



- The denotified communities form the cultural mosaic of India.
- These communities include service nomads, peripatetics, hunter-gatherers, pastoralists, mendicants, balladeers, musicians, jugglers, entertainers, & many others who became the victims of the history of power-play by the colonizers as well as by the later rulers or governments.
- There are parallels with the Roma who were also the victims of history and ironically migrated from India to Europe, and also to America, through Iran and Egypt. Incidentally, these are the forerunners of these vagabond communities.
- These communities continue to pursue their traditional callings to eke out their living.

WHO ARE THE DENOTIFIED COMMUNITIES?

- The denotified communities are patriarchal and women are often subjugated through various sanctions imposed on them.
- Their life is regulated largely by caste/tribal councils
- They are largely associated with nature & depend on natural resources for their sustenance.
- Changes in their relationship with the livelihood earning resources due to various reasons have badly affected them (Gandhi 2012).
- The British administrators could not understand the cultural pluralism of the Indian people & their sense of accommodation & adjustment with religions & communities.
- The imperial rulers also could not understand the meaning of nomadism, for instance, which is a way of life with a large number of communities in India and outside.
- They considered them not only uncivilised and uncultured but “savages and barbarians” who posed a threat to the law and order of society.
- Since they were poor and lacked definite means of production to earn their living, they were assumed to be thieves and dacoits. Thus they were dubbed as criminals’ (Project in the subject of Criminology, Victimology and Penology, n.d.).
- The denotified communities/tribes were branded as ‘born criminal’ by the British India government through the enactment of laws beginning with the Criminal Tribes Act 1871. This was reported to ‘...due to specific administrative as well as law and order reasons’ (Renke Commission 2008: 9).
- Thus, the British lawmakers proposed an obnoxious idea that in India, crime, like any other caste occupation, is a hereditary pursuit & it is attributed to everyone born in a community/caste / tribe

- According to Prof. Bhangya Bhukya “attaching a criminal stigma to a community, draconian legal practices and strict surveillance were basically colonial invention” (2007: 180).
- The Criminal Tribes Act, 1871 was enacted to ‘reform’ the so-called criminal tribes.
- According to Aditya Nigam ‘the Act made no such distinction between ‘reformatory discipline’ & ‘extreme rigours & penalties’, rather it was a combination of the two that characterised the discipline envisaged by it’ (1990: 263).
- Rudolf Heredia (2007) pointed out that, ‘the historical compulsion behind the Criminal tribes act was dictated less by the need to contain crime than by the demand for labour to reclaim agricultural land and later to supply textile mills and industrial establishments.
- The eagerness of various landed communities, castes & industrial employers, to have such nomadic tribes declared notified under the act, and then with the help of the government and the police to exploit their labour for private gain, exposes some of the most sinister implications of this act.
- Even the Salvation Army settlements, the economic profit from such labour kept the settlement going with its programme to market this ‘damaged labour’
- That the settlements were in fact sites for forced labour was at times contested in the courts but unsuccessfully’ (2012:11).
- Meena Radhakrishna (2001) also made similar observations much earlier on the intent and functioning of CTA.
- According to Renke Commission, the communities were branded as criminals quite unjustifiably, efforts were also made to settle them as large groups at several places throughout the country.
- More than 50 such ‘settlements’ were established in the country’ (Renke 2008: 9).
- These figures were lower than the actual as no figures were available for Madras & Bombay Presidencies, which were the first to repeal the CTA before the Ayyangar Committee of 1952 (Renke ibid.).
- Malli Gandhi (2008) discussed some criteria of branding communities as ‘criminal’, such as peculiar social practices, their consumption of alcohol, inferior type of food, laziness, and unwillingness to work.
- Many efforts were made by the British to forcefully settle these communities.

- There were many settlements that were run by Salvation Army, to prevent these communities from committing a crime.
- The settlement like Stuartpuram(Guntur, Andhra), 'where a large number of people from such communities were relocated, who was confined to a specific locality and used as labourers in road or dam construction and in different industries' (Renke ibid).
- However, the life of these communities' people in the settlement was pathetic, and in a way, these communities were living in a state of subjugation and deprivation.
- After the independence of India, the educated class started questioning the existence of the Criminal Tribes Act (CTA), 1871 which later went through a process of review.
- As a result of this, the CTA, 1871 was repealed in 1952 (Renke 2008; Radhakrishna 2001). Thereafter, these communities were called Denotified.
- Criminal Indian Act,1871 is an example of a draconian policy of the British government due to which many nomadic communities were declared criminal.
- It not only brought them under the purview of law but also has extremely changed their whole life.
- Many nomadic communities, like traders, entertainers, pastoralists, artisans, mendicants, and the nomadic individual who subsisted on charity, etc., were branded as criminals (Renke 2008; Gandhi 2014).
- At the time of independence, there were about 3 million notified tribes person in India (Schwarz 2010) from 200 Denotified tribes (Gandhi 2014).
- Denotified tribes are spread over many states in India like Tamil Nadu, Andhra Pradesh, Telangana, Karnataka, Maharashtra, Gujrat, West Bengal, Uttar Pradesh, Delhi, Punjab, Haryana, and Madhya Pradesh.
- According to Dandekar, "these tribes today find themselves at a crossroads in terms of their relationship with the rest of Indian society and their integration within that society" (2006, 16).
- As aptly summed up by Renke Commission, 'the term 'Denotified Tribes' stands for all those communities which were notified under the several versions of Criminal Tribes Acts enforced during the British Rule between 1871 and 1947 throughout the Indian territory and were 'denotified' by the repeal of these Acts after India's Independence" (Renke 2008: 10).
- As a result, many communities, like the Berad, got involved in dacoities, thefts and plunder, as they were deprived of their livelihoods.
- Besides, there were many communities involved in the fight against the British during the 1857 war of Independence alongside many Indian kings.
- As a result, certain communities which were involved in this revolt were branded as 'criminals' under CTA, 1871 (Draxe 2005; Renke 2008).
- The nomadic mobile lifestyle was seen as a law-and-order problem by the British government.
- There were certain nomadic communities that constantly used to move in different places like villages, towns, and cities for selling their goods and rendering services.
- The British never appreciated nomadism and pastoralism as a way of life.
- They were always suspicious of these communities and they made efforts to sedentarise them.
- With the introduction of road and rail communication, and also due to modernity, there was increasing isolation of these communities from their livelihoods and mainstream settled communities with whom they had very harmonious and symbiotic relations earlier.
- Due to the loss of traditional livelihood these communities may have got involved in 'criminal activities'.
- The inhuman attitude of the British government towards nomadic communities was largely responsible for branding them as criminals.
- These communities were forced to settle, and many communities were used as labourers in the British owned industries, and they were also exploited by the landlords for their agriculture activities (Bhukya 2007; Renke 2008).
- The very first attempt to legally declare some communities as criminals were made in Punjab and the North-Western Provinces.
- It was observed that the wandering communities are moving towards criminal activities.
- Hence, in these provinces, efforts were made by police administration to limit the nomadic movements of certain communities.
- After a decade, police found this system of control very useful in controlling crime. However, in 1860, the Chief Court found this procedure illegal.
- Following this, the Provincial governments of Punjab and North Western Provinces approached the then government of India and demanded legislation in this regard – which would make registration of all wandering communities mandatory.
- In course of time, the then government, on the request of local government, decided to enact Criminal Tribes Act 1871, in three provinces, i.e., Punjab, North Western Province, and Oudh.

HISTORICAL BACKGROUND OF CRIMINAL TRIBES ACT (CTA) AND NOTIFICATION

- There are a few factors that contributed to the enactment of the Criminal Tribes Act of 1871.
- One of them was the British National Forest Policy which caused conflict over using forest resources by the tribal and other rural communities.

- The amendment was made in the CTA 1871 and the new CTA 1897 was enacted.
- The main feature of this Act was that it permitted the local government to establish and maintain settlements for children of criminal tribes.
- In the settlement, children were supposed to work. The motive was that each child should live an honest life.
- The main provision of the CTA, 1871 was that it did not allow registration & notification of communities by the government until they were settled and provided with a means of livelihood.
- However, later, government enacted CTA 1911 & applied it for entire British India. However, in the CTA 1911, the above obligation was removed.
- The major task with the British govt was to identify communities to be notified.
- The administration adopted very arbitrary criteria towards wandering tribes.
- Communities that were to be notified were selected based on 1) blood relationship of individuals with those criminal tribes who had convictions in their names and 2) blood relationship with those already notified.
- In fact, the administration had designed these criteria in such a way that once one notification is done, it would automatically attract fresh notification of those who are in a relationship with the notified.
- The administration had prepared two categories for scrutiny of notification under CTA, one identified a wandering group by its fixed camping place, & another, group present livelihood (Radhakrishna 2001).
- Prof. Bhangya Bhukya reported that “if it were found that the gang had no specific occupation or fixed residence, it would be notified as a criminal tribe or caste under the CTA” (2007: 182).

CRIMINAL TRIBES ACT (CTA) & COLONIAL ADMINISTRATION

- Criminal Tribes Act 1871 gave the Police administration power to bring a large number of people under its control.
- It is in this context; it became compulsory for an individual who is declared a criminal and his family to register with the Police.
- Licenses were issued to families & several restrictions were imposed on them, and without the permission of the Police, they were not allowed to move.
- Their movement was restricted within certain geographical demarcations within the district.
- Their absence in the village or not carrying licenses was penalised rigorously.
- Zamindars also came under the ambit of the Act and they were given certain responsibilities, such as looking at registration criteria and suggest that whether a particular group can be declared criminal.

- They were also responsible for keeping an eye on the members who are registered.
- As far as the local government was concerned, the village headmen and watchmen were also appointed and were made responsible for watching the movements of Criminal tribes and reporting the offenses committed by them.
- The local police were authorised for inspection of the residence of criminal tribes (Gandhi 2008).
- The above surveillance system was designed by the then administration due to which large a number of communities were notified under CTA.
- The son of an individual who had committed a crime was also held responsible for the crime committed by his father.
- The condition of women was still worse. Many inhuman measures were adopted against groups who were branded criminal by the Police, village headmen, and landlords.

COMMISSIONS & COMMITTEES REPORTS ON CRIMINAL TRIBES ACT

- Their main task was to inspect the provisions of the Act and also look at the loopholes in the Act.
- This serious review process led to the amendment of CTA at different points in time.
- Whatever was lacking in the earlier CTA was modified and applied in the proposed CTA.

THE INDIAN POLICE COMMISSION

- In 1902-03, this commission proposed several recommendations, such as Police should have knowledge of Criminal Tribes and they should supervise gangs addicted to crime.
- It demanded more power for the Police so that they could control the Criminal Tribes.
- This Commission made several recommendations towards an amendment to the CTA of 1897.
- As a result, through review, the CTA 1897 was repealed.
- However, another Act was passed in 1911 with new provisions, such as members of the Criminal Tribes were supposed to register themselves and it was mandatory for them to give their fingerprints, to report their all-day-to-day activities and change of residence, etc.

THE ALL INDIA JAIL COMMITTEE

- During 1919, the all India Jail Committee was constituted. It found lacunae in the CTA 1911 and proposed new reformatory actions.
- It highlighted that the settlement should not be like another Jail.
- The Criminal Tribe settlements were reformatory and economic development should be a target of it.
- The committee noted that without enthusiasm, devotion and religious teachings, the economic development is impossible.
- The committee clearly indicated the settlement as positive one.

- The committee criticized segregation of children from parents only in some cases.
- Based on the recommendation of the committee CTA 1923 was enacted.

INDIAN JAIL INQUIRY COMMITTEE

- Based on the recommendation of the Indian Jail Enquiry Committee, the CTA 1923 was amended & was replaced with CTA 1924.
- This Committee report found that there are loopholes in the CTA 1911 and suggested that it was preventive & not corrective.
- The CTA 1924, gave the management of the settlement into the hands of Christian missionaries and they were given magisterial and Police power.

THE CRIMINAL TRIBE INQUIRY COMMITTEE

- In 1947, the committee was constituted in the United Province. In its report, the Committee proposed settlement of the nomadic communities.
- It felt that until the nomadic communities are settled, they continuously will be involved in crime.
- It also proposed that in the existing laws there should be efforts of settling these communities & teaching them different skills which are necessary for industries (Gandhi 2008).
- It is evident that different Committees & Commissions prior to Independence gave priority to major issues pertaining to Criminal Tribes that were related to transferring power to authorities, making the notification process simpler, planning reformatory and corrective measures through settlements, planning economic development of the Criminal tribes, etc.

REPEALING OF CRIMINAL TRIBES ACT & DE-NOTIFICATION

- It is necessary to look at various Committees & Commissions which were constituted pertaining to the ambiguous situation of Denotified Tribes & other communities, such as Scheduled Castes (SCs), Scheduled Tribes (STs), & Other Backward Classes (OBCs).
- These Committees & Commissions included many communities in the SC, ST, & OBC.
- They also expressed a need for special attention to be provided towards the Denotified Tribes.
- It was also felt that socially & culturally De-Notified Tribes are different from the others & their problems are different from SCs, STs, & OBCs.
- In fact, it is suggested that these communities deserve separate affirmative action.

CRIMINAL TRIBES INQUIRY COMMITTEE

- This Committee was constituted in the United Province & it opined that in order to curtail the criminal tendencies, the vagabond communities need to be settled down.
- This Committee proposed that the De-Notified Tribes should be settled through the sanction of law & they should be taught 'a life of industry & honest calling as against idleness, prostitution and crime to

which their conditions of existence make them prone' (cited in Renke Commission 2008: 2-3).

AYYANGAR COMMITTEE

- In 1949, a committee was constituted under the chairmanship of Mr. Ananthasayanam Ayyangar by the Ministry of Home Affairs, the Government of India. The Committee made a recommendation on the repeal of the Criminal Tribes Act 1924.
- In fact, it removed the legal inconsistencies that the Criminal Tribes Act had with the Constitution of India.
- Following the recommendations, the Govt of India repealed the Criminal Tribes Act, 1924 with effect from August 31, 1952 by the Criminal Tribes Laws (Repeal) Act, 1952 (Act No. XXLV of 1952).
- However, in order to keep control over the criminals, the Habitual Offenders Act was replaced in place of the Criminal Tribes Act.
- This Act did not anyway help the DNTs to come out of their stigma.
- In fact, it further reinforced it.
- The Ayyangar Committee suggested to the govt to allocate sufficient funds in order to run various welfare & rehabilitation schemes for these communities (Renke 2008).

THE KALELKAR COMMISSION

- Under the chairmanship of Mr. Kakasaheb Kalelkar, the first Backward Class Commission was appointed on January 29, 1953, which is known as Kalelkar Commission.
- The major recommendation of the Commission was that the erstwhile 'criminal tribes' should not be considered as 'Tribe' or they should not be called as 'Criminal Tribes' or 'ex-criminal tribes'.
- In fact, the Commission suggested that they should be termed as 'Denotified Communities'.
- The commission suggested the assimilation of these communities with settled communities & in effect made recommendations to settle these communities (Renke 2008).

LOKUR COMMITTEE

- In 1965 under the Chairmanship of Mr. B.N. Lokur a Committee was constituted by the Government of India to revise the lists of the Schedule Caste & Scheduled Tribes.
- The Committee, based on the nomadic nature, considered Denotified & nomadic tribes as separate communities, though quite a few of them were listed under SC & ST.
- The Committee observed that the type of development scheme which is designed for Scheduled Caste & Scheduled Tribes have not benefited the denotified & nomadic tribes to any significant extent because of their relatively small numbers and their tendency to be on the move.
- The Committee was aware of the distinct characteristics of the Denotified & Nomadic communities.

- The committee made a significant observation in its report stating that “it would be in the best interest of these communities if they are taken out from the list of scheduled castes & Scheduled Tribes & treated exclusively as a distinct group, with development schemes specially designed to suit their dominant characteristics” (cited in Renke Commission 2008: 5; Panda 2008:11).

MANDAL COMMISSION

- The Second Backward Class Commission was constituted in 1978 under the Chairmanship of Mr. B.P. Mandal.
- The Commission took a crucial stand & suggested that caste should be taken as a criterion to determine social & educational backwardness, instead of economic criterion.
- One of the Commission members, Mr. L.R. Naik suggested that the OBCs should be divided into two sections, i.e., ‘Intermediate Backward Class’ and ‘Depressed Backward Class’.
- Though this suggestion was rejected by the Commission the suggestions given by Mr. L.R. Naik (as a dissent note) were recorded in the minutes, and were enclosed in the final report.
- Mr. Naik provided the rationale behind his suggestions: ‘The intermediate backward classes ... have co-existed since times immemorial with upper castes and had, therefore, some scope to imbibe better association & what all it connotes than many unfortunate ‘Depressed Backward Classes’ whose intermingling with the Indian society was either denied, prohibited and even segregated obviously on account of the stigma of nomadism, resulting in their abysmally low social status’ (Mandal Commission 1980: 229).
- In brief, Mr. L.R. Naik highlighted the important issue of inconsistency in the social policy of being selective about only a certain kind of social discrimination (Renke 2008).

JUSTICE VENKATACHALIAH COMMISSION

- This Commission was set up by the Government of India to review the working of the Constitution, on March 31, 2002, under the chairmanship of Justice M.N. Venkatachaliah.
- This Commission made some significant observations with regard to the condition of the DNT, NT, and SNT communities in its tenth chapter.
- It pointed out the issue of wrong stigmatisation of Denotified Tribes/ Communities at various levels, whether by govt or society.
- It also made it clear that including these communities in the existing SC, ST, and OBC lists has not benefited the DNTs.
- It suggested that the Ministry of Social Justice & Empowerment & the Ministry of Tribal Welfare should design special programmes for their economic development, education development, creating employment opportunities, social

liberation, and full rehabilitation of denotified, nomadic, and semi nomadic tribes.

- The report of the Commission also suggested that the Ministry of Social Justice and Empowerment should look into the matter of DNTs by setting up a special Commission.
- Government of India decided to constitute a National Commission for Denotified, Nomadic and Semi-Nomadic Tribes in 2006

NATIONAL COMMISSION FOR DENOTIFIED, SEMI-NOMADIC & NOMADIC TRIBES

- The Govt. of India on February 6, 2006 constituted the National Commission for Denotified, Nomadic & Semi Nomadic Tribes under the Chairmanship of Mr Balkrishna Sidram Renke.
- Commission had following objectives :
 1. To evolve criteria of the identification & classification of Denotified, Nomadic, & Semi-Nomadic Tribes.
 2. To identify the benefits of reservation to the Denotified, Nomadic, & Semi Nomadic Tribes.
 3. To draw a comprehensive plan to secure & deliver fundamental rights to these communities.
 4. To develop a broad campaign for positive image building in the civil society about these communities.
- After a detailed study, the Commission submitted its report to the govt of India in 2008, which is placed on the website of the Ministry of Social Justice and Empowerment, Government of India.
- The Commission made 76 recommendations, including reduction of the three categories of Denotified, Nomadic, & Semi-Nomadic into two categories as target group, Denotified (DNTs) & Nomadic Tribes (NTs).
- It has recommended that the SC/ ST Atrocities Act, 1989, be made applicable also to the DNTs & NTs & provide special reservation in the government jobs to the DNTs & NTs.
- It is apparent from the above discussion that the lives of the Criminal Tribes/ Communities became abysmal due to CTA & in order to improve their lives several Commissions & Committees provided significant recommendations to repeal the draconian policies of the British govt & suggested several measures to be taken to ameliorate their condition of living and to offer them better livelihood opportunities.

STIGMA & PRESENT SCENARIO OF THE DENOTIFIED COMMUNITIES

- Though legally Denotified, the criminal stigma attached to the DNTs still continues today.
- Renke Commission in its report noted that “The Denotified, as well as the Nomadic communities, suffer the stigma of criminality & nomadism.
- The society at large views them with suspicion & thanks to the colonial as well as post-independence

rulers, a people who were living with dignity & honour have become stigmatised.

- The Denotified & Nomadic communities are hounded or chased out not only by the 'Mainstream communities', but also by the revenue, Police & local self-government & Municipal administration
- They neither belong to the rural nor the urban areas. Rather, they are made out to be 'nowhere people' by all sections of the people & govt machinery.
- As a result, they do not possess ration cards, voting rights, Caste and identity Certificates, and residential address" (Renke 2008: 72).
- There are enough evidence of Police atrocities against the people belonging to Denotified communities as the old colonial attitude still continues with them.
- Wherever the crime takes place the members of the Denotified are suspected and are taken into custody.
- The police adopt third-degree methods against them to extract the information and women and children are also not spared.
- It is apparent that the regional and national press is full of stories of atrocities against the Denotified communities such as Pardhis and Kanjarbhats (Bokil 2002).
- There are cases of custodial deaths, for instance, Pinya Hari Kale a member of Denotified community, despite his innocence, was arrested, beaten up and as a result, he died in police custody at Baramati (Satara, Maharashtra) on June 8, 1998 (Dilip D'souza 1999).
- Birinder Pal Singh observed during his fieldwork that there were numerous stories & personalised anecdotes from the members of such communities who had been harassed especially by the police (2008).
- While writing on 'Kheria-Savar Sammelana in Purulia', Mahasweta Devi noted that till 1983 'Kheria' was a dreaded name in Purulia and they were favourite targets of the district police, administration, the Panchayats, the political parties, and the rural rich (1992).
- In her writing on 'Year of Birth-1871', she had mentioned that all over India denotified communities are jailed, mob lynched, tortured to death in lock-ups (Mahasweta Devi 2002).
- In light of the above abysmal situation of Denotified it is evident that there is a need for paying serious attention by the govts, civil society organisations, and the other concerned parties towards removing the stigma attached to these communities.



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