

DE-NOTIFIED, NOMADIC AND SEMI-NOMADIC TRIBES:

The term 'De-notified Tribes' stands for all those communities **which were once notified under the Criminal Tribes Acts, enforced by the British Raj between 1871 and 1947**. These communities were 'denotified' when the Acts were repealed after India's independence.

This classification of an entire community as criminal by the British, as **Dilip D'Souza** has noted, was part of a colonial model of law and order whereby those communities that resisted British rule were targeted in various ways. As per the text of the law, "a criminal tribe was a gang, tribe or class of people addicted to the systematic commission of non-bailable offenses and with reason to believe a local government could notify using the local gazette that an entire tribe, gang or class of people were criminals". These Acts were repealed by the independent Indian Government in 1952, and these communities were "De-Notified". A few of these communities which were listed as de notified were also nomadic. Sadly, we have no data on the number of these communities. (the latest attempt to enumerate these communities was done by the Renke Commission, which used the data of the 1931 census. The commission placed their numbers at anywhere between 10 and 12 crores.)

Though the notified communities were often described as "Criminal Tribes", they were often treated as castes in traditional rural society. There were restrictions placed on marriage, access to village facilities and dining. While there are significant overlaps with the Scheduled Castes or Scheduled Tribes, these communities are often treated differently by police and other authorities when it comes to crime. Despite 65 years elapsing since the repeal of the colonial era Criminal Tribes Act, the authorities still view many of these communities with suspicion.

Once classified as "Criminals," these communities faced constant surveillance, had their movements regulated and their traditional forms of livelihood destroyed with the advent of the colonial economy. Driven to despair, many of these communities took to the world of crime or confronted the government. All these communities, as far as the British were concerned, were termed as Criminals. However, it is important to note that some of these communities undertook criminal activities at the behest of others. These were the people traditionally in the margins of the settled societies. Some among them were engaged in acts of criminality, attacking farms and households and then disappearing into the forests

From Hunter gatherers to Pastorals

Before settling down human beings used to move from one place to another and their primary form of occupation was hunting and gathering. Anthropologists call these communities 'subsistence based', where production was utilized for consumption.

As societies evolved, while some communities become sedentary many other chose the nomadic way of life, including peripatetic. Those nomads who depended on livestock become pastoral nomads and the others who have used their skills like entertaining, smithy etc become the non-pastoral (peripatetic) nomads.

Terms such as nomads and semi-nomads are applied to 'social groups who undertook a fairly frequent, usually seasonal physical movement as part of their livelihood strategy in the recent past. The term semi-nomad is mostly used to describe those sections of nomads whose duration, distance and frequency of movement is comparatively less than others. The distinction between nomads and semi-nomads do not involve distinguishable ethnic categories or social groups, it rather describes the degree of mobility practiced by them. Hence, the term Nomad should also allude to the semi nomads belonging to their social or ethnic stock.

During the colonial period many of these communities were sedentarised as a result of various enactments of policies of the British. The introduction of railways by the British throughout colonial India and the expanding road network made nomadic communities trade dependent on pack bullocks or donkeys largely, if not wholly, redundant.

Historically, Nomadic Tribes and De-notified Tribes never had access to private land or home ownership. These tribes used forests and grazing lands for their livelihood and residential use. These communities had "strong ecological connections. Many of them are dependent upon various types of natural resources and carve out intricate ecological niches for their survival. The changes in ecology and environment seriously affect their livelihood options.

Nomadic Pastoralism is facing severe crises in India. What threatens this way of life are the development strategies of the modern-state. Throughout much of its long history pastoralists have been marginalized. Many of these communities were nomadic at the dawn of independence but now they have settled down in rural and urban areas, this does not mean that these communities have lost their nomadic characteristics. This was due to the fact that many of the grazing lands were brought under the plough, thereby depriving the pastoral communities their resources. In case of peripatetic, many of them lost their livelihoods and patronage. The identity of semi-nomadic communities has deteriorated from being pastoralists and peripatetic to underdeveloped and backward.

Since the beginning of 20th century, the modern state has proved detrimental to the nomadic way of life. The modern state has always been trying to regulate the lives of its citizens. The nomadic livelihood is threatened due to a variety of problems, including expanding economy and urbanization, leading to a loss of grazing areas and laws which prohibit them from entering forest areas traditionally belonged to them. Unfortunately, the marginalization of these communities continued even after independence in 1947.

Land reforms of 1950 were focused on growing more food and to generate revenue, so public lands were used for cultivation of crops. These policies led to neglect of pastoralism. Common resources were grabbed by influential villagers and areas that were previously used as grazing sites were developed as agricultural fields. For example, Rajasthan Canal has brought vast tracts of land under cultivation pushing the nomads out. Due to policies like these, forest and permanent pastures become private. These policies have led to permanent pastures being heavily reduced and now the percentage of what they were at independence has considerably fallen.

Pastoral nomads chose those fields for grazing their animals which were close to water sources but due to these policies the grazing lands were taken over by peasants which have led to worsening of condition of the nomads. Before the existence of these policies agricultural fields were accommodative of migrating flock of animals which used to eat away what was left and deposited manure therein. Such was the relationship that peasants use to pay these tribes so that they could receive manure.

But with policies pushing forward for more cultivation of crops due to the growing demand, the relationship between peasants and pastoralists has gone sour. There are physical conflicts every year between the migratory herds of animals and peasants. Communities like Raika in Rajasthan have asked the State Government to arm them in order to protect themselves from the peasants. The nomadic pastoralist because of these policies and hostilities from peasants find their occupation difficult proposition. The exact number of the nomadic tribes in India is still unknown as there has been no formal census conducted which could help in tracking them. Thus, the exercise of providing them with basic human rights has become a herculean task.

This new global economic order barely allows these traditional communities to lead their own little autonomous life. Hence, many of the traditional forms of nomadism are becoming fragile. For example, folk artists of past have turned destitute today, artisans who supplied the agricultural implements or weapons of warfare are reduced to beggars, pastoralists who once owned large herds are reduced to marginal farmers, and so on.

The gypsies of Europe (Romani) correspond in their habits with the curious tribes called Nuts or Nats, who live from their outstanding dexterity and acrobatic talents, fortune-telling, and the like; and are numerous in Bengal, Behar, Bundelkund, Malwah, and Guzerat. They are commonly known by three names - 1, Nat (Sanskrit nata, a dancer, actor, tumbler, a public performer), a rogue, one who leads a wandering life; 2: Beria, a dancer or tumbler, Berin, a female dancer or songstress; 3, Bazigar, a player or juggler. The Nuts have two languages; one for the use of the craftsmen of the second other, general among men, women, and children; both are based upon Hindustani'.

The European experience with the Romani influenced the colonial governments attitudes and policies in India. The movement of the Romani people, and their refusal to being brought into the settled economic process was a cause for anxiety for the newly formed nation states in Europe. With the advent of Enlightenment and modernity in Europe, all forms of knowledge, geography and polity were being formalized.

The Romani people, by virtue of their movement were treated with suspicion. This is because the need to control and regulate all aspects of the society and economy was ever on the mind of these Governments. The Romani people faced and continue to face discrimination and oppression by the governments in Europe. It was the fear of these itinerant communities that informed the need to control the nomadic peoples of India.

Criminal Tribes - A Colonial Construct

The British Government passed the Habitual Criminals Act of 1869. This new legislation gave the authorities exceptional power to regulate those activities of deemed "habitual offenders." Having already formalized the category of habitual offenders in England, the Colonial Administration's understanding of the caste system in India led to the creation of hereditary criminals.

The caste system was seen as an entity with measurable traits like endogamy, ritual practices or fixed occupation, according to the British colonizers, therefore habitual criminals would beget habitual criminals. This led to the Criminal Tribes Act, 1871 which made it compulsory for tribes suspected of criminal activities to be registered, which further led to surveillance on them and curtailed their movements.

Thus, the category of the Criminal Tribe was born out of the Colonial British Government's misguided attempt to control crime in India- by enactment of the Criminal Tribes Act in 1871. Through this as well as subsequent versions of the Act, the British branded nearly 150 communities as being criminal by birth. These communities were placed in settlements and were policed regularly. They were placed under constant surveillance and their movement regulated. This led to harassment, loss of livelihood and the denial of even the basic rights enshrined by law.

While initially the Criminal Tribes Act of 1871 was primarily operational in the Punjab and North West Provinces, the subsequent Criminal Tribes Act of 1911 extended to the entire country and gave sweeping powers to the Provincial Administration to declare tribes or sections of the people as criminal. This was often used as a means for the Colonial Government to control the itinerant populations of India.

The creation of this category of Criminals was a product of Colonial Modernity and the strengthening of the various apparatuses of the nation state. By 1860, with the emergence of the new working-class in the post-industrial Revolution Britain, the state was at odds in trying to control its citizens.

It was out of this necessity that the British Government began to differentiate between the industrious working class and the criminal working class. This gave birth to the Habitual Criminals Act of 1869, which identified a section of the population as criminal classes.

As the British rule by the mid-century become more secure, the colonial search for 'knowledge' began. Driven by their twin experiences of the Thugi movement and the Freedom Movement of 1857, the British Government was anxious to rule India without disrupting its social institutions. The British Raj become obsessed with the ordering of Indian institutions and began its vast studies, resulting in ethnographic surveys and caste censuses. When seen through this prism, we can observe how the Colonial state created the category of the Criminal Tribes and Castes. Thugi was seen as a uniquely Indian phenomenon." It was observed that in the erstwhile North West Provinces, the Punjab or Awadh, all the support for the Criminal Tribes Act come with reference to thugs and the Colonial government's efforts to control and pacify them. And, "in almost all the reports on the criminality of the tribes and castes, the pedigree of knowledge of these groups is traced back to the thugs." Once this link between the tribes and thugs was drawn, then it became a question of how to control these Criminal tribes and castes.

There is much evidence to show that many of these communities who participated in the Rebellion against the British in 1857. They were used by the local princes and large landholders against the British Forces. Once this category was created by the British, they placed many who would oppose the colonial rule as being "Criminal Tribe"

The Rebellion, or indeed the Freedom Movement of 1857 shook the Colonial Government to its core. They now realized that they would have to distinguish between the loyal and the rebellious in India. Large number of communities who sided with the rebels were declared as Criminal Tribes.

Sensing the valuable resources that can be extracted from the Indian forests, the colonial officials passed the Forest Act of 1865, which represented the first attempt by the British Colonial State to regulate and exert its monopoly over the Indian forests and its produce. This legislation was further amended and expanded in the Indian Forest Act of 1878.

Role of De-notified Tribes in Freedom Struggle:

As the British tried their best to control the indigenous and nomadic communities of India, they face resistance and rebellion. These communities, seeing their livelihood being snatched away from them were not willing to simply lay down before the new colonial masters.

Umaji Naik is considered as one of the first freedom fighters against the British. He belonged to the Ramoshi community which migrated from Telangana to Maharashtra. The Marathas entrusted night patrolling responsibility to this community until their defeat at the hands of the British in 1818. From 1825 till 1830 the Ramoshi community fought against the British colonizers under the leadership of Umaji Naik.

The Kuki Uprising of 1917-1919 was another example of the indigenous people of India taking up arms against the Colonial state. The British penetrated deep into the North Eastern regions of India and tried to recruit the indigenous tribes for labour corps, which the local people rebelled to defend their

integrity and freedom. The Kuki found mention as a Criminal Tribe. The British suspected that the nature of these tribe's livelihood made them act as messengers between different communities.

The British administration went on to make a list of Criminal tribes which consisted of forest-dwellers, nomads and shifting cultivators. This list was made to ensure that these communities would be isolated from the rest of the country.

Salvation Army and the Imperial Order:

Once the Criminal Tribes Act was passed and the category of the Criminal clearly established, missionary groups like the Salvation Army became an important feature of the moral control that the Colonial state tried to exert. The Salvation Army worked with the Colonial Administration in regulating the settlements of the itinerant communities.

Independent India

After the independence in 1947, some benchmark changes came into being. In January 1947, Government of Bombay set up a committee, which included B.G. Kher, then Chief Minister Morarji Desai, and Gulzarilal Nanda, in order to deal with the criminal status of the then notified tribes. This set into motion the final repeal of the Act in August 1949, which resulted in 2,300,000 tribals being decriminalized. The Criminal Tribes Act Enquiry Committee Report (1949-50), also known as the Ayyangar Committee Report, made recommendations specifically for the 'Repeal' of the CTA.

The Criminal Tribes Laws (Repeal) Act

Following the recommendations of the Ayyangar Committee Report, all other Criminal Tribes Laws stood repealed by the Criminal Tribes Laws (Repeal) Act in 1952. This law extended to the whole nation except the state of Jammu and Kashmir. According to this law, every other law criminalizing these tribes in any state of India shall stand repealed on the 31st August 1952 or from any other date declared by the Central Government by notification in the Official Gazette.

The Habitual Offenders Act

Although the Habitual Offenders Act came into being in 1952, but even before that it was still in existence under various states legislatures. For instance, The Punjab Act on Habitual offenders (1918), was supplemented by the Punjab Habitual Offenders (Control & Reform) Act, 1852 with the aim of correction, treatment and rehabilitation of the habitual offenders. This act required the person declared as habitual offender to report the local authorities about his presence and whereabouts in the area. Similarly, the Madras Restriction of Habitual Offenders Act (1943) empowered the district magistrate to notify habitual offenders and impose restrictions on them. Then there was Bombay Habitual Offenders Act (1947) and Andhra Pradesh Restriction of Habitual Offenders Act (1948) which worked upon the same lines of creating restrictions for the habitual offenders. Even after the implementation of the 1952 Act, Mysore Restriction of Habitual Offenders Act (1952), Rajasthan Habitual Offenders Act (1953), Hyderabad Offenders (1954), Kerala Habitual Offenders Act (1960), Karnataka Offenders Act (1961), and Himachal Pradesh Habitual Offenders Act (1969) etc. were also in existence in the respective states.

The Habitual Offenders Act (1952)-

The major difference between CTA and this act was that the latter targeted individuals and not communities. However, the law enforcing agencies felt that the application of the Act was very limited. Only criminals convicted of serious offences and criminal minded persons interned in the settlement come under its purview, such inadequacies led to the Government bringing about an All India Habitual Offenders Bill which aimed towards an effective instrument to be able to exercise better control over the criminals".

Post-Colonial Forest Policies

The first post-independence forest policy formulated in 1952 was founded on a realization of 'maximum annual revenue from the forests' which would contribute to nation building. This dashed all hopes of the tribal people which saw renewed regulation on their rights over the forest resources. It not only followed the lines of colonial policy makers, but went beyond, in the infringement of the privileges of the tribal. The forests of tribal left untouched in the old colonial policy were now subjected to various controls under the new one. Free grazing was recognized under the old policy but a fee was imposed on it in the new regulations. The 'rights' to shifting cultivation deemed as 'privileges' in the colonial period were now converted to 'concession' under this policy. The post independent Act saw the withdrawal of the control and right over forest land for cultivation by the tribal, duly provided by the colonial predecessor, and the beginning of the control of the private forests by the state. The old policy left untouched free grazing in forests. The new policy sought to bring it under control. Fees were introduced and grazing was to be kept to the minimum.

Adverse Consequences of the Forest Policy 1952

The Forest Policy of 1952 of free India was considered worse than its colonial predecessor policy of 1894, particularly for the indigenous people. To analyze the Forest policy and its impact on the tribal of India, the President of India constituted a Commission under the Chairmanship of U.N. Dhebar.

The Scheduled Area and Schedule Tribe Commission emphasized the importance of forests in the life of the tribal people for it provided them with the very basis of their living by way of food, as well as income from the sole of forest produce, besides fuel. The Committee took an adverse view of the gradual extension of Government authority over forests to the detriment of tribal life and economy. Transformation from 'rights' and 'privileges' in 1894, to 'control' and 'concession' in 1952 brought in further plight in the lives of the forest dwellers.

The Commission recommended that the policy of 1952 need to be reconsidered. Tribal should be allowed to cultivate forest lands and their requirements for grazing and shifting cultivation need to be conceded. The need for a relook into the responsibilities of forest officials was also emphasized.

Anti-Beggary Laws

Anti-beggary laws in India and their creation as well as implementation need to be understood in the context of the nation's socio-historical milieu. There is no denying that the post-colonial Bombay (Prohibition of Beggary) Act (BPBA) 1959 had the underpinnings of a colonial legacy. During the colonial era, it was in Bengal that saw the first penal law aimed at curbing the unsettled, homeless persons seeking alms in public spaces. However, these socially excluded persons were identified not as 'beggars' but 'vagrants'. The Bengal Vagrancy Act, 1943, defined the vagrant as a person 'found asking for alms in any public place, or wandering about or remaining in any public place, if such person exists by asking for alms but does not include a person collecting money or asking for food or gifts for a present purpose'. Further, within the tenets of legal history of pre-colonial India, there was never a law against begging/vagrancy. Herein it would be significant to point out that in 1874, the European Vagrancy Act was amended to facilitate its extension to the Indian colony. Various provisions of the Bengal Act were incorporated in similar legislation in Mysore, Madras and Bombay.

It was finally only in 1959 that the BPBA was passed (extended to Delhi in 1960), the objective being to detain, train, and teach the 'beggar', certain 'agriculture, industrial and other pursuits'. Subsuming many diverse geographical and occupational identities including the many nomadic communities, travelling from place to place and performing on the streets to earn a livelihood, central to their everyday lives. Such nomadic communities included singers, dancers, street performers, acrobats, fortunetellers, and also those who earned a living by selling medicinal herbs, iron implement, goods

made of bamboo or leaves like baskets, mats, brooms and so on. There was the distinct possibility that they could all be encompassed as 'vagrants'. The motive behind enacting the BPBA, 1959 was to control the segment of the population that comprises the poor. The life of snake charmers, mostly drawn from de-notified tribes, had become unlawful after the government imposed ban on use of animals for any sort of amusement. The Behrupiya community had to go through the same occupational change due to the affects of BPBA.

Acts like the Wildlife Protection Act 1972 and Animal Protection Act 2006 have adversely affected NT/DNTs, who have been for long entertaining people, using their skills and by training their pets have lost their principal means of livelihood. People belonging to these communities, due to the adverse effect of such legislation, have turned into adopting 'criminal' activities. Fortune tellers, Snake charmers and Street Performers, amongst others because of their occupations, have become vulnerable. The irony is that the government which is so considerate about animals appears to be insensitive towards its own people.

Problems:

a) Owing to the stigma of criminality which was bestowed upon them more than 150 years ago, the denotified tribes continue to live in abject poverty and amidst fear and discrimination.

b) Traditionally, de-notified, nomadic and semi-nomadic communities practice a range of occupations and are remarkably internally diverse. Scholars have classified them according to four broad categories:

- 1) pastoralists and hunter-gatherers, mainly shepherds, cowherds and hunters of small game,
- 2) goods and service nomads, such as blacksmiths, stone workers, weapon makers, salt traders, basket makers and so on,
- 3) entertainers including dancers, acrobats, snake charmers, monkey trainers and wrestlers, and
- 4) religious performers, ascetics, devotional singers, minstrels and astrologers.

However, a vast number of historical changes have jeopardised their livelihoods, beginning from the colonial period. Hunter-gatherers and pastoralists have been affected by the growing restrictions on access to grazing grounds and forests, the degradation of natural resources as well as increasing privatization of common property resources. Travelling goods and service communities have suffered as a result of mechanised production systems, the displacement of traditional building materials and the development of new infrastructure such as roads and railways. Further, entertainer communities have been destroyed as a result of wildlife conservation laws.

c) One major issue that has been raised with regard to de-notified and nomadic communities is the lack of proper enumeration and classification which made the planning and implementation of welfare schemes difficult. Some of these communities have been listed as Scheduled Tribes, others as Scheduled Castes, and some as Other Backward Classes (OBCs). Further, as is the case with the ST list itself, there are disparities in listings of the same group across States and even within the same State.

For example, the Kaikadis are listed as Scheduled Castes in the Vidharba region of Maharashtra, as Vimukta Jatis and Nomadic Tribes (VJNTs) in the rest of this State and as Scheduled Tribes in the neighbouring State of Andhra Pradesh. Similarly, the Banjaras are a Scheduled Tribe in Andhra Pradesh, Odisha and Bihar, a Scheduled Caste in States like Karnataka, Delhi and Rajasthan, OBC in Uttar Pradesh and a De-notified Tribe in Maharashtra and Tamil Nadu.

d) Many states do not have a list of these communities, hence not even acknowledging their presence. Even in places where they do find mention in some list or another, these communities, owing to the absence of any identity proof or caste certificates are not able to avail their entitlements.

AN OVERVIEW OF EXISTING PROGRAMMES AND POLICIES

Studies have shown that since 1952, when the Criminal Tribes Act was repealed, there have been attempts by the Central as well as the State Governments to address issues of marginalization of these communities through welfare schemes aimed at uplifting their socio-economic status in an equitable and sustainable manner. During the field visits, it was seen that some States, like Maharashtra, Gujarat, Karnataka, Tamil Nadu etc. have formulated and implemented schemes for welfare of these communities and some perceptible change in the economic status of these communities was visible in these States

Central Government Schemes for Denotified and Nomadic Tribes

The Ministry of Social Justice and Empowerment has been implementing two schemes, namely, Dr. Ambedkar Pre-Metric and Post-Metric Scholarship for DNTs and Nanaji Deshmukh Scheme of Construction of Hostels for DNT Boys and Girls for bringing about a focused intervention on the DNT communities that are not included in the SC, ST or the OBC list, so that they are empowered socially and economically.

I. Dr. Ambedkar Pre-Metric and Post-Metric Scholarship for De-notified Tribes

Those De-notified, Nomadic and Semi-Nomadic Tribes, (DNTs) whose family income is less than Rs. 2.0 lacs per annum are eligible for pre metric and post metric scholarships. As per requirement for the new scheme, the ratio of State and Centre would be 25:75 for funding. The rates of the Scholarship are Rs. 1000 per student for 10 months for Class I to VIII and Rs. 1500 per student for 10 months for Class IX and X. Post Metric Scholarship ranges from Rs. 550 per month for day scholars to Rs. 1200 per month to hostellers.

II. Nanaji Deshmukh Scheme of Construction of Hostels for DNT Boys and Girls

The Scheme of Construction of Hostels for Boys and Girls belonging to Denotified, Nomadic and Semi-nomadic Tribes is implemented through State Governments/UT Administrations. The Central Government provides a maximum of 500 seats per annum throughout the country at the rate of Rs.3 lakh per seat for the hostel and Rs.5,000/- per seat for furniture. The financial assistance would be released to the State Governments/UT Administrations/ Universities/Colleges which would cater to the requirements of the students belonging to these communities. As per requirement of the scheme, the ratio of State and Centre would be 25:75 for funding.

RECOMMENDATIONS

There have been many Commissions and Committees which have expressed concern about the status of these communities. The **Kalelkar Commission (1953-55)** suggested that these erstwhile tribes should not be called as 'Criminals' or 'Ex-Criminals' tribes but as **Denotified communities** (Vimochit Jati) and was the first Commission to recommend measures for amelioration of Denotified and Nomadic communities, which included providing basic education to their children, training them in craft and arts, cottage industries, etc and also and to assimilate them into mainstream society.

Lokur Committee (1965) recommended that a separate state-wise list be made for these communities and suggested separate developmental programs for them as most of the schemes designed for SC and ST did not benefit them. Even in Mandal Commission's Report (1980) we find mention that

depressed backward classes and most backward classes, which included most of the Denotified and Nomadic Tribes, did not get the same opportunities of assimilation as the intermediary classes.

Much later in 2002, Justice Venkatachaliah Commission took serious note of the DNT/NT's and recommended that the Ministry of Social Justice and Empowerment along with Ministry of Tribal Welfare should coordinate between themselves to formulate policies for strengthening the education, economic development and rehabilitation of these communities.

Idate commission report

1. A Permanent Commission:

The Denotified, Nomadic and Semi- Nomadic Communities are among the most backward, the most deprived and the most neglected communities in India today. Even though some of these communities have been notified as SCs, STs and OBCs, they do not get the benefits of reservation as much as they should. Their 'voice' is seldom heard and they lack political clout and patronage. Even though various past Commissions have made many recommendations for the amelioration of the condition of these Communities, most of these recommendations have remained unimplemented because of lack of an effective follow-up.

Hence the first recommendation of this Commission is that the Commission for Denotified, Nomadic and Semi- Nomadic Communities should be made permanent with a prominent leader of the communities as Chairperson

2. The Commission also recommended that a separate Department/Directorate for DNT/NT communities may be set up in each State where they have sizeable population.

3. Removal of Anomalies:

Some of the DNT/NT communities have been left out of all 3 categories - OBCs, SCs and STs. This Commission recommends that they be notified at least as OBCs subject to the report of ethnographic studies on them and after following the due procedure. Some of the DNT/NT communities are classified as SCs/STs in some States but as OBCs in others. Removal of such anomalies and rationalisation of classifications should be done wherever possible, subject again to ethnographic studies and after following the due procedure of designating them.

4. Census:

It is necessary that the States/UTs have information about the population of NT/DNTs in the State/UT in various Districts. There is a need for a detailed survey of the families of DNTs to work out their estimated population and their concentration in various Regions/Districts of States/UTs.

5. Due Representation:

Since the DNT/NT communities do not have adequate 'voice' and they are not likely to get adequate representation through the regular electoral process, it is essential that they are brought into the political mainstream by nominating their representatives. The Commission recommended that at least one member of the DNT/NT communities should be nominated by the President to the Raiya Sabha.

Similarly, at least one member of these communities should be nominated by the Governor to the Legislative Assemblies/Councils of the States where they have a significant presence. At least one member of these communities should be nominated by the District Collector to the

District Panchayats and the Intermediate (Block taluka/Mandal) Panchayats where they have a significant presence.

6. Constitutional Safeguard:

During the Commission's work, it has come out very prominently that the communities belonging to DNT/NT/SNT have been suffering socially, economically and politically due to lack of specific legal provisions to protect their interest. Though many of these communities are included in SC or ST Category they fail to get any benefit of these categorization vis-a-vis other communities. These communities face social stigma, atrocity and exclusion.

The Commission, therefore, recommended that the Government should provide strong legal protections and constitutional safeguards, including the extension of the Protection of Atrocities Act to the NT/DNT/SNT communities by creating a separate Third schedule as 'schedule De-notified, Nomadic and Semi-Nomadic Tribes.

7. The Habitual Offenders Act needs to be immediately repealed by the respective States as it gives scope for harassment of the members of the De-notified Tribes (former Criminal Tribes) by the Police who are still steeped in colonial era prejudices against these unfortunate communities. Regular laws should be sufficient to deal with crimes and other transgressions.

8. Raising Awareness:

The general public, including elected representatives, administrators, the police and the media, do not have sufficient knowledge of, leave alone understanding of and empathy for, the DNT/NT communities. Since these communities lack 'voice' and political clout, they do not even form part of the 'mental consciousness' of most people. Where they do, the impressions are negative due to long-held prejudices and stereotypes about these communities traceable to colonial times. It is therefore essential to raise the awareness of the general public, including elected representatives, administrators, the police and the media, about the issues and problems faced by DNT/NT communities.

As in the case of Swachh Bharat and other flagship schemes, the Central and State Governments should issue well-made and captivating advertisements of short duration (30 seconds to 1 minute) in the electronic media to raise the general public's awareness of these communities. Bollywood and regional movie producers, Doordarshan and other channels should be requested to portray DNT/NT communities in such a way as to build an empathetic understanding towards them. The print and electronic media should also carry news and views that raise the general public's awareness and understanding of these communities. ,

IAS Officers and State Civil Service Officers should be sensitized about these communities and their issues in the Training Academy itself followed by 1 week attachment and the writing of a short assignment.

9. Special Grant-in-aid:

This Commission recommends to the 15th Finance Commission that a small beginning may be made by earmarking a grant specific to the DNT/NT communities of at least Rs.10,000 crore, to be released to the States, as on additionally in order to supplement the share of the DNT/NT communities under the mainstream policy measures

10. Education:

Literacy level amongst DNT/NT communities continues to be a challenge, particularly amongst women. Due to migratory life style, acute poverty, lack of awareness of the importance of

education and poor access to educational facilities, the literacy rate is much lower and the school dropout ratio of children belonging to these communities is significantly higher.

There is an urgent need to open elementary schools in areas which have a large DNT and Nomadic Tribe population. Wherever possible, DNT/NT children should be given admission in local schools without the need to furnish documentary evidence of permanent residence, etc. There should be mobile schools, as set up in Jammu and Kashmir, for providing access to education to the children from these communities. These mobile schools can move with the community.

Sensitization programmes should be conducted on a regular basis for school teachers and staff to prevent discrimination of DNT/NT children. Protection committees should be formed in each school to address issues of discrimination and create awareness about these communities.

Children from DNT/NT communities whose members are traditionally acrobats, musicians, theatre artists, puppeteers, jugglers, magicians, etc., and who display special talent should be identified at the school level. They should be given special training with scholarship and encouraged to participate in national and international events.

11. Health:

Members of DNT/NT communities are not likely to be much aware of health-related issues, including preventive healthcare, immunization, family planning, communicable diseases, HIV-AIDS, supplementary nutrition to children and anaemic mothers, medical insurance, early childhood development, etc. They are likely to have little or no access to medical facilities and other benefits available under the mainstream health policies through public health centers and balwadis. They are so poor that they cannot afford private medical doctors other than quacks. ,

Doctors and other Public Health officials must be sensitized to the special needs of DNT/NT communities, and trained to ensure that the various benefits available under the mainstream health policies reach the members of these communities, especially pregnant women, infants and toddlers. Supplementary nutrition should be provided to the children and anaemic mothers on a regular basis. ASHA workers should be appointed from the DNT/NT communities so that the community can utilize health services / schemes effectively. Mobile Dispensaries should be provided, which will periodically visit the camps of the DNT/NT communities and render them necessary medical assistance. Health professionals belonging to these communities must be attached to these Mobile Dispensaries wherever possible.

12. Forest Rights:

NT/DNT communities residing in forest areas often face harassment from forest officials and law enforcement officials. These officials should be sensitized about the fact that livelihoods of these communities are largely dependent on the forests.

Forest rights, grazing rights and passage rights for Nomadic pastoralists, across State boundaries and within a single State for the communities dependent on sheep, camels, goats, yaks, buffaloes, bees, birds and insects need to be ensured. In order to initiate the process, the benefits of Schedule Tribes (Recognition of Forest Rights) Act, 2006 may be extended to Nomadic Tribes.

The 'Indian Forest Act' and 'Wild Life Protection Act' may be reviewed and properly amended to ensure that the peripatetic groups and pastoral nomads are not harassed by the forest authorities or other law enforcement authorities.

There is a Centrally sponsored scheme for Scheduled Tribes for monetizing minor forest produce called "The Mechanism for Marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of Value Chain for MFP" implemented by the Ministry of Tribal Affairs. This should be extended to DNT/NT communities.

Xaxa Committee recommendations:

- Immediate repeal of the Habitual Offenders Act.
- The anti-beggary laws be revisited to remove the element of criminality that exists in these laws, especially the provisions in these laws that make “singing, dancing, fortune telling, performing or offering any article for sale.” activities punishable by law. These, in fact, represent a set of talents and skills that exist among these communities. These need to be recognized as such, and as suggested in the report of the consultations, the Ministry of Culture may work with the communities in the development of these skills and talents.
- One of the most tragic aspects that came up repeatedly in their consultations was the pervasiveness of police harassment and ill-treatment, including custodial violence and custodial rape. This is an extremely disturbing part of their report, which the government must urgently address. Such harassment and brutality must stop.
- The removal of discrimination and stigma is essential to help the communities gain access to schools, work and health services.
- The history of the law, their criminalization and stigmatization has had consequences for women. There are communities with large numbers of single women, where prostitution is widely practiced and had been a route to livelihood. The community expressed a keenness not to perpetuate this, including an end to stigma and discrimination.
- Apart from the Habitual Offenders Act and the Anti-Beggary Law, the Prevention of Cruelty to Animals Act, the Wildlife Protection Act and the Excise law be applied acknowledging the problems that the communities face in the application of these laws.
- The interests of nomadic tribes should be protected. They require special attention and their specific situation be recognized, including in relation to education, work, ‘citizenship entitlements’ and the needs of the elderly. Citizenship entitlements include identification documents, access to schools, food security and right to move around freely.

Conclusion:

No community is criminal. If it comes to a juncture where a number of its men start indulging in crime to search for livelihood, there must be a set of reasons. An intensive study of the lives of these communities, both through field studies and secondary data, amply tells us that the invasive economic policies of the colonial rulers were singularly responsible for destroying the lifeline of people, thus depressing them to a state of abject poverty where they were constrained to adopt crime as a mode of survival. From their point of view, had they not done so, they would have died of hunger and starvation. Crime for them was an adaptive strategy. However, its genesis lay in the diabolical colonial rule.

The following few brief narratives provide a glimpse of cultural and diverse livelihood patterns of Denotified, Nomadic and Semi-nomadic communities.

Dombari/Kolhati

The Dombaris traditionally earned livelihood by making and selling combs from the horns of cows and buffaloes, or by engaging in 'tamasha', a traditional dance and song of the region. However, they have

now taken up occupations such as rickshaw pulling, cycle repairing, masonry and daily wage labour. The Dombaris practice Hinduism. They speak the Kolhati language among themselves, but can speak Marathi and Hindi as well. They have a traditional Panchayat for the settlement of disputes.

Pangul

The Panguls were traditionally wandering beggars who sought alms by playing the flute. Presently however, most members of this community are in the business of selling milk, while some practice horticulture, animal husbandry and wage or skilled labour in industrial settings. A few have managed to become landed agriculturalists and some have even entered service in the government and private sectors. The Pangul are Hindus who believe mainly in Goddess Lakshmi. They speak Marathi and Hindi. They do not have a traditional council and resolve disputes through discussions mediated by eminent community members.

Masan Jogi

The Masan Jogi are traditional beggars, who used to obstruct burials of the dead by sitting in the burial pit until they received alms. They were known to practice black magic as well. However, many now work as wage labourers in agriculture, road laying and forest work. In urban areas, they earn as rickshaw pullers and participate in market labour. Some community members also prepare and sell mats made of date palm leaves in the dry season. The Masan Jogis are Hindus who consider Lord Masoba (a form of Shiva) to be their patron deity. They generally speak a mixture of Telugu and Marathi, but can also speak proper Marathi, Urdu, Kannada and Hindi. They have a traditional council to maintain social order and settle disputes.

Nandiwale/Tirmal

The traditional occupation of this community was to put on a performance with their bulls (which are trained to nod their heads as a response to questions asked by members of the audience to entertain people and earn money. Most Nandiwale now earn through agricultural labour and animal husbandry. They are Hindus by religion, and their main deity is Mahamai (Lakshmi). Their mother tongue is Telugu, but they have learnt to speak Marathi fluently, and some even speak Hindi. The Nandiwale have a traditional council which oversees dispute resolution and plays a significant role in social ceremonies and religious activities.

Birhor

Birhor is a wandering, simple, shy and god-fearing community which is semi-nomadic in nature. The term Birhor is derived from two words, 'Bir'- forest and 'hor'- man; hence they call themselves man of forest. They live in makeshift leaf hutments in the outskirts of the villages. Earlier Birhor used to catch and kill monkeys from the forests and eat their meat. But due to forest and wildlife conservation laws this has declined to a great extent. Crafting ropes from Siali bark, a raw material collected from the forest, is the lifeline of Birhors. Thus the livelihood of the Birhor mainly depends on the forest as well as the local market.

Van Gujjars

The pastoral nomads like Gujjars, a Muslim tribe living in the foothills of Himalaya have survived as nomadic groups up to present and their only source of livelihood has been animal husbandry which they were traditionally engaged into. The community maintained the exclusivity of their culture and refused to give up pastoralism and nomadism. Even their livelihood practice remains the same till date, the animal husbandry is based on their own traditional knowledge and is forest oriented. Over the years, they have started catering to the needs of urban market through their milk production and products. The cattle breeding skills of these pastoralists are based on traditional knowledge passed on to them through generations, which they are still conserving.

Perna

Perna community is found in States of Raiasthan, Haryana and Delhi. Their traditional occupation has been animal rearing and street entertainment (music and dance). However, this community is stigmatized to be involved in prostitution and face harassment because of the same. During field visit to one of their settlements in Delhi, the community leaders and women told that no such tradition exists in the community. Some people may be involved in this profession just like any other community. However, the whole Perna community is stigmatized and humiliated in the society. The community have faced discrimination to the extent that they were thrown out by their employers. At present, they earn their livelihood by working as drivers, construction labourers, selling cattle milk, goat and chicken.

Sapera

The Snake Charmers Sapera, is a community of snake charmers in India. They are one of the nomadic communities found in North India, who live in camps at the outskirts of most North Indian towns. They earn their living by curing snake bites, ridding people's homes of snakes and showing the snakes to tourists for money while playing their homemade 'Been' (their trademark music instrument). Over the years, the Sapera community lost its traditional occupation due to the Wildlife Act. In order to solve this problem, there is a strong need to provide alternative livelihood opportunities to this community.

Baniara

Baniara is a traveller, a nomad, a vagabond. It is a nomadic tribe which belongs to Raiasthan. They are found in Andhra Pradesh, Telangana, Bihar, Madhya Pradesh, Himachal Pradesh, Gujarat, Tamil Nadu, Maharashtra, Karnataka, Odisha and West Bengal wandering from one place to another. The Baniara are known by different names such as Lambada, Lambani, Sugoli. In Sanskrit, the term 'Lavan' means salt. There was a time when they used to trade in salt and so they were known as 'Lavani'. Over a period of time, they were called Lambadi. The Baniara have a rich oral literature, preserved in their community from time immemorial. They have conserved their songs, myths, legends, tales and folklore of people by word of mouth. These songs and tales are the distinct ways of knowing the culture of Baniara. The knowledge is reproduced, preserved, and conveyed from generation to generation through oral tradition. The hereditary occupation of Baniara was to carry salt, grain, cattle and such other merchandise on pack bullocks. Baniara were respected by the kings and rulers, since trading in food grains was considered a respectable occupation. As their trading in food grains has almost become extinct, they have started engaging themselves in agriculture and animal husbandry. Baniara now also deal in small trades and business like selling milk, medicinal herbs or vegetables.

Behrupiya

The nomadic Behrupiya were traditionally mendicant actors and quick-change artists, but now lead largely settled lives running small businesses, engaging in dairy or poultry farming, working as agriculturalists on their own land or as agricultural labour or daily wage workers. They are mostly Hindu by religion, and are followers of the Shakti Panth or Bhawani cult. The majority of Behrupiya speak Marathi, while some speak Marwadi and Telangi and Hindi as well. While they have nobody to maintain internal social order, dispute resolution is resolved by an ad-hoc body (Jaat Ponchoyot) which is formed afresh for each dispute.

Summary

The recent history of De-notified Tribes (DNTs) can be traced back to the Criminal Tribes Acts (CTA) of 1871 and later 1911 under which between 150 and 200 communities were deemed to be 'hereditary criminals' and subject to surveillance, confinement and gross discrimination. The Acts represented the formalisation of a view held by the British for several decades before and are connected to previously existing prejudices against wandering and/or rebellious communities. The apparent purpose of the CTA was to contain and curb entire communities who were viewed as

'hereditarily criminal', in light of the then prevailing notion that crime was a genetic trait passed down from one generation to the next. All that was needed for declaration of a community as a CT was "reason to believe" (rather than any factual evidence) that the community was 'addicted' to crime.

A large proportion of the communities who came to be labelled as 'criminal' were nomadic groups whose diverse occupations led them to be itinerant communities, travelling from village to village practising their trade. **These 'wandering tribes' were viewed as being more criminal than others since their restlessness and mobility itself was viewed as a sign of their criminality in a society wherein sedentary living was associated with respectability.** Some other such groups were said to have been employed as guards to landlords as well as henchmen to the king, often performing the dirty work of their employers and hence, earning some notoriety.

The CTA gave enormous powers to the local police force which could confine these communities to specific areas in order to control their criminal activities. In later years, another draconian provision was added to the Act which allowed for the creation of 'settlements' for criminal tribes, thereby forcibly sedentarising them and simultaneously forcing them into both agricultural and industrial work to 'reform' and 'cure' their criminal propensities. Another provision of the Act allowed for the creation of separate reformatory settlements for the children of these tribes.

The CTA was removed from the statute books in 1952 on the recommendation of the All India Criminal Tribes Inquiry Committee (1949) and henceforth, 'Criminal Tribes' came to be known as 'De-notified Tribes' instead. Even though the law has been repealed, the identification of these communities as ethnic groups having criminal antecedents continues to this day, leading to everyday discrimination in terms of access to education and jobs as well as brutal violence by neighbouring communities and police personnel.

Traditionally, de-notified, nomadic and semi-nomadic communities practice a range of occupations and are remarkably internally diverse. Scholars have classified them according to four broad categories:

- 1) pastoralists and hunter-gatherers, mainly shepherds, cowherds and hunters of small game,
- 2) goods and service nomads, such as blacksmiths, stone workers, weapon makers, salt traders, basket makers and so on,
- 3) entertainers including dancers, acrobats, snake charmers, monkey trainers and wrestlers, and
- 4) religious performers, ascetics, devotional singers, minstrels and astrologers.

However, a vast number of historical changes have jeopardized their livelihoods, beginning from the colonial period. Hunter-gatherers and pastoralists have been affected by the growing restrictions on access to grazing grounds and forests, the degradation of natural resources as well as increasing privatization of common property resources. Travelling goods and service communities have suffered as a result of mechanized production systems, the displacement of traditional building materials and the development of new infrastructure such as roads and railways. Further, entertainer communities have been destroyed as a result of wildlife conservation laws.

One major issue that has been raised with regard to de-notified and nomadic communities is the lack of proper enumeration and classification which made the planning and implementation of welfare schemes difficult. Some of these communities have been listed as Scheduled Tribes, others as Scheduled Castes, and some as Other Backward Classes (OBCs). Further, as is the case with the ST list itself, there are disparities in listings of the same group across States and even within the same State. For example, the Kaikadis are listed as Scheduled Castes in the Vidharba region of Maharashtra, as Vimukta Jatis and Nomadic Tribes (VJNTs) in the rest of this State and as Scheduled

Tribes in the neighbouring State of Andhra Pradesh. Similarly, the Banjaras are a Scheduled Tribe in Andhra Pradesh, Odisha and Bihar, a Scheduled Caste in States like Karnataka, Delhi and Rajasthan, OBC in Uttar Pradesh and a De-notified Tribe in Maharashtra and Tamil Nadu.

While these anomalies have not been addressed, the situation of DNTs is exacerbated by the fact that many groups are not included under any list and are denied access to affirmative action policies and development programmes despite the historical (and continuing) injustice faced by these peoples. Moreover, in the absence of reliable data about the population, geographical spread and development indices among these groups, it is hard for policy-makers to plan an effective intervention strategy for DNTs. According to some estimates, there are about 1500 nomadic and semi-nomadic communities and 198 De-notified Tribes in the country.

PARTICULARLY VULNERABLE TRIBAL GROUPS (PVTGS)

Certain tribes have been characterized as Particularly Vulnerable Tribal Groups (PVTGs) (earlier known as Primitive Tribal Groups) on the basis of their **greater 'vulnerability'** even among the tribal groups (although the precise contours of their vulnerability has not been clearly defined). **PVTGs, currently including 75 tribal groups, have been identified as such on the basis of the following criteria:**

- 1) forest dependent livelihoods,
- 2) pre-agricultural level of existence,
- 3) stagnant or declining population,
- 4) low literacy rates and
- 5) a subsistence-based economy.

As per the 2001 census, these 75 PVTGs had a total population of **27,68,322**. **The majority** of the PVTG population **lives in the seven States** of Maharashtra, Madhya Pradesh, Chhattisgarh, Jharkhand, Odisha, Andhra Pradesh and Tamil Nadu. Odisha has 13 PVTGs, the largest number for any State. Even within the groups labelled PVTGs by the State, there is considerable differentiation, most obviously with respect to size there are 19 groups with a population of less than 1000 persons and 8 groups with a population of more than one lakh.

PVTGs with a population of less than 1000 persons

PVTG	Population
Birjia (Bihar)	17
Sentinelese	39
Great Andamanese	43
Onge	96
Birhor (Madhya Pradesh)	143
Asur (Bihar)	181
Mankidias (Odisha)	205
Jarawa	240
Cholanaicken (Kerala)	326
Shompen	398
Birhor (Bihar)	406
Savar (Bihar)	420
Raji (Uttarakhand)	517
Sauria Paharia (Bihar)	585
Birhor (Odisha)	702
Korwa (Bihar)	703
Todas (Tamil Nadu)	875
Kota (Tamil Nadu)	925
Raji (Uttar Pradesh)	998

Source: Census of India, 2001.

The vulnerability of the PVTGs primarily stems from the **loss of their traditional livelihoods, habitats and customary resource rights** through the gradual exploitative intrusion of the market and State into their areas in the form of **industrial projects, conservation efforts, tourism, and the forest bureaucracy** and so on. These conditions have led to the **loss of their land and resources** resulting in **chronic malnutrition, starvation and ill health among these groups**.

The groups most under threat have been identified as the Shompens, Sentinelese and Jarawas of the Andaman Islands; the Bondos of Odisha; Cholanaickans of Kerala; Abujh Marias of Chhattisgarh and Birhors of Jharkhand.

Some PVTGs such as the **Paudi Bhuiyan in Odisha are still not included within the list of Scheduled Tribes**.

One of the most critical issues to be addressed with regard to PVTGs is their **perceived 'primitivism' and 'backwardness'** evident in official discourse. Although, the term 'Primitive Tribal Groups' was replaced by 'Particularly Vulnerable Tribal Groups' in **2006**, the highly derogatory term 'primitive' continues to be used by the government, media and NGOs.

For instance, a look at the website of the Andaman and Nicobar administration on vulnerable tribal groups of the islands reveals the continued use of colonial depictions of tribes as 'primitive' and 'hostile'. On the Shompens, it is noted that "Shompens have been visiting the settlers and they are gradually shaking off their shyness and indifferent attitude towards the civilized people". It is essential for government bodies to shed assumptions of tribal backwardness and savagery. Moreover, even though it is imagined that PVTGs have lacked contact with other social groups and have to be protected from outside intrusion, it must be noted that these groups have had long histories of contact and change and it is precisely these exploitative encounters, which have contributed to their contemporary condition. **Stereotyping of PVTGs as 'backward' presumes a linear trajectory of development and progress and devalues the culture and traditions of these communities with devastating effects.**

It must be noted that all tribes in the list of PVTGs have not been granted Scheduled Tribe (ST) status. For example, the Abujh Maria has only recently been granted ST status in the State of Chhattisgarh even though they have been in the PVTG list earlier. The **rationale behind inclusion and exclusion must be made clear and all discrepancies must be immediately addressed**. Further, of the States with PVTGs, Kerala, Karnataka, Tamil Nadu, Uttar Pradesh and West Bengal do not have Scheduled Areas, thereby increasing the vulnerability of these tribes, who lack the protections and rights offered by the Fifth Schedule and the Provisions of Panchayat (Extension to Scheduled Areas) Act, 1996.

Their socio-economic vulnerability and low population levels has led them to be **treated as 'endangered' and 'on the verge of extinction'** - terminology which **denies them their full humanity**. Rather than granting them their autonomy and rights to address historical injustices, this perception has led to disastrous State Government interventions in the name of their 'preservation'. One such scheme has been the **State policy disallowing members of PVTGs from availing of sterilisation schemes** in government hospitals. Tribes such as the Paharias, Baigas, Kamars and Pahari Korvas of central India have been denied permanent methods of contraception in an attempt by the State to encourage population growth in the face of their apparently dwindling numbers.

This policy originated in an order passed by the Madhya Pradesh government in 1979 to exclude vulnerable tribal communities from the wave of sterilisation drives taking place across north India. However, even decades later, this order continues to be followed. Such a policy denies members of PVTGs the autonomy to make free and informed reproductive choices, and particularly denies any agency and bodily autonomy to women of these communities, who have to bear the burden of the denial of access to sterilisation facilities. Moreover, it sidesteps the real factors contributing to high mortality rates such as chronic malnutrition, starvation and lack of access to adequate health facilities. On the other hand, in the Wayanad district of Kerala, Kattunayakan tribals are sometimes coerced or intimidated into undergoing sterilisation in order for health workers to meet necessary sterilisation targets. Both practices need to be condemned and it is necessary that the reproductive rights and autonomy of PVTGs be respected by the State. The real issue for PVTGs is the non-provision of health facilities as well as denial of their right to sufficient, nutritious food.

Tribal groups such as the Sahariya in Baran, Rajasthan continue to work as bonded labour for rich landlords for generations. Many of them are agricultural labourers working under the hali system which is one of the forms of bonded labour banned under the Bonded Labour (Abolition) Act 1976. (**Anumeha Yadav, The story of slavery that Jaipur can no longer deny, Tehelka**). Many Sahariyas were tricked into accepting loans with exorbitant interest rates and subsequently have had to work for big landowners without wages. Tribal indebtedness is a huge problem, often leading to situations of bonded labour. Even among the Juang PVTGs in Odisha, many families are forced to labour in repayment of their debt in a system locally called goti – despite the prevalence of the central law as well as the Orissa Debt Bondage (Abolition and Regulation) Act, 1948. Action must be taken to ensure that all PVTGs are removed from bondage and freed of their debts.

Literacy rates among PVTGs are extremely low, most often much lower than even the State average for the Scheduled Tribe population. This is largely due to the abysmal education infrastructure in tribal areas, poorly trained or absentee teachers, lack of teaching in tribal languages and irrelevant and alienating curriculum. Yet PVTG children are highly educated in many ways and possess considerable knowledge about agriculture, forests and so on which must be duly recognized. Any educational policy or programme for PVTGs would need to take account of their distinct culture in order to develop a curriculum and pedagogic style which centralizes their traditional skills, culture and language while introducing young people to diverse knowledge and cultures from across the world.

Many PVTGs are forest dwellers and depend heavily on land and forest resources for their subsistence. Over time, their habitat has been declared as Reserved Forest, Protected Forest, leaving them vulnerable to displacement and eviction without compensation. For instance, in 2009, 245 Baiga families were moved out of the Achanakmar Tiger Reserve, when it was notified under Project Tiger. (Sayantan Bera, Baigas in exile, Down to Earth, July 31, 2012, Available at <http://www.downtoearth.org.in/content/baigasexile>)

The housing colonies built for their rehabilitation soon began to collapse, they did not receive pattas for their new farmland and they did not get the full compensation owed to them under the Project Tiger relocation scheme. The Baiga families were relocated to an area where their traditional forest livelihood of collecting Sal and Tendu leaves as well as bamboo was no longer feasible.

In Tamil Nadu, the Kattunayakans, a tribe of honey-collectors, who live on the fringes of the Mudumalai Wildlife Sanctuary, a 321-square-kilometre park, are being prevented from collecting honey as well as other produce from the forest area due to immense harassment from forest guards. The adivasis here are denied their rights to access the forest in complete violation of the Forest Rights Act, 2006 which has yet to be implemented in the State of Tamil Nadu. It is essential that the habitat rights of PVTGs as guaranteed by the FRA be recognized by the Forest Department and the claims filed by forest-dwelling communities be granted at the earliest. It is crucial that their lands and habitats be protected from any intrusions and that displacement be prevented.

Habitat rights for PVTGs as guaranteed by the Forest Rights Act must be granted to them and definitional as well as procedural ambiguities must be cleared up. Section 3(1)(e) of the FRA recognizes the “rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities” and Section 2(h) defines ‘habitat’ as the “area comprising the customary habitat and such other habitats in Reserved Forests and protected forests of Primitive Tribal Groups and pre-agricultural communities and other forest dwelling Scheduled Tribes”. The FRA Amendment Rules now provide that, “In view of the differential vulnerability of PVTGs, the District Level Committee shall ensure that all PVTGs are conferred habitat rights, in consultation with their concerned traditional institutions and that their claims for habitat rights are filed before the concerned Gram Sabhas”.

State Governments need to be urged to recognise habitat rights over revenue land in addition to habitat rights over forest land (granted by the FRA). Except for the Madia in Maharashtra and the Chuktia Bhunjia, Mankadia, Dongria-Khond, Juang, and Khadias in Odisha, there have been few efforts to claim habitat rights. In order for this to occur, it would be necessary for the government to clear up the confusions regarding definition of habitat; clashes between traditional and State/district boundaries; claims to habitat rights in protected areas such as tiger reserves; and habitat rights for displaced PVTGs.

Scheme for PVTGs

The Scheme for Development of Primitive Vulnerable Tribal Groups (PVTGs), came into effect from April 1, 2008. The Scheme defines PVTGs as the most vulnerable among the Scheduled Tribes and the Scheme therefore seeks to prioritise their protection and development. It identifies 75 PVTGs. The Scheme seeks to adopt a holistic approach to the socio-economic development of PVTGs and gives state governments flexibility in planning initiatives that are geared towards the specific socio-cultural imperatives of the specific groups at hand.

Activities supported under the scheme include housing, land distribution, land development, agricultural development, cattle development, construction of link roads, installation of non conventional sources of energy, social security, etc. Funds are made available only for activities essential for the survival, protection and development of PVTGs and not already funded by any other

Scheme of the central/state governments. Each state and the Andaman and Nicobar Islands' administration, is required to prepare a long term Conservation-cum-Development (CCD) plan, valid for a period of five years for each PVTG within its territory, outlining the initiatives it will undertake, financial planning for the same and the agencies charged with the responsibility of undertaking the same. The CCD Plan is approved by an Expert Committee, appointed by the Ministry of Tribal Affairs. The Scheme is then funded entirely by the Central government.

What has often occurred in the past is that development programmes have been imposed on PVTGs without considering their own priorities and development needs. In the current moment, a move away from the one-size-fits-all approach to development is absolutely essential. An enabling environment must be created in which communities are empowered to make their own choices about the path of development they would like to follow and the livelihoods they wish to adopt. No development project can be imposed on PVTGs – instead all welfare projects/plans/schemes must move forward only with their informed consent as well as their participation in the process of planning and decision-making. As the National Advisory Council recommendations have noted, there is a significant risk that vulnerabilities may be exacerbated rather than reduced through government intervention and therefore due caution must be exercised in all cases. Programmes should not have the effect of undermining their self-sufficiency and their own development priorities must be the driving force of government action. Vulnerabilities must be addressed through taking account of their food production and distribution systems and their rich repertoire of traditional skills and knowledge.

The National Advisory Council (NAC), headed by Sonia Gandhi in 2013, has drafted a set of recommendations on protecting the livelihoods, cultural identity and habitats of particularly vulnerable tribal groups (PVTGs), including the Jarawa indigenous people of the Andaman islands.

1. The recommendations include giving all such groups the status of Scheduled Tribes (STs), access to legal rights under Forest Rights Act (FRA), social audits of development programmes for them and a special census to ascertain their numbers.
2. NAC suggested a rights-based approach should be taken for their empowerment and non-discrimination.
3. NAC also suggested a habitat approach to develop livelihood strategies, including allotment of productive land, earmarking forest enclosures, free rations during lean and rainy seasons and insurance against natural calamities.
4. It also called for a single-window approach instead of multiple agencies to govern developmental programmes for the group.
5. NAC recommended that efforts should be made to ensure all such tribal groups (which are not in the list of STs) who fulfil the criteria of being declared as the PVTGs, should be also declared as STs
6. The council also recommended a special census to capture comprehensive data on the groups better and to identify those that are declining.

Mungekar Committee recommendations:

i. **Mission Navajeevan (PTGs):** The situation of the most vulnerable groups is much too complex and delicate to be handled by routine administration. Even special Projects with built-in flexibility did not

click because of routine handling. As the issue here is of survival, a dedicated small team, including a doctor and a social scientist, committed to the cause and prepared to work in a mission mode, should be constituted for each group or part thereof under an umbrella **organisation, Navajeevan Mission.**

ii. **Mission Abhayadan for Vulnerable Girls:** Implications of the weakening community with a comparatively weak family in tribal area have been overlooked. The young girls are the worst victims. They are enticed, deceived and even captured from open markets by gangs for domestic service and flesh trade in an unknown world with no one to defend. The situation 'is serious in Jharkhand and Orissa. The issue should be flagged for urgent and strict administrative action under a regulation for immediate relief. A long-term plan should also be prepared, on the basis of a time bound systematic study of 2 years or so.

iii. **Mission Dignity for Migrant Labour:** There is a large exodus from the Scheduled Areas in search of work at bare subsistence or even sub-subsistence wage level. There are gruesome stories of their exploitation, especially of women and girls. As the saying goes in Tribal pockets in Wynad, Kerala, 'The girl goes for filling her belly; she returns with a filled' belly'. Effective legal and institutional protection should be provided for migrant labour from, Scheduled Areas.

