 26, shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code.

28. The a[Provincial Government] if it is satisfied that adequate provisions have been made by the law of any State in India for the restriction of the movements or the settlement in a place of residence of persons such as are referred to in section 3, and for securing the welfare of persons so restricted or settled, may, with the consent of the Prince or Chief of that State, direct the removal to that State of any criminal tribe, or part of a criminal tribe, for the time being in the province, and may authorise the taking of all measures necessary to effect such removal ;

Provided that no person shall be so removed if the [Provincial Government] is satisfied that he is a subject of His majesty.

[a] *Substituted* by A.O. for "Local Government."

### Provincial Amendment

#### Madras

a) In the first para, for "if it is satisfied", *substitute* "if they are satisfied" and for "criminal tribe", wherever occurring, *substitute* "notified tribes".

b) In the provide, for "is satisfied", *substitute* "are satisfied".

- *Madras Act 29 [XXIX] of 1943, S. 26 [11-1-1944]*

#### Supplemental

29. No Court shall question the validity of any notification issued under section 3, section 11 or section 13, on the ground that the provisions hereinbefore

contained or any of them have not been complied with, or shall entertain in any form whatever the question whether they have been complied with; but every such notification shall be conclusive proof that it has been issued in accordance with law,

30. *[Repeals]* Repealed by the Repealing Act, 1927, (19 [XII] of 1927), S. 2 and Schedule.

## SCHEDULE 1

*(See Section 23)*

### CHAPTER XII

#### *Sections*

231. Counterfeiting coin.
232. Counterfeiting Queen's coin.
233. Making or selling instrument for counterfeiting coin.
234. Making or selling instrument for counterfeiting Queen's coin.
335. Possession of instrument or material for the purpose of using the same for counterfeiting coin.
239. Delivery of coin, possessed with the knowledge that it is counterfeit.
240. Delivery of Queen's coin possessed with the knowledge that it is counterfeit.
242. Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.
243. Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.

### CHAPTER XVI

299. Culpable homicide.
307. Attempt to murder.
308. Attempt to commit culpable homicide.
310. Being a thug.
322. Voluntarily causing grievous hurt.
324. Voluntarily causing hurt by dangerous weapons or means.

**TECHNICAL ADVISORY GROUP**

- 326. Voluntarily causing grievous hurt by dangerous weapons or means.
- 327. Voluntarily causing hurt to extort property or to constrain to an illegal act.
- 328. Causing hurt by means of poison, etc. with intent to commit an offence.
- 320. Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.
- 332. Voluntarily causing hurt to deter public servant from his duty.
- 333. Voluntarily causing grievous hurt to deter public servant from his duty.
- 369. Kidnapping child under ten years with intent to steal from its person.

**CHAPTER XVII**

- 382. Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft.
- 383. Extortion.
- 385. Putting persons in fear of injury in order to commit extortion.
- 386. Extortion by putting a person in fear of death or grievous hurt.
- 387. Putting person in fear of death or of grievous hurt in order to commit extortion.
- 390. Robbery.
- 391. Dacoity.
- 393. Attempt to commit robbery.
- 394. Voluntarily causing hurt in committing robbery.
- 397. Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399. Making preparation to commit dacoity.
- 402. Assembling for purpose of committing dacoity.
- 457. Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.
- 458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
- 459. Grievous hurt caused whilst committing lurking house-trespass or house-breaking.

460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

### **Provincial Amendment**

#### **Bombay**

For Schedule I, *substitute the following*:

#### ***SCHEDULE I***

*(See section 23)*

#### **CHAPTER XII**

##### **SECTIONS**

231. Counterfeiting coin.
232. Counterfeiting Queen's coin.
233. Making or selling instrument for counterfeiting coin.
234. Making or selling instrument for counterfeiting Queen's coin.
235. Possession of instrument or material for the purpose of using the same for counterfeiting coin.
239. Delivery of coin, possessed with knowledge that it is counterfeit.
240. Delivery of Queen's coin, possessed with knowledge that it is counterfeit.
242. Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof.
243. Possession of Queen's coin by person who knew it to be counterfeit when he became possessed thereof.

#### **CHAPTER XVI.**

304. Culpable homicide not amounting to murder.
307. Attempt to murder.
308. Attempt to commit culpable homicide.
311. Being a thug.
324. Voluntarily causing hurt by dangerous weapons or means.
325. Voluntarily causing grievous hurt.

**TECHNICAL ADVISORY GROUP**

- 326. Voluntarily causing grievous hurt by dangerous weapons or means.
- 327. Voluntarily causing hurt to extort property, or to constrain to an illegal act.
- 328. Causing hurt by means of poison, etc., with intent to commit an offence.
- 329. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
- 332. Voluntarily causing hurt to deter public servant from his duty.
- 333. Voluntarily causing grievous hurt to deter public servant from his duty.
- 369. Kidnapping or abducting child under ten years with intent to steal from its person.

**CHAPTER XVII**

- 382. Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.
- 384. Extortion.
- 385. Putting person in fear of injury in order to commit extortion.
- 386. Extortion by putting a person in fear of death or grievous hurt.
- 387. Putting person in fear of death or of grievous hurt, in order to commit extortion.
- 392. Robbery.
- 393. Attempt to commit robbery.
- 394. Voluntarily causing hurt in committing robbery.
- 395. Dacoity.
- 397. Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399. Making preparation to commit dacoity.
- 403. Assembling for purpose of committing dacoity.

RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

- 457. Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.
- 458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
- 459. Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
- 460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.”

Bom. Act 14 [XIV] of 1942, S. 3 [13-8-1942]. [SCHEDULE II]. *Repealed by the Repealing Act, 1927 (12 [XII] of 1927), S. 2 and Sch.*

## 10 The Stigma

### A REPORT OF THE CRIMINAL TRIBES ACT ENQUIRY COMMITTEE (1949-50)

#### CHAPTER II

##### HISTORICAL

9. Before the enactment of the Indian Penal Code in 1860 and the Criminal Procedure Code in 1861, certain specified tribes which were committing systematic crimes, vagrants and suspected persons in the Northern India were dealt with under a special regulation – Regulation XXII of 1793, under which ‘Magistrates’ were invested with summary powers, and could put members of certain specified tribes, vagrants and suspected persons to work on roads, and could imprison them for six months if they absconded. When the Indian Penal Code and the Criminal Procedure Code were enacted, the above summary powers came to an end.” However in order to check the serious menace caused by dacoits and thieves to the peace loving people, a system of registration and roll call of suspected criminals was adopted in the Punjab, Oudh and the North Western Provinces by executive orders. But the officers had no power to punish those who broke the rules of registration and roll call. As later, the Punjab Courts expressly declared such rules to be illegal, it was found difficult to control the persons, who were formerly subjected to those rules. It was reported by the local Government that as a result of the break down of the system of registration and roll call, there “was a most serious and alarming increase of crime”.
10. In the first half of the 19<sup>th</sup> century, Northern India was overrun by thugs and dacoits. The population in general was much distributed and did not feel secure. The Government of India had therefore to take special measure to meet the situation and systematic operations to suppress the terrible crimes committed by the thugs were started in 1830. In 1839, the work of suppressing decoities was also entrusted to

a newly created Thagi and Dacoity Department, which succeeded in suppressing the heinous crimes to a great extent. During its work of suppression of dacoities and other crimes, it had also brought to the notice of the Government of India that certain tribes in Northern India, notably the Meenas of Shajanpur village in the Punjab were in the habit of systematically committing offences against property. An extract of one of the reports received by the Government of India in the beginning of 1871 from the Superintendent of Operations for suppression of the Thugee and Dacoity, which was actually read out in the Council at the time of the debate on the Criminal Tribes Bill 1871 by the Honourable Mr. T.V. Stephens, the then Member for Law and Order, is reproduced below :-

“It is a fact that Shajanpur is inhabited almost exclusively by Meena plunderers. As many as five hundred adult Meenas have habitation there and distant robbery is notoriously their profession, and their livelihood. Their houses are built of substantial masonry, some with upper stories to them and with underground passages. Five wells have been constructed at their own expense. The land they cultivate and for which they duly pay revenue yields no more than would be sufficient for a fourth part only of the population, men, women and children combined, which the number of their adult males represents. They maintain flee camels, some of which may be found secreted in their premises in readiness for an expedition, or but not arrived from some unknown raid. Cows, buffaloes and goats are among their possessions; they live amid abundance and they want for nothing. Their festivals of marriage and other ceremony whether of joy or solemnity are attended with lavish expenditure. Flesh is their food and liquor their potation. Trinkets of gold and silver and fine dresses adorn, on pleasure days, the persons of their females. (\*Vide abstract of the Proceedings of the Council of the Governor General of India, 1897. Vide abstract of the Proceedings of the Council of the Governor of India 1871.) Gold and coral necklaces, ear-rings and good turbans are the display of the men; bracelets and frontlets studded with various coins, the ornaments and party-coloured garments, the apparel of their children. Music and every-entertainment without stint, from the accompaniments of their feasts. Reveling and quarrel mark their termination, Plenty they have, plenty

they spend and plenty they bestow and there is no end to their charity”.

11. In 1871 the Government of India therefore considered it necessary and desirable to keep the movements and activities of the Meenas and similar tribes in control and accordingly decided to enact a suitable law for the purpose. It was originally proposed to confine the measure \* “to tribes who had fixed places of residence during at least part of the year. The reason of this was that it appeared exceedingly difficult to deal with tribes which had no place of residence but perpetually wandered. To prevent them from wandering might in many cases be equivalent to preventing them from earning their living and it did not follow that, because a tribe of basket makers or grain sellers might occasionally, or even frequently commit thefts, they were to be treated as a Criminal class, who traveled about for the purpose of committing crime, and made their ostensible occupation a mere pretence for the purpose of enabling them to do so with more convenience. The tribe who were chiefly in the mind of the framers of the bill when it was introduced were persons like the Meenas of whose habits Mr. Stephen had already given a description. The local Government had however, represented to the Committee that wandering gangs of criminals were both common and dangerous and that few, if any, criminal tribes were of greater importance, or more urgently required the discipline which this bill would provide for them.”
12. The first Criminal Tribes Act was passed in 1971. According to this Act, before a gang, a tribe or a class of persons could be declared as criminal, the local Government had to report their case to the Governor General in Council, giving the nature of crimes which they were suspected of committing, and if the tribe was a wandering tribe, the reasons showing that the lawful occupation which it was following was merely a pretence for the purpose of committing crimes. The report had also to state the arrangement made for enabling the tribe to earn its living when it was settled in any fixed place of residence.
13. While the provisions of this Act were suitable for controlling the tribes that were settled, it was impossible on financial as well as administrative grounds to make a wider use of this Act for controlling most of the people belonging to the predatory tribes as before the

application of the Act to any wandering tribe or gang, it was necessary, under the provisions of the Act to make arrangements to the satisfaction of the Government of India for settling it in some specified place, and for enabling it to earn its living there.

14. This Act of 1781 did not make any provision for separating the children of the Criminal Tribes from their parents although the need for such action was stressed by a member during the course of the debate on that bill in the Council. An extract from his speech is reproduced below :

“No one who had to do with the police executing of a district could fail to know how deeply inbred in certain classes of the population these lawless habits were and how impossible it was for a child, so unfortunately circumstanced, to break away from the traditional habits of the community in which it was born. These children were brought up to look upon theft as an honourable duty and as a matter of daily occurrence. The Sonaries, for instance, were a wandering tribe, of which the children were systematically trained for, and employed in practices of theft. The skill and intelligence of the children were very remarkable and it was a pity that they should not be utilized for right and useful purposes instead of being directed to mischievous and depraved ends. If the State exercised a wholesome severity on the one hand, it was only right that, on the other, it should extend the opportunity of improvements to every class of its subjects.” (\*Abstract of the proceedings of the Council of the Governor General of India, 1871)

15. As a result of the serious crimes committed by the Sansiah tribe, which was described as dangerous and mischievous, and in consequence of the recommendations of the Police Committee appointed by the Government of the North Western Provinces, the Government of India decided in 1897. Under this amending Act, minimum penalties on second and third convictions of members of the Criminal Tribes for specified offences, were prescribed and the local Governments were empowered to separate children of the Criminal Tribes between the ages of 4 and 18 years from their irreclaimable parents and place them in reformatory “Settlements” specially established for children.

**TECHNICAL ADVISORY GROUP**

16. The defect in the Act of 1871 which prevented its wider application was forcefully brought to the notice of Government by the Indian Police Commission 1902-03, which recommended that “a special provision be inserted in the Criminal Tribes Act to authorize the simple registration of notified criminal gangs and the taking of the finger impressions of the adult male members where necessary” As a result of the recommendations of the Police Commission, the new Criminal Tribes Act was passed in 1911 and this Act replaced the Act of 1871.
17. While introducing the Criminal Tribes Bill 1911 in the Legislative Assembly, the Honourable the Home Members pointed out that the Act of 1871, which was amended from time to time, was never found to be very satisfactory. He classified the Criminal Tribes into three categories viz., (i) Tribes who were originally criminal but had settled down to honest occupation although some sections of them or individuals continued to live by crimes; (ii) Tribes who had settled abodes and generally some ostensible occupation but who periodically committed robberies and dacoities at distant places from their homes and lived by such gains and (iii) wandering tribes who wandered continuously in the country and committed depredations whenever opportunities offered. He pointed out that it was obvious that different methods should be used for dealing with the different tribes.
18. The new Criminal Act of 1911 empowered local Governments to declare a tribe to be a Criminal tribe without requiring its settlement or the provision of means of living. After due notification, the members of the tribe could be registered and their finger impressions taken for observation and supervision. The more criminally minded members of the notified tribes could be restricted to any specified area or interned in settlements to be specially established for them. The provisions of this Act could therefore be suitably applied to the Criminal Tribes and their members could be given treatment according to the degree of their criminality. The minimum age of the children who could be separated from their recalcitrant parents was raised by this Act from 4 to 6 years.
19. Although the Criminal Act was a Central Act, the local Governments were empowered to frame rules under that Act for proper administration of the Act to suit the local conditions. In practical

administration of this Act, however difficulties were experienced and local Governments made representations to the Government of India for the amendment of the Act in certain respects. This led to the convening of a conference consisting of representatives of various Provinces and Indian States in Delhi in 1919. The conference made certain proposals requiring amendment of the Act to remedy the defects which experience had brought to light and regarding the policy to be followed.

20. One of the terms of reference of the Indian Jails Committee appointed by the Government of India in 1919 was to make enquiries regarding the administration of the settlements constituted under the Criminal Tribes Act of 1911. The committee visited settlements in the Punjab, Uttar Pradesh, Bombay and Madras and made certain suggestions regarding settlement administration in the provinces. They recommended inter alia that a formal inquiry was quite essential before any individual to be converted into an engine of oppression. The Committee also pointed out that the ultimate aim of the settlements should be the absorption of the settlers into the general body of the community.
21. Taking into consideration the recommendations of the Indian Jails Committee and the various proposals made by the conference referred to above, Government of India decided to amend the Act of 1911 and consequently the Criminal Tribes (Amendment) Act was passed in 1923.
22. In addition to the minor amendments to the provisions of the Act of 1911, the Criminal Tribes (Amendment) Act, 1923 made the following important additional provisions in the Act :-
  - (i) The Criminal Tribes belonging to one Province could be restricted or settled in another Province with the consent of the Government of that Province.
  - (ii) Before any Criminal Tribes was interned in a settlement, an enquiry was prescribed to establish the necessity of placing the tribe in a Settlement.
  - (iii) The Criminal Tribes belonging to the then Indian States found in the Provinces could be removed to those States provided that necessary provisions for restriction and

settlement of the Criminal Tribes was made by law in those states.

23. Regarding the policy to be followed, Government of India, in their Home Department letter No. 593 of 3<sup>rd</sup> April 1920, made it clear to the local Governments that it did not intend to interfere with the decision of the local Governments in the detailed administration of the Act. Among other points, mentioned in that letter regarding the general policy which might be followed by the various local Governments, it was stated that the administration of the Act should be carried out in such a way as to ensure firstly, the effective prevention of crime, secondly, proper treatment of the Criminal Tribes in the matter of wages, housing, etc., and thirdly, their reclamation.
24. The Criminal Tribes Act of 1911 was already amended by the Repealing and Amending Act, of 1911 and 1914 and also by the Devolution Act of 1920. With important modifications in the Act made by the Criminal Tribes (Amendment) Act of 1923, the law in question had got considerably scattered and somewhat difficult to ascertain and it was considered necessary that the whole law should be put together in one place so that reference to the various provisions in the Act would be more convenient. In 1924, the whole law relating to the Criminal Tribes was accordingly consolidated into one Act viz., the Criminal Tribes Act, 1924, which has remained in force till today.
25. With the passing of time, members of the Criminal Tribes began to be educated slowly and some of the tribes or parts of them settled down in lawful occupations. As they came more and more in contact with general population, they felt that some of the provisions of the Act, especially section 23 of the Act, which laid down minimum enhanced punishments for members of the Criminal Tribes who were convicted a second or third time for specified offences, were harsh and needed to be repealed or modified. Public opinion also supported this view. It was also considered that the rigid control over the Criminal Tribes provided in the Criminal Tribes Act should be relaxed and that whole tribes or castes should not be dubbed as criminal. In 1946, a private bill to amend section 23 of the Act was introduced in the Central Assembly. It was passed in 1947, and

became Criminal Tribes (Amendment) Act, 1947. By this Act the minimum punishments prescribed for second and third convictions for specified offences were abolished.

26. Two private bills seeking to repeal the Criminal Tribes Act were also introduced in the Central Legislative Assembly in 1946 and 1949. The first bill was not moved after the introductory stage and consequently it lapsed. The second bill was not proceeded with after the introductory stage as the Honourable Minister of Home Affairs gave an assurance that a Committee would be appointed to enquire into the working of the Act in the Provinces and to recommend whether the Act should be modified or repealed.
27. Although the Criminal Tribes Act, 1924, is a Central Act, the Provinces having concurrent jurisdiction in this matter could amend or repeal the Act in its application to their territories. Under this provision, the Governments of Madras and Bombay amended the Act before its repeal in those States.
28. The Madras State amended the Criminal Tribes Act on two occasions by (i) The Criminal Tribes (Madras Amendment) Act 1943 and (ii) the Criminal Tribes (Madras Amendment) Act 1945.
29. The first amending Act liberalized the provisions of the Criminal Tribes Act. The "Criminal Tribes" were legally named "notified tribes" and before a member of such tribe could be registered, the District Magistrate had to give a reasonable opportunity to him to show cause against such registration. Section 22 of the Criminal Tribes Act was also amended and the sentences were reduced to a great extent, to wit, section 22 (i) and (ii) were replaced by the following :

"Whoever being a registered member of a notified tribe, contravenes the rules made under section 20 shall be punishable :-

- (a) on first conviction with imprisonment for a term which may extend to six months or with a fine which may extend to 200 rupees or with both; and
- (b) on any subsequent conviction with imprisonment for a term which may extend to one year or with fine which may extend to 500 rupees or with both."

**TECHNICAL ADVISORY GROUP**

Section 23 of the Act was also so amended that a 1<sup>st</sup> Class Magistrate could try a second offence and even a third offence under certain conditions. A new section namely 23 (a) was inserted in the Act. By this new section, the State Government could direct that any member of a notified tribe, who was accused of an offence, should in lieu of prosecution thereof, be placed in a Settlement or could release a member of a notified tribe who was undergoing imprisonment and place him in a Settlement.

30. Section 17 of the Criminal Tribes Act was so amended that the children of the Criminal Tribes who were ordered to be removed from their parents could be placed in a certified school established under the Madras Children Act 1920 or in an industrial, agricultural or reformatory school or other educational institution for children established or approved by the Madras Government.
31. By the amending Act of 1945, the words “or subject to his control the Superintendent of Police” were inserted after the words “District Magistrate” in the proviso to sub-section (1) of section 10 of the Criminal Tribes Act of 1924.
32. The Criminal Tribes Act, 1924, was repealed in its application to the Madras State in 1947, by the Criminal Tribes (Madras Repeal) Act, 1947.
33. As a result of the recommendations of the Criminal Tribes Act Enquiry Committee appointed by the Government of Bombay in 1937, section 23 of the Act was amended in that State by the Criminal Tribes (Bombay Amendment) Act, 1942. By this amendment, the minimum punishments prescribed for second or subsequent convictions of a Criminal Tribe member for specified offences, were abolished. The Act has been repealed in its application to this State with effect from 13<sup>th</sup> August 1949.
34. The Criminal Tribes Act, 1924, as amended by the Criminal Tribes (Amendment) Act, 1946, is at present applicable to the remaining States (ex-Provinces).
35. Item 35 indicating population of Criminal Tribes in India as estimated for 1920s is given. The table is not reproduced here. (TAG)
36. Before we proceed to study the working of the Criminal Tribes Act in the various States, we considered that it will be helpful to give briefly

a general description of the various tribes, who were or are still considered criminal and who have been subjected to the control and restrictions as imposed by the Criminal Tribes Act. We therefore give below short notes on these tribes. A list of the Criminal Tribes in the various States is given in Appendix III. The notes contain information about the origin of the tribes, as far as it is possible, to ascertain their present social position and the crimes in which the active criminals belonging to these tribes generally indulge, so as to give some idea regarding the measures which may be adopted for their reclamation. \* For convenience of reference the notes have been arranged in an alphabetical order.

#### **List of Criminal Tribes**

37. Adi Dravidas
38. Aherias or Behelias or Aheris or Heris
39. Ambalgars (Moottakampatti Ambalgars and Ambalgars of Suriyanur)
40. Badaks and Badhiks
41. Behelias
42. Bairagis
43. Banjaras
44. Banchhadas
45. Barrars
46. Barwars
47. Bauriahs or Baoriess, Baurias, Bawaryas, Bawaris, Marwaris, Baurias
48. Bedyas
49. Bengalis or Bhangalis
50. Berads or Bedars
51. Berias
52. Bhamtas
53. Bhamptas
54. Bhanmates

**TECHNICAL ADVISORY GROUP**

55. Bhantus
56. Bhars
57. Bhats
58. Bhattu Tarkas
59. Bhedkuts
60. Bhils
61. Bhura Brahmans
62. Bijorias
63. Boriyas
64. Boyas
65. Buda Bukkalas
66. Chamars
67. Chaudravedis
68. Chhuras or Churas
69. Daleras or Dalaries
70. Dandasis
71. Dasaris
72. Dharis
73. Dhass or Dhos
74. Dhakarng
75. Dhanwars
76. Dommars or Domars
77. Doms
78. Dpnga Yatas
79. Donga Yerukalas
80. Dudhas
81. Gandhillas
82. Gantiehores

RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

83. Gidhias
84. Ghasis
85. Ghosis
86. Gondas
87. Gujars
88. Haburas
89. Handijogies
90. Hingoras
91. Irulars
92. Jaintra Paus
93. Jats
94. Jogis or Jogulas
95. Kaikadis
96. Kaladis
97. Kallars
98. Kanjars
99. Karwal Nats
100. Kepumaris
101. Kewats
102. Khatiks
103. Kintali Kalingas
104. Komakapus
105. Konda Doras
106. Korahcas and Koravas
107. Kuchbands
108. Karumbaravas
109. Labanis or Lamanis or Lambadis
110. Lodhas or Lodahs

**TECHNICAL ADVISORY GROUP**

111. Madigas
112. Mahatams
113. Malas
114. Mallahs
115. Man Garudis
116. Maravars
117. Mewatis
118. Miauas
119. Minas
120. Moghias
121. Multanis
122. Munda Pottas
123. Mutharaches
124. Mushars
125. Naiks
126. Nakkalas
127. Nirshikaris
128. Nokkars
129. Nuts or Nats
130. Oddars
131. Oudhias
132. Oaidis
133. Pardhis
134. Oarnas or Pernas
135. Pasis
136. Picharis
137. Pichiguntalas
138. Poligars

RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

139. Paraiyas
140. Rachbands
141. Reddikas
142. Rellis
143. Sansias
144. Sanorias
145. Singhikats
146. Sugalis
147. Saughedias, Saudhis and Sumaras
148. Tadvīs
149. Tagus
150. Taga Bhats
151. Talayaris
152. Talega Pamulas or Peddati Gollas or Thela Pamalwads
153. Tellungappalatti Chattis
154. Thottia Naicks
155. Uraligaudans
156. Valayars
157. Vallayankuppam Padaychis
158. Vettaikarans
159. Vettuya Goundans
160. Wadder or Waddewadas or Woddars
161. Yatas
162. Yenadis or Yenadiwads
163. Yerukalas
  
164. Most of the Criminal Tribes had, and some still have, their own code words and expressions. These code words and expressions were used to warn their associates or approaching danger or to give information

about probable victims of their activities. In addition to these code words some tribes were known to disguise themselves when going out for committing offences. It is not possible to give here any details of their special code words used by the various tribes. For detailed information a reference may be made to (1) Mr. Kennedy's "Notes on Criminal Classes in the Bombay Presidency", and (2) Mr. Mohmed Abdul Gafur's "Complete Dictionary of the terms used by the Criminal Tribes of the Punjab."

165. Mr. H.G. Waterfield a retired I.P. Officer who was in charge of the Criminal Investigation Department in the Gwalior State has tried to show that the majority of the tribes known as Criminal Tribes in Northern India have sprung from a common stock. In support of his theory he refers to the great similarity in secret terms used by these tribes and certain amount of contact kept by them with one another.
166. In many of the Criminal Tribes especially the wandering tribes, the tribal organization in the past was such as would encourage and help the criminal career of their members. At least in case of one tribe viz., Beriya, it has been recorded that youngsters belonging to that tribe could not get girls in marriage unless they specialized in committing crimes against property (vide notes on Beriyan). If a member of the Criminal Tribes was convicted and sent to Jail, there was always some arrangement to support the family of the convicted person during the period he was in Jail.
167. The Criminal Tribes can be divided into two sections viz., (1) those who are nomadic and (2) those who are settled. The nomadic tribes include the gypsy like tribes such as Sansis, Kanjars, Nats, etc., as well as other tribes who wander from place to place for work or begging. In the latter category we can put tribes like beldars, Banjaras, etc., and also religious mendicants such as Monda Potas, etc. The settled or semi settled tribes who are notified as Criminal Tribes were irregular fighting men in the past, or were persons displaced from their original homes due to invasions or other political changes or Depressed persons in very poor circumstances and shunned by the society.
168. In this connection, we should like to draw attention to pertinent observations of Mr. G. H. Hutton, in the Census Report of India, 1931. He says "...Similarly there are Bagedas, Vagris and Bagris in Killhapur, Gujarat and Bengal. Why they have not been disturbed

they are peaceable and law-abiding cultivation and fishermen but the branch that got unsettled in the Centra has never recovered and has ever since been criminally and nomadically inclined. This of course is hypothesis not history but the closely connected caste of Bauri (Bawariya, Baon etc.) can be definitely associated across India from Rajputana and Delhi where it is restless and criminal to the Uttar Pradesh where it is less so, to Bihar and Bangal where it is a decent and peaceable caste closely associated with the Bagdi. Crook says of it in the United Provinces that, it seems to fall into two branches – those.... In the upper Daub, who still retain some of their original customs and manner (i.e. the criminal manners familiar further west) and those to the east who.... Have abandoned their original predatory life – we suggest that the peaceable life was the original one and that invasion on invasion, for the Western Bauria must have suffered many, has been responsible for their anti social proclivities”. It would thus appear that the main cause for the origin of criminality was economic while social and political changes in the country also played an important part.

169. It is now generally accepted that criminal tendencies are not hereditary. There is sufficient evidence to show that tribes which were considered hardened criminals in the past have been wholly or partially reformed.
170. We consider that given proper opportunities and systematic help, it is neither impossible nor even difficult to reclaim the so called Criminal Tribes. The problem requires to be tackled from three sides – economic, educational and social.

#### **SUMMARY AND CONCLUSIONS**

412. We think that it will be convenient for reference if we give a summary of our observations and recommendations before we conclude our report. A summary of the important observations and recommendations is, therefore given below. For more accuracy and details, however, a reference should always be made to the paragraphs mentioned against the items.

#### **General**

#### TECHNICAL ADVISORY GROUP

1. The main cause of the origin of criminality in the Criminal Tribes was economic, while social and political changes in the country also played an important part (paragraphs 168)
2. Given proper opportunities and systematic help, it is neither impossible nor even difficult to reclaim the so called Criminal Tribes. The problem requires to be tackled from three sides – economic, educational and social (paragraph 170)

#### **Working of the Criminal Tribes Act**

3. The Criminal Tribes Act, 1924, is in active operation in the States of the Punjab, the Uttar Pradesh, Bihar, Orissa, West Bengal, Assam, Delhi and Ajmer (paragraph 188)
4. In no states, there is a regular system of checking up the notifications declaring certain tribes as criminal periodically at definite intervals with a view to see whether a particular tribe deserves to be denotified as a whole or not (paragraph 196).
5. There is no uniformity in the states in selecting Criminal Tribes members for registration and for applying restrictions to them under sections, 10 and 11 of the Criminal Tribes Act (paragraph 197)
6. It would have been useful if definite period, after which registration of a Criminal Tribe member should be cancelled, was fixed in the rules issued under the Criminal Tribes Act by the States (paragraph 221)
7. The Criminal Tribes Act is worked very harshly in the Saran district (Bihar State) as it is inhuman that registered persons should be required to give hajri 5 to 6 times during night (paragraph 221)
8. The tented accommodation provided in the Reformatory Settlement at Amritsar, Punjab State, requires to be replaced by suitable buildings, and there is scope for improving the wages of the settlers in that settlement (paragraph 241)
9. In Fazalpur Settlement (Uttar Pradesh), it was observed that undue strictness was shown in registering persons and more attention was required for satisfactory employment of all the

able bodied people in the settlement and for other welfare work (paragraph 242)

10. Since our visit to the Kanth Settlement (Uttar Pradesh) the settlers of that settlement have been freed from the restrictions of the Criminal Tribes Act and the settlement is declared a free colony from 15th August, 1950. (paragraph 243)
11. The Kalyanpur Settlement in the Uttar Pradesh appealed to be well-managed and progressive (paragraph 244)
12. Except the Punjab, Bengal (before Partition), Bombay and Delhi (to a limited extent), no states have made any use of section 17 of the Criminal Tribes Act. Although we are not in favour of wholesale removal of the Criminal Tribes children from their parents, removal of children from their parents in special circumstances is desirable. (paragraph 259)
13. The Institutional life in the Reformatory School, Amritsar, requires to be made more attractive by introduction of more games and by giving more personal liberty to the boys. The System of releasing boys on probation also requires to be introduced early (paragraph 260)
14. The welfare activities among the Criminal Tribes in the settlements and outside, have helped them to improve their general conditions in some of the State.
15. In the States, where welfare and reformatory work has been well organized the results appear to be encouraging and it is found that given equal opportunities, the members of these tribes can, fairly compete with other people.
16. The local laws relating to the Criminal Tribes, which are force in the Madhya Bharat, Rajasthan, Hyderabad, Vindhya Pradesh and Patiala and East Punjab States' Union are generally more stringent than the Criminal Tribes Act, 1924.
17. In Khursodkhurd village in Madhya Bharat our Sub Committee observed that a blind Criminal Tribes man is still continued to be on the register and his presence is checked by the Chaukidar every day in the evening by visiting his house. This shows how

the Criminal Tribes Act is worked in a mechanical way in this area.

18. The Rajasthan Government should intensify the reclamation work among the Criminal Tribes by opening schools in every colony and by providing the Criminal Tribe members more facilities for agriculture.
19. The men as well as women belonging to the Criminal Tribes are automatically registered on their attaining the age of 15 years in the Bhopal State and all the registered persons residing in Sonkatch and Devalkhers colonies have to give roll all at least four times a day. The women especially are greatly inconvenienced in the night roll calls taken at mid night and at 1 am. The average area of land allotted to Criminal Tribes members was also found to be much less than their requirements.
20. The Act has worked more as a preventive and punitive measure than as measure of reformation for the Criminal Tribes and it has been a great handicapped even the honest members of these tribes.

### **Recommendation for the Repeal of the Criminal Tribes Act and Reasons for the Repeal**

21. The provision in section 3 of the Criminal Tribes Act, 1924, is against the spirit of our Constitution. The Act, indirectly sanctions beggar or forced labour which is an offence under the Indian Penal Code and opposed to International Labour Convention and also Article 23 of the Constitution of India.
22. There is no legislation in foreign countries comparable to the Criminal Tribes Act, 1924.
23. Notifications issued under section 3 of the Criminal Tribes Act, 1924, in the West Punjab (Pakistan) have been withdrawn and the execution of the Act as thus been suspended there.
24. Notifications issued under section 3 of the Criminal Tribes Act due the whole tribe, gang or class of persons as criminal while actually only about 2 – 3 percent of the notified Criminal Tribes

persons are actually registered and the percentage of actual criminals will even be lower.

25. The system of roll call is capable of being used for oppression.
26. Necessity for a provision like the Criminal Tribes Act has now, disappeared.
27. The Criminal Tribes Act, 1924, should be replaced by a Central legislation applicable to all habitual offenders without any distinction based on caste, creed or birth and the newly formed States included in Parts B and C of the First Schedule to the Constitution, which have local laws for the surveillance of the Criminal Tribes, should be advised to replace their laws in this respect by the Central legislation for habitual offenders, when passed.
28. The ordinary criminal and police laws are not adequate for the surveillance and control of the habitual offenders and it is necessary to have a Central legislation providing for the adequate surveillance and control of the habitual offenders.
29. There is no necessity to provide for the restrictions of ordinary wandering gangs.
30. The State Governments may be advised to use section 401 of the Criminal Procedure Code more frequently in case of habitual offenders on condition that they live in specified settlements for the unexpired portion of their sentence.

**Provisions Recommended for Inclusion in the Proposed Restriction of Habitual Offenders Act.**

31. Section 562 of the Criminal Procedure Code should be so amended that in necessary cases the courts could pass orders of restriction or detention in a settlement for training in craft or industry even on a first offender.
32. A person who has two convictions for any non-bailable offences under Chapter XII, XVI and XVII of the Indian Penal Code, of the including an order under section 118 of the Criminal Procedure Code within five years just before the date of issue of the notification, may be notified as a habitual

offender and on such notification he should be liable to report his residence, change or intended change of, or absence or intended absence from his residence and also to allow his finger impressions, to be recorded.

33. Section 565 of the Criminal Procedure Code should be suitably amended so as to empower the courts to order restriction of or confinement in settlements of persons convicted by them under the penal law in lieu of part or whole of the sentence of imprisonment passed against such persons.
34. The courts should be empowered to order restriction of movements to a certain area or detention in a settlement in lieu of an order to furnish security under section 118 of the Criminal Procedure Code. A court acting under sub-section 3 of section 123 of the Criminal Procedure Code or an appellate court, acting under section 406 of the Criminal Procedure Code, may also be authorized to pass an order of restriction or detention in a settlement in lieu of an order requiring a person to give security under section 110 of the Criminal Procedure Code.
35. Habitual offenders who have not been than 3 convictions for non-bailable offences under Chapters XII, XVI and XVII of the Indian Penal Code spread over a period of 5 years immediately before the date on which the new Act comes into force and who are at present in the settlements may be ordered to be detained in the settlements for three years by executive orders.
36. A habitual offender, who is ordered to be detained in a settlement, should be allowed to bring his wife and other dependants to the settlement but he should be responsible to see that his dependants obey the settlement rules.
37. When an order of detention in a settlement is passed against a habitual offender, the detention should be ordered for a minimum period of two years.
38. Settlements should be directly managed by Government through their Welfare or Labour Departments. In no case

management of settlements should be entrusted to the Police Department.

39. There should be a general provision for separation of children of habitual offenders from their parents and placing them in residential schools and children falling under particular categories should invariably be removed from their parents and placed in such schools.
40. Where special laws for the treatment of children are in force, section against the children of the habitual offenders should be taken under such laws as far as possible.
41. Children should be committed to schools for sufficiently long time.
42. No provisions similar to sections, 23, 24, 26 and 27 of the Criminal Tribes Acts, 1924 are necessary in the new Act.
43. Incidental provisions that may be considered necessary and provisions for making rules for the proper administration of the Act may be made but, unless the breach of rules is for the purpose of committing offences, the punishment should be light.

#### **Action Suggested to be Taken Pending the Repeal of the Act**

44. The system of automatic registration of members of the Criminal Tribes, on their attaining a particular age, is neither necessary nor desirable and pending the appeal of the Act, the existing powers of exempting persons from registration should be liberally used in the case of all persons other than those who have been proved guilty of offences or reasonably suspected of such offences. It is suggested that registration of members of the Criminal Tribes, who are not convicted of any offence or reasonably suspected of any offences during the last three years, may be cancelled.
45. Pending the repeal of the Act, the preliminary enquiry under proviso to section 16 of the Criminal Tribes Act should be carried out by a judicial officer having adequate opportunity to the Criminal Tribe members, likely to be affected, to urge their reasons against the proposed internment order.

TECHNICAL ADVISORY GROUP

46. Pending the repeal of the Act, the administration of the Criminal Tribes Act, 1924, should be liberalized and no new tribe should be notified as a Criminal Tribe.

**Suggestion for the Amelioration of the Criminal Tribes after the Repeal of the Act**

47. Suitable steps for the amelioration of the Criminal Tribes should be taken after the repeal of the Act.
  48. The Central Government should make a liberal contribution not exceeding 10% to the State Governments for the initiation and execution of the schemes for period of 10 years in the first instance.
413. We should take this opportunity of expressing gratitude to the various States Governments for giving us all facilities for our enquiries in the States and directing their officers, having necessary information and experience of the working of the Criminal Tribes Act, to appear before us and give oral evidence. We are also grateful to the public worker and other members of the public who have taken special trouble and interest in replying to our questionnaire and who have helped us in our investigations by appearing before us to give oral evidence.

M. Ananthasayanam Ayyangar, Chairman

Venkatesh Narayan Tivary, Member

J. K. Biswas, Member

Gurbachan Singh, Member

A.V. Thakkar, Member

K. Chaliha, Member

**B**  
**BOMBAY HABITUAL OFFENDERS ACT, 1959**  
**(BOM. ACT NO. 61 of 1959)**

## Contents

Preamble

Sections

### Chapter I

Preliminary

1. Short title, extent and commencement
2. Definitions

### Chapter II

#### **Registration of Habitual Offenders and Restriction of their Movements.**

3. Power of State Government to direct registration of habitual offenders
4. Procedure for preparing a register of habitual offenders
5. Charge of register and alterations therein
6. Power to take finger and palm impression, foot-prints and photographs at any time.
7. Registered offenders to notify change of residence and to report themselves
8. Procedure by District Magistrates on change of residence of habitual offender to other districts
9. Duration of registration and re-registration of habitual offenders
10. Right to make representations against re-registration, etc.
11. Power to restrict movements of registered offenders
12. Power to cancel or alter restrictions of movements
13. Powers under sections 11 and 12 also exercisable by certain Magistrates

### Chapter III

#### **Corrective Training of Habitual Offenders**

14. Establishment of corrective settlements

**TECHNICAL ADVISORY GROUP**

15. Power to direct habitual offenders to receive corrective training
16. Power to transfer or discharge from corrective settlement

**Chapter IV**

**Penalties and procedure**

17. Penalty for failure to comply with certain provisions of the Act
18. Arrest of persons found outside restriction area or corrective settlement
19. Enhanced punishment for certain previously convicted persons
20. Punishment for certain registered offenders found under suspicious circumstances
21. Penalty for failure to arrest a habitual offender

**Chapter V**

**Miscellaneous**

22. Bar of Jurisdiction
23. Bar of Legal Proceeding
24. Power to delegate
25. Power to make rules
26. Savings
27. Repeal and Savings

**THE BOMBAY HABITUAL OFFENDERS ACT, 1959**  
**[Bombay Act No. 61 of 1959/26th October 1959]**

An Act to make better provisions for the treatment and training of habitual offenders and for certain other matters.

WHEREAS it is expedient to make better provision for the treatment and training of habitual offenders, and for certain other matters. It is hereby enacted in the Tenth Year of the Republic of India as follows: -

## Chapter I

Preliminary

### 1. Short title, extent and commencement -

- 1) This Act may be called the Bombay Habitual Offenders Act, 1959
- 2) It extends to the whole of the 1[State of Gujarat].
- 3) It shall come into force on such date as the State Government may by notification in the *Official Gazette*, appoint.

### 2. Definitions - In this Act, unless the context otherwise requires -

- a) "*Code*" means the Code of Criminal Procedure, 1898 (V of 1898);
- b) "*Corrective settlement*" means any place established, approved or certified for corrective settlement under section 14;
- c) Omitted
- d) Omitted
- e) "*Habitual offenders*" means any person who, since his attaining the age of eighteen years -
  - (i) During any consecutive period (whether before or after the commencement of this Act, or partly before and partly after such commencement) of five years, has been sentenced on conviction, on not less than three occasions to a substantive term of imprisonment for one or more of the scheduled offences committed on separate occasions, being offences which are not so connected together as to form parts of the same transaction and
  - (ii) Such sentence has not been reversed in appeal or revision:

For statement of Objects and Reasons, see Bombay Government Gazette, 1959 Part V, page 347.

1. Subs. vide Guj. A.O. 1960

2. Omitted vide *ibid*.

Provided that in computing the consecutive period of five years aforesaid, any period spent in jail either under a sentence of imprisonment or under detention shall not be taken into account.

- f) "*Prescribed*" means prescribed by rules made under this Act;
- g) "Registered offender" means a habitual offender registered or re-registered under this Act;
- h) "scheduled offence" means an offence specified in the Schedule or an offence analogous thereto;

(i) 1[\*\*\*]

## Chapter II

### Registration of Habitual Offenders and Restriction of their Movements

#### 3. Power of State Government to direct registration of habitual offenders -

The State Government may direct the District Magistrate to make a register of habitual offenders within his district, by entering therein the names and other prescribed particulars of such offenders.

#### 4. Procedure for preparing a register of habitual offenders -

For the purpose of carrying out the direction given under section 3, the district Magistrate or any officer appointed by him in this behalf shall, by notice in the prescribed form to be served in the prescribed manner, call upon every habitual offender in the district -

- a) to appear before him at a time and place specified in the notice;
- b) to furnish such information as may be necessary to enable him to enter the name and other prescribed particulars of the habitual offender in the register; and
- c) to allow the finger and palm impressions, foot-prints and photographs of the habitual offender to be taken;

Provided that the name and other prescribed particulars of the habitual offender shall not be entered in the register, unless he has been given reasonable opportunity of showing cause why such entry should not be made.

#### 5. Charge of register and alterations therein -

1. The register shall be placed in the keeping of the Superintendent of Police of the district who shall, from time to time, report to the District Magistrate any alterations which ought, in his opinion, to be made therein.
2. After the register has been placed in the keeping of the Superintendent of Police, no fresh entry shall be made in the register, nor shall any entry be cancelled, except by or under, an order in writing of the District Magistrate.

**6. Power to take finger and palm impressions, footprints and photographs at any time** - The District Magistrate or any officer appointed by him in this behalf may at any time order the finger and palm impressions, footprints and photographs, of any registered offender to be taken.

**7. Registered offenders to notify change of residence and to report themselves -**

1. Every registered offender shall notify to such authority, and in such manner as may be prescribed, any change or intended change of his ordinary residence;

Provided that where such offender changes or intends to change, his ordinary residence to another District (whether within the State or not) he shall notify the change or intended change to the District Magistrate.

2. The District Magistrate may, by order in writing, direct that any registered offender shall -
  - a) report himself once in each month, or where the District Magistrate for reasons specified in the order so directs, more frequently, to such authority, and in such manner, as may be specified in the order, and
  - b) notify any absence or intended absence from his ordinary residence to the authority;

Provided that the District Magistrate may exempt any such offender from notifying any absence or intended absence from his ordinary residence for such period, and under such conditions, as appear to him reasonable.

**8. Procedure by Direct Magistrates on change of residence of habitual offender to other district -**

1. Where any registered offender changes his ordinary residence to another district within the state, the District Magistrate of the District in which the offender is registered shall inform the District Magistrate of the other

#### TECHNICAL ADVISORY GROUP

district of such change, and at the same time furnish him with the name and other particulars relating to the registered offender in the register.

2. On the receipt of such information, The District Magistrate of the other district shall enter in his register the name and other particulars of the registered offender furnished to him, and inform the District Magistrate of the first district of such registration, and thereupon such District Magistrate shall cancel from his register the entry relating to that offender.

Provided that where a registered offender changes his ordinary residence to another district outside the State, the District Magistrate of the first district shall, while furnishing the District Magistrate of the other district with the name and other particulars of the registered offender, make a request to that District Magistrate that he may be informed of the steps if any, which may have been taken in relation to the offender under any law for the time being in force in that other district; and upon the receipt of such information the District Magistrate of the first district shall cancel from his register the entry relating to that offender.

3. Upon the entry of the name and other particulars of a registered offender in any register in the State under sub-section (2), the provisions of this Act and the rules made there under shall apply to him as if he has been registered, in pursuance of a direction given under section 3, in the register of the district to which he has changed his ordinary residence.

#### **9. Duration of registration and re-registration of habitual offenders-**

1. Subject to the provision of sub-section (3), the registration of a habitual offender under this Act shall, unless earlier cancelled, cease to be in force on the expiry of five years from the date of such registration, and on such cancellation or expiry the habitual offender shall cease to be a registered offender.
2. Notwithstanding the cancellation, or expiry of duration of registration, a habitual offender may be re-registered in accordance with the provisions of this Act relating to registration, as often as he is convicted of one or more of the scheduled offences at any time after such cancellation, or expiry, and subject to the provisions of sub-section (3), the re-registration shall unless earlier cancelled, cease to be in force on the expiry of five years from the date of such re-registration.

3. Where a registered offender is, during the period of registration or re-registration, convicted of one or more of the scheduled offences and sentenced to a substantive term of imprisonment, the duration of registration or re-registration shall be extended for a period of five years from the date of his release from such imprisonment.

**10. Right to make representations against re-registration, etc. -**

1. Any person aggrieved by the registration or re-registration of his name under section 4, or as the case may be, section 9 or by an order under section (2) of section 7, may within prescribed period make a representation to the State Government against such registration, re-registration or order.
2. The State Government shall, after considering the representation and giving the aggrieved person an opportunity of being heard, either confirm or cancel the registration, re-registration or order, as the case may be and shall in the case of confirmation, record a brief statement of the reason therefore.

**11. Power to restrict movements of registered offenders. -**

1. If in the opinion of the State Government it is necessary or expedient to the interests of the general public so to do, the State Government may subject to the provisions of sub-section (4), by order direct that any registered offender shall be restricted in his movements to such area, and for such period not exceeding three years, as may be specified in the order.
2. Before making any such order the State Government shall take into consideration the following matters, that is to say, -
  - a) the nature of the offences of which the registered offender has been convicted, and the circumstances in which the offences were committed;
  - b) Whether the registered offender follows any lawful occupation and whether such occupation is conducive to an honest and settled way of life and is not merely a pretence for the purpose of facilitating the commission of crime;
  - c) the suitability of the area to which his movements are to be restricted; and

**TECHNICAL ADVISORY GROUP**

- d) the manner in which the registered offender may earn his living within the restriction area, and the adequacy of arrangements which are or are likely to be, available therefore.
3. A copy of the order shall be served on the registered offender in the prescribed manner.
4. The period specified in an order under sub-section (1) shall in no case extend beyond the period of registration or re-registration, as the case may be, referred to in section 9.

**12. Power to cancel or alter restriction of movements -** The State Government may, by order, cancel any order made under section 11, or alter any area specified in an order under the section:

Provided that before making such order, the State Government shall consider the matters referred to in sub-section (2) of section 11 in so far as they may be applicable.

**13. Powers under sections 11 and 12 also exercisable by certain magistrates -**

1. Subject to the provisions of sub-section (3), the powers of the State Government under section 11 and 12 may be exercised also by a Magistrate having power to act under section 110 of the Code, but without prejudice to the exercise of his powers under that section of the Code.
2. A Magistrate acting under section 11 and 12 shall follow, as nearly as may be, the procedure laid down in sections 112,113,114,115 and 117 of the code for an order requiring security for good behaviour:

Provided that the order in writing referred to in section 112 of the Code shall, in addition to setting forth the substance of the information received, state the term, not exceeding three years, during which the order of registration shall be in force.

3. Where the State Government has already made an order under section 11 in respect of a habitual offender, the Magistrate shall not exercise any powers conferred by this section in respect of the same habitual offender, during any period in which the order of the State Government is in force.

**Chapter III**

**Corrective Training of Habitual Offenders**

**14. Establishment of corrective settlements -**

1. For the purpose of placing therein such habitual offenders as are directed to receive corrective training under this Act, the State Government may, by notification in the *Official Gazette*, establish and maintain in the State as many corrective settlements as it thinks fit.
2. The State Government may *also* approve or certify any privately managed institution (whether known as a settlement or otherwise) as a corrective settlement for the purposes of this Act.

**15. Power to direct habitual offenders to receive corrective training-**

1. Where the State Government is satisfied from the report of the District Magistrate or otherwise, that it is expedient with a view to the reformation of a registered offender and the prevention of crime, that the registered offender should received training of a corrective character for a substantial period, the State Government may by order in writing direct that the registered offender shall receive training of a corrective character for such period, not exceeding the duration of his registration or re-registration, as may be specified in the order.
2. Where a habitual offender, who is not more than forty years of age-
  - a) is convicted of any offence punishable with imprisonment, or
  - b) is required in pursuance of section 110 of the Code to execute a bond for his good behaviour, and the court or the Magistrate is satisfied from the evidence in the case and other materials on record that it is expedient with a view to his reformation and the prevention of crime, that he should receive training of a corrective character for a substantial period, the court or the Magistrate may, in lieu of sentencing him for such offence or, as the case may be, requiring him to execute such bond, direct that he shall receive corrective training for such term of not less than two nor more than five years, as the court or the Magistrate may determine.
3. Before giving any direction under sub-section (1) or sub-section (2) the State Government, the court or the Magistrate, as the case may be, shall -
  - a) consult the officer prescribed on the capacity of the corrective settlements to receive the habitual offender,
  - b) take into consideration the physical and mental condition of the offender, and his suitability for receiving corrective training in a corrective settlement and

**TECHNICAL ADVISORY GROUP**

- c) give a reasonable opportunity to the offender to show cause why such direction should not be given.
- 4. A habitual offender, in respect of whom a direction to receive corrective training has been made, shall be placed in a corrective settlement for the term of his training, and while in such settlement, shall be treated in such manner and receive such training as may be prescribed.

**16. Power to transfer or discharge from corrective settlement -**

The State Government, or any officer authorised by it in this behalf, may at any time by order in writing direct any habitual offender who may be in a corrective settlement to be transferred to another corrective settlement or to be discharged there from; and accordingly he shall be so transferred or, as the case may be, discharged.

**Chapter IV**

**Penalties and Procedure**

**17. Penalty for failure to comply with certain provisions of the Act.**

A habitual offender who without lawful excuse, the burden of proving which shall lie upon him, -

- a) fails to appear in compliance with a notice issued under section 4 or
- b) intentionally omits to furnish any information required under that section, or furnishes as true any information which he knows, or has reason to believe, to be false or does not believe to be true, or
- c) refuses to allow his finger and palm impressions, foot-prints and photographs to be taken by any person acting under an order passed under section 6, or
- d) fails to comply with the provisions of sub-section (1) of section 7 or with an order of the District Magistrate under sub-section (2) thereof or with an order under section 11, may be arrested without warrant, and shall be punished -
  - i. on first conviction, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both, and

- ii. on a second or subsequent conviction, with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees, or with both :

Provided that, if the court, after taking into consideration the offender's age and physical and mental condition and his suitability for receiving training of a corrective character, in a corrective settlement, is satisfied that it is expedient with a view to his reformation and the prevention of crime, that he should receive training of a corrective character for a substantial period, the court may, in lieu of sentencing the offender to any punishment under this section, direct, after giving him an opportunity of showing cause (and after consulting the officer prescribed on the capacity of the corrective settlements to receive him) that he shall receive corrective training in a corrective settlement for a term not exceeding three years, as it may determine.

**18. Arrest of person found outside restriction area or corrective settlement -**

If any person -

- a) is found outside the area to which his movements have been restricted in contravention of the conditions under which he is permitted to leave such area, or
- b) escapes from any corrective settlement in which he is placed, he may be arrested without warrant by a police officer, police *patel* or village watchman and taken before a Magistrate who, on proof of the facts, may order him to be removed to such area or to such corrective settlement, there to be dealt with in accordance with this Act and the rules made there under.

**19. Enhanced punishment for certain previously convicted persons -**

- 1. Whoever, being a person in respect of whom a direction has been made under section 11 or section 15, and having been convicted of any of the scheduled offences falling under Part I of the schedule is convicted of the same or of any other scheduled offence falling in that Part shall, on conviction, be punished with imprisonment for life or with imprisonment for a term which may extend to ten years.
- 2. Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code (XLV of 180) or any other law.

**20. Punishment for certain registered offenders found under suspicious circumstances -**

Whoever, being a person in respect of whom a direction has been made under section 11 or section 15, is found in any place under such circumstances as to satisfy the court -

- a) that he was making preparation for committing theft or robbery, shall on conviction, be punished with imprisonment for a term which may extend to three years, and shall also be liable to a fine which may extend to one thousand rupees.

**21. Penalty for failure to arrest a habitual offender –**

If a police patel or a village watchman having opportunity to arrest any person under section 18, fails to arrest him in circumstances which are not beyond his control, he shall on conviction be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees, or with both.

## Chapter V

### Miscellaneous

**22. Bar of jurisdiction.** - No court shall question the validity of any direction or order issued under this Act.

**23. Bar of legal proceedings** - No suit, prosecution or other legal proceedings shall lie against the State Government or any person for anything which is in good faith done or intended to be done under this Act.

**24. Power to delegate** - The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act except the power under section 25 may also be exercised subject to such conditions (if any) as may be specified in the notification, by such officer not below the rank of a District Magistrate as may be specified therein.

**25. Power to make rules -**

1. The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
2. In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely -

RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

- a) the form of notice under section 4 and the manner in which such notice may be served;
  - b) the form of register of habitual offenders and the particulars to be entered therein;
  - c) the authority to whom and the manner in which any changes or intended change of ordinary residence shall be notified under subsection (1) of section 7;
  - d) the nature of restrictions to be observed by registered offenders whose movements have been restricted;
  - e) the grant of certificate of identity to registered offenders and inspection of such certificates;
  - f) the conditions under which the offenders may be permitted to leave the area to which their movements have been restricted or the corrective settlements in which they have been placed;
  - g) the terms upon which offenders may be discharged from corrective settlements;
  - h) the working, management, control and supervision of corrective settlements including the discipline and conduct of persons placed therein;
  - i) the conditions for, and the manner of, approving or certifying privately managed settlements;
  - j) the appointment of non-official visitors for corrective settlements;
  - k) the condition and circumstances under which members of the family of a habitual offender may be permitted to stay with him in a corrective settlement;
  - l) the periodical review of the cases of all persons whose movements have been restricted or who are placed in corrective settlements under this Act.
  - m) any other matter which is to be or may be prescribed under this Act;
3. In making rules under this Act the State Government may provide that a contravention of any of the rules shall be punishable with fine, which may extend to one hundred rupees.

**TECHNICAL ADVISORY GROUP**

4. All rules made under this Act shall, as soon as may be after they are made, be laid before the State Legislature.

**26.Savings** - Nothing in this Act affects the powers of any competent authority under any other law for the time being in force, to make an order of restriction or detention, and any order passed or direction made under this Act in so far as it conflicts with any other made by a competent authority under such law shall be deemed to be inoperative while the order under such law remains in force.

**27.Repeal and savings** - On the commencement of this Act, the following Acts, that is to say:-

1. the Bombay Habitual Offenders Restriction Act, 1947 (Bom. LI of 1947).
2. the Hyderabad Habitual Offenders (Restriction and Settlement) Act, 1954 (Hyd. XXII of 1954), and (3) the Saurashtra Habitual Offenders Restriction Act, 194751 (Sau. XXXI of 1951) shall stand repealed:

Provided that such repeal shall not affect -

- a) the previous operation of any Act so repealed, or anything duly done or suffered there under;
- b) any right, privilege, obligation or liability acquired, accrued or incurred under any Act so repealed;
- c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act so repealed;
- d) any investigation, legal proceeding or remedy in respect of any such right, privilege, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including orders or rules made, notices issued and settlements established or approved) under any Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force accordingly unless and until superseded by any thing done or any action taken under this Act.

**Offences under the Indian Penal Code (XLV of 1860)**

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## Chapter XII

### Sections

- 231 Counterfeiting coin.
- 232 Counterfeiting Indian coin.
- 233 Making or selling instrument for counterfeiting coin.
- 234 Making or selling instrument for counterfeiting Indian coin.
- 235 Possession of instrument or material for the purpose of using the same for counterfeiting coin
- 239 Delivery of coin possessed with knowledge that it is counterfeit.
- 240 Delivery of Indian coin, possessed with knowledge that it is counterfeit.
- 242 Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof.
- 243 Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.

## Chapter XVI

- 304 Culpable homicide not amounting to murder.
- 307 Attempt to murder.
- 308 Attempt to commit culpable homicide.
- 311 Being a thug.
- 324 Voluntarily causing hurt by dangerous weapons or means.
- 325 Voluntarily causing grievous hurt
- 326 Voluntarily causing grievous hurt by dangerous weapons or means.
- 327 Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
- 328 Causing hurt by means of poison, etc., with intent to commit an offence.
- 329 Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
- 332 Voluntarily causing hurt to deter public servant from his duty.
- 333 Voluntarily causing grievous hurt to deter public servant from his duty.

**TECHNICAL ADVISORY GROUP**

- 347 Wrongful confinement to extort property, or constrain to illegal act.
- 365 Kidnapping or abducting with intent secretly and wrongfully to confine person.
- 366a Procuration of minor girl.
- 366b Importation of girl from foreign country.
- 368 Wrongfully concealing or keeping in confinement, kidnapped or abducted person.
- 369 Kidnapping or abducting child under ten years with intent to steal from its person.

**Chapter XVII**

- 379 Theft.
- 380 Theft in dwelling house, etc.
- 382 Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.
- 384 Extortion
- 385 Putting person in fear of injury in order to commit extortion
- 386 Extortion by putting a person in fear of death or grievous hurt.
- 387 Putting person in fear of death or of grievous hurt, in order to commit extortion.
- 392 Robbery.
- 393 Attempt to commit robbery
- 394 Voluntarily causing hurt in committing robbery.
- 395 Dacoity.
- 397 Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398 Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399 Making preparation to commit dacoity.
- 400 Belonging to a gang of dacoits.
- 401 Belonging to a gang of thieves
- 402 Assembling for purpose of committing dacoity.

RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

- 411 Dishonestly receiving stolen property.
- 414 Assisting in concealment of stolen property.
- 451 House-trespass in order to commit offence punishable with imprisonment.
- 452 House-trespass after preparation for hurt, assault or wrongful restraint.
- 453 Lurking house-trespass or house-breaking.
- 454 Lurking house-trespass or housebreaking in order to commit offence punishable with imprisonment.
- 455 Lurking house-trespass or housebreaking after preparation for hurt, assault or wrongful restraint.
- 456 Lurking house-trespass or housebreaking by night.
- 457 Lurking house-trespass or housebreaking by night in order to commit offence punishable with imprisonment.
- 458 Lurking house-trespass or housebreaking by night after preparation for hurt, assault, or wrongful restraint.
- 459 Grievous hurt caused whilst committing lurking house-trespass or housebreaking.
- 460 All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

**II**

Offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (IV of 1956).

- 461 Living on the earning of prostitution.

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## THE PEOPLE OF INDIA

*The People of India*, a series of volumes prepared by the Anthropological Survey of India, is a rich mine of information about the castes, tribes, communities in India. The volumes are based on research work and follow a certain scientific method in classifying and describing peoples.

What is reproduced here is a substantial sampling of descriptions where the entire communities are described as “reported as engaged in criminal activities.” The attitude, therefore, is rooted in the colonial legal blackmail of the Notified, Nomadic and Semi-nomadic communities. That such entries could be prepared and be published in an officially sponsored publication fifty years after India’s independence is a testimony to the pervasive and mindless stereotyping of the communities.

Dr. Meena Radhakrishna, Member of Technical Advisory Group, has pointed out that the entries on several denotified communities included in the *People of India* series have employed references from contemporary scholarship, without any regard to the spirit of the scholarship, only in order to reiterate the council assumptions about the inherent criminality of the communities. TAG unanimously places on record its support to the view held by Dr. Radhakrishna.

The following is not a complete listing, but only a sampling.

### **Barwar (SC)**

A community of Uttar Pradesh, the Barwar are distributed in the Gonda, Faizabad, Rai Bareilly, Sultanpur, Shahjanapur, Hardoi and Bahraich districts. **The term barwar means violent and the community, which is said to have been involved in violent and thieving activities in the past, thus derived its name.** A legend recounts their migration from Saran (now in Bihar and the erstwhile Basti district). Their total population in Uttar Pradesh, according to the 1981 census is 21,001. Awadhi or Bhojpuri is the language spoken. They are non-vegetarian, and their staple cereal diet includes rice, maize and wheat.

The Barwar have two divisions, namely Sawang and Gulam. The Sawang consider themselves pure Barwar and superior to the Gulam and so claim service from the latter. Group endogamy is maintained. Marriage within either parent's lineages (silsila) upto three generations is prohibited. The women have an important role in the household, and in the economic, religious and ritual spheres. They cremate the dead and immerse the mortal remains in a stream. Death pollution is observed and mortuary rites are performed on the eleventh, twelfth and thirteenth days.

**In the past, the Barwar are reported to have been petty criminals**, but now agriculture is their primary occupation. Labour in agricultural operations and government service are their subsidiary occupations. They are a landowning community. An elected traditional council (biradari panchayat) at the village level, headed by a chaudhary (sarpanch), and a modern caste association, the Barwar Navyuvak Parishad, at the regional level, headed by a sabhapati, take care of their interpersonal and intercommunity affairs, adjudicate social disputes, accept cooked food from the Brahman, Thakur, Lala (kayastha) and Bania who engage them as agricultural labour and servants. Patron client relationships with the Nai and Dhobi are still maintained. Their attitude towards formal education is positive and according to the 1981 census, their literacy rate is 19.58 per cent. They avail themselves of the facilities extended in the fields of modern medicare, family welfare, drinking water, electricity, self-employment and animal husbandry. They utilize the other development programmes as well.

Crooke, W., *The Tribes and Castes of the North Western India* (Calcutta: Government Printing Press, 1896; rpt. 1986; rpt. 1974, Delhi: Cosmo Publications), Vol. I pp. 206-19.

### **Bavri/Baori**

A nomadic group of Gujarat and Rajasthan, the Bavri/Baori derive their name from the words bao or bav, which denote the steps or staircase inside a well. They are also known as Babri or Baori, etc. They trace their migration from Marwar and claim Rajput descent. **They were described to have been associated with criminal activities.** In Rajasthan, the Baori are notified as a scheduled caste.

In Gujarat, the Bavri live in Ahmedabad, Panchmahals, Jamnagar, Amreli and Banaskanta districts. They speak Gujarati and use the Gujarati script. They are non-vegetarian and their staple cereals comprise wheat, rice and maize. The majority of them drink country made liquor. This endogamous community has three occupational divisions, the Kapadia, who sell old and used garments, the Magnia, who subsist on begging, and the Chatnia, who beg or eat the left over or discarded food. According to their perception, the last group is socially inferior to the other two. However, these groups do not practise endogamy any longer. Some of their clans are Chauhan, Dave, Parmar, Solanki, Bardihar, Suryabanshi, Rawat, Raghu, Bashi and Chandrabansi. Though monogamy is the marriage rule, polygamy has also been reported. Negotiation is the mode of acquiring spouses and girls are generally married after they attain puberty. They follow the patrilocal rule of residence. Women get a smaller share of the parental property than the

#### TECHNICAL ADVISORY GROUP

men. Sindoor, bangles and ear-rings are the marriage symbols. Bride price is paid in kind and cash. Divorce and remarriage (nathra) are permitted with the approval of the caste elders. Nuclear families predominate over the joint ones.

The Bavri do not observe specific birth pollution but the mother is not allowed to do household work for 20-30 days. The childhood ceremony of Kanguru is generally held when a child is five or six years old, and from then on the child starts wearing the sacred basil (tulsi mala). The tonsure (mundan) and janeu ceremonies are observed only for a male child, but the latter is not strictly followed. On the marriage day, the Bavri worship the potter's wheel in the house of a Kumbhar (potter). The ceremonies of havan, hasthamilap, kanyadan, phera, etc. are held at the bride's place, while the consummation of pollution for thirteen days. They offer morsel food (pinda) and a feast to community members.

Reported to have been involved in thieving, dacoity, etc. in the past, nowadays they are engaged in selling betel, beedis, old garments, conch-shells, metal rings, vegetables, etc. Some work as daily wage labourers. They are a landless people who occasionally seek alms. Their clan deities are Amba, Choti Amba, Kali, Kheranmata, Narsingh Dev and Surya Dev. They visit the fairs of performs their life cycle rituals. They sing folk songs during their life cycle rituals. Their traditional intercommunity linkages are weak on account of their criminal records, a very low standard of living, unhygienic habits, etc. The Bavri accept water and food from them. The Nai and Brahman perform their life cycle rituals and get remuneration in cash. The literacy rate among them is very low. They partially favour education for boys. They are aware of the merits of modern medical and health care, and family welfare programmes have also been accepted. However, other welfare measures have not yet had any considerable impact on them.

The Baori (SC) of Rajasthan, locally known as Sendmar, largely inhabits the districts of Pali, Nagaur, Jodhpur, Ajmer, Chittorgarh, Sawai Madhopur and Sikar. Their population in Rajasthan, according to the 1981 census, is 180,054. They speak Marwari, an Indo-Aryan language, among themselves, as well as with others. They are non-vegetarian, who eat pork, while wheat and maize comprise their staple cereal diet. The Baori have many equally placed clans like Solanki, Chhawda, Dhabhi and Chauran. The Baori women take care of the children, do household work and are also engaged in agricultural operations. Regarding their funeral practices, the dead are cremated and death pollution is observed for twelve days.

**Earlier, the Baori led a nomadic life and were reportedly engaged in hunting and involved with petty crimes.** Now agriculture is their primary

occupation, in addition to which they are also engaged as porters. There are a few teachers and police personnel among them. Their traditional community council (jati panch), headed by a mukhia, manages their social affairs. The Baori exchange food and water with the Kalbelia, Sargaras, Mali, Meghbansi, etc. While their attitude towards formal education is positive, children discontinue their studies due to improper schooling facilities in their areas. Their literacy rate is 5.48 per cent (1981 census). They use modern medicare. Family planning measures are being adopted mostly by women.

Bakshi A.R., *The Report of the Socially and Educationally Backward Class Communities* (Ahmedabad: Government of Gujarat, 1976), Vol. I, p. 62.

Mathur U.B., 'Ethnographic Atlas of Rajasthan', *Census of India*, 1961, part 9 (Delhi: Manager of Publications, 1969), Vol. 14.

### **Bedia (SC)**

In Orissa, the Bedia are called Bedia Kudmi, Chota Kudmi or San Kudmi. They migrated from the Hazaribagh, Ranchi and Manbhum area along with the Kudmi Mahoto and settled in the Mayurbhanj and Cuttack districts. According to the 1981 census, the population of the Bedia, including the Bejia in Orissa, is 631. Their mother tongue is the Indo-Aryan language Kudmali. They are conversant with Oriya and Bengali as well. Some of their clans are Chirra, Kachima, Mehna, Rhecha, Byan and Katihar. They are agriculturists and sell certain forest produce as well. Some of them work as cattle headers (mulia) or cow-headers (bagal) in the houses of well-to-do peasants. Their community council, the Bedia Kudmi Baisi, a three-tier organization effectively enforces social norms. They maintain jajmani relations with the Bishnava who are also their religious preceptors. Their literacy rate is 22.03 per cent (1981 census).

Russell, R.V. and Hiralal, *The Tribes and Castes of the Central Provinces of India* (London: Macmillan and Company, 1916; rpt, 1975, Delhi: Cosmo Publications), Vol. II.

### **Bedia (ST)**

A community of Bihar, they believe that they originally lived on Mohdipahar (a hill in Hazaribagh district) and descended from the union of a Vedbansi prince and a Munda girl. The other view is that a section of the Kurmi was outcaste, and came to be known as Bedia or Wandering Kurmi. Some of them rejoined the Kurmi fold by hosting feasts, but the poor, who could not pay their way back into

the fold, emerged as a separate community in course of time. They live in the Hazaribagh and Ranchi districts of the Chotanagpur plateau. According to Risley (1891), the Bedia, Bedea or Bajea were a small agricultural tribe of Chotanagpur, who were supposedly maternal cousins (masir bhai) of the Kurmi. He also says that the twelfth sect of the Santhal is called Bedia. Their population according to the 1981 Census, is 60,446. They speak Panchpargania, one of the dialects of the Indo-Aryan language, Hindi. They are non-vegetarian and their cereal diet consists of rice, maize, mandua, gondli, and wheat. The Bedia have totemic clans; some of these are Phecha, Kachhua, Chidra, Mahua, Bambi and Suiya.

The primary occupation of the Bedia is agriculture. They also sell firewood, collect lac and other forest produce and work as casual labourers and rickshaw pullers. Occasionally they go hunting. The Bedia profess their traditional religion. They celebrate festivals like Phagun, Sarhul, Karma, Jitia and Sohrai, Commensal relations are maintained with the Munda, Oraon, Baraik and Bhogta communities. Their literacy level is low due to poverty and the distant location of schools. According to the 1981 census, literacy among them is only 10.9 per cent. Their attitude towards family planning programmes is not favourable.

The Bedia (ST) who have settled in West Bengal are also known as Bedia Kudmi, Choto Kudmi or San Kudmi. They are concentrated in Purulia, Jhalda, Manikpara, Khargram and in certain other areas of the state. Their population, according to the 1981 census, is 29,396. In their social and economic life, they demonstrate a similarity with the Bedia of Bihar. Nearly 15.65 per cent of them have been returned as literate (1981 census).

Risley H.H., *The Tribes and Castes of Bengal* (Calcutta: Bengal Secretariat Press, 1891); rpt. 1981, Calcutta: Firma Mukhopadhyay), Vol.I.

### **Bedia/Beria (SC)**

In Madhya Pradesh, the Bedia who are also known as Berani or Berai, identify themselves with the Kshatriya Rajput. **Risley (1891) considers Bediya to be the generic name of a number of vagrant, gypsy-like groups.** Their full description has been given by Babu Rajendra Lal Mitra who considers that they resemble the gypsies of Europe (Russell and Hiralal 1916). According to old literature, the Bedia and the Sansia are the descendants of two brothers. The 1909 census identifies them with the Nat. Their present concentration in Madhya Pradesh is in the districts of Sagar, Damoh, Panna, Guna and Morena, where their population according to the 1981 census, is 13,301. They converse in Hindi among themselves, as well as with other communities. They are non-vegetarian,

but abstain from eating pork and beef. Wheat, rice and jowar are their staple cereals.

The Bedia have various clans, which regulate their marriage alliance. Bhedia is the surname used, but of late they have adopted surnames like Chadi, Gandharva and Kalkhot. They practise community endogamy and clan exogamy. **Their women earn and substantially contribute to the family income.** While earlier burial was the custom, they now cremate their dead. Death pollution lasts for thirteen days.

**Traditionally, a large section of the Bedia were earlier reported to be earning a livelihood from prostitution and dancing,** however, now this has largely been discontinued. Now, most of them have been given about five acres of cultivable land each, and are engaged in agriculture. There are only a few of them who are engaged in service, shop keeping and other occupations. The Bedia worship deities like Thakur, Shiva, Parvati, Hanuman, Chamunda, Kali and Sitala and Khermata (a local deity). The Berni (Bedia women) do not entertain people from communities considered lower than their own. Their clients are usually from communities, like the Thakur, Lodha, Kurmi, Yadav and Teli. They have a close social relationship with the landlords of the area. Although education is encouraged by them, their literacy rate, according to the 1981 census, is only 16.69 per cent. They use modern medical facilities to a moderate degree.

The Bedia (SC) of Uttar Pradesh are also referred to as Beria, Bedda or Paturia. Beria is a corrupt form of the word behars, meaning jungle. **Crooke (1896) mentions the Beriya or Bediya as a caste of vagrants found in various parts of the province. They are very closely allied, if not identical, to the Sansi, Kanjar, Habura, Bhantu,** etc. The Bedia inhabit the districts of Bahraich, Faizabad, Gonda, Basti, Kanpur, Barabanki and Agra. They speak Awadhi and use the Devanagari script. Their total population in Uttar Pradesh, returned as Beriya, according to the 1981 census, is 19,504. They have three subgroups into gotts such as Chaddi and Kalkhur. The Bedia bury their dead and observe death pollution for ten days.

A holding community, individual proprietorship in land is common. **Certain families still earn a livelihood from their age-old traditional occupation of dancing and singing. Agriculture and agricultural labour are, however, only secondary occupations. Girls perform dances (mujra) on a contract basis.** They worship Narsing Deo, their family deity, and Ganwat, their village deity. They believe in the Dargah Sharif at Bahraich and are also followers of Sudama Maharaj of Ayodhya. Body tattooing (godna) is a traditional art practiced by them.

#### TECHNICAL ADVISORY GROUP

They accept water and kachcha and pucca food from the Brahman, Lala, Kurmi, Thakur and Bania but not from the Bhangi, Chamar and Dhanuk. Their literacy rate, according to the 1981 census, is as high as 23.52 per cent.

Crooke, W., *The Tribes and Castes of the North Western India* (Calcutta: Government Printing Press, 1986; rpt, 1974, Delhi: Cosmo Publications), Vol. I, pp. 242-9.

Risley H.H., *The Tribes and Castes of Bengal* (Calcutta: Bengal Secretariat Press; rpt; 1981, Calcutta: Firma Mukhopadhyay), Vol. pp. 83-5.

Russell and Hiralal, *The Tribes and Castes of the Central Provinces of India* (London : Macmillan and Company, 1916; rpt. 1975, Delhi : Cosmo Publications), Vol. II, pp. 220-4.

#### **Bhantu**

Popularly known as Bhatu, earlier the Bhantu were also known as Sahaisi or Sahasi, meaning brave. They trace their origin as a community to the time of Rana Pratap, in whose army they were enrolled. They live in Uttar Pradesh and in the Andaman and Nicobar Islands.

The Bhantu (SC) of Uttar Pradesh are distributed in the districts of Moradabad, Kanpur and Lakhimpur. Their total population in Uttar Pradesh according to the 1981 census, is 6663. The Hindi language and the Devanagari script are used. They are below medium stature, with a long head and a narrow nose (Mahalanobis et al. 1949). The AIAS (1st phase) data suggests that the Bhantu of Uttar Pradesh are medium to tall in stature, with an average height of 165 cm. They are predominantly long headed people, with a narrow to medium nose and face varying from long to broad. The incidence of gene B is higher (28 per cent) than that of gene A (18.2 per cent) among them. They are non-vegetarian but do not eat beef. However, pork is consumed as an occasional delicacy.

The Bhantu have gotras like Dhokia, Cherele, Banswale, Dhapoke, Sadheke, Mina and Marwadi. Singh was the only surname used in the past, but nowadays most of them do not use any surname. They claim to be Rajput, others, however, place them just above the Chamar in the local hierarchy. Marriages can be settled within the same village but never within the same gotra. The Bhantu women seldom go out to earn.

The Bhantu are basically landless; a few of them, however, are marginal or small landowners. **Though burglary, dacoity, robbery, theft, etc. are admitted to have been their traditional pursuits and source of income in the past these activities have almost ceased due to the measures jointly taken by the**

erstwhile Samaj and Harijan Sevak Sangh. With their rehabilitation in settlements in different parts of India just after Independence, they were left with no other choice but to take up various types of service in government and private agencies to earn their livelihood. They worship Shankar Bhagwan as their family deity and Sherawali Mata and Hanuman as their village deities. Cordial relations and co-operation are maintained at various socio-economic levels with most of the neighbouring communities ranging from the Chamar, Bhangi, Muslim communities to the Brahman. Except the Brahman, all other communities accept food and water from the Bhandu. The Bhandu generally do not accept food and water from the Chamar, Bhangi and the Muslim. They have made very good progress in the field of education and their literacy rate is 48.78 per cent (1981 census). They favour modern medicare and use it. Family planning methods are adopted after two or three children.

The Bhandu are a migrant community in the Andaman and Nicobar Islands. Between 1926 and 1928, the British brought nearly three hundred individuals as convicts from Uttar Pradesh. The majority of the Bhandu are now settled in the Caddlegunj and Aniket villages of South Andaman. Their population, according to the 1931 census, was 285. They speak Bhandu at home, but are also conversant with Hindi. According to the the AIAS (2nd phase) data the Bhandu of the Andamans are characterized by a medium stature, with an average height of 165 cm. They have narrow to round head, a medium nose and broad to medium face. They are non-vegetarian. Some of them consume home-made alcoholic drinks.

The Bhandu have three subgroups, Chhatri, Bengara and Saisi, and a number of clans. Some of these clans are Banaswale, Dhapo, Dholia, Chandarwale and Jishani. They practise community endogamy and acquire spouses through negotiation or by courtship. Monogamy is the customary from the marriage. The custom of paying bride-price is prevalent. Divorce and remarriage are permitted. Inheritance is through the male line. Pregnant women observe certain restrictions on their movement and diet. The Bhandu observe a purificatory ceremony on the sixth day after childbirth and later the first rice feeding and tonsure ceremonies. Among the Christian Bhandu marriage is performed according to Church rules. The Hindu Bhandu cremate the dead, while the Christian bury them. On the tenth day after a death, the Hindu Bhandu observes certain purificatory rites.

The Bhandu are primarily agriculturists but some of them are engaged in service and business as well. In agriculture, they have started using tractors, chemical fertilizers, insecticides and high-yielding varieties of seeds. While the majority of the Bhandu are Hindu, some of them have embraced Christianity. The Hindu

#### TECHNICAL ADVISORY GROUP

observes all Hindu festivals and the Christian, the main Christian festival like Good Friday and Christmas. Earlier, they did not worship deities but they do so now, and nowadays a Brahman priest is required to perform the rites on every religious occasion. They rarely perform ancestor worship. They also attend the social and religious functions of other communities like the Mophala, Bangali and Madrasi and invite members of other communities to their own social and religious functions. They employ persons from other communities to assist in agricultural operations. They cultivate others' land on a lease basis. Facilities of education, health, sanitation, drinking water and electricity are utilized by them.

Agrawal H.N., *A Genetic Survey among the Bhantus of Andamans*, Bulletin of the Anthropological Survey of India, Government of India, 12 (3-4), 1963, pp. 143-7.

Bonnington, M.C.C., *The Tribes and Castes of the North-Western India* (Calcutta : Government Printing Press, 1896; rpt. 1974 Delhi : Cosmo Publications), Vol. I.

Mahalanobis, P.C., D.N. Mujumdar and C.R. Rao, *Anthropometric Survey of the United Provinces : A Statistical Survey*, *Sankhya* 9, 1949, pp. 89-324.

Mujumdar D.N., 1941-42, Cf. A.E. Mourant, A.C. Kopec and Domanieswka-Sobczak, *The Distribution of Human Blood Groups and other Polymorphisms* (Oxford : Oxford University Press, 1976).

#### **Dosadh, Dusad / Dusadh (SC)**

Also called Dosadh, they are reported from West Bengal, Uttar Pradesh and Bihar. Risley (1891) describes the Dosadh as a cultivating caste of Bihar and Chotangpur, the members of which are largely employed as village watchmen and messengers. They have two subgroups, namely Patwar Dusadm whose mother tongue is Hindi, and Gope Dusad, who live mainly in the Purulia district of West Bengal and whose mother tongue is the Indo-Aryan language Sadri.

In West Bengal, the Dusadh (SC) are notified along with the Dosadh, Dhari and Dharhi and their total population in West Bengal, according to the 1981 census (separate population figures are not available) is 39,248. They are medium-statured, and have a long head and a medium nose (Majumdar and Rao 1960). They are non-vegetarian, and rice is their staple cereal. The two subgroups among Durad and Hazra. The Dusad of Purulia have totemic clans like Kachua or Kachchima, Sanksha, Nag, Sal and Mosh.

**The Dusadh are economically backward. Sometimes they earn their livelihood by searching for insects in the cattle of peasants. The Dysadh are mostly landless; only a few have small holdings. Their primary vocation is**

**seeking alms while singing Kapila Mangal and Sitala Magal songs. In some families, both men and women work as wage labourers. The local peasants hesitate to employ them in agricultural work because they do not have the skill to do such work.** The Dusadh observe the festivals of Tusu, Jita and Dharam Puja. They worship Garaya, Baghat, Garam Gossain, Kudra, Barpahar, Manasa, Satbahni, Shiva, Durga, Lakshmi, Sitala and other deities. The Baishnav are their kan phuka guru and jajmani relations are maintained with them. They maintain traditional diseases. They have strong faith in the efficacy of traditional medicare. Their attitude towards family planning is positive. They have made moderate progress in the field of education and their literacy rate, according to the 1981 census, is 23.67 per cent.

In Uttar Pradesh, the Dusadh (SC) claim descent from Dushasan. Another account refers to their descent from Bhimsen. They are distributed in the districts of Varanasi, Mirzapur, Ghazipur, Ballia, Gorakhpur and Azamgarh. Their population, according to the 1981 census, is 414,177. The Indo-Aryan language Bhojpuri is their mother tongue. They are below medium, in stature and have long heads (dolichocephalic) and moderately broad noses. They are non-vegetarian, and rice comprises their staple cereal diet. They have seven subgroups, namely Bharsiya, Dharhi, Gondar, Kanaujiya, Madhesiya, Magahiya and Rajar. Most of the Dusadh work as wage labourers. It is said that the army of Lord Clive which fought at Plassey consisted of the Dusadh. Some of them live by wood-cutting, collecting jungle produce and selling cow dung cakes. The Dusadh profess Hinduism though they have retained their indigenous beliefs to a large extent. Their deities are Rahu, Ketu, Chhath, Bandi and Manukh Deva. They maintain jajmani relation with the Nai, Dhobi and Lohar. The Nai and Dhobi serve them during childbirth, marriage and death, while the Lohar repair their agricultural tools. They accept both Kachcha and pucca food from the Brahman, Vaish, Kshatriya and Ahir. They send their children to school and their literacy rate, according to the 1981 census, is 13.83 per cent.

In Bihar, the Dusadh (SC) are largely agricultural labourers. They were palanquin-(palki) bearers in the past. According to the 1981 census, their population, including Dhari and Dharhi, in Bihar, is 2,655,832. They speak Bhojpuri, an Indo-Aryan language. Like the Dom of Bihar, they exhibit a tendency towards a broader head shape and broad nose, and are generally below medium in height (Risley 1891). The AIAS (1st phase) data on the Dusadh of Bihar indicates that they are of short to below medium stature, with an average height of 161 cm. They are long- to round-headed people, with a medium to broad nose and face.

#### TECHNICAL ADVISORY GROUP

The frequency of gene B is higher (28.4 per cent) than of gene A (18 per cent), and in dermatoglyphic patterns, loops show a higher occurrence (55.8 per cent) than whorls (41.2 per cent) (Das Sharma 1987). They eat non-vegetarian food including pork. Their staple food consists of wheat, bahra, maize and rice. Risley (1891) mentions nine subdivisions among them, namely Kanauhia, Magahiya, Bhojpuria, Paliwar, Kamar or Kanwal, Kuri or Kuria, Dehri or Dhor, Silhotia or Sivotia and Bahalia. However, only four, namely Kanaujia, Magahiya, Paliwar and Kuri could be traced. Each of the Dusadh subgroups is divided into different lineages.

The Dusadh are agricultural labourers and a few of them own cultivable land. They also work as wage labourers in forests and industries. Their family deities include Jagdamba, Rahu and a few others. The Dusadh accept water from the Brachman, Rajput, Yadav, Bania, Hajam, etc., but not from the Chamar, Dom, Dhobi and Muslim communities. Most of the elderly members of the community are not literate. Nowadays, formal education for boys is being encouraged. Their literacy rate, according to the 1981 census, is 1.43 per cent.

They are also returned as Dosadha (SC) in Orissa and their population, according to the 1981 census, is 455.

Crooke, W., *The Tribes and Castes of the North-Western India* (Calcutta : Government Printing Press, 1896; rpt. 1974, Delhi : Cosmo Publication), vol. I.

Das Sharma, P., *Physical Anthropological Study on the Dusadha of Darbhanga*

(Dharbhanga)', cf. P. Dash Sharma, 'Studies on Finger Dermatoglyphics Among the Tribes and Castes of Bihar', *Journal of Social Research*, 21 (2), 1978, pp. 48-68 (unpublished).

Majumdar, D.N. and C.R. Rao, *Race Elements in Bengal*, Indian Statistical Series No. 3 (Calcutta : 1960).

Risley, H.H., *The Tribes and Castes of Bengal* (Calcutta : Bengal Secretariat Press, 1891; rpt. 1981, Calcutta : Firma Mukhopadhyay), vol. I.

#### **Gandhila**

A Community of Uttar Pradesh, the Gandhila derive their name from the Sanskrit word *gandha* used to describe foul smell. They are distributed in the districts of Meerut, Muzaffarnagar and Saharanpur. Their original home is claimed to be in Punjab. They wander about bareheaded and barefooted, beg, work with grass and straw, catch quails. Clean and sharpen knives and swords, cut wood, and do odd

jobs. They also keep donkeys (hence their other name. Gadahala) and are engaged in trade in a small way (Ibbetson1916). Nati is their mother tongue. All of them are conversant with the Hindi language and Devanagari is the script used. They are non-vegetarian and consume the meat of vulture, deer, rabbit, titar, kakar, tortoise, buffalo, pig, etc. Wheat and maize are their staple cereals. They consume alcoholic drinks occasionally.

The Gandhila practise exogamy at the village level. Junior sororate and junior levirate are permitted. Monogamy is the norm, but both sororal and non-sororal polygny are allowed. Vermilion is the symbol of married women. Women take part in all agricultural activities except ploughing; they also participate in animal husbandry and in the collecting of firewood. Divorce is prohibited, but widow and widower remarriage is permitted. Male children inherit parental property in equal shares, while the eldest son succeeds as the head of the family. The tonsure (mundan) ceremony is observed in the case of male children. The dead are buried and pollution is observed for eleven to thirteen days.

The Gandhila subsist largely on sharecropping (chowtha) in which they get one-fourth share of the produce. When they were nomads, they used to graze mules and horses and seek alms. Children too work with their parents. Their traditional community panchayat exercises social control and imposes boycott as punishment. They generally worship Kalka Devi, Mora, Vaishnodevi and Gurgaomwali Mata. They also have faith in the pir of Gurgaon. The Brahman serve them as sacred specialists only for marriage. Holi, Diwali and Teej are the main festivals celebrated by them. The receiving and rendering of services and commensal relations are maintained by them with other village communities. Modern medicare, family planning and other basic facilities are being utilized by them.

The Gandhila (SC) in Haryana are also known as Gandil or Gandol. They claim descent from a Rajput, Sabal Singh, who was killed in a war in Delhi. The Gandhila are distributed mainly in the Ambala and Kurukshetra districts. According to the 1981 census, their total population in the state is 331. They speak Haryanvi within the family and kin group and Hindi with others. All the community members belong to one got, namely Chamani. Gandhila or Kashatri are used as surnames. Their women are mostly engaged in household activities but sometimes help the men folk in their traditional economic pursuits. They are traditionally involved in making brooms (jharu or jooru). Some of them are also engaged in wage labour. The Gandhila do not accept from or exchange water and food with the Chura, Chamar and Muslim. They share water sources. Cremation

grounds and religious shrines with other communities equal to them in social hierarchy. Their literacy rate, according to the 1981 census, is 13.29 per cent. They use both indigenous and modern medicare and are well-inclined towards adopting modern family planning methods.

In Punjab, the Gandhila (SC) claim that they are Chauhan Rajput. To support that contention, they recount that the Mughal emperor Babar defeated their army under the leadership of Sambal Singh and Ajit Mal and they were consequently driven into jungles where they came into contact with the Bangala. The Bangala, who were also army deserters, kept horses and hunted animals. The Bangala advised them to rear donkeys. After some time the Mughal forces located them no doubt, but were misled for the Chauhan told them that they were Gadhewala (those who keep donkeys) and not Rajput. From then onwards they came to be known as Gandhela or Gandhila. Their population returned as Gandhila, Gandil and Gondola, according to the 1981 census, is 1869. as Gandhila, Gandil and Gondola, according to the 1981 census, is 1869. **Ibbetson (1916) mentions that 'the Gandhilas are a low vagrant tribe', who are said by Elliot to be a 'few degrees more respectable than the Bawaria' (Ibbetson 1916).** They speak the Indo-Iranian language Pasto among themselves, but with others they speak Punjabi. They are non-vegetarian and the staple cereal is wheat. They have different gotras, such as Billa, Sadhiana, Kale, Kakorea and Dangroo. Marriage within the same gotra is taboo, but when they fail to find a spouse from outside their gotra is marriage arranged within the same gotra. They intermarry with the Dhea, Bangala and Sahemar communities.

Earlier, the Gandhila used to beg but later they started making reed and paper toys for children. They are also engaged in trading donkeys. The Gandhila worship a number of Hindu deities. On Diwali eve, they worship their ancestors. They exchange water and food with the communities living in nearby huts (taprowas), visit the same places of worship and participate in the traditional festivals and festivities with them. Formal education is not encouraged and their literacy rate, according to the 1981 census, is 6.21 per cent. They prefer traditional medicare. Their attitude towards family planning is positive but they prefer three children.

According to the 1981 census, the Gandhila (SC) are also returned in small numbers from Chandigarh (22 persons) and Himachal Pradesh (6 persons).

Crooke, W., *The Tribes and Castes of the North-Western India* (Calcutta : Government Printing Press, 1896; rpt. 1974, Delhi : Cosmo Publication), vol. II.

Ibbetson, D., *Panjab Castes : Races Castes and Tribes of the People of Panjab* (Lahore : Government Press, 1916; rpt. 1981, New Delhi : Cosmo Publications), p. 290.

### Habura (SC)

Also described as Sansaiya, the Habura are distributed in the tract between Central Ganges and Jamuna Doab in Uttar Pradesh. Regarding the etymology of the word Habura, W. Crooke (1974) writes : 'It possibly means a "bugaboo" (hawwa, which is probably through the Prakrit, the representative of the Sanskrit bhuta, "an evil spirit"), expressive of the fear in which they are held by their neighbours.' According to the 1981 census their population is 3529. They claim Rajput origin and recount their rebellion against the proselytization policy of a Muslim ruler. They were defeated, took refuge in jungles and lived off criminal activities. They speak the Indo-Aryan language Hindi. The Habura are long and narrow-headed (dolichocephalic) people and, in general are of medium height. They tend to show a long facial profile and a narrow forehead with a moderate chin and have a long and broad nasal profile of the mesorrhine type (Mahalanobis et al., 1949). They are non-vegetarian but beef is taboo for them. Their staple diet consists of wheat and rice.

The Habura have four clans, namely Dabhi, Solanki, Parmar and Makol. While some of them reportedly continue with their criminal vocations, others have taken up agriculture, rickshaw-pulling, and agricultural and non-agricultural labour. They often cultivate other peoples' lands on share-cropping (batai) or contract (dilahi) basis. The Habura are Hindu by faith. According to our informants, they worshipped their clan deity Kala Dev before they committed a burglary; but nowadays the traditional profession has been discontinued. The Habura have linkages with the Sirkiband community who officiate at their panchayats and with whom they also have commensal relationships and putative kinship ties. They traditionally accept food and water from all their neighbouring communities except the Chamar, Bhangi, Dhobi and Kalar. From these people they accept sidha, while these four communities accept food and drink from the Habura. They favour formal education for both boys and girls. According to the 1981 census, their literacy rate, is 16.07 per cent. They use the modern system of medicine along with their traditional one, but their attitude towards family planning is not favourable.

Crooke, W., *The Tribes and Castes of the North-western India* ( Calcutta : Government Printing Press, 1896; rpt. 1974, Delhi : Cosmo Publications), vol II, p.473.

Mahalanobis, P.C., D.N. Majumdar and C.R. Rao, 'Anthropometric Survey of the United Provinces, 1941 : A Statistical Study', *Sankhya*, 9, 1949. vols 2 & 3, pp.89-324.

### **Kanjar**

They are a community who associate themselves with the Shishodiya dynasty of the Rajput to which Maharana Pratap belonged. They are believed to have migrated from Rajasthan to various parts of the country to escape proselytization by Mughal conquerors. **They were rendered homeless and took refuge in jungles, and consequently resorted to hunting and looting to eke out a living. According to Crooke (1896), the name of the community has been derived from Sanskrit kanana-chara, meaning a wanderer in jungles. He further states that the Kanjar is a branch of a nomadic race which includes many groups. Ibbetson (1916) describes the Kanjar of Delhi as vagrants who wander about the country catching and eating jackals, lizards and such other creatures, making rope and other articles of grass for sale.** According to Rose (1919) the Kanjar are vagrants with their headquarters in Delhi. According to Kitt's as quoted by Russell and Hiralal (1916) in the Berar Census Report, 1881, **'The Deccani and Marwari Kanjars were originally Bhat (bards) of the Jat tribe... they are a vagrant people, living in tents and addicted to crime'**. On the other hand, Russell and Hiralal, after analysing the different views regarding their origin, believe that the Kanjar 'may have their origin from the great Dom caste of menials and scavengers in Hindustan and Bengal.' The Kanjar are also known as Sansi, Chhara, Bhantu, Bijawat, or Nat Kanjarbhat in different states such as Uttar Pradesh, Gujarat, Rajasthan, Madhya Pradesh, Bihar, Jammu and Kashmir, Punjab and Maharashtra. In the past the Kanjar were notorious for their criminal activities.

In Maharashtra, the Kanjar are now settled in the villages of Pune, Satara, Kolhapur, Sangli, Thane, Bombay and Nasik districts. They are non-vegetarian and take jowar, bajra and rice as their staple cereals. They speak a dialect of Rajasthani and are conversant with Marathi as well. They use the Devanagri script. Enthoven (1922) mentions two divisions, namely Jat Log and Kuchabandhanare among the Kanjar. They have some clans. Negotiation is a common mode of acquiring spouses. Monogamy is the usual form of marriage, though polygamy is also in practice. A Brahman priest officiates at their marriages. The rule of residence after marriage is patrilocal. Divorce and remarriage are allowed with the approval of the caste council. After marriage, the newly-wed couple establish a

separate residence but continue to be members of man's natal lineage. Parental property is shared among the sons only. A pre-delivery ritual, otibharan, is performed in the seventh month of pregnancy. Childbirth takes place at home with the assistance of a midwife (dai) from the same community. Pachi and chhati are performed on the fifth and sixth day after a birth, followed by the naming ceremony (barsa.) Their marriage rituals include haldi, recitation of manglashtaka, saptapadi and kanyadan. They cremate the married dead and bury the unmarried ones. The dead person is carried for cremation on the same cot on which he or she used to sleep. Mortuary rites are performed on the third and thirteenth day of death.

The Kanjar prepare alcoholic drinks from jaggery, mahua flowers and decomposed grapes and they sell the same. They also work in nearby textile mills, while some are engaged in service. They have a caste council which enjoys some social and religious importance. Besides this, they are also members of the Akhil Maharashtra Kanjarbhat Samaj Sanghatna, established in 1983. They profess Hinduism, and worship Kalikamat (Mahakali) as their supreme deity. Some of them have embraced Islam. They are proficient in singing and dancing. They come in contact with other communities only through selling alcoholic drinks. They traditionally accept food from the Maratha, Dhangar and Musalman. A few Kanjar are educated up to the matriculation level. Developmental schemes are scarcely utilized by them.

In Karnataka, the Kanjar are also known as Kanjirbhat, Kanjari or Kanjar, but others refer to them as Lolyar. They live in the Dharwad, Bijapur, Belgaum and Uttar Kannad districts. The social organization of the community is characterized by a moiety system, and the two exogamous divisions among them are Bagade and Nala. The Bagade has clans, such as Mina, Indra, Machhare, Karala, Ghasi, Ghamandi, Bhudariya, Poleeci, Tamaichekar, Ravalkar, Governor and Novalkar, while the Nala constitutes clans, such as Battu, Netia, Gagade, Gari, Gumana, Abhuva, Roula, Malakiya, Kamala, Tidda, Dugari and Abhange. They practise endogamy at the community level and exogamy at the moiety level. Both senior and junior levirate are permissible. The marriage symbols for women are vermilion, a marriage pendant (thali), anklets and toe-rings. Though cross-cousin marriages were not permitted in the past, a few such cases have been reported. They prefer to live in vertically extended families. Male equigeniture is the rule of inheritance and the eldest son succeeds to the father's authority. Birth rituals, such as oti bhananeka is observed by them and birth pollution lasts for one month. They observe a naming ceremony (oti bhaneka), tonsure (javala) after birth and in

#### TECHNICAL ADVISORY GROUP

childhood respectively. Puberty rites (naniya ayi) are performed for girls. Their marriage rituals include the smearing of turmeric paste, ceremonial bath and ghat bitavaneka. The dead are cremated and obsequies are performed on the eighth or tenth day.

Making of daggers, manufacturing liquor and seeking alms were the traditional occupations of the Kanjar. At present, wage-labour is the main source of their income. Some are employed in government service too. A caste council, consisting of elected elders as members, with a headman called hingoo, arbitrates cases pertaining to social disputes. The headman performs all their life-cycle rituals. The community traditionally accepts cooked food and water from the Brahman, Lingayat, Pattegar and Jain. They exchange water and cooked food with the Harinshikari, Korava and Ghantichore. They have separate cremation grounds. Their boys study up to the secondary level but families. Their attitude towards modern medicines and the family planning programme is favourable.

The Kanjar (SC) of Uttar Pradesh, also known as Gehar Kanjar, trace their descent to the legendary hero Mana. Some of them claim their descent from Kush. They speak a local dialect of Hindi. According to the 1981 census, their population in the state is 50,752. They are on an average, of below medium height and show a tendency to a round-head shape, but, in general, are of a long-headed dolichocephalic type. The nasal profile among them is more often of a broader variety. Crooked identifies some sub castes, such as Jallad (executioner), Kunchband (brush-maker), Pattharkat (stone-cutter) and Ranchband (makers of weaver's comb) among the Kanjar of the North-West Frontier region. Some of the clans identified include Mariya, Rara, Utwar, Soda, Bhiains, Bhuntia Rakhan, Sankat, Soda in Agra; but in Etawah, Soda and Maria are replaced by Vaid and Mewati. The women, besides performing their domestic chores, take part in economic activities and agriculture. The Kanjar are agriculturists. Some are engaged in cultivation on a sharecropping (batai) and contract (theka) basis, whereas others are self-employed or are engaged in white-collar professions. These are in addition to their traditional occupation of extracting wild scented grass (khas) and preparing reed-mats (sirkipal). Boys work as rickshaw-pullers and shoe-shiners. They are Hindu by faith. Traditional economic linkages existed with the Dom and Dafali, to whom they supplied hides for drums. The Kanjar traditionally accept both kachcha and pucca food from all communities except the Chamar, Dom, Dhanuk and Dhobi. Formal education is partly favoured by them for boys and their literacy rate, according to the 1981 census, is only 6.48 per cent.

In Rajasthan, the **Kanjar (SC) or Kunjar** were a nomadic criminal tribe prior to Independence. They are distributed in the Bhilwara, Chittorgarh, Bundi, Tonk and other districts. Their population in Rajasthan, according to the 1981 census, is 21,001. They speak a dialect of the Indo-Aryan language, Mewari, among themselves and Hindi with others. The Kanjar are divided into twelve clans, namely Bamnawat, Malvi, Karkhar, Chitrawat, Singawat, Karmawat, Gurdawat, Jhalawat, Singauri, Suklawat, Ramlawat and Nanawat. The status of the different class is reckoned by the number of animals sacrificed to their deity. Traditionally, the Kanjar are cultivators. During the time of the Maharajas, they were sharecroppers with feudal lords. At present, their primary occupation is agriculture and daily-wage labour. They also practise hunting of small game. Gradually they have been forced to give up burglary, for which they were branded in olden days. The Kanjar profess Hinduism. They primarily worship their clan deity and sacrifice goat and sheep to propitiate these deities. Their sacred specialist, the bhopa, is consulted for the cure of ailments. They traditionally accept water from the Rajput, Bania, Maheswari and Khairadi, but it is not reciprocated. They have close linkages with the peasant communities as they are engaged as wage labourers for them. Some of them cultivate land for others on a sharecropping basis. The census data of 1981 returns their literacy at 6.05 per cent.

In Madhya Pradesh, the term Kanjar (SC) was earlier applied to various small nomadic communities. According to Bhargava (1950), the Kanjar originated from the Bhats of the Rajput and Jat. But, the Kanjar themselves trace their ancestry to the Pandavas of the epic Mahabharata. They are concentrated in Bhopal, Rajgarh and Vidisha districts, and their total population, according to the 1981 census, is 8553. They follow community endogamy, and clan (gotra) exogamy. Some of their clans are Guden, Jhahawat, Kalkhat, Manawat, Nanawat, Chatrawat, Karmawat, Sangori and Birawat. The Kanjar women take part in family management and look after all the household work. As the income from their vocation was insufficient, they reportedly took to theft, robbery and dacoity as the means of livelihood. This was again supplemented by singing, dancing and prostitution. Nowadays, however, most of them work as wage labourers while some of them cultivate land. A few of them are engaged in petty business and in white-collar jobs. They have traditional commensal relations with the Beria, Nat, Bhanumati and Bhangi, while connubial relations are maintained with the Beria. Their literacy rate, according to the 1981 census, is 22.02 per cent. Most families have received land from the government and a good number of them have taken loans under developmental programmes for animal husbandry.

#### TECHNICAL ADVISORY GROUP

The Kanjar (SC) of Bihar are a semi-nomadic community distributed in the districts of Madhubani, Purnia and Rohtas. Their population in Bihar, according to 1981 census, is 1780. Hindi is their mother tongue and they use the Devanagari script. They are divided into a number of lineages. Community endogamy and lineage exogamy are practiced. Their women participate in economic activities and contribute to the family income. The marriage is solemnized at the bridegroom's residence. The dead are either cremated or buried. The Kanjar of Bihar are mainly engaged in trapping birds and hunting animals like monkeys, rats, hares, rabbits, jackals and catching snakes. They earn their living by selling monkeys, snake-skin, hides of the hare, etc. They profess Hinduism. Their links with other communities are mainly of an economic nature. Their attitude towards formal education of both boys and girls is unfavourable, and according to the 1981 census, only 11.29 per cent of them are returned as literate. They have been given land deeds (patta) by the government for house sites. Many of them are self-employed.

The Kanjar are also notified as a schedule caste in West Bengal, where their population is 1067 (1981 census).

Crooke, W., *The Tribes and Castes of the North-Western India* (Calcutta : Government Printing Press, 1896; rpt. 1974, Delhi : Cosmo Publications), vol. III

Enthoven, R.E., *The Tribes and Castes of Bombay* (Bombay : Government Central Press, 1922; rpt. 1975, Delhi : Cosmo Publications), vol I.

Ibbetson, D., *Panjab Castes : Races Castes and Tribes of the People of Panjab* (Lahore : Government Press, 1916; rpt. 1981, New Delhi : Cosmo Publications), p.288.

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Risley, H.H., *The Tribes and Castes of Bengal* (Calcutta : Bengal Secretariat Press, 1891 ; rpt. 1981, Calcutta : Firma Mukhopadhyay), vol. I.

Rose, H.A., *Glossary of the Tribes and Castes of the Punjab and N.W.F. Province* (Lahore : Civil & Military Gazette Press, 1919; rpt. 1980, Delhi : Amar Prakashan), vol. II.

Russell, R.V. and Hiralal, *The Tribes and Castes of the Central Provinces of India* (London : Macmillan and Company, 1916; rpt. 1975, Delhi : Cosmo Publications), vol

#### **Karwal (SC)**

Also known as Karual, they are a migrant community from Rajasthan settled in Uttar Pradesh. The term karwal has been derived from the word karol meaning

sickle which is associated with their traditional occupation of hunting. They trace their origin from the Rajput, and affix Singh to their names. They migrated from Rajasthan during the Mughal period and took asylum in the forest and finally settled in different parts of the Basti, Gorakhpur, Barabanki, Lucknow and Kanpur districts of Uttar Pradesh. Their total population, according to the 1981 census, is 12,154. They speak Hindi and use the Devanagari script. The frequency of blood group gene B is higher (30.5 per cent) than gene A (15.8 per cent) among these people (Majumdar 1941-2). They are non-vegetarian and their staple cereals include rice, wheat and maize. They practise community endogamy and avoid marrying within five ascending generations from both mother's and father's sides. The role of the women is restricted to household jobs, and social, ritual and economic activities. They also contribute to the family income.

**The Karwal are a landless community. Traditionally, they were warriors who resorted to hunting and looting during their asylum in the forest. Presently, distillation of liquor is their primary occupation,** and they also work as agricultural labourers, weavers and as government servants. They profess Hinduism and worship Durga and Kali as their family deities. They have their own crematorium but share temples and water resources with their neighbours and participate in festivals like Holi and Diwali with them. Cultivator-labour relations are maintained with the Thakur, Kurmi and Yadav. They favour formal education and their literacy rate, according to the 1981 census, is 22.89 per cent.

Majumdar, D.N., 'Blood Groups of Criminal Tribes', *Science and Culture*, 7, 1941-2, pp. 334-7

Sherring, M.A., *Hindu Tribes and Castes Represented in Banaras* (London : 1872; rpt. 1974, Delhi : Cosmo Publications), vol. I.

### **Lodha**

They are also referred to as Savar or Sabar. According to Risley (1891), the Lodha are a sub tribe of the Bhumij. He also mentions Savar-Munda, a sub tribe of the Munda in Chotanagpur. Based on different observations, Risley (1891) places the Savars as an ancient race, and isolated fragment of which survives in the Male or Saur of the Rajmahal hill. **He also states that the Savar believe that they were originally a wandering tribe, roaming through the hills of Orissa and Chotanagpur, living on the fruits of the forest and acknowledging the rule of no recognized chief. Etymologically, some experts believe that the term Lodha is derived from the Sanskrit word, lubdhak, meaning forest robbers.** The Lodha, however, believe that they are the descendants of the mythical Jara-

Savar, who killed Sri Krishna. While dying Sri Krishna is believed to have said nadha (do not run away) to them, from where the community is likely to have derived the name Lodha. They are distributed in Bihar and West Bengal.

In Bihar, the Lodha believe that they are the descendants of King Vishabasu. Lodha is their mother tongue but they are conversant with Hindi also and use the Devanagari script. These people are non-vegetarian and rice and wheat form their staple cereals. The Lodha have some totemistic clans, such as Bhakta, Mallik, Dandapatq/Bag, Nayak, Digar, Arahi, Bhaniya, Kotal and Paramanick. Married women wear vermilion and bangles of iron or conch shell as symbols of their married status they take part in various economic, social, ritual and religious activities. The dead are cremated and death rites known as tita bhat and ghat sraddha are performed.

**The Lodha are engaged in arid occupations, such as hunting, food-gathering fishing, trapping birds, liquor manufacture, settled agriculture, wage-labour, selling wood and begging.** Their community council, known as panchayat, has office bearers like mukhia or malik, dakna or atgharia, deheri and taila. The Lodha profess a traditional form of religion and worship their tutelary village deities, Baram, Garam and a few more. The Vaisnav guru (master) imparts religious teachings, while the gunin from their own or some other community protects them from evil spirits. They perform the leaf dance (pata-Nach) and the stick dance (Kathi Nach). The Lodha are educationally and economically very backward. They use modern medicines only when their traditional medicines prove ineffective. They, however, have a positive attitude towards family planning. Some of them are self-employed in petty business and in selling wood. Electricity, mass media and communication facilities are beyond their reach.

**The Lodha (ST) of West Bengal were considered a criminal tribe until the revocation of the Criminal Tribe Act.** They identify themselves with a section of the Savara whose economy centered on gathering ; hunting, fowling or trapping. They are concentrated in the western part of Midnapore district. They have been notified along with the Kheria in the state, and their combined population, according to the 1981 census, is 53,718. Their mother tongue, Lodha, belongs to the Austro-Asiatic language family. The Lodha, on an average, are below medium in height, with an oblong head tending towards a round shape, and mostly have a broad face and broad nose (Bhowmick 1956). Rice is their staple cereal and they prefer to eat mollusk, tortoise, Bengal monitor and all types of fish. They have totemic clans, such as Bhakta, Digar, Malik, Bag, Nayek, Ahari, Bhunia, Paramanik, Dandapatand and Kotal. Paying bride-price during marriage is

a common practice. A male divorcee can remarry after paying a token fine of Rs 1.50 to the former wife's village headman and two pieces of cloth to her parents. Sons inherit parental property. The Lodha females share equal responsibility with their males in looking after the family. Both cremation and burial are practiced by them.

Traditionally, the forest-dwelling Lodha had access to the forest, but this privilege has now been curtailed. **Yet, they make surreptitious forays into forests, which results in criminal cases being filed against them.** Consequent to the colonization scheme, some have taken up agriculture as their means of livelihood. Besides, they supplement their income by working as day labourers when hunting or fishing yield little result. The elderly persons, including the mukhi or the headman, messenger or bailiff known as dakua and the priest or deherth maintain social control among them. The Lodha have village tutelary deities. They have benefited from the employment generation schemes. According to the 1981 census, the literary rate of the Lodha, Kheria, Kharia is 9.27 per cent.

The Lodha (ST) of Orissa number 5100, according to the 1981 census. In this state they derive their livelihood from hunting, grass rope-making, selling the wood collected from the forest, wage-labour and such other occupations. The literacy rate among them is only 8.43 per cent. The government of Orissa has established a Lodha Development Agency, with its head office at Baripada and a branch office at Muruda, which, along with conceiving and implementing various developmental programmes, helps them purchase sabui grass for rope-making.

Risley, H.H., *The Tribes and Castes of Bengal* (Calcutta: Bengal Secretariat Press, 1981; rpt. 1981, Calcutta: Firma Mukhopadhyay), vol. II.

Bhowmick, P.K., 'Physical Affinity of the Lodhas of Midnapur', *Man in India*, 36, 1956, pp. 110-31

*The Lodha of Midnapur: An Ethnographic Study*, Ph.D Thesis (Calcutta: Calcutta University, 1960) (unpublished).

### **Kaikadi (SC)**

In some parts of Maharashtra, the Kaikadi are also referred to as Gadhwe Sonar. Enthoven (1922) believes that the Kaikadi are immigrants from Telengana. One derivation of the term kaikadi is from the Tamil words kai meaning hand and kudai meaning basket, as they are considered to be basket-makers. **They are distributed all over the Vidarbha region of Maharashtra and their total population in Maharashtra (notified with area restriction) as recorded in**

**the 1981 census, is 2678.** They are concentrated in the Akola, Buldhana and Amarabati districts, and in the Bhatala, Mul, Patgaon, Sindewahi, Nawargaon and Pathri villages of Chandrapur district of the state. At present the Kaikadi are a Marathi-speaking community. Several endogamous divisions amongst them have been reported by Enthoven (1922). These include Borivale, Kamathi, Kusubatanvale, Lalbagarvale, Makadvale, Kunchevale, Khulkulevale, Vaibase, Adis (known as Bhamtar/Tuhliar). However, no such divisions are in existence these days. Jadhao, Gaikwad, Patkey, Mule and Mane are some of the clans found among the Kaikadi in the Vidarbha region. They use Jadhao and Gaikwad as their surnames. Marriage with the clan is strictly prohibited though one may marry one father's sister's or mother's brother's daughter. They profess the Hindu religion.

The traditional occupations of the Kaikadi are basket-making and stone-cutting. Earlier, rearing pig and donkey were also considered major economic pursuits. Most of the Kaikadi are now daily-wage labourers and are generally employed as stone-cutters by the Public Works Department and private contractors. They are mostly landless. Due to incentives provided by the state government, their literacy rate is gradually increasing and now stands at 30.17 per cent. Medical and health facilities are comparatively scarce in their area.

Enthoven, R.E., *The Tribes and Castes of Bombay* (Bombay: Government Central Press, 1922, rpt. 1975, Delhi : Cosmo Publications), vol. II, pp. 126-30.

### **Irular (ST)**

They also call themselves Erlar, Poosari, Yerakalar, Yerukular, Vedars, Pujari and Erukular while their neighbours refer to them as Eralolu, Irula, Shikari and Pujari. The term Irular has been derived from the word Irul, meaning darkness or black complexion. Thurston (1909) mentions Kasuva or Kashba as a subcaste of the Irular.

In Tamil Nadu, the Irular (ST) are distributed in the Nilgiri, Coimbatore, South Arcot and North Arcot districts. Their total population, according to the 1981 census, is 105,757. Their mother tongue is the Dravidian language, Irula. Anthropometric study of the Irula indicates that they are on average of short or below medium height and exhibit a long and narrow head shape. Their facial profile in general is broad with a broad and high forehead and a moderate chin implying an oval face with a short and broad nose (Jugor and Koerbin 1879). The AIAS (1 st phase) data shows that the Irula of Tamil Nadu range from short to below medium in height with an average of 161 cm and have a long head tending towards round. They have a medium to broad nose and a broad medium face.

The serological studies on these people indicate that percentage frequencies of gene B is higher (22.6 to 33.7 per cent) than gene A (15.9 to 17.2), whereas genes M and N vary from 64.6 to 71.5 and 28.5 to 35.4 respectively (Kirk et al. 1962; Saha et al. 1976). In the blood group system genes RI and vary from 49.9 to 61.1 and 19.6 to 28.5 per cent among them respectively. They have a high frequency of gene P (66.7 per cent) and gene Fya (73.5 per cent). The highest concentration of the sickle cell trait in the Irula is observed in the three states of Tamil Nadu, Karnataka and Kerala (26 to 36 per cent), whereas in the Palghat area of Kerala they show a moderate frequency of this trait (20 to 27 per cent). They eat rice and ragi. Thurston (1909) finds about nine subdivisions among the Irula: Poongkaru, Kudagar, Kalkethi, Vellaka, Devala, Koppilingam, Iswaran, Agaira and Dharmaraja (forest-dwellers). However, our investigations reveal that the community living in Tamil Nadu is divided into fourteen clans, namely Kuppey, Sambar, Karatiga, Kurunegey, Kalkati, Devaney, Pungey, Koduvey, Parathara, Kuppili, Uppili, Vellai, Anumoopu and Kuppar. The women of this community take part in agricultural activities, animal husbandry, collection of fuel, bringing potable water and in other economic pursuits.

Traditionally, the Irular were hunters and trappers of porcupines, rats and snakes. Nowadays, they earn their livelihood as settled cultivators and agricultural labourers. They have their own community council. These people profess Hinduism. According to the 1981 census, 8.79 per cent of the Irular are literate. Their attitude towards both indigenous and modern medicines and family planning methods is positive. They have been provided with residential houses, free cultivation land, subsidy and loans for purchasing milch animals, goats and agricultural implements.

The Irular of Irulan (ST) inhabit the hilly tracts of the Palghat district of Kerala. Their population, According to the 1981 census, is 18,697. The community is divided into eleven clans (kulam), namely Arumoopan, Samar, Karatti, Kurangan, Vellaka, Devana, Kuppli, Kupper, Pungar, Perathara and Uppili. At present they are engaged in settled cultivation, animal husbandry, basket- and mat-making, service and wage -labour. They have the institution of chieftainship or moonpan. The literacy rate among them is only 11.75 per cent. The facilities of modern medicines, family planning and irrigation are being utilized by them.

In Karnataka, the irular (ST) also called Iraliga and Illigaru, live in the Bangalore, Kolar, Chikmagalur and Chitraduga districts of the state. The population of Iraliga, According to the 1981 census, is 5534. The Irular are also notified separately and their population, According to the 1981 census, is 313. They speak

Tamil among themselves. In Karnataka only 12.90 per cent of them are literate, According to the 1981 census. They avail themselves of some of the development programmes that have been implemented by the government.

The Irular, also referred to as Vetaikaran and Villi Erlar or Poojari or Poosari, are sparsely distributed in and around Pondicherry and Karaikal. The term vetaikaran means hunters while villi means one who handles villi or bow. In the neighbouring Chengalput and South Arcot districts of Tamil Nadu, they are also referred to as shikari, meaning hunter. There are about one hundred Irular families in the union territory of Pondicherry. The language and the script used for both inter-and intragroup communication is Tamil. They are non-vegetarians who eat pork, their staple cereals being rice and ragi. **Men consume alcoholic drinks.** The Irular of this part are divided into clans (gotra). Cross-cousin and maternal uncle-niece marriages are common and spouses are acquired through negotiation, elopement and exchange. Bride-price known as pariya-panam and moladipanam is paid in both cash and kind. Divorce and remarriage are allowed. On the attainment of puberty a girl observes pollution for nine days, and to terminate the pollution the nariabba ceremony is performed on the ninth day. The marriage rituals include betrothal (vethalai pakku matharadhu) alliance (sambandam), nalungu and muhurtham. The dead are either buried or cremated and death pollution is concluded on the third day by performing the karmandaram ceremony.

Traditionally, the Irular were hunters and used to trap rabbits, porcupines and field rats, and catch snakes, but, nowadays some of them have taken up other occupations. The Irular at Katterikupam are engaged in agricultural labour and food-gathering as their secondary occupations. A traditional community council exists among them and the head or thalaivar, adjudicates cases of adultery, elopement and disputes over land and water. They impose cash fines and social boycott on the offenders. They are Hindu who are ardent devotees of Lord Murugan but also worship Karumarriamma, Mariamman, Serangaraya, Magaliamma and Bhadrakali. They share sources of water, temples and schools with other communities. Although the government has extended facilities like education, health, media and communication, and credit schemes, they have not made full use of those.

## Kallar

Also known as Mukkulathor, a dominant community of Tamil Nadu, they claim that the term kallar refers to a master or landlord. **According to Turnbolls report (1817), as quoted by Thurston (1909), the 'word Cullar is used to express a thief of any caste, sect or country, but it will be necessary to trace their progress to that characteristic distinction by which this race is designated both a thief, and an inhabitant of a certain Naud (territory)... in each of these territories they have a chief.** Thurston (1909) notes another derivation of the name, stated in the Madras Census Report of 1891, that **'Kallan is commonly derived from Tamil Kallam which means theft'** However, according to Oppert (1888-9), **'there are good grounds for believing that the Kallans are a branch of the Kurumbas, who, when they found their regular occupation as soldiers gone, took to wandering, and made themselves as obnoxious by their thefts and robberies, that the term Kallan, thief, was applied, and stuck to them as a tribal appellation'**. On the other hand, according to W. Francis report in the Madras census of 1901, 'their original abode was the Chola country or Thanjavur before migration to the Pandya Kingdom about eleventh century AD. But, their origin, quoted by Thurston, also resembles that of the Maravars and Ahambadayars who trace their descendency to Indra and Ahalia, the wife of Rishi Gautama'.

The Kallar are identified both at the local (5 communities, comprising 55 per cent) and the regional level (4, 44 per cent). They were one of the warrior communities and have strong historical traditions (7, 78 per cent). The Kallar as a whole affix 364 titles. \* All nine Kallar groups are regular non-vegetarians. Among them ragi is consumed in greater quantities as compared to the national average, while men of all nine groups consume alcoholic drinks.

The social organization of the Kallar is characterized by clan system among 8 (89 per cent) communities. Seven (78 per cent) communities recognize the varna order and six of them place themselves in the Sudra varna. Cross-cousin and uncle-niece marriages are allowed in all Kallar groups. Among the Kallar, both bride-price and dowry are reported. Divorce is permissible in six groups while widow remarriage is allowed in four groups. Sororate junior is permitted in all groups.

All Kallar women (100 per cent) take part in agriculture, 89 per cent in animal husbandry, 100 per cent in collection of fuel, 100 per cent in the religious sphere, and so on. Among the Kallar, women have lower status in 8 (89 per cent) communities.

#### TECHNICAL ADVISORY GROUP

The mundan ceremony for both male and female children and puberty rites for girls are performed among all the groups. It is interesting to note that among the Pramalai Kallar circumcision used to be performed in the olden days.

The Kallar are mainly a landowning community (7 communities, 78 per cent). All groups were traditionally soldiers. Presently, settled cultivation is the main occupation of all 9 (100 per cent) Kallar communities. Seven (77 per cent) communities are involved in animal husbandry and 9 (100 per cent) in business. All nine Kallar communities (100 per cent) have diversified into government service, 8 (89 per cent), are in private service, 9 (100 per cent) pursue self employment and many other modern economic pursuits.

Eight (89 per cent) Kallar communities have a strong caste council which nowadays usually imposes cash fines on the deviants.

All Kallar profess Hinduism and worship family (89 per cent), clan (78 per cent), regional (89 per cent) and deities of the wider pantheon (89 per cent). They have sacred specialists from their own community (78 per cent) but also avail the services of other service-rendering castes (100 per cent).

In terms of modern intercommunity linkages, education, acceptance of modern medicines and family welfare methods, the Kallar score 30 to 40 per cent higher than the national average. Eight (89 per cent) of the Kallar communities have representation in the defence services, nearly 61 per cent higher than the national average, which is befitting to their tradition as a warrior group.

The Kallar of Thanjavur, also called Kallan, Thanchai Kallar or Thanjai Kallar are distributed in the entire state, but are concentrated in the Thanjavur, Pudukkottai and Tiruchirapalli districts. The Kallar of Thanjavur are a distinctive division in the Kallar caste-cluster. According to a legend, they were ancient immigrants, referred to as Nagas, who ruled some parts of the Tamil Country in the past. The total population of Kallan and Maravan, according to the 1931 census, was 948,630 (460,659 males and 487,971 females), mainly returned from the Madras province. They speak Tamil and use the Tamil script. It appears from the AIBAS data that the average household size of the Kallar of Tamil Nadu is five and the proportion of males and females are 44 per cent and 56 per cent respectively. Ten per cent widowers and 4 per cent widows are found among them. They are medium statured, having a long head (Jagor and Koerbin 1879). The percentage frequencies of genes A, B and O are reportedly 12.7, 32, 55.3 per cent, whereas M and N genes are 58.1 and 41.9 per cent, respectively. In the Rh system the frequencies of R1, R2 and R genes among them are 65.8, 9.3 and 23 per cent

respectively. They have a high incidence (35.4 per cent) of non-secretor gene. They are non-vegetarian in their food habits and rice and ragi form their staple cereals. Social divisions of clans and lineages exist among them. A Kallar boy can marry the daughter of his elder sister or of his mother's brother's or his father's sister's. Adult marriage arranged through negotiation, by exchange or mutual consent are prevalent. The common form of marriage is monogamy. Though polygamy is also allowed. Vermilion, bangles, a pendant (thali), toe-rings, ear-rings and a nose-ring are the marriage symbols for women. Either spouse can seek divorce with social or judicial approval, and sororate is permissible among them. Male equigeniture is their rule of inheritance, while the eldest son succeeds to the father's authority as the head of the family. Their birth rituals include mundan and ear-piercing. Their marriage rituals consist of betrothal, calling of banns, oath taking by the bride and the bridegroom, tying of the thali around the bride's neck by the bridegroom, exchange of garlands and blessing of the couple. The dead are buried and a mourning period is observed for seven, fifteen or twenty-one days.

Traditionally, the kallar were reportedly feudal warriors and chieftains and settled agriculturists. Nowadays, most of them are engaged in cultivation and animal husbandry, while a few have taken up business, trade, self-employment, government and private service; some are agricultural and non-agricultural wage labourers. A traditional caste council exists among them to exercise social control. Each nadu (group of villages) also has a traditional council with a headman called nattar or ambalakarar, who is elected by a voice vote. They are mostly Hindu, but some of them have been converted to Christianity. Their family deities are Ranganathan and Iyyanar and their village deities are Karupu Veeran, Kalamman and Mariamman. A Brahman priest conducts their rituals. Women of this community sing folk-songs on festive occasions. They share wells and water sources with other communities. Formal education is favoured by them for boys and partly for girls. Their attitude towards both indigenous and modern medicines and family planning is favourable. A few of them have benefited from self-employment schemes in agriculture and animal husbandry.

### **Kallar, Esanattu**

One of the territorial divisions of the Kallar, they are also known as Isanganadu, Visangunadu or Esanattu Kallar. They are a part of the broader Kallar group which is again considered a subgroup of the larger Tevar community in Tamil Nadu. Servai and Ambalam are their titles. Esanattu Kallar means Kallar from the eastern country (nadu). Thurston (1909) records the following myth regarding the

origin of the Kallar community: **'Once upon a time Rishi Gautama left his house to go abroad on business. Devendra, taking advantage of his absence, debauched his wife, and three children were the result. When the rishi returned, one of the three hid himself behind a door, and as he thus acted like a thief, he was henceforward called Kallan. Another got up a tree, and was therefore, called Maravan from maram, a tree, while the third brazened it out , and stood his ground, thus earning for himself the name of Ahamudeiyan, or the possessor of pride. This name was corrupted into Ahambadiya'**. The Esanatttu Kallar are distributed in the Thanjavur, Tiruchirapalli, Madurai and Pudukkottai districts. They speak Tamil and use the Tamil script. These people are non-vegetarian who do not eat beef and pork; rice and ragi form their staple cereals. They have a number of clans like Solagar, Mangalar, Thengandiyar, Palandar and Kulandar which regulate their marital alliances. They marry within their community but outside the clan and marriage with one's father's sister's daughter, mother's brother's daughter or sister's daughter is preferred. Polygamy is allowed in the case of barrenness of the first wife. Toe-rings and a marriage badge (thali) are the marriage symbols for the women. Bride-price is paid by them in kind, while dowry is given in both cash and kind. Divorce and remarriage are permissible among them. Pre-delivery rituals (valaigappu), and pre-delivery and post-natal restrictions are observed. Birth pollution lasts for seven days after which the naming and tonsure ceremonies are performed at the shrine of their clan deity. Puberty rites for girls are conducted after seven days of pollution. The marriage is solemnized at the bride's residence and the important rituals observed on this occasion are betrothal (nischayartham), tying of the thali, exchange of garlands and blessing the newly-wedded couple. They bury the dead and observe death pollution for eight to sixteen days. They are Hindu and belong mostly to the Shaivite sect. Either the elders of the community or the Iyer Brahman officiate as sacred specialists at their socio-religious rites.

The Esanattu Kallar are mainly a landowning community. Theft, robbery and plundering were their traditional occupations. But nowadays, cultivation and animal husbandry form their primary occupations, while business, horticulture, employment in government and private sectors and masonry are some of their other occupations. The landless among them work as agricultural and industrial labourers. The women take part in agricultural activities and animal husbandry. They have a traditional community council (kulpanchyat) which settles disputes within the community. They participate in folk-dances like Kummi, Kolatam and Karagam and folk-songs are sung by both men and women. Some of the Esanattu

Kallar have adopted modern methods of family planning. They avail themselves of nutrition programmes for the children, the public distribution system, formal education and banking facilities.

Thurston, E., *Castes and Tribes of Southern India* (Madras : Government Press, 1909; rpt. 1975, Delhi : Cosmo Publications), vol. III, pp. 53-91.

### **Kallar, Periasuriur**

A subgroup of the Kallar caste-cluster, they derive their name from the village of Periasuriur in the Tiruchirapalli district. Periyar, Range Periyar, Samburayyer, and Poosari are their titles. They are mainly found in the Tiruchirapalli and Thanjavur districts of Tamil Nadu. Tamil is their mother tongue and they use the Tamil script. They are non-vegetarian and eat pork, while rice, ragi and bajra are their staple cereals. This subgroup of the Kallar has fifteen clans (karai), \* with their affiliated deities. Marriage alliances with one's father's sister's daughter, mother's brother's daughter or sister's daughter are preferred. Marriage through negotiation is the common mode of acquiring a spouse and though monogamy is the form of marriage, polygamy does sometimes take place. A thali or pendant and toe-rings are the marriage symbols for women. They follow the patrilocal rule of residence. Widow, widower and divorcee remarriages are permissible and both levirate and sororate marriages have been reported. Nuclear and mixed-extended family types are in existence. Male equigeniture is the rule of inheritance and succession is by the eldest son. They observe pre-delivery pollution (velaigappu), post-delivery pollution (theet-tu) for three months, the naming ceremony, mundan and first feeding of cereals. Their marriage rituals are performed at the bridegroom's residence according to the puranic rites. The community elders or a Brahman officiates over the marriage rituals. They either cremate or bury the dead and observe initial rites on the third day and the final rites (karmadi) on the sixteenth day.

**Liquor manufacture and wage-labour are the traditional and primary occupations of the Periasuriur Kallar, apart from settled cultivation, animal husbandry, business, government service and self-employment. The landless people work as daily-wage labourers.** They have a traditional caste council which settles their disputes and the forms of punishments meted out the guilty are social boycott and cash fine. **Maduvilakku Sangam is an association of the members of the community which safeguards the people from being caught by the police for their alleged involvement in country-liquor distillation.** They profess Hinduism. Their elders and the Iyer Brahman officiate

#### TECHNICAL ADVISORY GROUP

at their socio-religious rites. There are persons among them who are experts in making trapping and hunting devices for the small game. They use percussion musical instruments and participate in Kummi and Kolatam folk-dances. They traditionally exchange water and food with the Chettiar and other Kallar groups while the Vannan, Pariyari, Velar, Paraiyan and Pallan communities accept food and water from them. Their attitude towards formal education, health, medicine and family welfare is favourable and they also avail themselves of the benefits of self-employment schemes.

\* Tulasirange Periar, Periaswamyrange Periar, Piccharange Periar, Thatrange Periar, Alia Periar, Thatham Pusari, Peria Nayaken Periar, Murugesan Periar, Arumugarange Periar, Karukander, Pandrar, Solan Gadar, Kadurar, Vallatheriar, etc.

Thurston, E., *Castes and Tribes of Southern India* (Madras : Government Press, 1909; rpt. 1975, Delhi : Cosmo Publications), vol. III, pp. 53-81.

#### **Kepmari**

They are now distributed in the South Arcot, Chengleput and North Arcot districts. They use Pillai or Mudaliyar as honorific titles with their names. **They are one of the ex-criminal communities of Tamil Nadu. The term Kepmari seems to be the corrupt form of jepmari, meaning pocket changes, as they were pickpockets.** Their mother tongue is Tamil and they use the Tamil script. They are non-vegetarian and rice, millet and ragi are their staple cereals. The Kepmari form an endogamous group without any subgroups. They marry cross-cousins and their elder sister's daughters. Adult marriage is practiced and monogamy is the norm. They demand dowry in both cash and kind. Divorce and widow remarriage are allowed and sororate is permissible. The rule of inheritance is male equigeniture, and the eldest son transcends the father's authority. The tonsure of a child is performed at the Muneswaran temple. The maternal uncle of the children gives ear-studs during the ear-piercing ceremony. They observe marriage rituals like the tying of the thali and exchange of garlands. The dead are either buried or cremated. The eldest son performs the death rite (kolli) for the mother while the youngest son performs the same for the father.

The Kepmari are non-agriculturists and some work as agricultural labourers. Few of them work either as teachers or as clerks. They are Hindu by faith and Munishwaran is their caste deity. In the village, their hamlet is found at a separate spot. They take the services of the Brahman and Paraiyan and for the services of barbers and washermen they make an annual payment in kind. They have their

own crematoria. Nowadays the Kepmari have started educating their children. They have been benefited by various developmental programmes pertaining to electrification, drinking-water supply and medical care. Some of them have availed themselves of loan facilities through banks for self-employment and through banks for self-employment and through agricultural co-operative societies for different agricultural operations.

Thurston, E., *Castes and Tribes of Southern India* (Madras: Government Press, 1909; rpt. 1975, Delhi: Cosmo Publications), vol. III.

### **Koracha**

The Koracha are concentrated in the South Arcot, North Arcot, Chengai Anna, Dharmapuri, Madras, Pudukkottai, Salem, Thanjavur, Madurai and Tiruchirapalli districts of Tamil Nadu. They are also called Yerukulavandlu or Korachavandlu (Thurston 1909). Kuravan is used as synonym for the Koracha. The term kuravan is derived from a Tamil word kuram, meaning fortune-telling. The community is called by different names in different states, such as Kakkalam in Kerala, Korama and Koracha in Karnataka and Yerukula in Andhra Pradesh. There were twenty-three subgroups of the Koracha in Tamil Nadu. Many of these divisions were endogamous groups in the past, but at present subgroup identity is fading out. Further, the Koracha now identify themselves with the Kuravan. They speak Tamil and use the Tamil script. **The ancestors of the Koracha are said to have lived on hillocks and in the adjoining forests. Regarding the origin of the community, a few legends are current. According to one legend they are considered to be the sons of Vennudu, a direct descendant of Lord Brahma born out of his embalmed thigh. They are non-vegetarian who eat pork, but abstain from eating beef. Rice, ragi and millets form their staple cereals. Men take alcoholic drinks like toddy and distilled liquor.**

There are several clans among the Koracha, but some of them have forgotten the clan names. These clans are grouped under four gotras, namely Manepadi, Mendragutti, Sathapadi and Kavadiyan. Both gotra and clan are exogamous units. Of late, intergroup marriages have been reported. Consanguineous marriages are prevalent among them. They practise adult marriage and monogamy is the norm, Marriage symbols for women are vermilion, a sacred badge (thali-bottu) or turmeric thread (manchal kairu) or black beads (karuku mani) and toe-rings. The practise of bride-price is prevalent among them. Divorce is allowed with the consent of the kulpanchyat or community council, and widow and widower remarriage is permitted. The url of residence is patrilocal and sometimes

#### TECHNICAL ADVISORY GROUP

neolocal. Extended families predominate in the rural areas, while nuclear families are preponderant in the urban areas. Parental property is divided among the sons and the eldest son succeeds the father as the head of the family. Women participate in economic activities besides doing domestic work. A pregnant woman is taken to her natal home for her first delivery and nalungu ceremony (smearing with turmeric powder and oil) is conducted there during the seventh or ninth month of pregnancy. Birth pollution is observed for sixteen days. On the sixteenth day, both mother and child are given a bath. A name is given to the child either on the sixteenth day or the thirtieth day. Tonsure and ear-boring ceremonies are performed usually when the child is one year old. Puberty rites (poopu nearattu vizha) are observed for girls. The important marriage rituals are the nalungu ceremony on the previous evening of marriage and the tying of the sacred badge (thalibottu). An elderly person or the headman (periyamanusan) officiates over the marriage rituals. The dead are buried and death pollution is observed for sixteen days.

Basketry is the traditional occupation of the Koracha and many of them pursue it even today. Some of them make brooms and some are agricultural labourers, while a few educated persons hold white-collar jobs. The Koracha women are engaged in fortune-telling, apart from basketry. Their traditional community council deals with criminal as well as civil offences. They also have a castes association to look after the general welfare of the community. The Koracha are Hindu Vaishnavite and Perumal (an incarnation of Vishnu is their community deity. They worship regional deities, like ayyanar, Muneeswaran and Modurai Veeran besides their family deities. They celebrate various Hindu festivals like Pongal, Adi Pathinettu, Diwali and Karthika. Some Koracha in the Tiruchirapalli district have embraced Christianity. Traditionally they accept cooked and uncooked food from other communities except the Paraiyan, Mala and Madiga. They use the common village burial ground and fetch water from the common well. They sell baskets and other articles against cash. The Koracha receive the services of barbers and washermen. They educate their and daughter. Their children are given some scholarships and are also served midday meals. They use both traditional and modern medicines. A few families have availed themselves of the benefits extended through various developmental programmes. They utilize the facility of the public distribution system through fair-price shops.

In Andhra Pradesh, the Koracha are also known as Korcha, Korachollu, Korchollu, Korama Setty, Koracha Setty or Korchi Setty and Yerukula. They migrated from the erstwhile Mysore province some 300 years ago. They are

concentrated in the Chittoor, Anantapur and Kurnool districts, and are sparsely distributed in the Cuddapah district. Referring to Thurston, Iyer (1935) states that **the appellation Koracha or Korcha is said to have been derived from the Hindustani Word kuri meaning sly, and korrinigga meaning sly look, which later got corrupted into Koracha.** They use Korama Setty and Koracha Setty as their titles. Hassan (1922), Aiyappan (1948), Thurston (1909), Nanjundayya and Iyer (1930 and 1935) support the view that the Korava, Koracha and the Yerukula belong to the same stock. They claim to be the descendants of the goddess Pavathi, who disguised herself as a soothsayer. They speak Koracha Bhasha among themselves and Telugu and Kannada with others. The Telugu script is used for both intra- and intergroup communication. They are non-vegetarian and consume mutton, chicken, pork, durk, duck and fish. Rice and ragi are their staple cereals.

The Koracha are divided into several occupational subgroups, such as Uppu Koracha (salt traders and carriers), Dabbe Koracha (bamboo basket-makers), Kunchege Koracha (brushes), Bhajantri Koracha (musicians), Gedde Koracha (fortune-tellers), Yeetha Koracha (palm reed basket-makers), Modi or Mondi Koracha (magicians and beggars) and Pacchalu Korachas (tattooers). Each of these subgroups is in turn, divided into exogamous clans (kulam), such as Satpadi, Kawedi, Manapadi and Mendiragutti. Each kulam is further divided into a number of surname (intiperu) groups\*. Marriage with one's father sister's daughter, or mother's brother's daughter or elder sister daughter is preferred. Junior sororate unions are allowed within the community. Though monogamy is the general form of marriage polygamy is allowed with the consent

### **Yerukula (ST)**

They are called Yerukula after their women's traditional profession of fortune-telling (eruka chepputa). They believe that they are the descendants of Ekalavya, the great archer of Mahabharata. They are distributed in thirty districts of the country having sixty-seven segments. Their counterpart in Karnataka are listed as a scheduled caste under the nomenclature Korama and Koracha. A semi-nomadic community of Andhra Pradesh, the Yerukula are divided into several occupational endogamous tribes, namely Dabba Yerukula (those who make baskets with split bamboo), Yeethapulla Yerukula ( those who make baskets with wild date-palm leaves), Kunchapuri Yerukula (manufacturers of weaver's combs), Uppu Yerukula (salt hawkers), Yeddu Yerukula (transporters of merchandise on bullocks), Karivepaku Yerukula (hawkers of curry leaves), Nara Yerukula (rope-makers),

#### TECHNICAL ADVISORY GROUP

Kavali Yerukula (crop-watchers), Parikimuggu tellers), Kooth Yerukula (tattooers), Bajanthi Yerukula (acrobats and musicians) and Ura Yerukula (pig-rearers in villages). Their population in the state is 3,00,557 (1981 census.) They speak Yerukula at home and Telugu with others. They are non-vegetarian. Each of the sub tribes of the Yerukula is divided into four phratries, namely Sathpadi, Kavadi, Menpati and Mendragutti. Each phratry consists of a number of exogamous surnames (inteperu) groups. Some of the important inteperu are Kumbha, Mogili, Malli, Galeti, Bachu, Palaparathi, Kandula, Avula, Katari, Kamba, Dasari, Penuvadi, Sreerama, Chadala and Avala. Monogamy is the common form of marriage. The special feature of the rule of residence is that the maternal uncle becomes the guardian of the children of his deceased sister and for them, the residence becomes avunculocal. The Yerukula women specialize in soothsaying and fortune-telling. **Besides performing domestic chores they participate in the economic activities such as basket-making, mat-weaving and in the preparation of weaver's brush. They also join in the harvesting of crops in case of settled cultivation. The followers of the Vaishnava sect among them cremate the dead and while those of the Shaiva sect practise burial.**

**The traditional occupations of the Yerukula tribe range from basket-making to pig-rearing.** The traditional council of this community is still powerful and exercises jurisdiction over offences. The majority of the Yerukula are Hindu, and a sizeable section of them, especially in the coastal districts of Guntur and Prakasam, have embraced Christianity. They are served by washermen and barbers. According to the 1981 census returns, 14.21 per cent of the Yerukula are literate. They have responded in a positive way to family planning programmes. The community has representatives in the Legislative Assembly and Legislative Council of the state.

In Tamil Nadu, the Yerukula are also known as Koravan, Koracha, Korama or Kaikadi. The Yerukula derive their name from the Telugu word yeruku, meaning foresight or disclosing facts about the past, present and future of one's life. Traditionally they are fortune-tellers and basket-makers. They find their distribution in the bordering districts of Andhra Pradesh, namely Chingleput, Madras, North Arcot and Dharmapuri. The Yerukula living in Madras claim to have migrated from Kujulupadu, Nayudupalayam and Gramanattam villages of Nellore district in Andhra Pradesh about thirty years ago. They speak the Yerukula bhasha or Kurru among themselves. Most of them read and write Telugu and are also conversant with Tamil. They eat pork but avoid beef. On the basis of their occupation the Yerukula are identified with the following names,

such as Dhabbalu Yerukula, (the makers of basket and winnowing pans), Uppu Yerukula (salt-sellers), Kasanga Yerukula (those who make baskets out of date palm), Kunchi Yerukula (soothsayers and comb-makers), Voru Yerukula, etc. The Kunchi Yerukula among them still lead a nomadic life for subsistence. Marital alliances between these groups and with those who identify themselves as Koracha, Korama or Koravan are allowed. Social divisions (gotras) such as Sathpadi, Menpadi, Kavadi and Mendra Kutti exist among them. The Kavadi and Mendra Kutti choose their spouses either from the Sathpadi or Menpadi. These divisions are further subdivided into several lineages (intiperu), such as the Kavadi comprise Kattha, Padanapuri and Jagannadam; the Sathpadi comprise Dasari and Palakeerthi; the Mendragutti comprise Deverakonda, Nalakonda, Nalabai, etc. Monogamy is the norm but polygyny is also allowed in the community. Cross-cousin marriages are common among them. A sacred pendant (thali bottu), kumkuman, bindi and toe-rings (metti) are the symbols of married women. The property is inherited by all the sons equally. The eldest son succeeds to the authority. Life-cycle ceremonies such as tonsure and puberty rites (thiratti) for girls are observed. The important marriage ritual observed is the tying of thali. The dead are buried. Karumandiram is performed on the eleventh day to terminate pollution.

The Yerukula men are mainly involved in basket-making, while their women are engaged in both fortune-telling (kuri) and basket-making. The date palm (cechangolu) used for making baskets are brought by them in trucks from the forests in Cuddapah, Kurnool and Guntakal in Andhra Pradesh. Their kulpanchayat headed by a perumanusam (elderly man) solves their disputes. They profess Hinduism. They propitiate deities such as Ayalamma, Poleramma, Narasimmalu Sami and Venkateswarulu Sami. Festivals such as Ugadi and Sankranti are celebrated. They educate their children in Telugu medium. A small number of them are employed in railways and other government organizations. The modern media and communication, and medical facilities are being availed by them.

In the union territory of Pondicherry, the Yerukula are known as Yerukollu or Ekarollu. Etymologically, the word yerukula is derived from the Telugu word yeruka meaning foresight or disclosing the facts about the future, present and past of one's life. They live in Yanam. The language spoken within family, kin group and others is Telugu. The script used is also Telugu. They are occasional non-vegetarian who eat pork. Their staple food comprises rice, jowar and ragi. Men consume alcoholic drinks. The Yerukula are divided into three endogamous

groups on the basis of their traditional occupations. These are Bidari Yerukula, Dabba Yerukula, and Kunchi Yerukula. They have clans (gotra) and family names (intiperulu). Many intiperu come under a gotra, which is exogamous in nature. Marrying within the intiperu is strictly prohibited. They prefer marriage with mother's brother's daughter, father's sister's daughter or elder sister's daughter. Endogamy is practised at the community level. Mode of acquiring a spouse is through negotiation. Elopement is also allowed in their society. Thali, vermilion and toe-rings are marriage symbols for women. Bride-price is paid in cash and kind. Divorce is permitted. Widow, widower and divorcee remarriage is allowed. Inheritance of property is by equigeniture. The elderly male member of the family is the focus of authority. First delivery takes place at the women's natal home. Tonsure ceremony (mundan) is performed for both male and female children. They also perform a puberty ceremony for females. The marriage and nuptial ceremonies are performed at the bride's place. The trying of thali round bride's neck is the main ritual connected with marriage. The dead are either buried or cremated. Death pollution, which lasts for seven days, is terminated by performing janakaryam.

**The traditional occupation of the Yerukula is fortune-telling. The majority of them are involved in making baskets, ropes, broomsticks and mats. Their kulpanchayat usually comprising the elders, called peddalu, settles disputes. Beliefs in the local tribal religion are integral to their religion.** They worship Sathemma, Tharukulamma, Sri Venkateswara and Sri Rama. The Yerukula observe Diwali, Sankranthi, etc. festivals. The major sacred places for them are Tirupathi and Srisailam. Sacred specialists from their own community perform birth, marriage, and death rites. Folk-songs are sung by both men and women. Traditionally cooked food and water are accepted by the Mala and Madiga from them. The community has petty businessmen. Formal education is favoured for both boys and girls. They use both modern and traditional medicines. Their response to family welfare is encouraging. Drinking water is available through hand-pumps. They utilize the facilities extended under the IRDP, self-employment in occupations like piggery, basketry and animal husbandry.

**In Maharashtra, the Yerukula are not notified as a scheduled tribe. The Yerukula are a community of semi-nomads who pursue occupations of basket-making, fortune-telling and begging. The name of the community has been derived from the Telugu word eurka which means knowledge and acquaintance, as they are great fortune-tellers (Thurston 1909). They are**

also known as **Kaikadi and Korcha**. The latter synonym is commonly used in Andhra Pradesh. Hassan (1920) writes that the Erakala of Hyderabad state are also known as Kaikadi and Korwah, and **describes them as 'a vagrant gypsy tribe' of the country between the Krishna and Narbada rivers**. The tribe is divided into nine subtribes, namely Kunchal (brushes), Pungi or Pamb (blow goard), Butti (basket), Mide, Gampa (basket, Bidigal, Tatta, Badigi and Balari among the Erakala; into seven subtribes, namely Kunchal, Pungi, Butti, Kalla, Belgar, Wajantri (musician) and Pathar among the Kaikadi, and into eight subtribes, namely Kunchi, Pungi, Kothi (monkey), Deccani, Belgar, Sunai (musicians), Kut Kaikadi and Kamathi among the Kaikadi. Each of the subtribe is further divided into two or more groups, the Korwah and Erakala tribe into Kawadi and Satpadi and the Kaikadi tribes into Jadhav and Gaikwad. The illegitimate children of these tribes formed a separate class, divided into exogamous sections like Kotadi and Manpadi. They are distributed in the Nanded, Chandrapur, Gadchiroli, Parbhani, Yeotmal and Bombay districts. They claim that once Lord Krishna took the disguise of a Yerukula woman as a fortune-teller. They believe that they have migrated from Andhra Pradesh. They speak Erukula among themselves and converse with others in the Marathi and Telugu languages. Men and women are occasional non-vegetarian with pork. Jowar, bajra wheat and rice are the staple cereals consumed. Alcoholic drinks are also consumed.

The community is divided into two endogamous groups based on occupational specializations, like Dabba and Kunchi. The groups are in turn divided into several surnames (odnam), like Chandkanollu or Jadav, Makadvale, Kunchevale, Patkey, Borivale, Kamathi, Kusubatanvale, Vaibase, Adis, Puladu, Koneru (pond) and Gaikwad, which regulate marriage alliances. Monogamy is the rule and polygyny of sororal and non-sororal type is allowed. They acquire spouses through negotiation, service or by elopement. Pre-puberty marriages are common in the community. Important marriage symbols are mangalsutra, bindi, green bangles and toe-rings. Bride-price (oli) in cash is given to bride's mother's brother. Divorce (vidimaka) is sanctioned by the community elder's council. Divorce compensation (mola panna) is given to the husband or to the aggrieved party. Remarriage for the widow, widower and divorcee is allowed. They are patrilocal and live in nuclear and mixed extended families. Property is shared by the rule of male equigeniture. Father acts as the head of the family (peddamanisi) and is succeeded by his eldest son or adopted son. The practice of pre-puberty marriage is being replaced by marriages after attaining puberty. The women take up light agricultural activities, raise pigs, besides performing domestic chores. They help their husbands in the collection, drying and splitting of date leaf (rachi) used for

basket-making. They also move from door to door and seek alms by telling fortunes. They participate in social functions and rituals. Post-delivery pollution is observed for five days. They sacrifice a fowl to the pit in which the mother and child are given a bath. Naming ceremony is done on the ninth day after childbirth. Ear- and nose-boring ceremony is done in the third month. Tonsure ceremony (mundan) is performed in the ninth month by mother's brother. Menstrual pollution (peddamanishi) is observed for five days. The marriage (lagan) is solemnized in rituals include fixing of alliance (chuttarikam), raising of the pandal (pandiri), smearing of turmeric (pasululu), worship of goddess (adellu), tying of sacred thread (manglaya), etc. They bury the dead and pollution is observed for eleven days. The death rituals are observed on the fifth and ninth days after a death. The eldest son acts as the chief mourner. A Jangam officiates at death rituals. The community elders (peddamanusulu) settle intercommunity disputes and impose penalty in cash on the offenders or excommunicate the wrong doers. The council settles disputes related to adultery, rape, elopement, theft and marriage, and arranges compensation. They are Hindu and worship Krishna, Mahadeva, Lakshmi, Venkateshwar, Dattatraya and Khandoba. Hindu festivals like Gudipadva, Akadi. Pola, Nagpanchami, Shivratri and Dussehra are observed by them. The women sing folk-songs while seeking alms and telling fortune. Only percussion and stringed instruments are used at the time of fortune-telling.

**The Yerukula community is landless and derive their livelihood by making date (rachi) baskets, weaving, rearing pigs, herding cattle and gathering forest produce. Their women seek alms and tell fortune to the clients while playing the tambura. Some of them work as agricultural labourers. Children are engaged in rearing pigs and in making baskets. The traditional relations are restricted within the community. Cooked food and water are accepted from the Brahman, Maratha, Komati, Marwari, Vanjara, etc. They have a separate burial ground but attend local temples. They are not educated and their children do not attend schools since they lead a semi-nomadic life.** Indigenous and modern medicines are used by them. They have been benefited by the IRDP. Some of them have availed loans for making baskets under self-employment schemes.

Enthoven, R.E., *The Tribes and Castes of Bombay* (Bombay : Government Central Press, 1922), vol. II, p.267.

Hassan, S.S., *Castes and Tribes of the H.E.H. The Nizām's Dominions Hyderabad State* (Bombay : Government Central Press, 1920), vol. II, p.185-95.

Thurston, E. *Castes and Tribes of Southern India* (Madras : Government Press, 1909; rpt. 1975, Delhi : Cosmo Publications), vol. III, pp. 442-3.

### **Yerukula, Kapparallatippa, (ST)**

**They are living in the Bitragunta Reformatory Settlement at Kapparallatippa, a village near Bitragunta in Nellore district of Andhra Pradesh. Similar kind of settlements are found in Stuartpuram and Sitanagaram in Guntur district. Once a criminal tribe known for highway robberies and burgalaries, the Yerukula of Kapparallatippa have been rehabilitated by the Government. Their separate population figure is not available as they are a group of Yerukula. Their mother tongue is Yerukula. But the Telugu language and its script are used at all levels of communication. They wear black-coloured dress when engaged in criminal activities. Men wear a headgear. Some of them tattoo their bodies.** They are non-vegetarian who take pork. Rice is their staple cereal.

There are several exogamous septs/surnames (inteperu), such as Avula (cow), Mekala (goat), Bochu (fur), Mogali (pandanus) and Pasupula (turmeric). Functions of these inteperulu are to indicate descent or ancestry and regulate marriage alliances. They prefer cross-cousin marriages. Marriages are arranged by the elders through negotiations. Monogamy is the usual practice being observed. Women wear mangalasutram and toe-rings (mettelu) as symbols of marriage. Payment of bride-price (oli) is made in cash. Nowadays, dowry is also practised to some extent. Divorce is permissible on the grounds of adultery and maladjustment. Remarriages for the divorce of both sexes, and the widow and widower are permissible in their society. Nuclear families predominate over extended ones. All male children have equal shares in the ancestral property. Their women earn and contribute to the family income. Nowadays some of them observe srimantham, a pre-delivery ritual, for pregnant women. Birth pollution is observed for nine days. Girls on attaining menarche are secluded for eleven days. The puberty pushpavathi ritual is observed on the eleventh day. Marriage ceremony is performed at the bridegroom's place. Dead are buried and death pollution lasts for eleven days.

**They have been given land by the government for cultivation. They work as agricultural and daily-wage labourers. Some do business in fish, and some are employed in government service. The elders of the community constitute the community council. They are Hindu. As their settlement was managed by the Christian missionaries, most of them have converted to**

**Christianity. However, they follow Hindu customs and practises. Folk-songs are sung by them.** They use percussion, string and valve instruments. The Yerukula of Kapparallatippa traditionally accept water and cooked food from the Kamma, Komati, Gowda, Kummari, Reddy and other communities. They do not accept the same from the Mala and Madiga communities. They take the services of the Chakali (washerman) and Mangali (barber) communities. There are businessmen, a few white-collar workers, teachers, and defence personnel among them. Formal education is favoured for both boys and girls. They show a favourable attitude towards indigenous traditional as well as modern medicare system and family planning programmes.

Meena Radha Krishna, 'The Criminal Tribes Act in Madras Presidency: Implications for Itinerant Trading Communities', *The Indian Economic and Social History Review*, 26, 3 Sage (New Delhi : 1989).

\* Though reference is made to the writings of Dr. Meena Radhakrishna, members of Technical Advisory Group maintain that the spirit of the entry does not correspond with Dr. Radhakrishna's views on the victimization of the community by an unjust law.

### **Yerukula, Katherollu (ST)**

**A group of Yerukula, they were once a criminal tribe who were rehabilitated by government. The name Katherollu is derived from the world kathera meaning scissors, which is sometimes used for thieving activities.** They are mainly settled in the Bitragunta Reformatory Settlement at Kapparallatippa, a village near Bitragunta in Nellore district of Andhra Pradesh. It was managed by the American Baptist Mission. It is reported that they were living in forests prior to their arrival in the settlement. They have also been rehabilitated in Stuartpuram and Sitanagaram settlements of Guntur district. Their separate population figure is not available as they are a group of the Yerukula. The population details are already furnished for the Yerukula. Their mother tongue is Yerukula. Both the Telugu language and its script are used for inter- and intragroup communication. They are non-vegetarian and relish the flesh to sheep, goat, fowl, pig, duck and fish. Rice is their staple cereal.

The community is divided into several exogamous septs/surnames (inteperu). Some of them are Avula (cow), Mekala (goat), Bochu (fur), Peetla (plank), Banala (arrow), Mogali (pandanus), Kunchala and Peram. The surnames function to indicate decent or ancestry and regulate marriage alliances. They follow endogamy at the community level and exogamy at the surname level. One can marry one's

cross-cousins in the community. Marriages are arranged through negotiation. Manogamy is the usual practice at present, but polygyny is also reported in some cases. In the past both sexes were permitted to marry seven times. A sacred pendant (mangalasutram) and toe-rings (mettelu) are the marriage symbols. Bride-price (oli) is given in cash. Nowadays, dowry is also practised. Remarriage for male and female divorcees, widows and widowers is permissible. Nuclear families predominate over the extended once. All male children have equal shares in the encesstral property. The eldest son succeeds as the head of the family. The women participate in economic activities besides involving themselves in household jobs. Some of them nowadays observe a pre-delivery ritual srimantham for pregnant women. First confinement takes place at the natal home of the expectant mother. Birth is observed for nine days. Naming is done to the child in the third month. Girls are secluded for eleven days on attaining menarche. The marriage ceremony is performed at the bridegroom's place and the nuptial ceremony takes place at the bride's mother's residence. The dead are buried.

Traditionally, the Katherollu Yerukula are criminals. They are expert pickpockets and robbers. Lately, these activities have done away with. Now they work as agricultural and daily-wage labourers. Some market fish, while some run petty hotels, etc. Some of them are employed in government services, mainly in the police department. There are some constables, head constables, subinspector and deputy superintendents of police among them. Some are working in railways too. The elders are chosen as members of the community council. They are Hindu. As their settlement was managed by the Christian missionaries, most of them have converted to Christianity. However, they follow Hindu customs and practices. There are a few basket-makers among them. They sing folk-songs and use percussion, string and valve instruments. The Katherollu Yerukula traditionally accept water and cooked food from the Yadava, Komati, Kummara, Balija, Kamma, Gowda, Reddy and other such communities, but do not accept the same from the Mala and Madiga communities. They avail the services of the Chakali (washerman) and Mangali (barber) communities. Formal education is favoured for both boys and girls who generally study up to secondary level. Children drop out from schools due to economic and social constraints. Their attitude towards indigenous traditional and modern medicare systems is encouraging. The response to family planning programmes has been favourable.

Meena Radhakrishna, 'The Criminal Tribes Act in Madras Presidency: Implications for Itinerant Trading Communities', *The Indian Economic and Social History Review*, 26, 3 Stage (New Delhi : 1989).

\* Though reference is made to the writings of Dr. Meena Radhakrishna, members of Technical Advisory Group maintain that the spirit of the entry does not correspond with Dr. Radhakrishna's views on the victimization of the community by an unjust law.

### **Pamula**

Pamula also known by the synonyms like Jogala, Yerakal, Garadivollu and Modi Etthevollaru, the Pamula are sporadically distributed in Rayalaseema, coastal and Telengana region. **Pamula is a name for those Koravas who are snake-charmers, and for the Jogi of Andhra Pradesh. They are characterized by their itinerant-showing of snakes to the public.** They are also believed to be an exogamous sept of the Molaad Yanadi (Thurston 1909). They speak the Telugu language and use the Telugu script. They are non-vegetarian food except beef. There are four gotras, Kavadi, Sathpadi, Menpadi and Mendraguthi among them. Each gotras has several exogamous surnames (intiperu). The gotras chiefly function to regulate marriage alliances. The Pamula are also divided into groups based on occupational specializations as Mondri Pamula and Jogala Pamula, and on territorial level as Voora Pamula and Perikimuggula Pamula. Marriages are usually arranged by the elders but elopement is also frequent. Cross-cousin marriage is practised. Divorce and remarriage, irrespective of sex, are allowed. Levirate is a traditional feature. The Pamula are a patrilocal, patriarchal and patrilineal society. Neolocal residence is also reported. The traditional feature of primogeniture is replaced by male equigeniture is property inheritance. Marriage alliances are formally approved by the elders belonging to all the four gotras. The newly married woman is supposed to avoid pregnancy during the first year, hence consummation of marriage takes place after three months. Ceremonies of marriage by elopement and remarriage are simple and are finalized by presenting a new sari to the bride. He, who cannot pay the bride-price, has to resort to serve for a prescribed period in the house of the prospective father-in-law. They observe birth pollution for nine days. Purificatory ritual (purudu) is performed on the ninth day after a birth followed by naming ceremony, tonsure ceremony, ear-piercing, nose-piercing and puberty rite for girls. The rituals associated with marriage are mataoppandamu, nalugu, the tying of kankanam and pusthi round the neck of the bride. They bury their dead and obsequies are performed on the third, fifth, ninth or eleventh day.

**The Pamula lead a nomadic way of life in a particular territory by pursuing snake-charming and pig-rearing occupations, besides performing a magic**

show called **modi** or **garadi**, or by working as agricultural labourers. Some of their minor occupations include making of dolls, pig tails (**savaralu**), tattooing, legendary story-telling and playing folk-drama. Nowadays, their nomadic behaviour is largely curtailed. Pig-rearing is emerging as their major occupation. The customary law is well-defined and operationalized by a caste council (**kul panchayat**) headed by a **kulapedda**, who is assisted by the elders representing all four **gotras**. They are Hindu by religion. Some women act as factotums during religious celebrations. The Pamula play **nagaswaram** on **burra**, an unique skill characteristic of these folks. They also treat snake bites and cure ear pain. Very few of them are educated. Their nomadic way of life is still a big hindrance in acquiring education. Modern medicine and family planning are not favoured. Oil lamps are still used and other welfare schemes utilized to a certain extent.

A Telugu-speaking community in Tamil Nadu, the Pamula have **Pambatti** as a synonym. The name Pamula is derived from the word **pambu** meaning snake. Thurston (1919) refers to them as a synonym of the **Jogi** caste. They can easily be identified by their professional apparel when they come out as king of alms. They can be spotted hanging a python on their shoulders and holding a snake-charming reed in one hand and a bag in the other. They are distributed around the **Nimile**, **Kanchipuram**, **Arconam**, **Balchettisatram** areas of the **Arcot** district and in the **Madras** city of Tamil Nadu. They speak Telugu at home and Tamil with outsiders, and use the Tamil script. They are non-vegetarian who take meat, pork, and flesh of rat (**eluka**) and monitor lizard or **varanus** (**udumulu**). Rice and **ragi** form their staple food items.

The Pamula community is endogamous and is divided into exogamous surnames (**intiperu**) which regulate marriages alliances. **Jalli**, **Dasarapu**, **Bindi Pindralu**, **Vayillu** and **Churukolu** are some of their surnames. Adult marriage is the practice. Bride-price in kind is prevalent among them. The mode of acquiring a spouse is through negotiation; monogamy is the common form of marriage. Widow and widower remarriages are allowed by them. Adultery, barrenness, impotency are some of the grounds for divorce among the Pamula. They mostly live in nuclear families. Male equigeniture is the rule of inheritance. Succession is through the eldest son. Women perform household chores and participate in other economic activities. They have decision-making powers and control the family expenditure. They enjoy an equal status with men. Pre-delivery ritual (**seemantham**) is observed during the seventh or ninth month. Birth pollution (**theetu**) is observed for nine days. Puberty rites (**rujuvu**) for the girls are observed on attaining menarche.

#### TECHNICAL ADVISORY GROUP

Marriage rituals (pendli), which are performed by the headman and a Brahman priest, are completed within a day and are celebrated at the bride's place. The important rituals performed are the tying of marriage badges (kankanan kattadam), ritual of pestle and mortar, and muhurtham. The dead are buried and death rites (karamanthralu) are observed for nine or sixteen days.

Snake-charming is the traditional occupation of the Pamula. Agricultural labour is related as subsidiary occupation for the women folk. So of them are engaged in pig-rearing. They do not have a caste council (panchayat) but offences pertaining to theft, adultery, and elopement are decided by the community elders. They are Hindu by religion. Munuswamy is their caste deity and Karemaremma is the village. To fulfil their vows they sacrifice a male pig (cheripodu) to their caste deity, which is considered an important occasion. They celebrate festivals like Dussehara, Diwali and Sankranthi. The Pamula have oral traditions comprising folk-tales, folk-songs and folklore. Traditionally they accept food from the Palle, Golla, Kshatriya, Maleru, and Brahman communities, but not from the Erla. Nowadays, they have begun to send their children to schools. Family planning measures are observed by them. They avail themselves of the civic amenities like public distribution system, electricity and post office.

Thirupalu, G., *Marriage Family and Economy Among the Pamula of Pamulapalem* (Athmakur: 1975)

Thurston, E., *Castes and Tribes of Southern India* (Madras: Government Press, 1909; rpt.1975, Delhi: Cosmo Publications), vol. VI, p. 29.)

#### Paraiyan, Veppuoparayan (SC)

The Veppur Paraiyan are the Paraiyan from Veppur in the Tiruchirapalli district of Tamil Nadu. **It is believed that they were originally the soldiers of the Raja Desirg of Chenji fort and after the fall of that kingdom, they become dacoits of the area and indulged in criminal activities. They were captured by the police during the British regime in 1910 and resettled at Otteri settlement in Madras, Pammal near Pallavaram and Azeez Nagar Neyveli which later came under the Neyveli Lignite Corporation. They have been shifted to Idikkal near Ulundurpettai in South Arcot district.** They are a subcaste of the Paraiyan and are an endogamous group, but nowadays they

intermarry with the other Paraiyans also. Their life-cycle rituals are same as observed by the Paraiyan. The Veppur Parayan are mainly engaged in agriculture, and agricultural and non-agricultural labour. They individually own small landholdings. They maintain traditional linkages with barbers and washermen. They show a positive attitude towards formal education, traditional and modern medicare and some of them have adopted modern family planning methods also.

### **Relli (SC)**

Also known as Sachchari, Chachati or Relli Chachadi, they identify themselves as Saprish or Saprui. They are distributed in ten out of thirteen districts of Andhra Pradesh. Earlier, they lived on the hills, and their chief occupation was to sell grass. Hence the name Relli. The term relli means a kind of grass in the Telugu language. The total population of the Relli is 76,329 (1981 census). Thurston (1909) says that, the Haddis may be divided into Haddis proper, Rellis and Chachadis, which are endogamous divisions. Later on they changed their occupation from grass cutting to fruit selling'. Their mother tongue is the Oriya language. They are also conversant with Telugu and use its script. **The Relli show 8 to 14 per cent sickle cell trait which is unusually high for the region.** In the ABO blood group system, they have high incidence of gene O (66 per cent) and about 10 per cent of gene A, which is less than that of the B gene frequency (24 percent), a trend common among certain agricultural castes and a few other non-tribal communities of the state (Naidu and Mathew 1978). The Relli are non-vegetarian. Their staple food comprises finger millet (ragi) bulrush millet (gantelu), rice and wheat.

A number of subdivisions of the Relli had been recorded by the Census of India, 1891, and three subdivisions Add, Adiya and Chachadi were reported in the 1961 census report. During the present investigation, four subdivisions, namely Relli, Kapu Relli, Vonda Relli and Savalapuram Relli are identified. They have adopted gotras like Naga and Ganga but they also have surnames (intiperu). The Relli women participate in all the social, economic, ritual and religious activities along with their menfolk. The primary occupation of the Relli is to sell fruits and seeds. Some of them have taken up other occupations, such as scavenging and other petty jobs in public or private organizations. The Relli are predominantly Hindus. A few of them have embraced Christianity. According to the 1981 census, 23.20 per cent of them are literate. Some of the Relli have got house sites and loans for petty business from banks.

#### TECHNICAL ADVISORY GROUP

The Relli (SC) in Orissa inhabit Koraput district. They speak Oriya and use its script. Their population in Orissa is 6353. They are non-vegetarian. Rice and finger millet (ragi) are their staple food. They have a number of clans (bansa), such as Raj, Ghotkari, Kuldip, Bagh, Nag, Kochim, Aradi, Madgul and Piate. Cross-cousin marriage, though not common, is practised. Traditionally, the Relli of Orissa trade in salt, rice, vegetables, goat, hen, pig, etc. Agricultural and other forms of wage-labour are also pursued. The Relli traditionally accept cooked food and water from Brahman, Bhattoda, Karan, Paroja and so on, while non accept cooked food from them. However, food cooked in ghee and the uncooked food items are accepted by all. They make putative kinship-based ties, like sangat, mitra, mohaprosad, bailiphool, etc. with the members of other communities. The Relli generally do not send their girls to school. Boys also study only up to primary level owing to various economic reasons. Their literacy rate, according to the census, is 16.26 per cent. They make use of both indigenous and modern medicines. Family planning measures are accepted by men. Benefits of development programmes have reached to some of them.

*Census of India*, 1961, Andhra Pradesh, vol. II, Part V-B (9), Ethnographic Notes; On Relli Chachati, or Relli Chachati, or Relli Chachati, Sapru, Ghasi, Haddi (Delhi : Manager of publications, 1966).

Naidu, J. M. and S. Mathew, 'Sickle Cell Trait in Relli of Vishakapatnam, A.P.', *Man in India*, 58(1), 1978, pp. 49-51.

Thurston, E., *Castes and Tribes of Southern India* (Madras: Government Press, 1909; rpt.1975, Delhi: Cosmo Publications), vol. II, pp. 313-20.

#### Yata

A community concentrated in the Srikakulam, Vizianagaram and Vishakhapatnam districts of Andhra Pradesh, the Yata are called by different synonyms, such as Setti Baliya, Yatollu, Idiga, Indra and Gamandla. **They are also known as Donga Yata and were included in the list of ex-criminal tribes before the repeal of the Criminal Tribes Act of 1948 in Madras State.** Thurston (1909) writes that the Yata were the toddy-drawers of Ganjam and Vizagapatam, whose name is corrupt form of ita, meaning date plam from which toddy is secured. Their usual titles are naidu and Setti. They are Telugu-speaking and use the Telugu script. The Yata are non-vegetarian and their staple cereal is rice. A total twenty-five subdivisions among the Yata were recorded (1891 census).

The Yata have a number of subgroups, such as Chachagadu, Chenchu, Indra, Itu and Segidi. They have gotras like Nagendra, Ganga and Bhattarajula, Gedala, Kolli, Nunsasa, Irusi, Nadigottu, Godollu and Batina. The surnames (intiperu) regulate marriage alliances. They observe menarikam (maternal uncle's daughter), endru menarikam (paternal aunt's daughter) and menakodalu (sister's daughter) custom for marriage. Child marriages are still prevalent in this community. The practice of bride-price (oli) which was obligatory has become symbolic as it has been replaced by dowry (katnalu). Divorce and remarriage are permitted with the consent of kulpanchayat. Their women enjoy a secondary status to that of the men. They participate in economic, social, ritual and religious activities along with their men. The family property is shared by all the sons equally and the eldest son succeeds as the head of the family. Birth pollution is observed for nine to eleven days. The namong ceremony is performed on the ninth or eleventh day after a birth followed by gangapuja, tonsure, annaprasana ceremonies and puberty rites for girls. The important marriage rituals include kala gollu sammbram, subhamuhurtam, tying of marriage locket (mangalasutram) round the neck of the bride and pouring of sacred rice. They cremate the dead and observe pollution for eleven days. The mortuary rites are performed on the third and twelfth days.

**The Yata in the past solely lived by their traditional occupation of toddy-tapping, i.e. preparation of fresh palm juice (neera) and toddy (kallu), basket-making and mat-weaving (eetapani) from palm leaves.** Nowadays, they have taken up varied occupations like cultivation, casual labour, industrial labour, rikshaw-pulling, etc. Most of their women, besides attending to their traditional work of toddy-selling, are engaged in basket-making, nallu moyuta, i.e. bprder stitching for sieves (jelledu), winnowing pan (chetalu), etc. and also work as wage workers along with their menfolk. They have a kulpanchayat to settle their disputes. The Yata profess Hinduism. They sell the palmyra leaf products or neera and kallu to villagers irrespective of caste distinction. Very few of their children attend schools. They drop out from studies due to poverty. They have a favourable attitude towards family welfare and modern medicines. Some of the Yata have been able to obtain house sites, and loans for piggery and petty business under the self-employment schemes.

Francis, W., *Madras District Gazetteers*. Vizagpatam (Madras : 1901) vol. I

Thurston, E., *Castes and Tribes of Southern India* (Madras: Government Press, 1909; rpt.1975, Delhi: Cosmo Publications), vol. III, p. 435.

**Yanadi (ST)**

One of the major scheduled tribes of Andhra Pradesh, their population is 3,20,444 (1981 census). Thurston (1909) notes that these people were natives of the Shriharikota island and suggests that they derive their name from the Sanskrit word anadi denoting people of unknown origin. **As their native island is now being used for the purpose of space research, a section of the Yanadi has been rehabilitated at different places.** The Yanadi are now widely spread in the districts of Nellore, Chittoor and Prakasam of Andhra Pradesh. The Yanadi are below-medium statured, long headed with the median value of cephalic index being the lowest observed in the state. They have a broad facial profile with a short chin and short and broad nasal features (Sreenath and Ahmad 1989). Their mother tongue is Telugu.

The Yanadi have two main divisions of Challa and Manchi. Each subtribe of Yanadi is divided into a number of patrilineal groups representing their lineage names (intiperu). Thurston (1909) has recorded many house names, namely Bandi (cart), Chembetti (hammer), Chilakala (parakeet), Dhoddi (sheepfold), Igala (housefly) Enthodu (name of a village), Illa (a house), Kaththula (sword), Kanur (name of village), Kotlu (cowshed), Mekala (goat), Manikala (measure), Pamula (snake), Tenkayala (coconut), Totla (garden), Janday (flag) and Marrigunta (pond near a fig tree) among the Machi Yanadi. These names are derived from the names of villages, occupations, material equipment, birds, animals, etc. Remarriage of the divorcee, widow and widower is permitted in the community. The woman is an economic asset of the family.

The Yanadi who are settled in the rehabilitation colonies practise agriculture. The government has allowed them cultivable land. But those who live outside the colonies depend on agricultural labour and food-gathering. Owing to the increase in colonization schemes and development activities, the president of the statutory village council plays an important role in setting disputes. **The Yanadi profess their own tribal religion.** They have traditional relations with the Reddi Kamma, Palli, Golla, Balija and some other communities. According to agencies of the government to train their young girls and boys in tailoring, carpentry and other vocations. The government is also extending loans through banks to the Yanadi cultivators for the purchase of bullocks, buffaloes, etc.

In Tamil Nadu, the Yanadi are also known as Tamil Yanadi and are Telugu-speaking. Others refer to them as Irlollu, Nakampadi, Malavasi or Villuwaru. They are not a scheduled tribe in Tamil Nadu. They are distributed in the border areas of Andhra Pradesh and Tamil Nadu. The community has migrated to its present habitat. Their mother tongue is Telugu. Tamil is spoken with others. The Telugu

and Tamil scripts both are used. They are non-vegetarian who eat pork. Their staple cereals are rice and ragi.

There are two endogamous group, namely Suddamyna Yanadi and Matturkam Yanadi among them. Consanguineous marriages are preferred and preference is given to father's sister's daughter or mother's brother's daughter. Junior sororate is allowed in the community. Adult marriage is practised and age at marriage for males is eighteen years and for females is fourteen. Modes of acquiring spouses are capture, mutual consent, elopement and negotiation. Monogamy is the usual form of marriage. Vermillion, bangles, thali and toe-rings are the marriage symbols. Neolocal and patrilocal are the rules of residence. Divorce, and remarriage of the widow and widower are permissible. Property is equally shared by the sons. The eldest son succeeds to the authority. Their women have a role in collection of fuel, bringing of potable water, other economic activities, social functions and rituals and in religious sphere. The first delivery takes place at the expectant mother's natal home. The puberty rites (shamungedi) for females are observed. Pollution is observed for seven days. The marriages rituals and nuptial ceremony are performed at the groom's residence. Marriage is conducted by an elderly person from their own community. The dead are buried. Pollution is observed and the rituals pertaining to death are officiated at by a Jangam priest.

Traditionally, they were scavengers but now they have diversified their occupations. They are mainly a landless community. a few of the Yanadi are in government jobs and work as coolies in flour mills or private houses. Inter-community disputes are settled by the elders. They follow Hinduism and worship Vallemamma and Kannemamma deities. They have oral traditions, folklore and folktales. Folk-songs are sung by both men and women. They traditionally accept cooked food and water from the

Reddy, Naidu and Komati communities. The Mattarakami Yanadi accept bride from higher castes and from the Suddamyna Yanadi. They visit common religious shrines and share water sources with others. They participate in Vanniamma and Kanniamma jatre. The community has teachers, clerks, sweepers, peons and attenders. Their attitude towards formal education is positive for both boys and girls. Their response to indigenous medicare system and family welfare programmes is encouraging.

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#### TECHNICAL ADVISORY GROUP

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Sreenath, J. and S. H. Ahmad, *All India Anthropometric Survey : South Zone*, Andhra Pradesh (Calcutta : Anthropological Survey of India, 1989).

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#### **Sansi/Sansiya (SC)**

They claim a Rajput ancestry, and Rajput Sansi as their ancestor. The name of community is derived from the latter part of this progenitor's name. They are distributed in the thirty-six districts of the country. The main distribution is in Punjab, Rajasthan, Haryana and Delhi, whereas they are scattered in Madhya Pradesh, Himachal Pradesh, Chandigarh and Maharashtra also. It is believed that they were expelled from Rajasthan by the Muslim invaders in the thirteenth century. Dispossessed of their homeland, the Sansi first migrated to Punjab and then to other regions (Fuchs 1981). Rose (1914) mentions that, 'they trace their origin from Marwar and Ajmer where they are still numerous. They are essentially a wandering tribe seldom or never settling for long in any place'. According to Sher (1965), they are predominantly long-and narrow-headed (dolichocephalic) people with long and narrow nasal features of leptorrhine type and in general, are of medium stature and medium build. They are characterized by brown complexion, straight hair dark brown in colour and dark brown eyes. In the ABO blood group system, they shown a higher frequency of blood group gene B (42.8 per cent). The Sansi language, after the name of the community, is said to be their mother tongue. Only in Madhya Pradesh, the Hindi language has been reported as their mother tongue. The Sansi are non-vegetarian. Wheat is their staple cereal. The Sansi have two divisions, Mahla and Behdoo, based on names of their ancestors, the sons of Raja Sansmal. Behdoo, are further divided into twenty-three clans named after their respective ancestors. The clans are exogamous and so are their hundreds of subclans says Sher (1965). In all they have one hundred and eight segments.

In Punjab, the Sansi (SC) are concentrated in Ludhiana and are also distributed in other districts of Punjab. Their population in Punjab (inclusive of Bhedkut and Manesh), according to the 1981 census, is 61,986. They are predominant in the rural areas. However, 12 per cent of them are also returned from the urban area. They are an endogamous community. The women are engaged in the household

work as well as in outside activities. They work as agriculturists, shoe-shiners, gatherers of iron dust and also as casual labourers. Some of them pursue the vacation of bahrupias and seek alms. They have never had close relation with the Chuhra, Chamar, Mazahbi and Bhangi. They exchange water and food with the Jhugiwala. They have their own crematorium. They have some curious connection with the Jat to most of whom they have been hereditary genealogists or bards. They have a favourable attitude to education but have made poor progress in the field with a mere 14.85 per cent literacy rate.

The Sansi (SC) of Rajasthan believe that they are descendants of Sahastrabahu, a legendary figure in the Hindu mythology who troubled the sage Jamadagni to part with his celestial cow, Kamadhenu. They are also known as Chhara, Bhatt or Bhedkut. They have two subgroups, namely Malawat and Bikaner, Jodhpur, etc. and their total population, according to the 1981 census, is 31,997. In addition to daily domestic chores, their women's participation in the economic sphere is significant.

**The Sansi of Rajasthan were known for their criminal activities, but after Independence they have left those pursuits. Their traditional occupation is brewing of liquor.** Some of them have cycle-repairing shops and flour mills. Their children are engaged in shoe-shining. They profess Hinduism and some of them belong to the Kabir Panthi sect and some believe in Rama pir. The literacy rate among the Sansi, in Rajasthan, is 6.47 per cent. They use both the traditional and modern medicine and show a positive attitude towards family planning. Facilities of employment under the DRD schemes and the financial assistance from the government for self-employment are utilized by them.

In Haryana, the Sansi (SC) consider themselves the descendants of the Chauhan Rajput, some of them trace their descent from one Sans Mal, whom they revere as their guru. They recount that to escape the proselytizing pressures of the emperor Aurangzeb and to save their lives, they drifted into jungles and consequently led a nomadic life out of Rajasthan, their native state. They are scattered all over the state and are notified as Sansi, Bhedkut, Manesh, and their total population in Haryana, according to the 1981 census, is 20,871. The exogamous social divisions among them are clans (got). They are mostly engaged in labour at construction and canal sites and in agriculture. They also rear sheep, goats, cattle, pigs and poultry. **They were known for burglary and highway robbery.** They are Hindu by faith. The Sansi traditionally do not eat food, kachcha or pucca, or accept water from the Deha, Singikat, Pernap, Bhedkut, Nat, Sapela, Badiya and other communities. According to the census, only 16.23 per cent of them are returned

as literate. the state's Welfare Department gives them grants/loans for self-employment to start piggery, poultry farming, animal husbandry, and for the purchase of camel-carts house construction, etc.

The Sansi (SC) in Delhi, have come from Punjab, Pakistan and Uttar Pradesh and are living in different resettlement colonies. They are also known as Sansiya or Bhedkut. They believe that their community name is a derivative from the word Sahasi, meaning courageous. In the union territory of Delhi, they are returned as Sansi or Bhedkut and their population, according to the 1981 census, is 5915. They have two endogamous groups of Nut Sansi and Rajput Sansi. These groups are different from the ones reported by Rose (1909) and Sher (1965). The two subgroups according to Rose are Kalka and Malka. Each of these subgroups are further divided into three exogamous clans (gotra) namely Mala, Bedu and Chairi.

The **Sansi's traditional occupation was brewing liquor, thieving and robbery.** The Rajput Sansi are engaged in business, white-collar professions and in the running of small-scale industries. Poor families engage their children in tea stalls, automobile repair shops, factories, etc. Their attitude towards education, family planning and modern medicine is favourable. According to the 1981 census, 40.1 per cent of the Sansi in Delhi are literate. They make the best use of the government loans of the self-employment.

In Madhya Pradesh, the Sansi (SC) are distributed in the districts of Guna, Ujjain, Jabua, Indore, Dewas, Shajapur and Hoshangabad, and their concentration is in Rajgarh district. They are also known by the names of Sansiya, Sahnsi and Bhatue. In Madhya Pradesh, they are notified as Sansi, Sansia and their population in the state is 3043 (1981 census). They have two subgroups of Kalkar Sansi and Malha Sansi. their clan names are Baneria, Chhare, Chandel, Dhapan, Duls, Rangu, Karkhor, etc. In addition to their domestic work, the Sansi women undertake labour work in agricultural and non-agricultural activities.

The Sansi in Madhya Pradesh are primarily an agricultural community and their subsidiary occupations are labour in agriculture and non-agricultural sectors, business and service in government or non-government organizations. They profess Hinduism and worship Shankar, Parvati, Bajrangbali, Durgamata, Kalimata, Bittamata and so on. They maintain traditional linkages with the artisan groups like the Lohar and Barhai. Nowadays, a Brahman's services are sought for performing rituals and social functions. Since they live in separate hamlets, beyond the core village, they are provided with all types of amenities like drinking water supply, cremation grounds, shrines and temples, separate. Nowadays, the Sansi children attend different educational institutions for higher studies. The

1981 census returns also show that they have made a moderate achievement in the field of education and their literacy rate is 18.8 per cent.

The Sansi (SC) of Himachal Pradesh are localized along the Punjab border in the district of Kangra. They migrated to Kangra from Siakot (Pakistan) in 1947. In Himachal Pradesh, the Bhedkut and Manesh are grouped with the Sansi and their total population, according to the 1981 census, is 464. Two broad subgroups of the Sansi are Baindu or Biddu, and Malka or Mahla. The Malka and Baindu maintain some kind of hierarchy; the former consider themselves superior yet accept girls from the Baindu. Their exogamous divisions (got) are mainly based on the group's original village and they are even named after it. Some of the divisions, for example are Thulia, Myraso, Gotewal, Nandowal, Bidowal, Lalewal, Bhanewal and Nathuwal. The Sansi in Kangra own large landholdings and are engaged in agriculture and animal husbandry. They also brew liquor. They are mainly Hindu. Presently, they are associated with the Radha Soami and Nirankari sects. Despite the modern development programmes, their literacy level has not improved much. Only 25.22 per cent of their population are returned as literate.

In Uttar Pradesh, the Sansiya (SC) believe that their ancestors had come from Gajni, Bhatnar and Chittorgarh. They are mainly distributed in the districts of Meerut, Muzaffarnagar and Moradabad, and their population in the state, according to the 1981 census, is 757. They are divided into many (about 500 as reported) clans. They are landless and subsist on wage-labour. There has been a sharp increase in the number of daily-wage and casual labourers. They believe in Hinduism and worship Raja Sasmal. They traditionally accept water, kachvha and pucca food from all the communities except from the Balmiki, Chamar and Muslim. The Sansiya moderately favour formal education. According to the 1981 census, 23.91 per cent of them are returned as literate.

The Sansi (SC) in Chandigarh have migrated from Rajasthan and Punjab and they live in Permanent settlements. They are also known as Bhedkut and Manesh. According to the 1981 census, their population is 1344. The Sansi are divided into different gotras, such as Adlan, Badvan, Gajwan, Advan, Mattwan, Diran, Kirhan and Balan. They practise community endogamy, gotra and village exogamy. In Chandigarh, the Sansi men are mainly engaged in shoe-shine work or else are employed as labourers or helpers in building construction, etc. The women are engaged in selling different kinds of shoe-laces or they sit in the open market with a weighing machines for people to weigh. Some of them collect waste paper, plastic bottles, small tin-cans, etc. from the roads and lanes. The children, too, are engaged in different kinds of manual labour. The Sansi are mainly Hindu and

#### TECHNICAL ADVISORY GROUP

celebrate the festivals like Holi, Diwali, Dussehra and Lohri. Food and water are accepted from the scheduled caste communities in the area. Children's education is not encouraged mainly due to poor economic condition. Their literacy rate, according to the census is, only 11.83 percent.

The Sansi belong to the denotified group of communities in Gujarat. The community name is synonymous with Chhara in Ahmedabad and Abodia in Saurashtra. They are non-vegetarian but avoid pork and beef. Their staple food comprises wheat, maize and rice. The majority of them consume country liquor. The community is endogamous and has two exogamous subdivisions, namely Mala and Bidu. Each of these divisions again consists of a number of clans, like Gangia, Terwa, Gorla, Jhoja, Belie, Galeria, Gomdan, Raichand, Bhana and Dahia. Their traditional surnames were Terva, Bhana And Ghatiana but now they have adopted some other surnames, such as Sisodhia, Bhat and Parmar. Monogamy is their marriage rule but polygyny is also permitted. Bride-price and dowry are in vogue. Divorce is permitted but it needs approval of the panch. Remarriage (natra) is acceptable by the community. Child marriage is replaced by adult marriage. Male equigeniture is the rule of inheritance. The eldest son succeeds his father. Birth, marriage and death rituals are elaborate. God varna is a pre-natal ritual. On the occasion of a birth, they observe birth pollution followed by naming ceremony and worship Bemata. Sangi is the confirmation of negotiation for marriage. The Brahman (Sindhi, Gare and Joshi) and Nai assist them in their marriage rituals. The important rituals connected with marriage are smearing of pithi on the bride and groom, seven times circumambulation (phera) round the sacred fire, hast-milap and kanyadan. They cremate the dead and observe death pollution for twelve days with a communal feast.

**Their traditional occupation were theft, burglary, distillation of illicit liquor, prostitution, etc. But now the landless Sansi are engaged in small business and labour work. Their children, too, are engaged in wage-labour.** A traditional community council (jati panch) deals with the disputes concerning matrimonial matters. Sometime panch exercises cash fine or excommunication on the accused. They are a jal-achal group owing to their degraded occupation. Exchange of water and food is maintained only with the lower castes. Intercommunity marital exchanges are not acceptable to them. With others communities they share water sources, schools, cremation grounds, etc. Literacy rate among the Sasi is very low; they partially favour education for their children. Nowadays, they make use of modern methods of family planning and modern medicare system.

In Jammu and Kashmir, the Sansi claim that they belong to the Rajput ethnic stock, but were excommunicated on account of hunting and consuming people essentially lived near forests or at the periphery of the towns. Subgroups among them perceive their distribution within Jammu region mostly in and around Samba, Raisi, Kuthua, Poonch, Rajouri, Nowshera, Udhampur and Meeran-Sahib. They speak Dogri at home and correspond in the Devanagari or Perso-Arabic script. They are non-vegetarian but abstain from eating beef. Their staple food comprises wheat and maize. Both men and women consume liquor. They have clan divisions, like Nandwal, Maswal, Khanwal, Sandyal, Gholiya, Toliya, Tagiyal, Nathwal, Chachco and Handariya.

The Sansi of Jammu and Kashmir are endogamous and marriage alliances are sought from other clans. Marriage with father's sister's daughter is not allowed. There are no restrictions on junior levirate form of remarriage. Monogamy is the prevalent form of marriage, nonetheless cases of polygyny are also reported. Dowry is in vogue. Divorce and remarriage are permitted in the community. Equigeniture is the rule of inheritance and the eldest son succeeds as the head of the family. Women earn and contribute to the family income. There are no pre-delivery rituals, while forty days of post-delivery pollution is reported among them. Naming ceremony is conducted. Mundan ceremony is observed for the boys. Marriage is celebrated by observing mehandirat, lagan and jaimala ceremonies. Marriages are performed at the bridegroom's residence by a Brahman priest. The dead are cremated and death pollution is observed for thirteen days. Reportedly, at least some of Sansi in Jammu and Kashmir, were involved in petty thefts as well as highway robberies, but now they have taken up farming, small trade and unskilled labour. They are Hindu who observe Hindu festivals but visit Hindu as well as Muslim religious shrines. They participate in the local festivals and fairs if the regional deities and recite the folk-tales and songs from the religious texts, and the poems of local poets and poetesses. A few of them are employed in government offices. They accept cooked and Kachcha food from all communities. They maintain social and marital relations with other communities of equal status or with upper-caste Hindus. They have not been benefited much from the governments sponsored development programmes. They are still socially, educationally and economically backward.

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11

**Identification of Denotified, Nomadic and  
Semi-nomadic Tribes**

**A**

**LISTING OF CRIMINAL TRIBES PRIOR TO 1952**

**UTTAR PRADESH**

1. BADAKS and BADHIKS: notified S.C. in Badaun; Kheri; Mathura and Shahjahanpur district of U.P. They are S.C.
2. BANJARA; VANJARI, LAMANI, LAMBHDI, LAMBADI: C.T. in four districts of U.P.
3. BARWARS : Worshippers of Hindu Gods and Mohmmedan Pirs : C.T. Gonda; Hardoi; Sultanpur and Bareli Districts in U.P. S.C. there.
4. BAURIAH : Baoriess; Baurias; Bawariyas; Bawaris; Marwaris; MOGHIA : C.T. in Muzzaffar Nagar and Meerut district in U.P. S.C. there.
5. BEDYAS: C.T. in parts of U.P. Also known as BERIAS.
6. BHANTUS: C.T. in U.P. Confined in settlements in U.P. S.C. there.
7. BHARS: C.T. in U.P. once Suryavanshis occupied and ruled over Ayodhya. The Chero aborigins banished the Suryavanshis and ruled there. The Aryans drove the Bhars, Cheros and other tribes to the hills, and then the tribals came down and reconquered Ayodhya, etc. That is what Elliott says. In U.P. they are Raj Bhars.
8. BORIYA (also ARAKH; Bahelia; Pasi, Raj Pasi) C.T. in Fatehpur and Kanpur districts of U.P.
9. CHAMARS: C.T. in Etawah; Ghazipur; Jahwpur, in the rest of U.P. S.C.
10. DALERA/DALARIA: C.T. in BARELLI; Merrut and Moradabad districts of U.P. (Famine Driven).
11. DOMS (MAGHAIYAS; ORIYAS; AUDINIYAS; BANSFORES) : S.C. but C.T. in U.P. MAGHALYS DOMS. ORIYA DOMS are notified S.C. in U.P.

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12. DUSADHS (CHAKAIS; PALWARS; MAGHIYAS) : PALWAR DUSADHS C.T. in Balliya district of U.P.
13. GANDHILLAS: C.T. in Muzzaffar Nagar of U.P.
14. GIDHAIS : C.T. in Moradabad District of U.P.
15. GHOSIS: Muslim herdsmen C.T. in Aligarhi; Etah and Mainpuri districts of U.P.
16. GUJARS: C.T. in U.P. (Tradition cattle grazer)
17. HABURAS: C.T. in U.P. where they are S.C.
18. KANJARS: C.T. in U.P.
19. KARWAL NATS : C.T. in U.P.
20. KEWATS: C.T. in Basti district of U.P.
21. KHATIKS: C.T. in Basti & Gonda Districts of U.P. There are Hindu Khatiks and Muslim Khatiks in U.P. , S.C.
22. LODHAS or LODAHS: C.T. in Mainpuri and Fatehpur districts of U.P.
23. MALLAHS: C.T. in U.P.
24. MEWATIS: C.T. in U.P.
25. MUSAHARS: C.T. in Beneras division districts of U.P. (Dravidian Jungle Tribes).
26. NUTS or NATS: C.T. in parts of U.P.
27. OUDHIAS: C.T. in Kanpur and Fatehpur Districts of the U.P.
28. PASIS: C.T. in U.P.
29. SANSIAS: C.T. in U.P. and Delhi
30. TAGA BHATS: C.T. in Saharanpur District of the U.P.
31. BHALIAS/AHERIAS: S.C. in U.P.

#### HYDERABAD

1. DOMNARS or DOMARS (Reddys and Arais) : in post denotification period C.T. in Hyderabad State.
  2. DONGA YERUKANS/KORACHAS/KORAVAS: C.T. in Hyderabad
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3. KAIKADIS: C.T. in Hyderabad.
4. KOMAKAPUS: C.T. in Hyderabad State.
5. ODDARS or WODDARS: C.T. in Hyderabad State.
6. TALEGA PAMULAS or PEDDATY-GOLLAS or THELLA PAMAWADS ; C.T. in Hyderabad under the name "THELLA PAMAWADS - YERA GOLLAS, PEDDITI GOLLAS, PARIKINOKKAAS & GURU DASARIS.
7. YENADIS (Madras) or YENADIWADS (Hyderabad): YENADIS C.T. in Madras, YENADIWAD C.T. in Hyderabad.

#### MADRAS PRESIDENCY

1. ADI-DRAVIDAS IN Chingelput District
2. AMBALGARS/MOOTTANKAMPADTI AND SURIYANUR; Trichinapalli District.
3. LAMBADI in Madras
4. BHATTU TURKAS, C.T. in Chittoor District of Madras State
5. BOWAS (PEDDAS and DONGAS) : in Kurnool; Belrarvi; Ananthapur; Cuddapah and Chittoor in the Madras State also known as BEDARS/BERAD on or after 1/1/1920 in Bombay State. (Originally a martial people, task force of Hyder Ali or Tipu's army). According to Enthoven, in Belgaum an independent Bedar state under the Peshwas. Rebelled against the British, defeated in 1820. In Bombay State Bedar uprising in 1829 and 1825.
- 5.1. PAIGIAS: C.T. in Madras
6. BUDA BUKKALAS; also Ghakalas and Pamulas: C.T. in Guntoor District of Madras State.
7. DASARIS (DONGAS & GUDAS) : C.T. in Madras State, all over.
8. DOMMARS OR DOMARS (Reddis & Arais) : were a C.T. in Madras State and still in Post-denotification period C.T. in Hyderabad State.
9. GHASIS: C.T. in Vasakhapattanam District in Madras State.
10. IRULARS: C.T. in North and South Arcot; Trichinopoly and Madras City of Madras State; Forest Tribe.
11. JOGIS/JOGULAS; C.T.

**TECHNICAL ADVISORY GROUP**

12. KALADIS, also "PARAYARS" C.T. in Ramanad District; Classed as S.C.
  13. KALLARS (PERAMALAIS; KOOTERPALS and PERIYA SURIYURS): C.T. in Madura North and South; Tanjore and Trichanapoly Districts.
  14. KANJARS : also Madras State
  15. KEPUMARIS: Mainly in Kurnool; Salem; Coimbtour and South Arcot Districts.
  16. KINTALI KALINGAS : were C.T. in 6 villages in Pondur P.S. Limits of Vizagapattanam District.
  17. KONDA DORAS : South Vizagapattanam District (Hill Cultivators)
  18. KORACHAS almost all over Madras State under different local names : Koracha; Korava; Erukula; Koravar S.C. in Mysore State.
  19. KARUMBARAVAS: C.T. in Ramvad Dist. of Madras.
  20. MODIGAS : C.T. in the Kurnool District.
  21. MALAS : C.T. in Madras. S.C. there.
  22. MARAVARS ( Sambanads and Appanad-Kondayan-Kottai Maravars) : C.T. in Tinnevely and Ramnad Districts of Madras.
  23. MUTHARACHAS : C.T. in Madras State. Same as Muthurians.
  24. NAKKALAS: C.T. in East Godavari District.
  25. NOKKARS/NOKKANS: C.T. in Chingleput District.
  26. ODDARS/WODDARS: C.T. in Madras.
  27. PICHARIS: C.T. in Bellary District of Madras. Same as PARDHIS, a hunter tribe.
  28. PICHIGUNTALAS : C.T. in Cuddapah District.
  29. POLIGARS : C.T. in Chittoor District - A martial tribe. In a battle with the British in 1799-1801 they killed 15 British Officers.
  30. PARIYAS/RENGANOOR Parayias of Chittoor District, and REPPUR PARAYIAS of South Arcot District in Madras are C.T. Also S.C. in Madras.
  31. REDDIKAS: Only a small section notified in East Godavari District.
  32. RELIS: C.T. in Vizagapattanam District.
  33. TALYARIS (DVAGUDIS): C.T. in Cuddapah District.
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RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

34. TALEGA PAMULAS, or PEDDATI GOLLAS or THELLA PAMAWADS: Talega Pamulas or Peddati gollas; C.T. in Madras. Also known as YERRA GOLLAS; PEDDETI GOLLAS, PARIKINOKKALLAS and GURU DASARIES.
35. TELLUNGAPPALATTI CHATTIS: C.T. in Madras.
36. THOTTIA-NAICKS: also known as Kambalathans or Jathi Pillays, or Tottiyans; C.T. in Madras State.
37. URALIGAUNDANS: C.T. in Tanjor District of Madras.
38. VALAYARS: As early as 1868 they were mentioned as " a low and debased class", in the manual of Madura District. C.T. in Madura and Coimbatore Districts of Madras State.
39. VALLAYANKUPPAM PADAYCHIS : C.T. in South Arcot district of Madras State.
40. VATTAIKARANS : C.T. in Tanjor District.
41. VETTUYA GOUNDANS : C.T. in Trichinopoly District.
42. YATAS: DONGA YATAS: C.T. in Vizagapattanam District.
43. YENADIS (Madras), or Yenadiwads (Hyderabad): Yenadis C.T. in Madras and Yenadiwads C.T. in Hyderabad.

**BOMBAY STATE**

1. LAMANIS of Bijapur, Belgaum and Dharwad districts (also known as Sugalis); notified as C.T. in Bombay State.
2. BHAMTAS (IAKARIS): C.T. in Bombay province. Also known as GHANTICHOR and UCHALYA. In Bombay state known as KHISKATTRUS; VADARI, KALWADOAR; TUDUG WAWDAR; KAWATIS.
3. VHAMPTA (Rajput): Rajput Bhamta or Pardesi Bhamtas are a distinct class than TAKARI BHAMTAS. C.T. in Bombay province.
4. BHILS: Were convicted of non-bailable offences, or were required to give security under Section 110 Cr. P.C. on or after 1.1.1920, were notified as C.T. in East and West Khandesh, Nasik, Ahmednagar, Puna and Solapur district in Bombay State.
5. BOYAS (PEDDAS and DONGAS) also known as BEDARS or BERADS on or after 1.1.1920; C.T. in Bombay State (originally martial people,

**TECHNICAL ADVISORY GROUP**

soldiers of Hydar Ali & Tipu's Army) In Belgaum independent State under the Peshwas. Under the British they rebelled and were defeated in Bombay State uprising in 1829 and 1895.

6. KALKADIS: C.T. in Bombay State, also Hyderabad.
7. KANJARS: C.T. also in Bombay
8. MAN-GARUDIS: C.T. in Bombay State; S.C. there.
9. NIRSHIKARIS, also Hiran Shikari, or Pardhi in Bombay State.
10. TADVIS: C.T. in Bombay on or after 1.1.1920

**PUNJAB, PATIYALA, EAST PUNJAB'S STATES UNION  
AND THE PUNJAB**

1. AHERIAS, or Behelias, or Aheris, or Heris, Patiyala, East Punjab's States Union, and the Punjab S.C. but notified as Tribes.
2. BARRAS: Notified in Punjab; Patiyala and East Punjab's States union S.C.
3. BAURIAH; BAORIESS; BAURIAS; BAWARIYAS; BAWARIS; MARWARIS, MOGHIA: C.T. in Punjab, Delhi as S.C.
4. BEDYAS: C.T. in Punjab
5. BENGALIS/BHANGALIS: C.T. in Punjab
6. BHEDKUTS: C.T. in the Punjab
7. BHURA BRAHMANS: C.T. in Kangra District, Punjab
8. CHHURAS or CHURAS: C.T. in village Savhra in Amritsar dist. and Fatehgarh and Shavhraon in Ferozpur District in the Punjab.
9. DHEAS or DHES: C.T. also S.C. in Punjab, Patiyala also East Punjab States Union.
10. DHENWARS: C.T. in the Gurgaon district of Punjab.
11. GANDHILLAS: C.T. in Patiyala district, East Punjab States Union and the Punjab. In Punjab they are S.C.
12. JATS (GUTKAS or DILLONS) : Gurkas and Dillon Jats are C.T. in some parts of the Punjab State.
13. KANJARS: C.T. in the Punjab; Patiyala and East Punjab States Union; in Punjab S.C.; other states S.T.

14. MAHATAMS: C.T. in Firozpur district of Punjab.
15. MEWATIS: C.T. in the Punjab.
16. MINAS: C.T. in the Punjab, Patiyala and East Punjab States Union.
17. NUTS or NATS: C.T. in parts of Punjab.
18. RACHBANDS: C.T. in the Punjab.
19. SANSIAS: C.T. in the Punjab, Patiyala, East Punjab states union.
20. SINGHIKATS: C.T. in the Punjab.
21. TAGUS: C.T. in KARNAL Dist. of Punjab.

#### **RAJASTHAN, MADHYA PRADESH & BHOPAL STATE**

1. BAIRAGIS: C.T. in Bhopal State.
2. BANJARA; VANJARI; LAHANI; LAMVHADI; LAMBADI; part Rajasthan and Madhya Bharat, notified in Madhya Bharat, S.C.
3. BANCHHADAS: C.T. in Dhar, Sitaman, Dewas Indore in Madhya Bharat.
4. BAURIAH; BAORIESS; BAURIAS; VAWRIYAS; BAWARIA; MARWARIS; MOGIA: part of Rajasthan and Madhya Bharat; in Ajmer S.C.
5. BEDYAS: C.T. in Vindhya Pradesh (M.P.) also referred to as BERIAS.
6. BHANMATES: C.T. in Dewas, Madhya Bharat.
7. BHATS: C.T. in Jodhpur division of Rajasthan, wandering poets and singers.
8. BHILS: C.T. in Jalore and Pali districts in Rajasthan (Pressure of Famine)
9. BIJORIA: C.T. in Bhopal
10. CHANDRAVEDIS; SONARIAS; SANALIRIAS: C.T. in Vindhya Pradesh (Chandravedisi Sonurias and Sanurias, C.T. in Bhopal State.)
11. KANJARS: C.T. in Madhya Bharat; Rajasthan, Ajmer and Bhopal states. They are S.C. in these places.
12. MINAS: MINA CHOWKIDARS have also been notified in some parts of Rajasthan (Better placed as they were former rulers of land, later held by Jaipur Kings)
13. MULTANIS: C.T. in Udaipur and Bhilwara of Rajasthan.

**TECHNICAL ADVISORY GROUP**

14. NAIKS: C.T. in Jodhpur district of Rajasthan.
15. NIRSHIKARIS: C.T. as Pardhi in Madhya Bharat.
16. NUTS or NATS: C.T. in Rajasthan and Vindhya Pradesh.
17. PASIS: C.T. in Vindhya Pradesh
18. SANSIAS: C.T. in Ajmer, Delhi, Bhopal, Madhya Bharat, Rajasthan.

**MYSORE, WEST BENGAL, BIHAR, ORISSA, J & K, SAURASHTRA,  
KUTCH**

1. BAURIAH; BAORIESS; MARWARI; BAURIAHS: C.T. in Bihar.
2. BEDYAS: C.T. in West Bengal, also referred to as Berias
3. BHARS: C.T. in West Bengal, Bihar
4. DANDASIS: C.T. in Ganjan district of Orissa. S.C. in the rest of Orissa.
5. DHARIS: C.T. in Patna; Munger and Bhagalpur districts of Bihar.
6. DHEKARUS: C.T. in West Bengal, and Santhal Parganas of Bihar.
7. DOMS: MAGHALYA DONS: C.T. in Bihar, only the convicted ones are C.T. in West Bengal.
8. BANSFORE DOMS: C.T. in Bihar
9. ORIYA DOMS and ALIDINIYAS are C.T. in Orissa, Bihar and West Bengal.
10. DUSADHS: CHAKAI AND MADHIYA DAUSADS; C.T. in Bihar.
11. GANTICHOR or GANTUKOLLARS : C.T. in Mysore State.
12. GHASIS: C.T. in Orissa; also S.C.
13. GONDAS: C.T. in Orissa, convicted ones are C.T. in West Bengal.
14. HANDIJOGIS: C.T. in Banglore and Kokir districts of Mysore state, also S.C.
15. HINGORA: C.T. in Kutch.
16. JAINTRA PANS: C.T. in Orissa. Under Tajpur P.S. alone.
17. KARWAL NATS: C.T. in West Bengal & Bihar.
18. KORACHAS & KORAVAS: C.T. in Mysore States under names. Also ERUKULA and KORAVAR. S.C. in Mysore State.

19. LODHAS or LODAHS: C.T. in Singhum District in Bihar the convicted ones are C.T. in West Bengal. In West Bengal, they are S.C. (correction they are S.T. also found in Mayurbhanj - Mahashweta Devi.
20. MIANS: C.T. in certain parts of Halar district in Saurashtra.
21. MUNDA POTTAS: C.T. in Gunjam District of Orissa.
22. MUSAHARS: C.T. in Bihar, also S.C. there (Dravidian Jungle Tribe).
23. ODDARS or WODDARS: C.T. in Mysore, also S.C. there.
24. PAIDIS: C.T. in Koraput district of Orissa.
25. PARNAS or PERNAS: C.T. in J & K.
26. SANSIYAS: C.T. in J & K.
27. TALEGA PAMULAS or PEDDATI GOLLAS or THELLA PAMAWADS: C.T. in Orissa.

## B

### A LIST OF NTs AND DNTs IN THE ORIGINAL SCHEDULE

#### Denotified Tribes

1. BERAD,
  2. BESTAR,
  3. BHATMA,
  4. KAIKADI,
  5. KANKARBHAT,
  6. KATABU,
  7. LAMANI,
  8. PHASE-PARDHI,
  9. RAJ-PARDHI,
  10. RAJPUT-BHATMA,
-

**TECHNICAL ADVISORY GROUP**

11. RAMOSHI,
12. VADAR,
13. WAGHARI AND
14. CHHAPPARBANDH

**Nomadic Tribes**

1. BAWA,
2. BELDAR,
3. BHARADI,
4. BHUTE,
5. CHALWADI,
6. CHITRAKATHI,
7. GARUDI,
8. GHISADI,
9. GOLLA,
10. GONDHALI,
11. GOPAL,
12. HELWE,
13. JOSHI,
14. KASI-KAPADI,
15. KOLHATI,
16. MAIRAL,
17. MASAN-JOGI,
18. NANDI-WALE,
19. PANGUL,
20. RAVAL,
21. SHIKALGAR,
22. THAKAR,
23. VAIDU,

24. VASUDEO.

**C**

**STATE WISE CLASSIFICATION OF SOME OF THE TRIBES**

	<b>Banjara</b>	<b>Vadar</b>	<b>Kaikadi</b>	<b>Pardhi</b>	<b>Kanjarbhat</b>	<b>Berad</b>
ANDHRA	S.T.	S.C.	S.C.	S.C.	S.C.	S.C.
KAR	S.C.	S.C.	S.C.	S.T.	S.T.	S.T.
DELHI	S. C.	S.C.	S.C.	S.T.	S.T.	S.C.
U.P.	O.B.C.	O.B.C	S.C.	S.T.	S.T.	S.T.
ORISSA	S.T	S.C.	S.C.	S.T.	S.T.	S.C.
BENGAL	S.T.	S.T.	S.T.	S.T.	S.T.	S.C.
BIHAR	S.T.	S.T.	S.C.	S.T.	S.T.	S.T.
GUJ	S.T.	S.T.	S.C.	S.T.	S.T.	S.T.
H.P.	S.C.	S.C.	S.C.	S.T.	S.T.	S.T.
RAJ	S.C.	S.C.	S.C.	S.T.	S.T.	S.C.
MAH	DNT	DNT	S.C	S.T.	DNT	DNT
T.N	DNT	S.C.	S.T.	DNT	DNT	

**D**

**TRIBE-WISE CLASSIFICATION IN DIFFERENT STATES : SOME EXAMPLES**

Baharupi: Andhra-N.T., Gurjarath-N.T., Maharashtra-N.T., M.P.-N.T.,  
Karnatak-S.C.

Bawa: gujarath-S.C., Maharashtra-N.T., M.P.-N.T.

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Beldar: M.P.-S.C., Orissa-S.C., U.P.-S.C., Bengal-S.C., Maharashtra-N.T.  
Bhamta: Maharashtra-N.T., Andhra-D.N., Gujarat-DNT  
Bhoi: Karnataka-S.C., Orissa-S.C., Maharashtra-N.T.  
Budbudke: Maharashtra-N.T., Andhra-N.T., Gujarath-N.T.  
Chalwadi: Maharashtra-N.T., Andhra-S.C., Gujarath-N.T.  
Chitapardhi: Maharashtra-S.T., Gujarat-N.T., M.P.-N.T., Karnatak-N.T.  
Davari Gosavi: Maharashtra-N.T., Gujarat-N.T., U.P.-N.T.  
Gadi-Lohar: Maharashtra-N.T., M.P.-N.T., Gujarat-N.T., Rajasthan-N.T.  
Ghanti-Chor: Maharashtra-N.T., Gujarat-N.T., M.P.-N.T., Delhi-N.T.  
Garudi: Maharashtra-N.T., Gujarat-N.T., M.P.-N.T.  
Ghisadi: Maharashtra-N.T., Gujarat-N.T., M.P.-N.T., Delhi-N.T., Rajasthan-N.T.  
Bolla: Maharashtra-N.T., Gujarat-N.T., Andhra-N.T., tripura-N.T.,  
Karnataka-N.T.  
Gondhali: Maharashtra-N.T., Andhra-N.T., Karanatak-N.T., Gujarat-N.T.  
Gopal: Maharashtra-N.T., M.P.-N.T., Gujarat-N.T.  
Jogi: Maharashtra-N.T., H.Pradesh-S.C., Tamilnadu-DNT, Gujarat-N.T.  
Kahar: Maharashtra-N.T., Tripura-S.C.  
Kapadi: Maharashtra-N.T., Gujarat-N.T., M.P.-N.T.  
Kolhati: Maharashtra-N.T., M.P.-N.T., Karnatak-N.T.  
Masan-Jogi: Maharashtra-N.T., Andhra-DNT, Karnataka-S.C.  
Shikalgar: Maharashtra-N.T., Punjab-S.C., Delhi-S.C., H.M.-S.C.  
Tirmali: Maharashtra-N.T., Gujarat-N.T., Karnatak-S.C., Andhra-S.C.  
Vasudeo: Maharashtra-N.T., Gujarat-N.T., M.P.-N.T.

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Sammath Bureau Franchise Committee recommended that Untouchable

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RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

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**E**  
**STATEWISE LIST OF DENOTIFIED/NOMADIC/SEMI-NOMADIC**  
**TRIBES**  
**( According to information received from States)**

Table of Classification					
S.N.	State	SC	ST	OBC	
1.	Haryana	Bangali, Barar, Bauria, Nat, Gandhila,		Sansi, Tagus, Mahatms, Dhiwara, Minas, Bhora Brahman	

TECHNICAL ADVISORY GROUP

2.	J&K		Balti, Beda, Bot Bota, Brokpa, Drokpa, Dard, Shin, Changpa, Garra, Mon, Purigpa, Gujjar, Bakerwal, Gaddi, Sippi		
3.	Orissa	Jaintirapana, Dandasi Pano, Mundapotas, Ghasis, Oriya Domb, Adnuria Domb, Pydis	Ledhas, Gaudas		Telenga Pamula, Minkas
4.	Madhya Pradesh	Kanjar, Sans, Banchhra, Kalbaliya, Bhanumati, Moghia, Bagri, Nat, Pardhi, Baria, Kuchbandhia, Kubutar, Pasi,		Banjara, Baraigi, Saundhia,	Habuda, Sanoria, Bijoria, Bhatu, Chandrabadia
5.	Rajasthan	Kanjar, Sansi, Bawaria, Nut, Baoria, Kalbelia		Mogia, Bhat, Jagri, Multanis, Banjara, Baladia, Gadia Lohar, Shilkkeligar, Rebarias, Jogis	
6.	Gujarat	Turi, Garo	Kathodi, Kotwaliya, Votodiya, Paradhi	Bajania, Bhand. Nath, Vadi, Vansfoda, Bawa- Vairagi, Bhavaiya, MarwadaWaghari, Od, Ravalia, Shikliga, Sarania, Vanzara(Shinangwala and kangasiwala), Jogi, Bhopa, Gadalia, Kangasia, Ghantiya, Chamtha, Charan- Gadhvi, Salat Ghera, Bafan, Chhara, Dafer,	

RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

				Hingora, Me. Miyana, Sandhi, Theba, Wagher, Waghari, Chuvalia Koli, Koli(only Rapar and Bhachau)	
7.	Uttar Pradesh	Badhik, Bahelia(Aheria), Barwar, Bawaria, Beldar, Beria, Bhantu, Boria, Chamar, Dom, Dusadh, Habura, Kanjar, Karwal, Khatik, Musahar, Nat, Pasi, Sansia			
8.	Chhatisgarh	Pasi, Dewar, Kasai,	Pardi, Baniantak(Rajgod)	Banjara, Bairagi, Bhat, Jogi, Joshi, Gosain, Dhangar, Sikligar	
9.	Tamil Nadu			Allur Kilnad Koravars, Attur Melnad Koravars, Appanad Kondayam kottai Maravar, Ambalakarar, Boyas, Battu Turkas, C.K. Koravars, Chukkala, Changyampudi Koravars, Chettinad Valayars, Dombs, Dobba Koravars, Dommars, Donga Boya, Donga Ur. Korachas, Devagudi Talayaris, Dobbai Korachas, Dabi Koravars, Donga Dasaris, Gorrela Dodda Boya, Gudu Dasaris, Gandarvakottai	

TECHNICAL ADVISORY GROUP

				<p>Koravars,  Gandarakottai Kollars,  Inji Korvars, Jogis,  Jambavanodai, Kaladis,  Kal Oddars, Koravars,  Kalinji Dabikoravars,,  Kootappal Kallars, Kala  Koravars, Kepmaris,  Maravars, Monda  Koravars, Monda Golla,  Nokkars, Nellorepet  Oddars, Pedda</p> <p>Boyas, Pnnai Koravars,  Piramalai Kallars, Peria  Suriyur Kallars,  Padayachi, Punnan  Vettuva Gounder,  Servai, Salem Melnad  Koravars, Salem Uppu  Koravars,  Sakkaraithamadai  Koravars, Sooramari  Oddars, Sembanad  Maravars, Thalli  Koravars, Telungapatti,  Thottia Naickers,  Thogamalai Koravars or  Kepamaris,  Uppukoravars or  Settipalli Koravars, Urali  Gounders, Wayalpad or  Nawalpeta Korachas,  Vaduvarpatti Koravars,  Valayars, Vettaikarar,  Vetta Koravars,  Varaganeri Koravars,  Velluva Gounder</p>	
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RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

## Recommendations of the Technical Advisory Group 2006

### A. Definition of Denotified Tribes

- i. Just as there is a Schedule for Tribes and a Schedule for Castes, no specific Schedule for Denotified Tribes – that is, the **communities** notified under a series of Criminal Tribes Acts during the colonial period—was formed. Some of them have come to be placed as Scheduled Tribes, some as Scheduled Castes, some others as OBCs, and a few of them excluded from all of these.
- ii. For the purpose of formulating a clear definition of the Denotified Tribes of India, all communities or segments of communities, that had been placed under the Criminal Tribes Acts, beginning with CTA 1871, in any part of colonial India, till their denotification in the 1950s, are to be considered as Denotified Tribes throughout the Union of India irrespective of their present geographical location.
- iii. The most authentic list of Denotified Tribes was presented in the Report of Aiyengar Committee (constituted by R. N. 22/1/49—Police-I, Dt. 28.9.49) prepared for the Union Government (List reproduced on pages 257 to 262). Over and above the communities or tribes listed in the Aiyengar Committee Report, all other tribes or communities, whose denotification **preceded** the date of appointment of the Aiyengar Committee, are to be considered as Denotified Tribes.

### A1. Definition of Nomadic and Semi-nomadic Tribes

- i. There has not been any clear definition of Nomadic Tribes, or Semi-nomadic Tribes in existence used for official purposes of the Government of India.

The only reliable list of Nomadic Tribes compiled so far can be sourced from the 1931 Census of India.

- ii. All Tribes and Communities included in the 1931 Census as Nomadic or Semi-nomadic are to be treated for the purposes of the Government of India as Nomadic Tribes. Any Nomadic Tribe or Semi-nomadic Tribe recognized in any state of India, or a Union

Territory as such, is to be recognized uniformly as **Nomadic Tribes** throughout the Union of India, for the purpose of the Government of India.

- iii. As and when the future Census enumeration brings to notice any other such communities showing livelihood patterns that are nomadic or semi nomadic, the communities in point be considered through a proper scrutiny for inclusion in the category of Nomadic Tribes.

**A2. Official Listing and Placement of Denotified, Nomadic and Semi-nomadic Tribes**

- i. Any tribe or community falling within the definition of Denotified Tribes, and recognized as a Scheduled Tribe in one or more state/states, is to be recognized as Scheduled Tribe for the purpose of the Government of India.
- ii. Any tribe or community falling within the definition of Denotified Tribes, and recognized as a scheduled Caste in one or more state/states, is to be recognized as Scheduled Caste throughout the Republic for the purpose of the Government of India.
- iii. Any tribe or community falling within the definition of Denotified Tribes, and is recognized variously as a Scheduled Tribe as well as Schedule Caste in different states, is to be recognized as Scheduled Tribe uniformly throughout the Republic for the purpose of the Government of India.
- iv. Any tribe or community that falls within the list of Denotified Tribes as per the definition of Denotified Tribes given in this report, and not included in either the schedule of tribes or the schedule of castes, is to be included either in the schedule of tribes or the schedule of castes by the government of India on the basis of the merit of the case.
- v. Any Tribe or Community or Group recognized in any part, State or Union Territory of India as Nomadic or Semi-nomadic, is to be recognized uniformly throughout the Union of India, for the purpose of the Government of India, as Nomadic Tribe.
- vi. Any Nomadic or Semi nomadic tribe or community that falls within the definition of Nomadic Tribe as given in this report, and recognized as a Scheduled Tribe in one or more state/states, is to be

#### TECHNICAL ADVISORY GROUP

- recognized as Scheduled Tribe for purpose of the Government of India.
- vii. Any Nomadic or Semi nomadic tribe or community that falls within the definition of Nomadic Tribes given in this report, and recognized as a scheduled Caste in one or more state/states, is to be recognized as Scheduled Caste throughout the Republic for the purpose of the Government of India.
  - viii. Any Nomadic or Semi nomadic tribe or community that falls within the definition of Nomadic Tribes given in this report, and recognized variously as a Scheduled Tribe as well as Schedule Caste in different states, is to be recognized as Scheduled Tribe uniformly throughout the Republic for the purpose of the Government of India.
  - ix. Any Nomadic or Semi nomadic tribe or community that falls within the list of Nomadic tribes as defined in this report, and not included in either the schedule of tribes or the schedule of castes, is to be included either in the schedule of tribes or the schedule of castes by the Government of India on the basis of the merit of the case.
  - x. A separate Schedule for Denotified, Nomadic and Semi-nomadic Tribes ought to have been created immediately after Independence. In absence of such a Scuedule, the Technical Advisory Group strongly recommends that a Comprehensive National List of Denotified, Nomadic and Semi-nomadic Tribes and Communities (CNL-DNSTC), at par with Schedule of Tribes and Schedule of Castes, may be prepared for the following purposes:
    - a. For ensuring an equitable delivery of rights, entitlements and social justice;
    - b. For redressal of the stigma of criminality;
    - c. For facilitating inter-ministerial coordination in dealing with these Tribes and Communities.

### **A3. Ministerial Allocations**

For Administrative purposes,

- i. The Denotified and Nomadic communities listed in the Scheduled of Tribes are to be placed under the Ministry of Tribal Affairs.

- ii. The Denotified and Nomadic communities listed in the Schedule of Castes are to be placed under the Ministry of Social Justice and Empowerment.
- iii. All other Nomadic tribes and communities are to be placed under the Ministry of Social Justice and Empowerment.

Similar distribution of ministerial responsibilities is to be brought into effect at the level of state governments.

#### **A4. Enumeration of communities and locations**

- i. In order to update the listing of Nomadic and Semi nomadic communities, the Census of India is required to undertake the relevant exercise.
- ii. In order to determine the population of the Denotified, Nomadic and Semi nomadic communities, the Indian Institute of Statistics is required to prepare population projections.
- iii. In order to determine the precise desired locations of comprehensive development schemes for Denotified Tribes, the list of Settlements established during the colonial period, and cited by the Aiyengar committee report, is to form the baseline. In addition to this, the settlements maintained in the post independence period that have substantial population of the DNTs and NTs are also to be taken in account for the above purpose.

#### **B. Rights, Entitlements and Protective Mechanisms**

- i. The Habitual Offenders Act, if it is in force in any Indian State, may be abolished forthwith.
- ii. Human Rights Protection Cells may be established in the areas that have sizeable population of Denotified and Nomadic Tribes.
- iii. Human Rights Commission in various States may be given the responsibility of monitoring the proposed cells. Additional officers may also be appointed in districts having a large population of DNTs and NTs, for this purpose.

#### TECHNICAL ADVISORY GROUP

- iv. The NHRC had suggested in their 7th Annual Report that a senior police officer be appointed in every state to look in to the cases of violation of human rights of Denotified and Nomadic tribes and report to the state Human Rights Commission. This recommendation may be implemented, except that it may be a welfare officer or an officer from the Tribal Ministry, who may be made responsible for reporting violation of human rights to the Human Rights Commission.
- v. It may be ensured that total liberation and full rehabilitation of bonded labourers and child labour, a majority of whom are DNTs, is done. The creation of separate authority exclusively for the DNTs and NTs may be considered for this very specific purpose.
- vi. The entire administrative machinery, especially the police, needs to be sensitized and reoriented to the problems of these communities. National Police Academy and other Police Training Institutes may be instructed to bring about attitudinal changes among police officials by incorporating suitable items in the curriculum. There is ample evidence that settled DNTs are forced by the police to commit crimes like brewing of illicit liquor in order to get their share of the earnings. While rehabilitating such groups, care may be taken to see that the local police are not given the authority over them for a specified period, so that they are actually given the breathing space for starting their new lives.
- vii. A listing of such vulnerable communities who need to be 'protected' from the police may be undertaken and special protection given to them against police reprisals and atrocities.
- viii. Besides training of the senior officials of the Police Department for dealing with the problems of DNTs in a humane and considerate manner, there is a need for special training of the subordinate staff made mandatory especially since the interface of the DNTs is with Head Constables PSI, and PIs.
- ix. Police can be involved in the development and welfare programmes for these groups to give them a first-hand understanding of the vulnerability rather than their 'criminality'. However, this involvement is intended for their education as a part of their curriculum at the

Police Academy, and not for the police personnel in positions of authority.

- x. Women of DNTs and NTs are especially vulnerable as it is noticed that men of other communities, especially those of the police force, try to sexually harass them. In case DNT men try to protect their women against such harassment, their DNT status is constantly used to get them beaten, jailed, or even killed in retaliation. A Special Cell in the proposed Vimukta Janajati Commission should be established, so that women of the DNTs and NTs come forward and complain cases of sexual harassment
- xi. More than a mere thumb impression on any legal document (in case of police complaint, or as a witness, etc.) may be made mandatory from the illiterate members of these communities in place of signature. It has been frequently found that such an impression can be taken by force. Some measure is necessary, like a witness testifying that the signatory indeed understood and voluntarily agreed with what was being thumb printed.
- xii. In the case of DNTs and NTs, it would be necessary to protect them from harassment on mere suspicion. A suitable revision should be made in the Criminal Procedure Code to prevent such harassment.
- xiii. A massive information campaign may be launched to sensitize the public about problems faced by the Denotified and Nomadic Tribes, and the stigma of criminality.
- xiv. The Prevention of Atrocities Act, which is currently applicable to Scheduled Castes and Scheduled Tribes, may be extended to Denotified Nomadic and Semi nomadic tribes.
- xv. An Act named 'DNTs and NTs(Prevention of Atrocities) Act' may be enacted with a view to providing for exclusive special court of sessions with judges, investigation officers and public prosecutors. The proposed Act should include social and economic boycott and blackmail as substantive crimes of atrocity.
- xvi. Further, the proposed Act should be extended to take into account atrocities caused by policemen and state officials as well to give a positive signal to the members of the society who harass these communities.

#### TECHNICAL ADVISORY GROUP

- xvii. There is also a need to include under the proposed Atrocities Act the harassment caused to these communities by misuse of the Goonda Act and the Anti-beggary Act. It has been found that a majority of the hapless individuals booked under these acts belong to the DNTs, NTs and SNTs.
- xviii. Since the livelihood of these communities is not ensured by the state, it may be considered an Atrocity to book persons of these communities under the laws for conservation and for animal protection. Communities like Saperas and Madaris who work with animals, or communities who continue to depend on forests for a living, may be exempt from these laws till alternative economic rehabilitation is ensured. This may be done on a case to case basis.
- xix. A pernicious interpretation of what is a 'traditional' occupation may be avoided when protection to traditional livelihoods of communities is sought. Being forced by the men folk of the community into exhibition of the body by women of the community to earn a living may be interpreted as a manifestation of patriarchy rather than a traditional 'art' form. Cases where prostitution with 'traditional sanction' by the community exists may require more imaginative treatment while creating livelihood.
- xx. The Act to Prevent Atrocity Against DNTs and NTs, proposed in B-xv may have a component of monetary compensation in instances of atrocity caused by the police and others, and which may be paid by the State to the families of persons suffering loss of life or livelihood due to such atrocity.
- xxi. As a way of some moral 'compensation' to the community as a whole, the government may install at some selected locations having a substantial DNT population, memorials on the lines of war memorials. These will be symbolic of public admission of the historical and collective injustice caused to these people for a century and a half. These memorials will also serve the purpose of reminding the public of the collective responsibility of the state and the society to ensure that the atrocities are not perpetrated again.

#### **B1. Non-displacement Guarantee, Compensation Norms**

- i. Adequate Compensation in the form of **land** is to be given to the Denotified and Nomadic Tribes wherever they are displaced due to any reason.
- ii. Once land is made available, care may be taken to ensure that the pattas are jointly held by men and women to ensure gender equality.
- iii. Any scheme of rehabilitation to be undertaken may be based on a clear assessment of the adverse impact on livelihoods and other disadvantages arising out of rehabilitation.
- iv. There is a need to create norms for paying compensation to those DNTS who get displaced due to the present urban demolition drives.
- v. There are at present no parameters available, till the new National Policy on Compensation for Displacement comes into effect, to measure the damages caused by displacement to families belonging to Nomadic Tribes. Dwelling Rights, in absence of proper land records, need to be recognized as 'value' for assessing the damages and the compensation package.
- vi. There is a need to create a 'Denotified and Nomadic Tribes Rehabilitation Act'. The Act may include the following:
  - a) Allotment of houses with adequate space for raising animals;
  - b) Provision of water and other amenities;
  - c) Land for cultivation, which may initially supplement their subsistence and gradually may become their primary occupation;
- vii. The compensation norms for Denotified, Nomadic and Semi-Nomadic Communities may be group-oriented:
  - a) for those who have settled to normal agriculture or other vocations;
  - b) those who still lead nomadic life;

## **B2. Protection of Electoral Rights and Mobile Voting System**

- i. Persons belonging to Nomadic Tribes may be given Mobile Voting Cards (MVCs) to enable them to exercise their democratic duty of voting during elections. These MVCs may have validity throughout

#### TECHNICAL ADVISORY GROUP

the Migrational Trajectory of the Nomadic Tribes, while the votes can get registered for pre-determined locations and constituencies.

- ii. A special drive for grant of voting rights to the Denotified and Nomadic communities may be launched by the Election Commission of India so that Voter's Identity Cards can be issued to members of these communities in a time bound manner, and the members of the Denotified and Nomadic Tribes are able to exercise their voting rights.

### **B3. Forest, Grazing and Passage Rights**

- i. Forest rights, grazing rights and passage rights for Nomadic pastoralists, across state boundaries and within a single state for the communities dependent on sheep, camel, goat, yak, buffalo and other animals, bees, birds or insects need to be ensured. In order to initiate the process, the benefit of Schedule Tribes (Recognition of Forest Rights) Bill, 2006 may be extended to Pastoral nomadic Tribes, and 'Indian Forest Act' and 'Wild Life Protection Act' may be reviewed and properly amended to ensure that the peripetatic groups and pastoral nomads are not harassed by the grazing land authority or forest authority.
- ii. A Grazing Land Development Board may be set up, with proper community representation, to develop special pastoral and grazing lands. In the meanwhile, the existing grazing areas may be reserved for pastoral groups.

### **B4. Issuance of Domicile and Birth Certificates**

- i. Nomadic and Denotified communities often face difficulty in obtaining birth certificates and domicile certificates. The difficulty is more acute in obtaining domicile certificates. Provision may be made for an easy issuance of these certificates; and the officials who do not provide the certificates may be punished under the proposed Prevention of Atrocities Act.
- ii. Issuing certificates for birth, domicile or any other form of certification necessary for protection of entitlement and rights may be made a responsibility of the local administration.

**B5. Protection to Women**

- a. A Special Cell for protection of Rights and Entitlements for the women of Denotified and Nomadic Tribes and Communities may be created within the National Commission for Women.
- b. A Womens' Cell for the protection of Rights and Entitlements of the women of Denotified and Nomadic Tribes may be created within the proposed *VimuktaEvam Ghumantu Janjati* Commission as proposed in this report.

**B6. Representation of DNTs in Democratic Bodies**

The population of the Denotified and Nomadic Tribes and Communities in the country is sufficiently large to deserve a substantial representation in the Parliament. It will be desirable to initiate the process of ensuring proper representation of the Denotified and Nomadic Tribes in both houses of the Parliament

**C. Livelihood-Security**

- 1.1 The provisions of the National Rural Employment Guarantee Scheme should be immediately extended to the denotified and nomadic tribes *wherever they are*.
- 1.2 *A Denotified and Nomadic Tribes Development Authority* is to be set up with branches in areas where there is sizeable concentration of population of these communities. This authority may have the following mandate:
  - i. To create a single window system from initiation to finalization of schemes livelihood support.
  - ii. To facilitate forward linkages for the units set up under the aegis of the Board.
  - iii. To facilitate finance at a nominal rate of interest.
  - iv. To provide entrepreneurial trainings and seed capital for setting up of enterprises.
- 1.3 Ten percent space in commercial complexes may be reserved for allotment in rural, semi urban and urban areas for the commercial activities that the Denotified and Nomadic tribes may wish to

## TECHNICAL ADVISORY GROUP

undertake. This space may be leased out to the Self-help Groups to carry out activity in micro-enterprise.

- 1.4 To set up at the national level, with branches in each major commercial regions of India a Special Purpose Vehicle (SPV), to procure and market the the craft, arts and other products of the DNTs and NTs.

### **C1. Hostels for Students & Old Age Houses**

- i. For encouraging Middle school and High school level education, hostels may be created for the children from Denotified and Nomadic Tribes. In addition, special residential schools are to be conceptualized and created for these children.
- ii. Special provision for Old-Age Community Housing needs to be made so that they do not have to 'legalize' their deprivation reflected in their begging or by registering themselves under the present public order law as 'criminals' in order to find shelter in the Social Defense Community Wards.
- iii. A Rapid Housing and Construction plan is to be conceptualized and implemented for the Denotified and Nomadic communities.

### **C2. Healthcare**

- i. A combined plan of nutrition and health care for DNTs and NTs and their livestock be drawn and implemented in a time-bound manner, which may include:
  - a. Mobile medical units for immunization,
  - b. Maternity and child-care along with nutritional food to the mother during pregnancy, during one year after the delivery and to the female child until she is three years.
  - c. Free medical facilities in central and state govt hospitals.
  - d. For medical treatment, a DNT or NT patient and one attendant may be made eligible to avil of free travel in public transport systems

- e. Families and livestock may be covered under a medical insurance scheme. The premiums for the insurance scheme may be paid by the Central Government.
- ii. The DNT-NT District Development Authority, as proposed in C1-ii, be entrusted with the responsibility of ensuring the implementation of the DNT and NT health programme. In cases of denial of these provisions, the DDA be asked to take up the matter. Any denial of health care and nutritional food to them and their livestock by authorities be treated as an atrocity against them punishable under the proposed Prevention of Atrocities Act (DNT-NT).

### **C3. Education**

- i. Special scholarships and book banks may be created to provide to DNT's students from primary school to Higher education.
- ii. The number of primary, secondary and senior schools, colleges and vocational training institutes accessible to these communities may be adequate to cater to the entire NT & DNT population.
- iii. In areas where there are large numbers of DNT and NT communities, special measures to improve education may be implemented intensively so that within a specified time the educational standard of these communities is brought on par with the others.
- iv. Mmobile schools may be set up at the locations of their stay and within the entire route of their migration so that no child remains without access to education.
- v. The mid-day meal scheme may be put in place as an incentive for the children to attend school and to make for their lack of nutrition.
- vi. Residential schools for these communities may be adequately provided as a way of promoting education. Given the vulnerability of the DNT and NT children, special care may be taken to protect them from being mistreated and exploited by the staff of these schools.

#### TECHNICAL ADVISORY GROUP

- vii. The Government may launch special vocational training programs for these communities by setting up polytechnics, agricultural training centre and craft-making workshops.
- viii. A study of the occupational skills of these communities may be undertaken at the national level in order to determine: the shifts away from the traditional occupations, trades and vocations so that appropriate vocational avenues can be created for them
- ix. The 'Commission for Scientific and Technical Terminology', Ministry of HRD, Government of India, and the Central Institute of Indian Languages may be entrusted the task of developing text-books, reference books, supplementary reading materials and terminologies in the languages of these communities.

#### **D. National Commission for Vimukta Janjatis**

A Permanent National Commission, known as *Vimukta Evam Ghumantu Janajati Rashtriya Ayog* may be set up for the Denotified, Nomadic and Semi-nomadic Tribes, by following the precedence of the National Commission for Scheduled Tribes that has been set up under Article 8A on the bifurcation of the erstwhile National Commission for Scheduled Castes and Scheduled Tribes, to oversee the implementation of various safeguards suggested in this report for the Denotified, Nomadic and Semi-nomadic Tribes. The Commission may consist of a Chairperson, a Vice-Chairperson and three full time Members (including one lady Member). The term of Members of the Commission will be three years from the date of assumption of charge.

#### **Duties and functions:**

The Commission should be assigned the following duties and functions:

- a) To investigate and monitor all matters relating to the violation of rights or denial of entitlements provided for the Denotified, Nomadic and Semi-nomadic Tribes in this report (Chapter 12), as well as under any 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 entitlements of the Denotified and Nomadic Tribes;

- c) To participate and advise in the planning process of socio-economic development of the Denotified and Nomadic Tribes, and to evaluate the progress of their development;
- d) To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- e) To make in such reports, recommendations as to the measures that should be taken by the Union or any State for effective implementation of those entitlements and other measures for the protection, welfare and socio-economic development of the Denotified and Nomadic Tribes, and
- f) To discharge such other functions in relation to the protection, welfare and development and advancement of the Denotified and Nomadic Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

The Commission shall discharge the following other functions in relation to the protection, welfare and development and advancement of the Denotified and Nomadic Tribes, namely:-

- i. Measures to be taken to safeguard rights and entitlements of the denotified tribal communities and nomadic communities over grazing land mineral resources, water resources, etc. as per law;
- ii. Measures to be taken for the development of nomadic and semi-nomadic communities and to work for more viable livelihood strategies;
- iii. Measures to be taken to improve the efficacy of relief and rehabilitation measures for Nomadic and Pastoral groups displaced due to atrocity;
- iv. Measures to be taken for ensuring the protection of human rights and human dignity of the Denotified, Nomadic and Semi-nomadic Tribes;
- v. Measures to be taken to provide electoral rights and mobile voting cards to the Nomadic and Semi-nomadic tribes.

**Powers of the Commission:**

While investigating the matters referred to any competent authority of the proposed national commission to inquire into any complaint referred to the Commission, the Commission shall have full powers of a Civil Court trying a suit and in particular in respect of the following matters:

#### **TECHNICAL ADVISORY GROUP**

- a) summoning and enforcing the attendance of any person from any part of India and examining her or him on oath;
- b) requiring the discovery and production of any documents;
- c) receiving evidence on affidavits;
- d) requisitioning any public record or copy thereof from any court or office;
- e) issuing summons/communications for the examination of witnesses and documents;
- f) any other matter which the President may by rule determine.

#### **Consultation by Governments with the Commission:**

Union and every State Government shall consult the Commission on all major policy matters affecting Denotified and Nomadic Tribes.

#### **Monitoring:**

While investigating matters relating to the safeguards provided under the Constitution, the Commission will monitor the implementation and working of safeguards such as :

- a) Acting upon Article 23 of the Constitution which prohibits traffic in human beings and forced labour, etc, in respect of Denotified, Nomadic and Semi-nomadic Tribes
- b) Prohibition of child labour under Article 24, in respect of Denotified, Nomadic and Semi-nomadic Tribes
- c) Educational safeguards under Article 15(4) for reservation of seats in educational institutions
- d) Economic safeguards under Article 244 and working of Fifth and Sixth Schedules and release of grants for raising the level of administration in tribal areas and Special Nomadic Zones
- e) To safeguard the distinct language, script or culture under Article 29(i)
- f) Working of service safeguards provided under Articles 16(4), 16(4A), 16(4B) and 335 providing for adequate representation of Denotified and Nomadic as well as Semi-nomadic Tribes in appointments or posts
- g) Enforcement of various laws such as:

RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP 2006

- i. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the proposed Prevention of Atrocity to Denotified, Nomadic and Semi-nomadic Tribes Act;
- ii. Bonded Labour System (Abolition) Act, 1976 (in respect of Denotified, Nomadic and Semi-nomadic Tribes);
- iii. The Child Labour (Prohibition and Regulation) Act, 1986 (in respect of Denotified, Nomadic and Semi-nomadic Tribes);
- iv. State Acts and Regulations concerning alienation and restoration of land belonging to Denotified, Nomadic and Semi-nomadic Tribes;
- v. Forest Conservation Act, 1980, in respect of Pastoral and Semi-nomadic Tribes;
- vi. The Panchayat (Extension to the Scheduled Areas) Act, 1996;
- vii. **Minimum Wages Act, 1948, in respect of Denotified and Nomadic Tribes.**