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## A study of the de-notified, semi-nomadic and nomadic tribes of India

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### Abstract

In India the communities are historically been put under the disadvantaged and wronged social categories, such as the Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). In this categorization, the communities which are left out of the list are de-notified, semi-nomadic and nomadic tribes. These categories are placed at par with the communities of the general category. The aim of this paper is to present results of the empirical study done over these tribes and present the result in the form of the debate on race and caste and shown how this debate can impact the tribes and groups in question.

**Keywords:** de-notified, semi-nomadic and nomadic tribes of India, criminal tribes etc

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### Introduction

However, it's not, possible to precisely define the Nomadic and Semi-Nomadic Tribes, but to have conceptual clarity with regard to nomadic and semi-nomadic tribes, we need to define Nomadic and Semi-Nomadic Communities.

According to the Cambridge International Dictionary of English (1995), the word nomad means '*a member of a group or people who move from one place to another rather than living in one place all the time*' (p. 959).

The Oxford Advanced Learner's Dictionary (1995: 786) defines nomad as '*a member of a tribe or people that moves with its animals from place to place and has no permanent home.*'

As per the Concise English Dictionary (1962: 777): '*One of a tribe that wanders about seeking pasture for their flocks*', and like the Oxford Dictionary, the second meaning of this term is 'wanderer'. Thus, It is clear from these two definitions (from different dictionaries) that the first meaning of the term nomad is with reference to animal breeding. Thus, Nomads are animal breeders, and move with their animals in search of pasture. The focus in this term is on geographical mobility than on the type of economy they practice.

Crime is never being sanctioned by any Gods and its morally as well as ethically wrong to tag certain class or community as "Hereditary criminal". These communities have a long history of marginalization, neglect and oppression, first during the colonial rule, and subsequently, in independent India. Although there are certain evidences which proves that some tribes like Bawaria, Bhatu, Harni, Mina, Tagu, Sansia in North get involved in crimes and all, but what is constantly ignored is the circumstances that led them into this field. Poverty, illiteracy, nomadic way of life, and social segregation compel them to commit crime. Poverty is the prime reason they committed crimes, which resulted in further stereotyping of the groups and lengthening of the list of so called "Criminal Tribes". As per many tribal anthropologists and social workers, other reasons of their nature are poor standards of living, and the nomadic way of life (which makes it tough for Police to trace them after a crime). Another reason is "Glorification of crime". Example of such tribes are: Bawaria, Bhatu, Harni, Mina, Tagu, Sansia in North and Central India and Yenadi, Sugali, Yerkula in South India. Draft List of Denotified tribes of India, Ministry of Social Justice and Empowerment. they believe that they have divine approval from their God, who has approved them of all their wrongdoings. The main types of crime committed by them are, thuggee, dacoity, robbery and theft/stealing.

### Origin of such Tribes:

However, it is difficult to tell the exact origin. As they did not settle in one area and kept on moving here and there because of occupation /livelihood. Their Origin can be traced back From Gypsies, aboriginal population displacement from Northern India by central Indian invaders. During the British rule, they were constantly subjected to movement restriction, they could be jailed upon minor disobedience like failure to report their location to local Police Station. Several theories exist which try to explain the origin of such tribes, but none of them have been able to conclude this with definite explanations. Most of the anthropologists believe that such tribes are not "pure" in nature and in reality, are an amalgamation of various races, castes, tribal and ethnic groups who have been intermixing for hundreds of years (Mazumdar). They have never tried to maintain their so

called racial and communal purity and welcome any single person interested in joining them, be it adventurer, refugee or an outcaste. Some of the probable theories explaining their origin are as follows -

▪ **Theories of origin**

- A. Descent from the Gypsies group: Very little evidence exists in support of this theory
- B. Invasion from Central Asia: Aboriginal population that was displaced by incursions by the inhabitants of Central Asia who invaded India long time ago. They could not find any suitable habitat after being replaced and thus started to wander. Nomadism became their way of life, which in turn led to thefts and pilfering.
- C. Descent from Rana Pratap of Chittorgarh: Some followers started nomadic way of life to save themselves and their religion from inroads of Islam after the siege of Chittorgarh by Alauddin Khilji, the Khilji Sultan of Delhi. Since such tribes contain people from diverse communities, societies, races and castes, it is difficult to trace their social, ethnic or racial origin.

De-notified (erstwhile Criminal tribes), nomadic and semi nomadic tribes are widely distributed all over the country, but their exact population is still not clear. This is due to the fact that they have never been counted as a separate category in any census. Since the responsibility to notify such tribes has been delegated to the states, many states have notified them in the SC/ST list and not as a separate category of Denotified, nomadic and semi nomadic tribes.

The Criminal Tribes Act Enquiry Committee in 1949-50 estimated their population to be around 35 Lakhs while the Special Working group on cooperation for backward classes estimated their population to be 35.13 lakhs.

**Acts and Legislations on De-Notified, Semi-Nomadic and Nomadic Tribes of India (Before 1947)**

**Criminal Tribes Act, 1871**

(The Encyclopedia of Social Work in India (Vol III) gives a description of how the early years of 19th century witnessed law and order issues in Northern India due to thugs and dacoits. This was followed by establishment of a Thagi and Dacoity Department in 1839. Mainly the Meena tribe was affected by this.)

First legislative act by colonial authorities to introduce a new statute, perhaps a first of its kind in the entire erstwhile British Commonwealth. Through this Act, certain tribes were notified as "Criminal Tribes" and it was assumed that they regarded crime as their hereditary calling.

▪ **Features of this Act**

The Act had provisions to report to the Governor General in council and give adequate reasons, before declaring a tribe as "Criminal". Arrangements were to be made for rehabilitating those criminals who did not lead a settled life and provide them a proper, stable and sustainable livelihood. The Act violated various human rights. The government of North Western Provinces of that time appointed a Police committee as a consequence of serious crimes committed by Sansi tribe. On this basis, Criminal tribes (amendment) act, 1897 was passed.

**The Criminal Tribes Act, 1911**

Indian Police Commission in 1902-03 gave some recommendations on the basis of which an amendment act was passed. Under the new act, local governments were given powers to declare a tribe to be criminal tribe without requiring its settlement or rehabilitation. The members of the tribe could be registered and finger impressions taken for observation and supervision. Provisions were there to separate children from their parents so that criminal training is not provided to them.

**The Criminal Tribes (Amendment) Act, 1923**

A conference was conducted in 1919 to evaluate the earlier acts and provide recommendations. Meanwhile The Indian Jails committee of 1919 was also examined the provisions of Criminal Tribes Act, 1911. It empowered local governments to settle tribes.

**The Criminal Tribes Act, 1924:** All the amendments passed till now were consolidated in this act. Not many amendments were introduced here.

**The Criminal Tribes (Amendment) Act, 1947**

By this time, many criminal tribes had become educated and started to settle down. They started to receive respect and sympathy from both people and government. This Act tried to amend Section 23 providing for minimum enhanced punishments for those convicted for second and third offence. The general understanding was that the whole tribe must not be dubbed as criminal for crime committed by few.

**Summary of Views of Different Committees and Commissions on Denotified and Nomadic Communities**

- a. **The Criminal Tribes Inquiry Committee, 1947:** The Criminal Tribes Inquiry Committee, 1947, was constituted in the United Province. In its report, this Committee felt that till the Gypsies settled down, they would continue with criminal tendencies. It proposed that 'efforts should be made under sanction of law (suitable provision may be made in the Habitual Offenders and Vagrants Act) to settle them and teach them

a life of industry and honest calling as 3 against idleness, prostitution and crime to which their conditions of existence make them prone’.

- b. Ayyangar Committee:** A Committee was established under the Chairmanship of Mr. Ananthsayanam Ayyangar in 1949. After a detailed study of the working of the Criminal Tribes Act throughout the country, it submitted its report in 1950, in which it made several recommendations for the repeal of the Act and gave reasons for this. The Committee also emphasized the need for allocation of adequate funds for their welfare and rehabilitation
- c. Kalelkar Commission:** The first Backward Class Commission was appointed on 29 January 1953 under the Chairmanship of Mr. Kakasaheb Kalelkar. This Commission in paragraph 48 of its report suggested that the erstwhile ‘Criminal Tribes’ should not be called ‘Tribes’ nor should the names ‘Criminal’ or ‘Ex-Criminal’ be attached to them. They could be called ‘Denotified Communities’. The Kalelkar Commission further recommended that “these groups may be distributed in small groups in towns and villages where they would come in contact with other people, and get an opportunity for turning a new leaf. This would help in their eventual assimilation in society”. (The first Backward Class Commission in paragraph 41 mentions that there were as many as 127 groups aggregating 22.68 lakhs in 1949 and 24.64 lakhs in 1951 described in official records as Ex-Criminal Tribes. These groups could be divided into two sections, i.e., (i) Nomadic; and (ii) Settled)
- d. Lokur Committee In 1965,:** An Advisory Committee was constituted for the revision of the Scheduled Castes and Scheduled Tribes list by the Government of India under the Chairmanship of Mr B.N. Lokur. The pre-independence list of ‘Denotified and Nomadic Tribes’ consequently got divided into the three constitutionally recognized categories, i.e. Scheduled Castes, Scheduled Tribes and Other Backward Classes. Although the Lokur Committee in general followed the strict guideline for entertaining the requests of revision of the Schedule Caste and Scheduled Tribes lists, it had given quite favourable recommendations with regard to Denotified and Nomadic Tribes.. Lokur Committee further suggested 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’
- e. Mandal Commission:** The Second Backward Class Commission under the Chairmanship of Mr. B.P. Mandal (1980) criticized the government policy for emphasizing the economic criteria and dismissing caste as a criterion to determine social and educational backwardness. They, generally, are ex- criminal tribes, nomadic and wandering tribes, earth diggers, fishermen, boatmen and palanquin bearers, salt makers, washermen, shepherds, barbers, scavengers, basket makers, furriers and tanners, landless agricultural labourers, watermen, toddy tapers, camel-herdsmen, pig-keepers, pack bullock carriers, collectors of forest produce, hunters and fowlers, corn parchers, primitive tribes (not specified as Scheduled Tribes), exterior classes (not specified as Scheduled Castes), and begging communities etc.
- f. Justice Venkatachaliah Commission:** The Report of the National Commission to Review the Working of the Constitution under the Chairmanship of Justice M.N. Venkatachaliah, submitted to Government of India on 31 March 2002, and recommended for the establishment of a Commission to review things related to these communities. The Report states that ‘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. 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. ‘thus It is apparent from the observations of the above Committees or Commissions that the conditions of the Denotified, Nomadic and Semi-Nomadic Tribes or Communities are deplorable and deserve a separate and special treatment so that their lot can be improved. This is essential for bringing this very large section of downtrodden citizens of India into the ambit of development and to confer upon them the dignity of citizenship with all its appended social, cultural, economic and political rights on par with the others.

### **Legislations for betterment of DNT, NT, SNT**

#### **The Scheduled Castes and The Scheduled Tribes (Prevention Of Atrocities) Act, 1989**

We are all too aware of how the human rights of SCs and STs have been routinely violated from the dawn of civilization. Discrimination might take the form of bonded labor, denial of access to public facilities, or forced sanitation work, violation of various fundamental rights such as the right to equality and the right against exploitation. DNT NT SNT (hence referred to as DT) are likewise discriminated against in the same way. Though DTs are typically nomadic and it may not be appropriate to refer to them as SC or ST, numerous DT groups have been designated as such in various states. For example, the Banjara community, a DNT, is classified as SC in Himachal Pradesh and ST in Bihar. As a result, they, too, can be studied from this perspective.

The main goal of this Act was to prevent crimes against the SC and ST groups, as well as to provide relief and rehabilitation to victims.

### Empirical Study

In order to give empirical direction to our study we need to have a sound logic and rationale to proceed further to analyze the problems of deprivation among the Denotified, Nomadic and Semi-Nomadic Communities, how to go about redressing the situation with regard to these communities, so that their condition can be substantially improved and the basis for arriving at the enormity of the problem. In this regard, for some positive legislative and policy intervention. One of the ways is to analyze and understand the problems (and their enormity) that these communities have been facing for decades although some of them have been included in the list of SC, ST and OBC. To further our research, we decided to see if such tribes themselves have an awareness of legal provisions and how the public perception have changed for them in the past few decades. The survey was compiled and results were noted to arrive at conclusions.

Questions (For the tribes): Since they were not educated, and did not have digital medium to answer the queries, we decided to interview some of them. The interviews were held at different places in Punjab, Haryana and Chandigarh. Due to Covid restriction, we could not travel to the Central India where most of DNT, NT, SNT reside.

We interviewed a total of 23 participants. (The consent of all the participants have been taken during the study and were also being informed about the publication of the result of this study.)

The Questions asked were:

1. What is the name of your tribe? Origin and history?
2. Demographic data. Size of family? Education status?
3. Have they ever heard of legislations like SC/ST act, 1989, Habitual Offenders act of respective state? Have they heard of the Constitutional provisions for them?
4. Has any government representative, representative of any commission (Renke or Idate) reached out to them? Any schemes or welfare measures that they are receiving?
5. Has any NGO been in touch with them in past few months? Or have they taken any help from any NGO in past few months?
6. What is the general attitude of general public towards them? Have they faced discrimination in form of untouchability in recent years?
7. Have they been arrested by Police under derogatory acts like Habitual Offenders act? Do they believe in hereditary status of crime or do they still glorify crime?
8. If they are nomadic, what is the status now? Do they have any permanent habitation?

After taking interviews, we came to following conclusions:

1. **Names of tribes to which they belonged: Sansis, Kanjar, Bazigar in Punjab and Godri, Bheria in Haryana.**

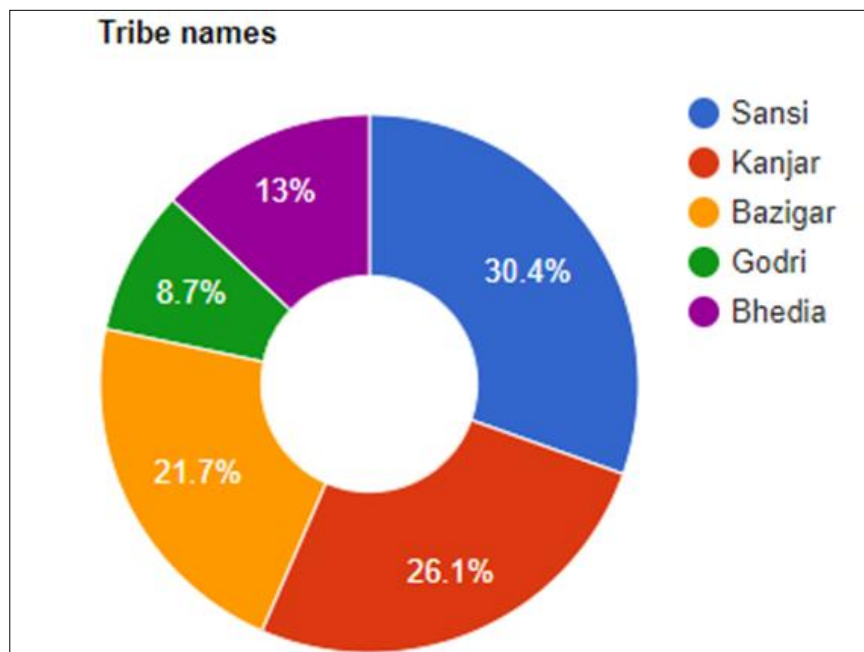
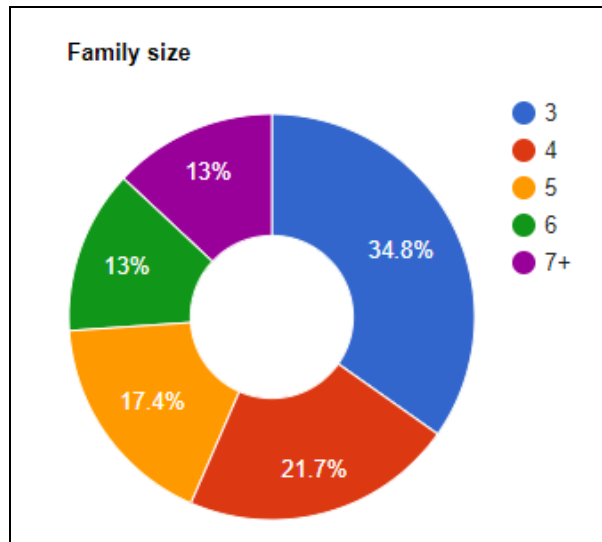


Fig 1

**Origin and history:** While most of them did not know about their origin and history, the Sansis were aware of their origin history. They claimed that they came from Rajasthan state and were expelled from Islamic invaders in 13<sup>th</sup> century after which they got dispersed in Punjab, Haryana, Uttar Pradesh.

Other tribes were not aware of their origin or history.

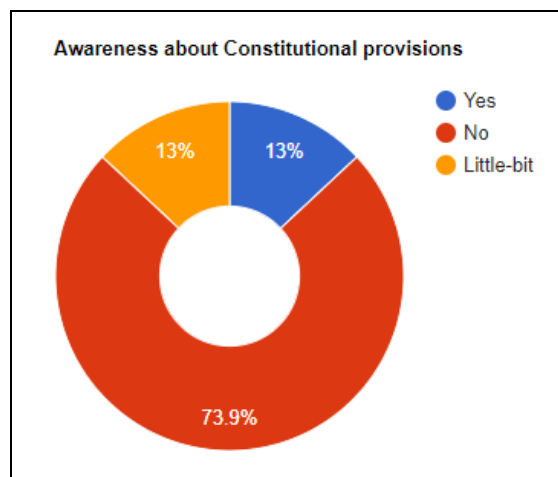
**2. Demography**



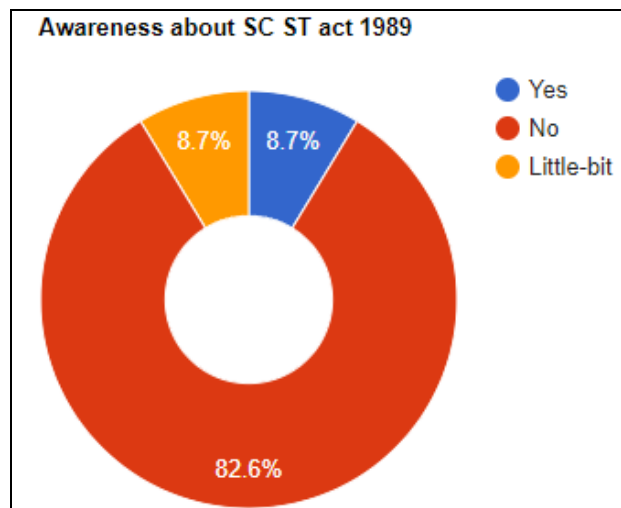
**Fig 2**

Thus, the general effect of nuclearization of family was visible, as in case of other societies. As far as education status was concerned, not even a single member out of 23 had studied beyond class 10, which highlights the deplorable condition of DNT society.

**3. Awareness on legislations and Constitutional provisions?**



**Fig 3**



**Fig 4**

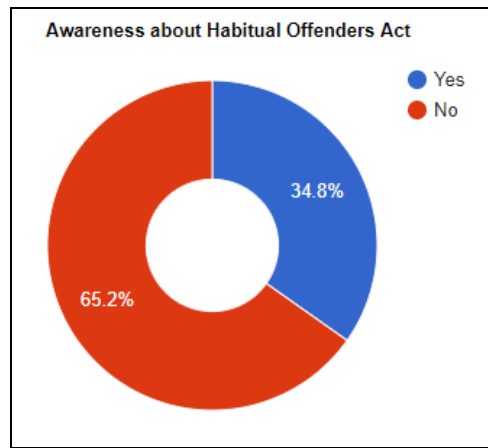


Fig 5

As expected, they were more aware of the respective state’s Habitual Offenders Act than the SC/ST act. From this we can conclude that it might be because of their frequent arrests or detention by Police under this act and lesser Government intervention when they faced SC/ST discrimination.

**4. Has any NGO been in touch with them in past few months? Or have they taken any help from any NGO in past few months?**

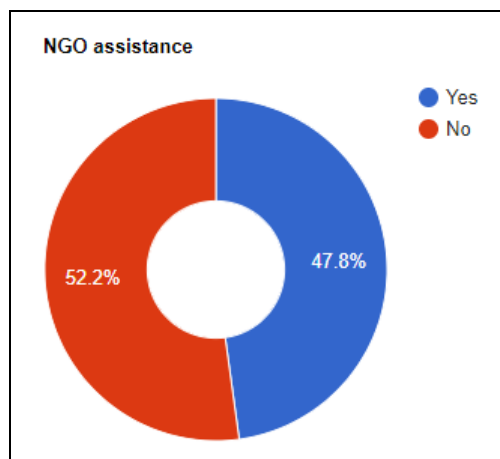


Fig 6

The prime NGOs available in these regions were Amanjeet Singh Thind NGO, Baba Jiwan Singh social welfare club in Punjab and Aryavrata Brahmin Sabha NGO in Haryana.

**5. Has any government representative, representative of any commission (Renke or Idate) reached out to them? Any schemes or welfare measures that they are receiving?**

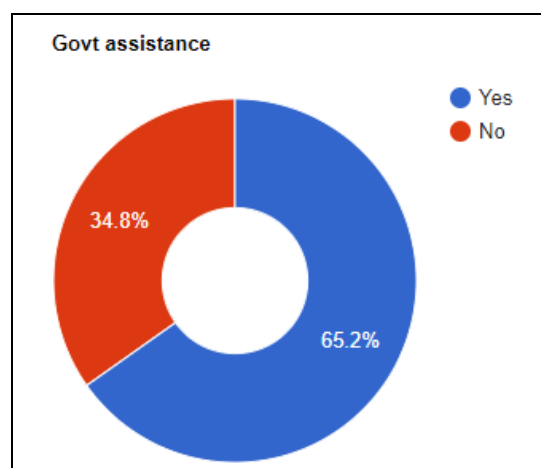


Fig 7

Thus, we can conclude that Government assistance in form of welfare schemes were actually reaching to the tribal public, though 100% coverage was not happening.

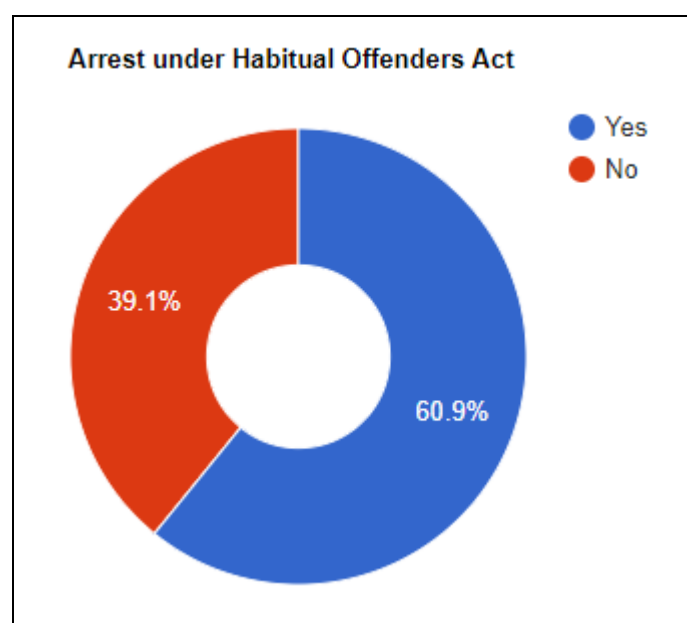
The main schemes that they were taking benefits were PDS ration, PM Aawas Yojana and government schooling.

But as expected, not single person from them (and not even their distant family and friends from other states) have heard about Idate and Renke commission and neither have they had any representation against them.

**6. What is the general attitude of general public towards them? Have they faced discrimination in form of untouchability in recent years?**

The data here was very disappointing. Most of them complained of regular caste or tribe-based discrimination. They were mostly engaged as house help or farm and small-scale industrial labor. They still removed shoes when entering upper caste homes and sat on the floor when offered to eat or drink (and that too from separate utensils kept for them). They were racially and ethnically abused (for example: Kanjar, the name of one of tribes interviews, is a popular slang/verbal abuse that people use when they are mocking each other or insulting each other, with many people not even knowing the meaning of this word)

**7. Have they been arrested by Police under derogatory acts like Habitual Offenders act? Do they believe in hereditary status of crime or do they still glorify crime?**



**Fig 8**

The results were condemnable. Around 61% of persons interviewed had been arrested at least once in their life under this act. This highlights that the colonial legacy of Criminal Tribes Act still exists in this supposedly so-called liberal world. The interviewees said that they are often suspected of theft and burglary when any crime like this happens in neighborhood. Their biometrics, fingerprints etc. are kept in various Police Station even though they have never been convicted in any of the cases. This violated many of their Human Rights like Right to Life and Personal Liberty, Right to Privacy, etc.

As far as hereditary status of crime is concerned, they said that they have stopped considering the so called "Hereditary status of crime" as they are often stigmatized to be. They also do not remember any glorification of crime being done by their groups; this shows that it has been many generations since glorification was last done. This is a positive step and same shall be propagated and publicized to general public to remove any prejudices and racist stereotypes that they might have.

**8. If they are nomadic, what is the status now? Do they have any permanent habitation?**

All of the 23 people interviewed were living in a pucca house constructed under the PM Aavaas Yojana. This shows that at least their human right of right to accommodation and right to shelter is being respected.

Thus, after analyzing the Commissions, a Legislative Act and our surveys/interviews, we can conclude for sure that there has been an improvement in their status, but a lot is yet to be achieved, maybe we need to start with the basics, i.e., being more empathetic to them and considering them as our equals. Had this been the mentality of law-and-order agencies and government, we would not have got such poor results in our survey or interviews and statistics would have shown improvement in their status, especially after independence.

**Conclusion-Debate on race and caste in context of tribes and groups in question.**

Caste and race are two sensitive terms that are being used frequently in regular debates interchangeably. The question is: Are the two same? Does using them interchangeably do injustice to either or both of them? A thing to be noticed is that though tribes are considered different from both race and caste, but in actual, tribes can be a race, a caste or even both. This makes this debate even more interesting as both castes and races are linked to tribes and vice versa. There is a great overlap among the three.

Going by the myriad of sociological and anthropological literature, one can safely conclude that race and caste are indeed different things. The debate begins in the context that while the Dalits (which includes DNT and other tribes as well as per definitions of Government of India) claim that caste is race while Government of India says the opposite, that the caste is not race. This is because the Dalits would want the topic of caste to be included in international debates on racism, like "World conference against racism" held in Durban, 2001.

The Government of India has been emphasizing on following 3 factors to prove its point:

Term 'caste' does not denote race or a racial group. The term 'descent' in Article 1 of the CERD Convention refers solely to racial descent and not to the casteist descent.

Numerous laws and government schemes exist already in India to promote the human rights and socio-economic conditions of the Scheduled Castes (which obviously, overlap with DNT tribes as well), which are quite adequate, thus, there is no need to utilize international human rights mechanisms, conferences, laws or forums to uplift them.

Change is a slow process and India has observed a lot of changes in the socio-economic condition of Scheduled Castes.

The government also feels that to include caste in WCAR is an attempt to alienate the SC and ST from Hindu society. This effort is being carried out by forces hostile to Indian civilization and NGOs promoted by them. Caste is just a social issue like dowry and child marriage.

National campaign for Dalit human rights NCDHR has refuted all the 3 claims. They believe that though caste may not be race, but caste is the basis on which discrimination in South Asia is perpetuated. So, in international discussions, caste must be treated as par with race and caste discrimination has all parameters that make it qualified to be studied at par with racism and apartheid. Saying that caste system is internal matter of India is also flawed since India is signatory to various human rights conventions of the modern world and NCDHR has all rights to approach the international forums to make its voice heard. As India, being a peace-loving country has consistently voiced against apartheid (like shunning diplomatic relations with South Africa in last century), it also becomes the moral responsibility of the modern world to voice against the caste system of India.

The benefits of including caste discrimination in international discussion at par with race are:

1. International attention towards this often-ignored issue.
2. International human rights convention related to racism and apartheid and discrimination will be applicable to caste issues as well, thereby making their lives better.
3. India will be more accountable to the international world for its acts, policies, action taken for betterment of community, all kinds of discrimination etc, just as South Africa had to when criticized by world for its institutionalized apartheid.
4. Scheduled castes, Scheduled tribes and De-notified tribes etc can easily approach the international for a redressal of their grievances.
5. A new dimension in the literature of discrimination will emerge at the international level apart from the usual type of racism and sexism.

Also using the terms caste and race interchangeably shall be avoided as both are quite different even if it might appear that both are subjected to different kinds of injustices. While color has been the prime foundation of racism, it has no relevance to caste system. And while races can change their hereditary occupation, it is tough to do so in typical caste system, Better is to give equal respect to both these controversial issues. But still this debate is perhaps never ending and what is lost in this debate is the fact that numerous tribes, who may/may not fall into the list of Scheduled castes or Scheduled tribes have been left out from the implementation of human rights and an international human rights convention specifically for this group may be the need of hour.

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