

Human Rights Status of Denotified and Nomadic Communities:
Delhi, Gujarat and Maharashtra

Submitted to the National Human Rights Commission

By

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Introduction

1.1 The Denotified and Nomadic Communities:

The social category generally known as the Denotified and Nomadic tribes of India covers a population of approximately six crores. Some of them are included in the list of Scheduled Castes, some others in the Schedule of Tribes, and quite a few in Other Backward Classes. But there are many of these tribes which find place in none of the above. What is common to all these Denotified and Nomadic Tribes (DNTs) is the fate of being branded as 'born' criminals.

The story of the DNTs goes back to the early years of colonial rule. In those times, whoever opposed the British colonial expansion was perceived as a potential criminal. Particularly, if any attempt was made to oppose the colonial government with the use of arms, the charge of criminality was a certainty. The British did not understand the communities that were non-sedentary. Therefore all nomadic communities became suspect in the eyes of the colonial British rulers. They drafted a unique piece of legislation in 1871 which they thought would tame the nomadic communities. Many of the wandering minstrels, fakirs, petty traders, rustic transporters and disbanded groups of soldiers were included by the British in their list of criminal groups. During the first half of the nineteenth century, the tribes in the North West frontier were declared 'criminal tribes'. This category became increasingly open ended, and by 1871 the British had prepared an official list of Criminal Tribes. An act to regulate criminal tribes was passed in that year. For instance, the Bhils who had fought the British rule in Khandesh or on the banks of Narmada and were convicted under section 110 of the Indian Penal Code were to be recognised as criminal tribals. The Criminal Tribes Act made provisions for establishing reformatory settlements where the criminal adivasis could be kept in confinement and subjected to low paid work. They were required to report to the guard rooms several times every day, so that they did not escape the oppressive settlements.

By 1921, the CT Act was extended to cover numerous other tribes in the Madras Presidency, Hyderabad and Mysore. Thus, about the time Indian politics saw the emergence of Mahatma Gandhi as the leader of the freedom struggle, Indian society mutely witnessed the emergence of a new class of people who were branded as born criminals.

This legislation was called the Criminal Tribes Act. The CT Act passed through a series of revisions till 1924. It provided for confiscation of land and other possessions of the so-called criminal tribes and a forced internment. Special areas for confining the 'criminals' were created. They were called settlements. Nearly two hundred nomadic communities were brought under the provisions of the CT Act. After Independence, the notification issued during the colonial regime was repealed. Therefore, these communities came to be known as denotified tribes.

the situation remained the same. The members of public and the police continued to look at them as criminals and the police in particular used this attitude in a suppressive manner. Little or no help was ever offered by the state government or the central government to the DNTs since they were distributed in the most remote and isolated areas.

After the notification, the communities notified as criminal adivasis were notified as 'denotified' by the government. This notification was followed by the substitution of the 'Denotified and Nomadic Tribes (Offenders) Act'. The denotification

has not changed the attitude of the police forces. The police forces continue to look at the community as 'born' criminal. The police forces as well as the public in general were taught to look upon the 'criminal tribes' as born criminals and the criminal tribes. That attitude continues to persist even today.

Even today, in police training academies in India still teach the trainees that certain communities are basically criminal; but surely the CT Act is a part of the system leading to crime-discussion of crime-watch. The result is that every time there is a petty theft in a locality, the DNTs in the neighbourhood become the first suspects. The ratio between the arrests and the convictions of the DNTs needs to be analysed to see the extent of the harassment caused by the police to this most vulnerable and disadvantaged section of our society.

The land possessed by the 'criminal' tribes was already alienated during the colonial rule. After independence, various state governments have done little to restore their land to them. Schemes for economic uplift do not seem to have benefited them. The illiteracy rate amongst the DNTs is higher than among the Scheduled castes or the Scheduled tribes, malnutrition more frequent and provisions for education and health care almost negligible, since most of the DNTs have remained nomadic in habit. Above all, there is no end to the atrocities that the DNTs have to face.

Smt. Mahashweta Devi, Shri Laxman Gaikwad and I formed the All India Denotified and Nomadic Tribes Rights Action Group in 1998. One of the first steps that the DNT-RAG took was to write to Justice M. N. Venkatachaliah, who was then the Chair of the National Human Rights Commission. After a series of our meetings with him, and subsequently with his successor at the NHRC, Justice G. S. Singhvi, the Human Rights Commission convened in February 2000 a meeting of Chief Secretaries and Home Secretaries of various states, Union Territory Secretaries, Union Ministers and the Union Government, in order to discuss the NHRC perspective on the question of the DNT rights. The minutes of that meeting are reproduced here:

NHRC Report

submitted, all my energies had to be devoted to the completion of that report. As a result, the report I was preparing for the Human Rights Commission remained unfinished. I would like to apologise to the Commission for the delay in submitting the present report. However, the experience of preparing the TAG report gave me an opportunity to revise some of the sections. Mainly, I decided to eliminate the bulky sections containing tables and field notes, and opted rather for focusing on the recommendations arising out of the observations and analysis. However, in order to make those notes and analytical tables available to any future researcher, I decided to place them in the archives of the Adivasi Academy of Bhasha Research Centre---an institution that a future researcher is likely to consult for researches relating denotified communities.

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October 2007

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

Recommendation No. 1

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

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

Recommendation No. 2

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

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

Recommendation No. 3

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

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

Recommendation No. 4

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

1.2 The Initiative by the National Human Rights Commission

Minutes of the meeting at NHRC on 15th February 2000 to discuss the problems of rights, reforms and rehabilitation of the Denotified and Nomadic Tribes:

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

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

In many states, the former Denotified Tribes and Nomadic Tribes (NT and DNT) have been made part of SC, ST or OBC Groups, excepting in Maharashtra where the distinction was being maintained to a certain extent.

Many states have taken up welfare measures for the amelioration of the lot of this group of people. Maharashtra State now has a separate department to look to the welfare of this group.

In view of (1) above, the census may not reveal the true size of the population of this category, as under the category of NT/DNT very few numbers will be shown.

Wherever this group is already made part of SC, ST or OBC, they would be entitled to the same concessions and facilities which are applicable to the respective category. It may be difficult to provide within the category (namely of SC, ST or OBC) further subdivision to provide for special treatment to this group, though it is appreciated by all that this group is likely to be the most deprived within that category.

It was, however, noted that in some states some further sub-groupings have been done within the broad group of SC, ST or OBC and some special concessions were being provided and other states, if they are so inclined, can examine these provisions and decide for themselves whether they would like to adopt similar policies.

It was brought out that while special treatment to a group within a category may not be acceptable to all states, it is quite possible to device special schemes, wherever this group was located in a definite area, through area-based schemes.

Recommendation No. 8

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

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

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

1.3 The Need for the Present Study

After the 2002 February Meeting, Smt. Mahashweta Devi and I travelled to the state capitals represented in the meeting, in order to find out if a proper follow up action was being taken. In most states, the officers concerned expressed their desire to take the necessary steps as directed by the National Human Rights Commission, but pleaded that lack of authentic data and information regarding the denotified communities made the task difficult. It was felt therefore that it would help to have a study conducted at least for some states if not all states, for that would be a huge task.

It was proposed to the National Human Rights Commission that a study for Gujarat, Maharashtra and Delhi be commissioned. I was asked to carry out the study, for which the NHRC made funds available. This enabled me to appoint research assistants in the three states for conducting quantitative surveys and carrying out some interviews with members of Denotified communities. Most of the data was collected by the end of 2005. I was fortunate in getting assistants belonging to denotified communities for the project.

As I was about to compile the report on the basis of the data collected and interviews and testimonies gathered, the Government of India decided to revive the Commission for Denotified, Nomadic and Semi-nomadic Tribes. In addition to activating the Commission, it was decided to appoint a Technical Advisory Group for suggesting to the Government the ways and means of removing the stigma attached to the denotified communities and for achieving economic progress for them. I was asked to chair the TAG. Since the writing of the TAG report had to be completed before the proposals for the 11th Five Year Plan were

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

Recommendation No. 5 & 6

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

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

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

Recommendation No. 7

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

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

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Community Mapping

1. Delhi

Gadia Lohar/Gaddi Lohar and Sansis

5. Key Preliminary Findings

The detailed analysis of information collected from all 8 denotified and nomadic communities under study is currently being carried out. Because of the difficult circumstances under which we had to collect the information and administer our survey schedules, some of the data/information collection was also delayed. The first level of analysis of information is the basis of our preliminary findings. Some of the key findings are reported as under:

a) General

- Family size ranges between 4 to 13 amongst Sansis; between 2 to 10 in case of Gadiya Lohars and as high as 23 member-family amongst Phanse Pardhis. It was observed that most of the families prefer staying close to each other. This is with a tendency to form a critical mass of people in a particular location for greater psychological security
- Sansis have higher proportions of their children going to school. In the study it was found that there were more literate people amongst Sansis than in the Gadiya Lohar Community or any other communities such as Phanse Pardhis- who are part of the rural settings.

- None of the respondents amongst Gadiya Lohars owns any land including the homestead land. Whereas 35 percent of the Phanse Pardhi respondents were found to own land either for agricultural or housing purposes. In case of Sansi community, all the respondents told us that they own the land and have their own houses built on this land.

b) **Economic status, occupational pattern and livelihood opportunities:**

- Most of the respondents during the survey were found to be involved in their traditional occupations. Acceptability of all DNT communities (under study) into better alternative livelihood options is low because of the stigma attached with their names. Therefore, most of them end up choosing wage-labour as the only alternative option. In case of Phanse Pardhis of Maharashtra, it was found that all 100 percent respondent turned to wage labour.
- Opportunities for alternative livelihoods further dampen because of lack of possibilities for vocational trainings. Amongst the communities under study, only 17 percent of Sansi respondents in Delhi had undergone any kind of vocational training and were pursuing or were planning a job based on that training. No other respondent from any other community under study had gone through any kind of vocational training course.
- The income from their current occupations ranges between Rs. 2000 to Rs. 9000 per month (in one case it was as high as Rs. 15000 per month) in case of Sansi community, which is traditionally involved in country liquor brewing and selling business. Those who earn higher income also pay higher amount of bribe to the Police. The respondents earning towards the higher end of the income range pay as high a bribe as Rs. 10,000 per month to the Police to ensure smooth running of their business.
- In case of Gadiya Lohars the monthly income ranges between Rs. 1000 to Rs. 7500 from their traditional occupation of blacksmith work. Almost all the respondents have moved to making tools which are used for construction purposes and other local needs in Delhi. Those who are earning towards the higher end of the income range, has started making "show pieces" used in private gardens and houses.
- Mechanization of agricultural and construction work tools has also significantly affected the business earnings of Gadiya Lohars. They had then strategically located themselves closer to small-scale industries within Delhi, from where they used to get sub-contract and were getting business by providing ancillary support. With most of such small-scale industries moving on the out-skirts of Delhi their income has further reduced.
- Phanse Pardhis in Maharashtra earn between Rs. 500 to Rs. 4000 per month from the wage labour on the farms and as construction labourer. Their traditional occupation of hunting is no more an option to continue with. Any better livelihood option is not available because of the lack of education and vocational training opportunities.

c) **Encounters with the Police Department and Custodial Deaths:**

- All the respondents amongst Phanse Pardhis in Maharashtra have constant threat of being beaten up by their lords and Police and of atrocities of various kinds. Even when they are primarily involved in wage-labour work now, they are still considered to be criminal by the society.
- All the Sansi respondents in Delhi expressed the threat of false cases being clamped on them by Police and constant Police harassment because of their traditional profession in the past being liquor brewing. Those members of the family who are not involved in the (illegal) trade of liquor brewing and selling, are also harassed and threatened by the Police constantly because they belong to the Sansi community. Many (72 percent) of the respondents who have left liquor brewing long back and are currently involved in petty businesses such as Printing Press Agent, selling forms of Transport Authority, selling plastic goods, bangles, clothes, and so on, also had complains of unnecessary Police intrusion into their daily life and constant harassment. Women respondents in the Sansi community told us that they are the constant targets of the Police. They are called to the police station regularly, immediately after any problem occurs in their locality, and face verbal abuse to say the least.
- Gadiya Lohars do not phase any direct wrath of the Police, but Municipal Corporation of Delhi (MCD) during its relocation drives uses Police to evict them from their current locations. As many as 63 percent of the respondents shared this constant threat of MCD and Police combine.
- In the survey, 24 percent Phanse Pardhis and 9 percent Sansi respondents told us about the death of their relatives in the custody of the Police. However, no such case was mentioned by the Gadiya Lohars.

d) **Levels of Legal Awareness and Legal Literacy**

- If we talk about awareness about their entitlements, 30 percent of Phanse Pardhis and 38 percent of Gadiya Lohars do not have Ration Cards, whereas all the respondents amongst Sansis told us that they have Ration Cards with them. In all the case, where people do not have Ration Cards, it was because of the procedural complexities and non-establishment of proof of residence.
- Sansis were found to be most aware about their rights and entitlements. Most of the respondents amongst Sansi community have knowledge of the National Human Rights Commission (NHRC) and SC/ ST Commission to redress injustices caused by the Police. Amongst Phanse Pardhi community, 83 percent respondents were aware of these institutions. Both the communities take help from Lawyers on a regular basis. It is important to note here that both these communities face high levels of human rights violations and injustices, which has compelled them to learn about these systems. In spite of knowledge about these systems, most of them told us that they still feel that justice is denied to them. In fact, we were told that there are many lawyers amongst the Sansi community, but they also face biased treatment in the court.

- Most of their internal conflicts are resolved through the Community Panchayat in all the communities under study. In very few cases (10 to 18 percent of the respondents amongst the communities under study) they approach Police, but all of them with lot of apprehension of non-cooperation or favoritism by them. They also sometimes face the brunt of stigma attached to their names/castes and therefore, ill-treatment with them or non-hearing/ non-registration of their complaints.

e) **Engagement with the Electoral Process:**

- Many of the respondents amongst Sansis and Gadiya Lohars told us that they exercise their voting rights, but they do not have community level consensus to vote for any particular political party. Only 29 percent of Phanse Pardhis, 53 percent Gadiya Lohars and 82 percent of Sansis have electoral identity cards and therefore, the voting rights.
- Non-issuance of Electoral Cards is because of the difficulties faced by most of them in establishing their residential proof. Only 35 percent of Phanse Pardhi respondents had their own land to prove their residential status. In case of Gadiya Lohars it is worse because they do not own land or house of their own.
- During the recent efforts of Bhasha with some other local organisations, many such left out people are being helped to get registered in the Electoral Rolls, so that they at least have voting rights and therefore, some say in the governance of their own country!

Gujarat

Structure of the Report

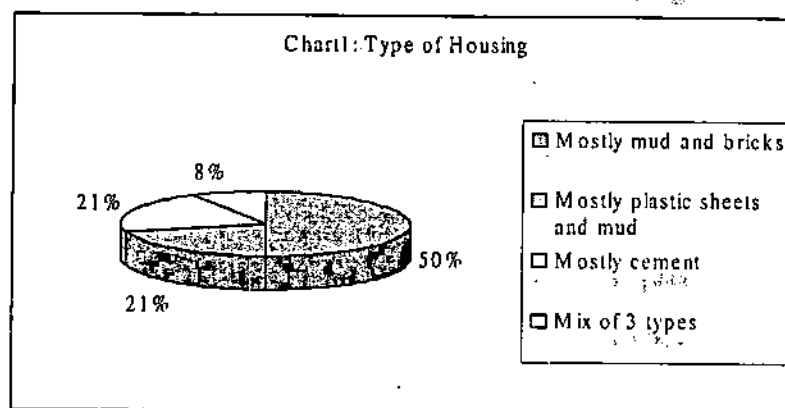
Data regarding 1) Locality and housing, 2) population, occupation, voting rights, 3) facilities, 4) internal and external problems, and 5) level of awareness about outside world, legal rights and employment opportunity were collected from 24 localities of the denotified and nomadic communities in the state of Gujarat. Data of each category would be analyzed and discussed. It is followed by difficulties encountered during analysis and relevant recommendations as to the methodology of the present research.

Finally, the original collection of data would be attached in Appendix I and the table compiling the status of all 24 localities is attached in Appendix II.

A. Locality and housing

- 1 The 24 localities include 1) Chharanagar, Ahmedabad; 2) Bajania vaas-sanand, Ahmedabad; 3) Ranchoda, Bhiloda; 4) Zinzhodi and Takatuka; 5) Karcha; 6) Pahada, Bhiloda; 7) Bhatia Mill, Vanjhara; 8) Govingnagar, Bhilodal; 9) Rajanpur, Panchmahal; 10) Suliatmora, Panchmahal; 11) Limdaphalia, Panchmahal; 12) Vadi Phalia, Panchmahal; 13) Gundia Talav, Panchmahal; 14) Anandnagar Society; 15) Dungara Phalia, Kapadvanj; 16) Khadaphalia Society, Kapadvanj; 17) Khadal, Kheda; 18) Antroli, Kapadvanj; 19) Ganeshpura, Dehgam; 20) Jeevanpur, Sabarkantha; 21) Chamnapura, Ahmedabad; 22) Babalia, (Larana), Panchmahal; 23) Nava Rabadia, Panchmahal; 24) Kouthamba, Panchmahal.
- 2 The 24 localities are all located in the State of Gujarat, among them, 3 are from the district of Ahmedabad, 7 from the district of Sabarkantha, 8 from the district of Panchmahal, 5 from the district of Kheda and 1 from the district of Candhinagar.

- B. In terms of housing, the number of houses in different localities varies depending on the size of the population living in that locality. The conditions of housing also vary from houses made of all plastics sheets and tent to those made of mud and bricks to those made of cement. For example, in Pahada, Bhiloda all 50 houses are made of plastic and mud while in the Zinzhodi and Takatuka locality, all 18 houses are made of cement. In many localities there is a mix of different types of houses. For example, in the locality of Bhatia Mill, Vanjhara in Idar, Sabarkantha, there are 300 families, with 10% of houses made of cement and the remaining 90% made of plastic tents and small huts; and in the locality of Gundia Talav-panchmahal, 30% of the houses are made of cement, 50% of mud and bricks, and 20% of plastic tents.
- C. Having said that the houses are usually of a mix of different types, houses in 12 localities (50%) have houses mostly made of mud and bricks, 5 localities (21%) have houses mostly made of plastic sheets and mud, 5 localities (21%) have houses mostly made of cement and 2 other localities (8%) have a relatively even mix of the several types. See chart 1 below.¹



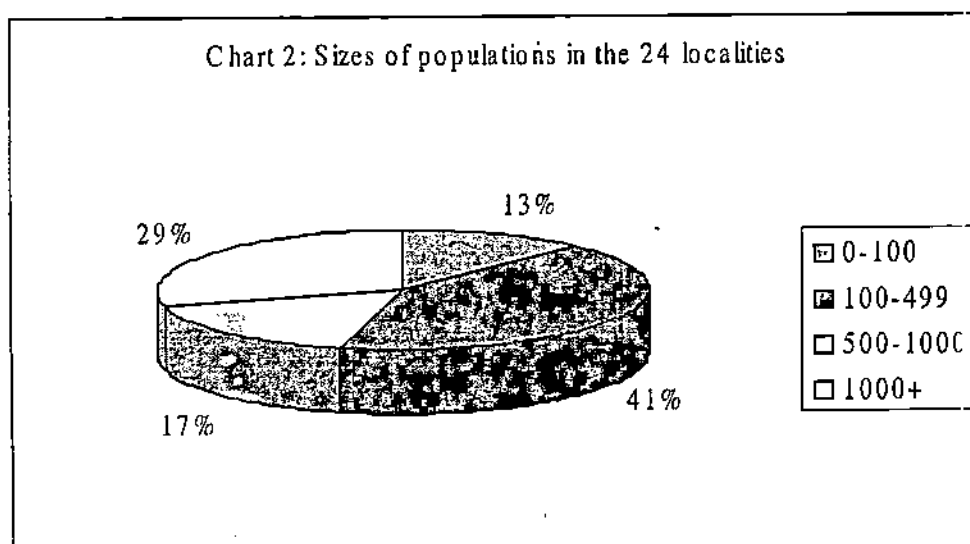
¹ For details of the housing types, please refer to Appendix J: Table on Locality and Housing

- D. There were 4 localities in which some cement houses were built under the Indira Awas Yojna Scheme, which include Bajanias vaas-sanand (Ahmedabad), Khadaphalia Society - Kapadvanj, Antroli-Kapadvanj and Ganeshpura-Dehgam. Some houses were also built in Ranchoda-Bhiloda and Babalia-(Larana)-Panchmahal under the Din Dayal Residence Scheme. Despite the schemes, the remaining houses of these localities are still poorly built of mud or plastic tents.

DNT communities generally have poor housing conditions. People in most communities live in houses made of mud and bricks, and plastic tents, which could be potentially dangerous in times of heavy rain and other possible circumstances. To provide for housing safety to the people, resource has to be inputted to building more cement houses. Yet the material for housing only provides a safe shelter, but is not sufficient to improve the standard of living of people. More issues including education and general facilities have to be taken into consideration.

E. Population, occupation, voting rights

15. Among the 24 localities, the size of population varies greatly from 50 people in Zinzhodi and Takatuka to 250,000 in Chamnapura-Ahmedabad. 3 localities (13%) have less than 100 people, while 10 localities (41%) have population ranging from 100-499 people; 4 localities (17%) have population ranging from 500-1000 and 7 localities (29%) have more than 1000 people each. See chart 2 below.²



16. In 9 localities, the population is only composed of one community while in

² For details of the sizes of populations, please refer to Appendix II: Table on Population, Occupation and Voting Rights.

the remaining 15 localities, the populations are composed of a mix of DNT communities. For example, only Madaris live in Karcha, only Nat Bajanias live in Suliattmora-panchmahal and only Chharas live in Jeevanpur-Sabarkantha; yet in the locality of Govingnagar-Bhiloda, there are the communities of Madaris, Chamtha, Thori, Vaghari, Rajnut, Bajania, Kangasia (Gavaria), Vanjhara, Ood, Bharvad, Vaadi. In Chamanpura in Ahmedabad, the four regions have different percentage of Devipujak population, namely: 1. Chamanpura - 95% of Devipujak; 2. Asarva - 60%; 3. Holi Chakla - 90%; and 4. Girdharnagar - 95%, and that the remaining percentages correspond to that of other communities. There is no standard combination of tribal communities residing together nor any relation between them except their lifestyle in the same neighborhood.

18. On one hand, several communities can live together in one locality, one community can reside in several localities. For instance, there are Chharas in both Chharanagar, Ahmedabad and Jeevanpur-Sabarkantha; while there are Madaris in Ranchoda-Bhiloda, Karcha, Pahada-Bhiloda, Govingnagar-Bhiloda, Anandnagar Society, Dungara Phalia-Kapadvanj, Khadaphalia Society - Kapadvanj, Khadal-Kheda, Antroli-Kapadvanj, Ganeshpura-Dehgam and Kouthamba-Panchmahal.
19. Even now, most all the DNT communities are identified by their traditional occupation. e.g. Madari playing with snakes, Vadi making and selling toys and grooms made of Khajur leaves, Nat Bajanias roaming to play musical instruments etc. The traditional occupations do not vary with the geographical locations. No matter where they reside, their lifestyles, social contacts and ethnic value are very closely related to each other.
20. Most DNT communities nowadays live on low paid jobs such as working as petty labor and field labor or begging because most of them could no longer depend on traditional occupation to earn a living due to lost of skills between generations or deprivation of education and employment opportunity in the mainstream society.
21. As with traditional occupation, regardless of locality, the same community lives on doing similar jobs. For example, most people of the Chhara community depend on brewing illicit liquor in Dahod, Bhavnagar and Ahmedabad city of Gujarat to earn a living. The Madaris can no longer depend on snake charming to earn a living because of the suppression by the Forest Department and animal rights group and most do not work nowadays while some still perform activities related to astrology. Only the Bharvads continue with their traditional occupation to rear and sell livestock as did their ancestors. Nevertheless, a small amount of people in the Chhara community and the Devipujak community in Ahmedabad can work as journalists, teachers, advocates and civil servants upon graduation. This is likely due to the more opportunities available in the big city like in Ahmedabad. Yet in other

localities which are far away from main cities, DNTs have to rely on petty labor and begging to make a living.

22. It is a startling fact that after more than half a century of independence, DNT communities continue to suffer from social inequity. Most of them still work as the lowest paid jobs to make a living. They could not continue their traditional occupation because after years of suppression as criminal tribes and the inevitable development and urbanization in India, the people lost the survival skills they were supposed to inherit from their ancestors. On the other hand, they were unable to climb up the social ladder in the mainstream society because of lack of education as would be revealed below; and consequently the lack of employment opportunity; the long embedded criminal-biased or inferiority of DNTs by the mainstream society also add to further resistance to uplift the DNTs.
23. It may be impossible for the government to help them go back to their traditional occupation. Yet the government should recognize the importance of education in empowering the DNT communities. It is only through education that people can have better employment opportunities, be able to make a better living and eventually climb up the social ladder so that the social inequity in the Indian society would not be worsened. (More with regard to education would be discussed below.)
24. Among the 24 localities, only 3 were recorded with voting population. In Chharanagar, Ahmedabad, there are 3000 voters out of the 8000-10000 population (30% - 37.5%); in Charnapura-Ahmedabad, there are 90000 voters out of 250000 population (36%); in the locality of Dungara Phalia-Kapadvanj, there are 350 voters out of 500 residence (70%), in which one member of Madari community elected as the sarpanch from this locality. The 2 localities in Ahmedabad have the largest population and the considerable size of voting population is likely to made possible with the fact that the people are living in big cities and therefore have more access to fundamental rights such as education and voting rights. In the other 21 localities, there is no record of any voting population largely due to the backwardness of communities and deprivation of education and other fundamental rights.
25. In terms of population, India has the largest democracy in the world because of its vast population, and thus voting population. Participation from all parts of the civil society is essential for the success of a democracy. It would be a shame that in the largest democracy, underprivileged people are deprived of their voting rights. Voting rights is fundamental to a democracy and should be given to all people, irrespective of their groups or classes. That said, the rights and welfare of DNT communities can be better represented if their voice and needs are addressed in the legislature and government, as well as general society.

F. Facilities

24. In this part, the facilities of localities to be observed include schools, toilet, drainage, electricity, dispensary and local transport.
25. In most of the localities, there are only 2-3 primary and secondary schools. In Rajanpur-panchmahal, there is no school at all and the closet school is 3km away from the locality. There are usually primary schools in the locality while secondary schools are farther away; colleges are usually located even further and are more likely be around the city. For example, in Sulatmora-panchmahal, there is a primary school, the secondary school is 2km away while the college is 20km away.
26. In localities nearby city of Ahmedabad schooling is more easily available, for instance in Chharanagar there are 3 primary schools, 2 secondary schools and 4 higher secondary schools; and in Chamnapura, there are 3 municipal schools, many private primary schools, 5 secondary schools and colleges in Ahmedabad city area.
27. In Anandnagar Society there are only 1 primary and 1 secondary school; in Antroli-Kapadvanj there are 2 primary schools and 1 secondary school (3km away). Yet the percentage of education in the two localities is almost zero. The reason is that most of the Madaris are still not aware about the importance of education; it is costly to send children to schools and sometimes teachers are not available in schools because of insufficient pay. For instance, there are only three graduates in the whole Madaris community in Gujarat while the total population of Madaris is more than 50,000.
28. As expected, opportunities higher up the education level are less. There are more schooling facilities in cities than in villages. Schools are generally far away and schooling resources are not adequate. Parents too are not obliged to send their children to schools. As discussed above, education is of utmost importance to empower underprivileged communities and uplift them along the social ladder in order to reduce the huge social discrepancy. The government, having recognized the importance of education, should on one hand, invest resources in providing quality education; and on the other hand, should promote to families about the necessity and importance to send their children to schools, or to provide stationery, books, scholarships and other resources to attract parents in doing so.
29. With regard to toilet and drainage facilities, 16 localities have no toilet and drainage facilities at all and they are located in the district of Sabarkantha and Panchmahal. All 6 localities in the district of Kheda and Gandhinagar have toilet and drainage facilities. In the two localities in Ahmedabad, 60% of houses have toilet facilities and almost all house illegal drainage connections in the Chharanagar locality, while 50% of houses have toilet facilities 60% of houses have drainage facilities in the Chamnapura locality.

30. In 7 localities in the district of Panchmahal, people face problems with water security. In the Rajanpur locality, there are 4 hand pumps to provide water for families (around 150-200 people); in Suliatmora and Nava Rabadia there is only one hand pump for water supply. In Limdaphalia, Vadi Phalia, and Kouthamba, there is no water connection at all. In Limdaphalia, for example, women need to go 2km away daily to fetch two buckets of water and people not allowed to take water from private bore well of some Patels. In other districts such as in Bhiloda, Sabarkantha and Kheda, people also face water shortage. In the locality of Khadal-Kheda, a lake was constructed to store water but the condition becomes worst during monsoon season. In Ganeshpura-Dehgam in Gandhinagar, the water supply is unstable, there are tap connections to some houses but water never comes and sometimes water comes at around 12 at night.
31. 7 localities do not have electricity facilities at all. They are located in different district and there is no particular geographical pattern of localities having electricity. In other localities, the percentage of households having electricity varies from 5-10% in Kouthamba-Panchmahal to 60-70% in Chharanagar, Ahmedabad. In Govingnagar-Bhiloda, only 20-25% of households have electricity and the rest of the households do not have money to have new connections. Yet in Babalia-(Larana)-Panchmahal, almost all households have electricity connection.
32. The low standard of living of DNTs can be clearly revealed in terms of the hygiene conditions such as toilet, drainage and water, and electricity facilities, for which different localities varies in the quality and amount of facilities. Improvement in hygienic conditions would inevitably better the health conditions of people. Electricity connection is sometimes available but people are unable to pay for it so electricity becomes secondary necessity of people. Ultimately, economic condition like employment opportunity of people has to be enhanced so as to raise the living quality of people by earning more money.
33. Yet, it has to be noted that the facilities in a locality is not necessarily related to the occupation of the residents. For example, in Anandnagar society, there seems to have good infrastructure around the area, like toilet, drainage and electricity, but the main job of people is begging. Begging is the "business" that they inherited from their ancestors as a source of income in the same way as a doctor practicing medicine or an engineer constructing new buildings.
34. 12 localities do not have any dispensary at all. People have to at least go to other villages or several kilometers away to seek for medication or treatment. The conditions are worst in localities in the Panchmahal district as 6 localities have no such facilities at all. As for others, there are government dispensaries and hospitals are usually located further away. People living in the two localities in Ahmedabad city can have easy access to the three

hospitals of Civil Hospital, LG Hospital and Shardaben Hospital. Public health is an essential aspect of governance. It is therefore necessary to provide sufficient medical assistance to people by increasing the dispensary and other medical facilities, especially to those living further away from city areas.

35. Almost all localities are well connected to the main cities. When state transport buses are not available 8 localities (Bajania vaas-sanand (Ahmedabad), Karcha, Pahada-Bhiloda, Rajanpur-panchmahal, Suliatmora-panchmahal, Limdaphalia-Panchmahal, Ganeshpura-Dehgam, and Kouthamba-Panchmahal), shuttle rickshaws are available as a means of transport. Note that in the localities of Suliatmora-Panchmahal, Limdaphalia-Panchmahal, the main roads are in bad conditions.
36. For details of data of this part, please refer to Appendix III: Table on Facilities.

G. Internal and external problems

34. Among the 24 localities, 12 face no problem of police atrocities or interference.
35. In Chharanagar, Ahmedabad, the people face serious problem of police Atrocities. There is a recent case recorded in March 2006: Ramchandra Dholakia Garange is a senior citizen of 60 years living in chhranagar since his birth. He was called by one S.P. Sward headed by the Assistant commissioner of police of zone 4 of Ahmedbad city. He was dragged to the Hansol police chowky by a P.S.I and three other police constables of this sward on 26th March on Sunday. He was beaten up very much and was forced to admit a theft which he did not commit. When he continually refused to admit a crime he was brutally beaten that his left leg was fractured and his right leg was temporarily paralyzed. On the next day a case was registered under IPC 109 and he was granted the bail on personal bond without appearing before the magistrate. Ramchandra went to civil hospital on 27th of March and registered a N.C.complaint in the civil chowky on the same day. The FIR (First Information Report) was not registered because the police authorities harassed him and his family. He was discharged under DAMA (discharged against medical advice) because the police authorities did not want him to take treatment in any government hospital. He was then sent to a private hospital, even there the doctors only agreed to operate him if he gave in writing that he would not file any FIR against the police authorities. Given the situation, there are no ways left for Ramchandra so he agreed and later tried to file the FIR after his operation. On 13th April, he was taken to metropolitan court for his statement in front of the judicial magistrate. Till now, the FIR has not yet been filed.
36. In Pahada-Bhiloda, Govingnagar-Bhiloda, Jeevanpur-Sabarkantha and Chamnapura-Ahmedabad, police atrocities were also recorded. Apart from

police violence, many false cases registered that poor and illiterate are often accused by IPC 151 (in order to show the work of police authority).

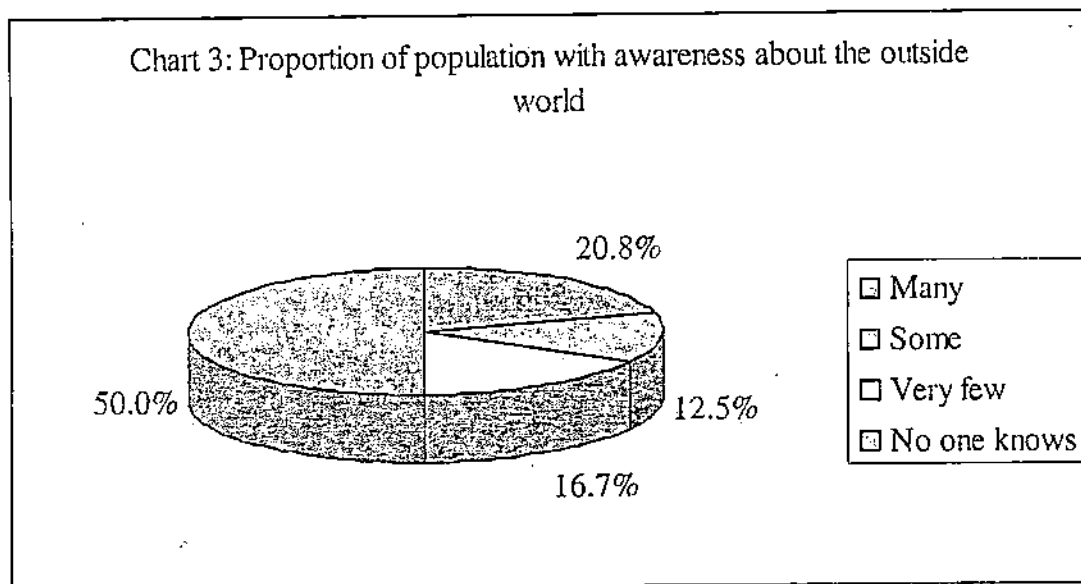
37. In the locality of Anandnagar Society, Dungara Phalia-Kapadvanj, Khadaphalia Society – Kapadvanj, Khadal-Kheda, Antroli-Kapadvanj, Ganeshpura-Dehgam, and Kouthamba-Panchmahal, the Madaris face the problem of police atrocity and discrimination by the main stream society when they move out of their locality to beg in other areas.
38. The long embedded criminal stigma of the general society has been the main reason of police atrocities and discrimination which have caused so much suffering and unequal treatment to the DNTs. This is not an issue which can be dealt with by material assistance because the bias is in the minds of people and it is the minds which have to be changed. Public awareness education is the main way to remove the stigma, yet it takes time. The government should pay effort to educate the public that DNTs are no longer criminals and should not be considered criminals at all, and that the public should support this group of people in order to create a harmonious, prosperous and socially more equitable society of India.
39. On the other hand, 12 of the localities reportedly face no troubles in relation to the government departments. The troubles faced by the communities are largely related to the occupation of communities and the nature thereof but not geographical characteristics.
40. The Madaris community in Ranchoda-Bhiloda, Pahada-Bhiloda, Anandnagar Society, Dungara Phalia-Kapadvanj, Khadaphalia Society – Kapadvanj, Khadal-Kheda, Antroli-Kapadvanj and Ganeshpura-Dehgam face the harassment by the Forest Department and NGOs working for Animal rights (Jeevdaya premi). They do not come to the localities but harass them whenever Madaris go outside to beg for their livelihood.
41. In Jeevanpur-Sabarkantha and Kouthamba-Panchmahal, it was reported that sometimes the Forest Department harasses the people when they go into the forest area to pick up the sticks for cooking.
42. In Chamnapura-Ahmedabad, some people face the problem from Municipal Corporation in the name of encroachment; in Babalia-(Larana)-Panchmahal, people are harassed by Forest Department who demands land from the village.
43. All these reported incidents with regard to the conflict between government departments and the communities have to be investigated into and resolved with attention in order that the DNTs would be treated fairly. That said, it is also important to understand the motive behind the action of the government in terms of protecting forest resources and upholding animal rights. A peaceful reconciliation has to be compromised between the parties so as to balance the interest of each other.

44. As for internal disputes within the localities, almost all disputes are resolved by the panchayat system by the community leaders except for the locality in Chharanagar, Ahmedabad. The internal problems are seen often in Chharanagar between the Chharas. Sometimes it is resolved in the local panchayat system and often it goes to the judicial system. The ultimate beneficiaries are the police officers who take money to lodge an FIR. Usually it happens that some innocent people could be accused in this type of internal clashes.
45. There is a case in which Sandip Indrekar, a student of S.Y.B.A. in C.U.Shah Arts College of Ahmedabad was attending school on 5th September in the morning. His mother's sister Meenaben K. Indrekar got a quarrel with one of her neighbor Urmilaben Kamlekar on collecting the interest of money lent to a lady named Sakilaben Nathabhai Indrekar. Meenaben was the guarantor for the money lent to Sakilaben by Urmilaben. Urmilaben attempted suicide as a result of a quarrel between these three ladies. As a result Urmilaben was taken to the Apollo hospital. There she gave her dying declaration in front of the District Magistrate and gave the name of Sandip Indrekar, Sachin, Kalpesh and Veeru. All of them were not even aware of the whole incident, but only given the name because Urmilaben wanted to have a good money from them after the compromise. Sandip was a student, Veeru is an advocate while Sachin and Kalpesh do petty labor. When the case reached the police authorities, they did not investigate the case properly, but filed a charge sheet against these four persons only because they did not give enough amount of bribing money to the police department. They were kept in jail for almost six months and were released on bail by Gujarat High Court after a compromise between the two parties was reached. All the four accused paid a huge amount of Rs.3,50,000 to Urmilaben. Only after that were they able to get out of the jail. The case is still pending in the Gujarat High Court.
46. For details of the data of this part, please refer to Appendix IV: Table on Internal and External Problems Faced by DNTs

H. Level of awareness about outside world, legal rights and employment opportunity

44. There are 4 avenues in which the level of awareness of people was looked into, namely awareness about the outside world, city / district administration, fundamental rights and employment opportunity.
45. For the awareness about the outside world, in this specific report, the people were asked about the number of continents in the world, power nation of world, Presidents of India and the United States, whether they know anything about any big events happening in the world etc. The rough proportion of population with awareness about the outside world was recorded.

46. In 5 localities (21%), there are many people who possess understanding about the outside world; some people know about the outside world in 3 localities (12.5%) while very few people know in 4 localities (16.7%); no one knows about the outside world in 12 out of the 24 localities. See chart 3 below. Yet there is no obvious pattern observed with regard to the geographical locations of the communities. See chart 3 below.³

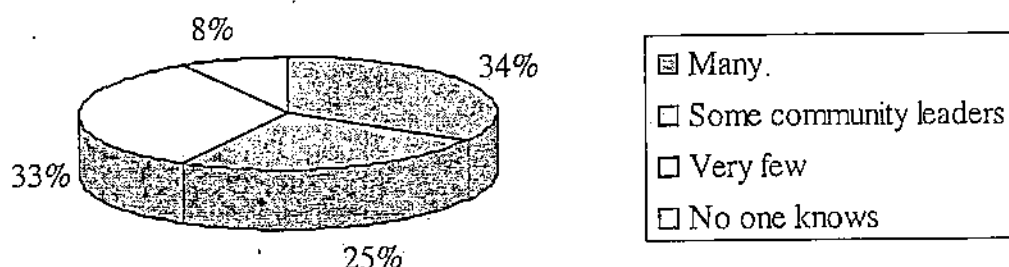


47. Yet in Anandnagar Society and Dungara Phalia-Kapadvanj, it is report that many people know about the outside world while youngsters know nothing at all. The reason is that the people who are engaged in begging outside the localities have chances to meet many people, even to meet some IPS and IAS officers. Therefore they are knowledgeable of events happening in the world. In contrast, the youngsters do not go so far to beg as they normally beg in the same district, hence they did not have much exposure the outside world.
48. Compared to the proportion of population knowing about the outside world, more people know about the city/district administration. In 8 localities (34%), many people are aware of the administration; in 6 localities (25%), only some community leaders know about it; in 8 localities, very few people are aware of the administration while only 2 localities in which no one knows about the city/district administration. See chart 4 below.⁴

³ For details of people's awareness about the outside world, please refer to Appendix V: Table on level of awareness about outside world, legal rights and employment opportunity.

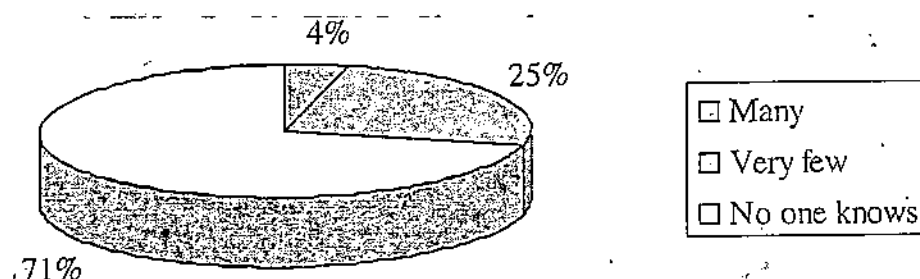
⁴ For details of people's awareness about the city / district administration, please refer to Appendix V: Table on level of awareness about outside world, legal rights and employment opportunity.

Chart 4: Proportion of population with awareness about city/district administration



49. With regard to awareness about fundamental rights, only in 1 locality (4%) of Chamnapura-Ahmedabad where many people are aware of their fundamental rights. This is compatible with the finding that this locality is in the city and education is more easily available. Reportedly in 6 localities (25%) very few people are aware of the rights. In 17 localities (71%), no one is aware of their fundamental rights. See chart 5 below.⁵

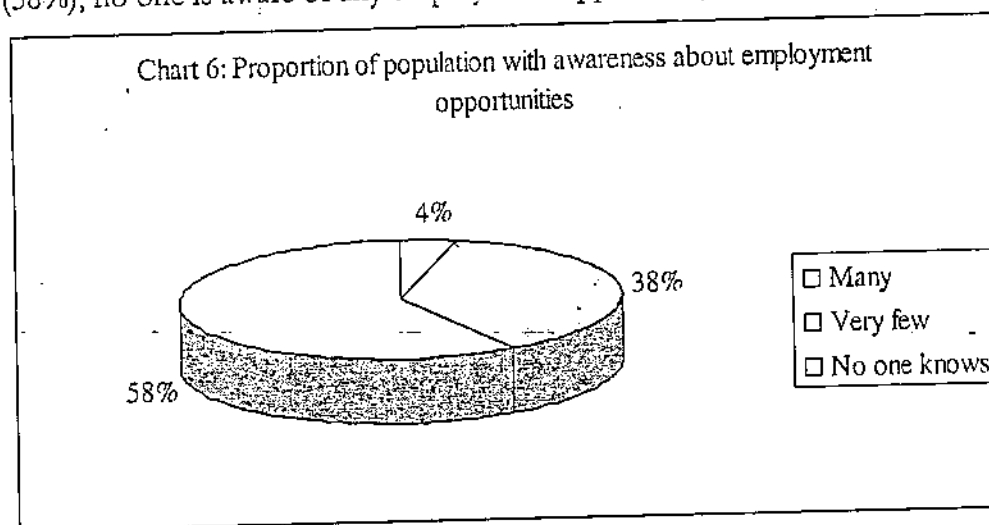
Chart 5: Proportion of population with awareness about the fundamental rights



50. Majority of the people are ignorant of the fundamental right such as the right to life, property, governmental protection etc. Only the people who have some direct or indirect contact with the cities possess some knowledge of their fundamental rights like the right to live in their locality.

⁵ For details of people's awareness about the fundamental rights, please refer to Appendix V: Table on level of awareness about outside world, legal rights and employment opportunity.

51. As revealed from the data, the communities have a stunningly lack of awareness about the outside world, city administration and worst still, their fundamental rights. This can be largely attributed to the lack of education opportunities in the localities. People are simply ignorant of the world around except their own businesses. This lack of awareness in turn implies the importance of education. If education is more easily available and such opportunities are more commonly used by people, they can be more informed about the outside world in order to compare the living standard between the city and the village, between different classes and between different countries. They can be more informed about their constitutional rights in order to demand the government and the public for fairer treatment in terms of education and employment opportunities and living conditions. After all, resources are needed to provide more education to the people.
52. Similarly on the other hand, only in 1 locality (4%) of Chamnapura-Ahmedabad where many people are aware of the employment opportunities. Some people in Chamnapura are able to find government jobs or work in hospitals in which around 3% of the working population are class 3 and 4 officer, 2% get good jobs in private sector and government. In 14 localities (58%), no one is aware of any employment opportunity. See chart 6 below.⁶



53. In 9 localities (38%) very few people are aware of the employment opportunities. Many people are ignorant about the opportunities to apply for the job. Even if someone is aware of it and applies for a job, the chance to be offered the job is still low largely because of the criminal stigma and discrimination against them by the mainstream society. For example, in the locality of Zinzhodi and Takatuka, some students had tried to apply for many government jobs but no one succeeded. Laxman Bhurabhai Vadi is one such youngster who had applied for the post to work in the military for three years. Yet he was demanded to pay a huge amount of money in order to get the job. In the locality of Karcha, one student called Ramesbhai

⁶ For details of people's awareness about employment opportunities, please refer to Appendix V: Table on level of awareness about outside world, legal rights and employment opportunity.

- Ravjibhai Vadi tried to apply for a job in an NGO called Aadijati viklang vikas talim kendra. The NGO had taken 10,000 Rs from him but he was not paid for almost one year and at last he had to quit. In Govingnagar-Bhiloda, there are only two Madari graduates in this locality. None of the youngster had ever applied for any job in any sector. They believe that all these jobs are not meant for them and they are born to do the petty labor work.
54. As discussed above, more education to these underprivileged communities has to be provided so as to enhance the education qualifications of the DNTs and to better inform them of their opportunities. Public awareness education have to be provided as well to remove the stigma of the general society against the DNTs, which in turn encourage the mainstream society to give them chances by employing them.

Appendix I: Table on Locality and Housing

Locality	Location	Type of Housing
Chharanagar, Ahmedabad	Chharanagar, Ahmedabad	90% cement houses, other cottages and brick
Bajania vaas-sanand (Ahmedabad)	Sanand, Ahmedabad	5-6 houses made under Indira Awas Yojna Scheme; others mud with tin and cement
Ranchoda-Bhiloda	Bhiloda, Sabarkantha	25 cement houses made under Din Dayal Residence Scheme, 6 family lives under plastic sheets
Zinzodi and Takarka	Bhiloda, Sabarkantha	All 18 houses cement
Karcha	Bhiloda, Sabarkantha	All plastic sheets and mud
Pahada-Bhiloda	Bhiloda, Sabarkantha	All 50 plastic sheets and mud
Bhatia Mill-Vanjhara	Idar, Sabarkantha	300 families, 10% cement, 90% plastic tents and small huts
Govingnagar-Bhiloda	Bhiloda, Sabarkantha	5-10 cement, most are mud and bricks, also plastic tents
Rajanpur-panchmahal	Kadana, Panchmahal	Mud and bricks, some people live in tents
Suliatmora-panchmahal	Hadapmorva, Panchmahal	Mud and bricks, some people live in tents
Lindaphalia-Panchmahal	Khanpur, Panchmahal	Mud and bricks, some people live in tent
Vadi Phalia-panchmahal	Khanpur, Panchmahal	Mud and bricks
Gundia Talav-panchmahal	Lunavada, Panchmahal	30% cement, 50% mud and bricks, 20% live in plastic tents
Anandnagar Society	Kapadvani, Kheda	25 houses, cement, has some very well constructed houses
Dungara Phalia-Kapadvani	Kapadvani, Kheda	20 houses, mud and bricks; some live in plastic tents
Khadaphalia Society - Kapadvani	Kapadvani, Kheda	3 houses under construction under Indira Awas Yojna Scheme, 17 houses are plastic tents
Khadal-Kheda	Kathdal, Kheda	50 houses, 5% cement, rest mud and brick, some plastic tents
Antroli-Kapadvani	Kapadvani, Kheda	30 houses, most live in plastic tents, some houses made under Indira Awas Yojna
Ganeshpura-Dehgam	Dehgam, Gandhinagar	Mud and brick, many live under plastic tents, some houses made under Indira Awas Yojna
Jeevanpur-Sabarkantha	Jeevanpur, Sabarkantha	Mud and bricks

Chamnapura-Ahmedabad	Asarva, Ahmedabad	Cement, some cottage
Babalia-(Larana)-Panchmahal	Khanpur, Panchmahal	60 houses, many made of mud and bricks, among them 20 are made under Pandit Din Dayal Aavvas Yojnas, 2 under Sardas Vaas Scheme
Nava Rabadia-Panchmahal	Lunavada, Panchmahal	Mud and brick
Kouthamba-Panchmahal	Lunavada, Panchmahal	50 houses, Most mud and brick

Appendix II: Table on Population, Occupation and Voting Rights

Locality	Population	Community	Tradition Occupation	Present Occupation
Chharanagar, Ahmedabad	8000-10000	Chhara, Bhaiyya	Acting and Dancing, Soldiers	Brewing illicit liquor, some advocates, journalists, teachers
Bajania vaas-sanand (Ahmedabad)	2500	Nat-bajania	Roaming to play music	Music bands, petty labour, masons, rickshaw driver
Ranchoda-Bhiloda	200	Madaris, Bhartharis	Do live demonstration with snakes	Most don't work
Zinzhodi and Takatuka	50	Vadi, Patels, Chamthas	Roaming to sell homemade brooms and khajuri leaves toys	Petty labours and field labours
Karcha	300	Madari	Roaming to sell homemade brooms and khajuri leaves toys	Petty labours and field labours
Pahada-Bhiloda	2500-3000	Vadi, Chamtha, Raval, Madari, Thori	Vadi: sell homemade brooms and toys; Chamtha, make and sell flour grinders; Thori, make and sell topkas and toplis	Petty labours and field labours
Bhatia Mill-Vanjhara	1500	Vanjharas, Kangasia	Bahmanja Vanjhara: selling bullocks; Kangasia: sell comb and bangles	Some sell bullocks, many kangasia work as petty labour

Govingnagar-Bhildoda	8000-9000	Madaris, Chamtha, Thor, Vaghari, Rajput, Bajania, Kangasia (Gavaria), Vanjhara, Ood, Bharvad, Vaadi	Madaris: Do live demonstration with snakes; Chamtha: Sell and repair homemade grinders (ghantis); Thor: Make wooden topa and topi; Vaghari: Soldiers, farmers; Rajput: Perform acrobats; Bajania: Playing musical instruments; Vanjhara: Selling bullocks; Ood: Cut bamboos in the jungles, make artistic work out of bamboo and sell; Bharvad: Rearing and selling livestock; Vaadi: Sell brooms and toys made of Khajur leaves	Madaris: Most don't work; Chamtha: Petty labour and field labour; Thor: Petty labour, transporter on camel cart and driving rental jeeps; Vaghari: Petty labour, small shops, make and sell tin tops of oil tins; Rajput: Petty labour; Bajania: Musical bands and petty labour, drive rickshaws; Vanjhara: Sell bullocks during monsoon season and work as field labour in the rest of time; Ood: Petty Labour, masons; Bharvad: Rear and sell livestock; Vaadi: Petty labour
Rajapur-panchmahal	175-200	Nayaks, Parelias, Ravals, Chamias	Nayaks: Petty labours in farms	Nayaks: Petty labours in farms
Sulaimnora-panchmahal	75-80	Nat Bajaniyas	Roam to play musical instruments	Musical bands, petty labour
Limdaphala-Panchmahal	90	Nat Bajania	Roam to play musical instruments	Musical bands, petty labour
Vadi Phalia-panchmahal	100	Vadi	Sell toys and grooms made of Khajur leaves	Petty labours, many unemployed
Gundia Talav-panchmahal	700-800	Bharvad, Chamtha	Chamtha: Sell and repair ghantis; Bharvad: Rear and sell livestock	Chamtha: Petty and field labour; Bharvad: rear and sell livestock
Anandnagar Society	200	Madaris, Parels, Mal Makwanas	Madaris: Do live demonstration with snakes, earns through astrology, nomadic lifestyle	Madaris: Most do not work, some still perform activities related to astrology
Dungara Phalia-Kapadvani	500	Madaris, Mal Makwanas	Madaris: Do live demonstration with snakes, earns through astrology, nomadic lifestyle; Mal Makwanas: Sell Desi medicine, Ayurvedic medicine, nomadic lifestyle	Madaris: Most do not work, some still perform activities related to astrology; Mal Makwanas: Sell medicine, many involved in petty labour

Khadaphalia Society - Kapadvanj	100	Madaris, Mal Makwanas	Madaris: Do live demonstration with snakes, earns through astrology, nomadic lifestyle; Mal Makwanas: Sell Desi medicine, Ayurvedic medicine, nomadic lifestyle	Madaris: Most do not work, some still perform activities related to astrology; Mal Makwanas: Sell medicine, many involved in petty labour
Khadal-Kheda	250-300	Madaris, Mal Makwanas, Bajanas	Madaris: Do live demonstration with snakes, earns through astrology, nomadic lifestyle; Mal Makwanas: Sell Desi medicine, Ayurvedic medicine, nomadic lifestyle; Bajania: Give music performance in marriage ceremonies and festivals	Madaris: Most do not work, some still perform activities related to astrology; Mal Makwanas: Sell medicine, many involved in petty labour; Bajania: Sell Bangles by roaming around, no more traditional occupation
Antoli-Kapadvanj	200-250	Madaris	Madaris: Do live demonstration with snakes, earns through astrology, nomadic lifestyle	Madaris: Most do not work, some still perform activities related to astrology
Ganeshpura-Dehgam	1000-1500	Madaris	Madaris: Do live demonstration with snakes, earns through astrology, nomadic lifestyle	Madaris: Most do not work, some still perform activities related to astrology
Jeevanpur-Sabarkantha	210	Chhara	Acting and dancing, or soldiers	Brewing illicit liquor, some does petty work
Channapura-Ahmedabad	250000	1. Chamanpura - 95% Devipujak; 2. Asarva - 60% Devipujak; 3. Holi Chakla - 90% Devipujak; 4. Girdhamagar - 95% Devipujak	Soldiers, farm labourers	More than 90% small time vendors, petty labour, hospitals, graduates have government jobs
Babalia-(Larana)-Panchmahal	500	Bhantus	Acrobats, artists	Mosts beggars, some petty labours, some keep livestock
Nava Rabadia-	200	Bhil Nayak, Chavda,	Petty labour	Petty labour

Panchmahal		Raval, Bhangis	
Kouthamba-Panchmahal	500	Madari, Bhai, Vaghari, Charra, Patel, Vankas, Prahmin	Madaris: Do live demonstration with snakes, earns through astrology, nomadic lifestyle; Vaghari: soldiers
			Madaris: beggars, petty labour; Vaghari: Making tin sheets, rearing buffaloes

Appendix III: Table on Facilities

Locality	Schools	Toilets	Drainage	Electricity	Dispensary	Local Transportation	Remarks
Chharanagar, Ahmedabad	9, 4 higher secondary, 2 secondary, 3 primary	60%	Almost all house illegal drainage connections	60% - 70%	1 municipal, 1 trust run, 8 private	Well connected	
Bagania vas-sarand (Ahmedabad)	1 secondary, 1 primary	no	no	75/380 household	None in the locality, only one private doctor	No state transport, only rickshaws and jeeps	
Ranchoda-Bhiloda	1 primary, 1 secondary	no	no	no	No, have to go to Bhiloda	Well connected	No facility of water into the locality
Zinzodi and Takanka	2 primary, 2 secondary	no	no	2 houses	One in each locality	Well connected	
Karcha	1 primary	no	no	no	no	Shuttle rickshaws	
Pahada-Bhiloda	1 primary 0.5km and 1 secondary 1km outside the locality	no	no	no	no	Shuttle rickshaws	No facility of water into the locality
Bharia Mill-Vanbara	3-5	no	no	10-15%	yes, but number unknown	Shuttle rickshaws and state transport buses	

Govingnagar-Bhiloda	1 primary, more in nearb; 5 secondary and high secondary within 1 km from Govindnagar	no	no	20-25%, rest does not have money to have new connectionss	yes, but number unknown	Well connected	
Rajanpur-panchmahal	No, only 3 km away	no	no	no	nearest dispensary is 3 km away, hospital 30 km away	Shuttle rickshaws	4 hand pumps to provide water for families
Suliatmora-panchmahal	1 primary, 1 secondary (2km), college (20km)	no	no	yes	nearest is 5 km away	shuttle rickshaws but main road in bad condition	1 hand water pump
Lindaphalia-Panchmahal	1 primary, 1 secondary	no	no	yes	nearest is less than 1km away	shuttle rickshaws but main road in bad condition	Women need to go 2km away dally to fetch two buckets of water. People not allowed to take water from private bore well of some Patel
Vadi Phalia-panchmahal	1 primary, 1 secondary 5km away	no	no	no	no, nearest in another village	Well connected	No water connection, people have to bring water from vadagam village
Gundia Talav-panchmahal	primary, secondary and colleges are nearby	no	no	30%-40%	Government dispensary, very near	Well connected	Some people face problem of water connection
Anandnagar	1 primary, 1 secondary	yes	yes	yes	Government	Well connected	

Society					dispensary in Kapadvanj		
Dungara Phala- Kapadvanj	1 primary, 1 secondary	yes	yes	yes	Government dispensary in Kapadvanj	Well connected	
Khadaphalia Society - Kapadvanj	primary and secondary schools nearby	yes	yes	no	no	Well connected	
Khadal-Kheda	1 primary, secondary and college in Kapadvanj (20km away)	yes	yes	3 houses	1 government dispensary, 1 private	Well connected	Worst locality, constructed on a lake so condition is worst during monsoon season
Antroli- Kapadvanj	2 primary, 1 secondary (3km away)	yes	yes	3 houses	no dispensary, hospitals in Kapadvanj	Well connected	No kids go to school, big problem of water connections
Ganeshpura- Dehgam	1 primary nearby, secondary and colleges in Dehgam	yes	yes	some	1 government dispensary, hospitals in Dehgam	Shuttle rickshaws	Tap connections to some houses but water never comes. Sometimes water comes at around 12 at night.
Jeevanpur- Sabarkantha	1 primary, 1 secondary in Bulundra	no	no	some	1 dispensary in Bulundra village, hospital in Modasa (20km away)	Well connected	
Channapura- Ahmedabad	3 municipal schools, many private primary	50%	60%	40%	Some private, Biggest	Well connected	

	schools, 5 secondary schools, colleges in Ahmedabad city area				Ahmedabad hospital nearby: Civil, LG and Shardaben		
Bablia- (Larana)- Panchmahal	1 primary, 1 secondary	no, but 20 bathrooms constructed	no, but 20 bathrooms constructed	almost all	no, dispensary 5km away	Well connected	
Nava Rabadia- Panchmahal	1 primary nearby, secondary schools far away	no	no	no	1 dispensary 3km away	Well connected	One water hand pump
Kouthamba- Panchmahal	1 primary, 1 secondary	no	no	5%-10%	1 dispensary, hospital 40km away	Shuttle rickshaws	No water, big problem of water security

Appendix IV: Table on Internal and External Problems Faced by DNTs

Locality	Police	Government Officials	Internal
Chharanagar, Ahmedabad	Police atrocities (w/ case)	N/A	Often goes to judicial system
Bajania vvas-sanand (Ahmedabad)	N/A	N/A	Easily solved by Panchayat system
Ranchoda-Bhiloda	N/A	Harassed by Forest Department and NGOs working for animal rights	Easily solved by panchayat system
Zinzodi and Takatuka	N/A	N/A	N/A
Karcha	N/A	N/A	N/A
Pahada-Bhiloda	Some police atrocities	Harassed by Forest Department and NGOs working for animal rights	N/A
Bhatia Mill-Vanjarah	N/A	N/A	N/A
Govingnagar-Bhiloda	Some police atrocities; police take and consume liquor made by people	N/A	Community leaders solve all matters
Rajanpur-panchmahal	N/A	N/A	N/A
Suliamora-panchmahal	N/A	N/A	N/A
Limdaphalia-Panchmahal	N/A	N/A	N/A
Vadi Phalia-panchmahal	N/A	N/A	N/A
Gundia Talav-panchmahal	N/A	N/A	Most solved by community leaders
Anandnagar Society	Face police atrocity when move out of their locality to beg	Harassed by Forest Department and NGOs working for animal rights	N/A
Dungara Phalia-Kapadvani	Face police atrocity when move out of their locality to beg	Harassed by Forest Department and NGOs working for animal rights	Resolved by panchayat system
Khadaphalia Society - Kapadvani	Face police atrocity when move out of	Harassed by Forest Department and NGOs	Resolved by panchayat system

	their locality to beg	working for animal rights	
Khadal-Kheda	Face police atrocity when move out of their locality to beg	Harassed by Forest Department and NGOs working for animal rights	Resolved by panchayat system
Antroli-Kapadvanj	Face police atrocity when move out of their locality to beg	Harassed by Forest Department and NGOs working for animal rights	Resolved by panchayat system
Ganeshpura-Delgam	Face police atrocity when move out of their locality to beg	Harassed by Forest Department and NGOs working for animal rights	Resolved by panchayat system
Jeevanpur-Sabarkantha	Police atrocities, hafta obtained by police to allow liquor brewing, false cases registered	Harassed by Forest Department for picking up stick for cooking in forest area	Resolved by panchayat system
Chamnapura-Ahmedabad	Police atrocities, many false cases registered, poor and illiterate often accused by IPC 151 (in order to show the work of police authority)	Face problem from municipal corporation in form of encroachment	Resolved by panchayat system
Babalia-(Larana)-Panchmahal	N/A	Harassed by Forest Department who demands land from the village	N/A
Nava Rabadia-Panchmahal	N/A	N/A	Resolved by panchayat system
Kouthamba-Panchmahal	Madari harassed when going out to beg	Harassed by Forest Department for picking up stick for cooking in forest area	N/A

Appendix V: Table on level of awareness about outside world, legal rights and employment opportunity

Locality	Outside world (amount of population)	City / District Administration (amount of population)	Rights (aware)	Opportunity
Chharnagar, Ahmedabad	Most people know about India, its states, judiciary	Yes	No	Criminal stigma persists, few opportunities
Barania vaas-sanand (Ahmedabad)	No one knows	Only some leaders	No	Very few
Ranchoda-Bhiloda	1 only, no youngsters know	Very few	No	No
Zinzodi and Takaruka	Some	Many	Very few	Very few
Karcha	No one knows	1-2	Very few	Very few
Palada-Bhiloda	No one knows	1-2	Very few	No
Bhata Mill-Vanjiara	No one knows	1-2	Very few	No
Govinagar-Bhiloda	5%-8%, all community leaders	Some community leaders	Very few	No
Rajapur-panchnahal	No one knows	Only Sarpanch	No	No
Sulaimora-panchnahal	No one knows	Some community leaders	No	Very few
Lindaphalia-Panchahal	No one knows	Some community leaders	No	Very few
Vadi Phalia-panchnahal	No one knows	No one knows	No	Very few
Gurda Talav-panchnahal	Many know	Many know about the gram panchayat, administration	No	Very few
Anandnagar Society	Many, but no youngsters know anything	Many	No	No
Dungara Phalia-Kapadvanj	Many, but no youngsters know anything	Many	No	No
Khadaphalia Society - Kapadvanj	No one knows	Very few	No	No

Khadal-Kheda	No one knows	Very few	No	No
Aniroli-Kapadvanj	No one knows	Very few	No	No
Ganeshpura-Dehgam	Very few	Many	No	Very few
Jeeranpur-Sabarkantha	Very few	Many	No	No
Channapura-Ahmedabad	Many	Many	Many	Many
Babalia-(Larua)-Panchmahal	Very few	Some	No	No
Nava Rabadia-Panchmahal	No one knows	No one knows	No	No
Kouhamba-Panchmahal	Some	10% know	Very few	No

Maharashtra

Banjara, Ramoshi, and Pardhi

Analysis provided by Historian and DNT Activist Dr. Ajay Dandekar

Introduction to the problem

The Nomadic and Denotified tribes constitute about five million of population in Maharashtra and about 60 million all over India. There are 313 Nomadic Tribes and 198 Denotified Tribes. Due to the wandering traditions over hundreds of years without any ostensible means of livelihood under the influence of the caste system, they are forced to live under sub human conditions. The large section of these tribes is known as "Vimukta jaatis" or the Ex-Criminal Tribes because they were branded as criminals by birth under the "Criminal Tribes Act 1871", enacted by the British Government. In spite of the repeal of the act in 1952, they are still treated as Criminals by birth and subjected to harassment and persecution at the hands of the police and the state machinery. However, they have been deprived of the status of Scheduled Tribes provided by the constitution due to certain historical circumstances and the acts of omission and commission on part of the Government and the society.

In the nineteenth century the colonial government concluded that the pastoral nomads, the itinerant traders and other unsettled communities were different from the settled agriculturists fixed within domiciles. These wandering communities could not be situated within preconceived slots – administrative, economic, social. They were therefore located as aberrant factors within a predictable and tractable human landscape, and had to be 'controlled' through the colonial legal and penal institutions for the maintenance of 'law and order'. This was the background to the passage to the "Criminal Tribes Act of 1871 or Act XXVII(henceforth CTA).

The Criminal Tribes Act of 1871 was the start of a series of legislations on the same theme. Legal interventions in the same vein came at regular intervals to fine-tune, elaborate, extend jurisdiction of the Act in order to knit a finer mesh which would act as an effective sieve for separating the "criminal" from the "non-criminal".

The classificatory range of designating these communities "criminal" was fairly broadbased in the CTA- "A tribe, gang, or class". The alien government was taking no chances with the tricky problem of nomenclature in case any erring community escaped the legal and penal dragnet. This was being preemptively wise before the targeted communities (non-literate and unacquainted with such sophisticated legal devices to check their "criminal tendencies") could muster enough legal leverage to offer legal resistance to arbitrary penalties based on their precise cognition of the fine distinctions between castes, tribes, classes, and the

nature of their own embeddedness within a certain classificatory marker. In 1874, there was a quick review, and another proviso was added - "In this Act the words 'tribe', 'gang' and 'class' shall be deemed to include any portion or members of a tribe, gang or class". The CTA now included Bengal in its spread. Approximately around the same time both the Bombay and Madras Presidencies adopted the CTA for their own use in controlling "criminal tribes". The Bombay Presidency, like the United Provinces where Thuggi had become the subject of a colonial discourse on Oriental criminality, had also been acquainted with the notion that the "hereditary" criminals belonging to "tribes" were a threat to law and order as early as 1827. There was a Regulatory Order passed in order to control them.

The major provisions of the CTA provided for the registration of all declared criminal tribes. all members of criminal tribes had to report at regular intervals and had to inform the authorities if they were to absent themselves from their residences for a day or more; for trips outside the settlement passes were required, and any member caught without a pass outside the settlement was imprisoned (Section 25). All members of a declared criminal tribe had to answer the roll call, which could take place at any unscheduled hour. If any member failed to respond, the onus was on the missing person to prove to the offi-in-charge of the settlement that one had no evil intentions during the absence from residence. Absconding from any settlement or reformatory also meant imprisonment or fines or both. (section 20, 2). Any breach of these rules invited punishment. Such defaulters "...was liable to imprisonment for one year on a first conviction, for two years on a second conviction, and to three years or a fine... or both on any subsequent conviction. (section 22(1), 22(2).

In 1897, this Act was amended and the penalties were increased for second and third convictions to seven years and transportation for life respectively (CTA, 1897, sections 23,1 and 23,2). The amendment also provided for the separation of children from parents who were over the age of four and under the age of eighteen were thus liable to be sent to reformatories reserved solely for the children of the declared criminal tribes and castes. (1897 CTA, sections 16, 17).

All the Acts, from 1871 to 1924, gave the local government the right to locate any "unsettled" tribe in the area of the government's own choosing. The local governments could even deport a settled tribe from one area to another if the earlier area was not considered suitable. (CTA, 1871, section 18)

The Act of 1911 introduced the rule that all members of declared criminal tribes would have to be finger-printed at the nearest police station, so that the tracking down of an absconding criminal, or of absconders from the settlements, could become simpler. Another change was introduced by the 1911 Act, in terms of which declared criminal tribes were not compulsorily "settled" on lands allotted to them by the government. They were merely registered, subjected to surveillance and fingerprinted, but the local government did not take responsibility for them. (CTA, 1911, Section 12)

Under these legal and penal provisions, without the mainstream indigenous political opinion engaging with the issue, as here the folds of the colonial discourse on criminality and developing mainstream indigenous discourse on criminality overlapped, the latter heavily influenced by the former, the existence of whole communities under stringent penal measures went unnoticed. The colonial government's antipathy towards these communities was shared by the settled indigenous communities, as they were part of the hierarchical social network and political economy, while these wandering communities were not seen to belong to any known framework of social reference. This suspicious attitude towards unknown 'jatis' who periodically shared their territorial spaces froze into rigid statements of dislike when, added to their indeterminate caste characteristics, the 'Criminal Tribes' Act, 1871, added the stigma of criminality to these wandering communities. It was only after independence that the unconstitutional nature of the designation - "criminal tribes" - was recognised and the communities which had come under the purview of the Act were "denotified". But for all practical purposes 'criminal tribes' they remained. Madhya Pradesh, Andhra Pradesh, Uttar Pradesh, Gujarat, Maharashtra, West Bengal, Orissa - all still have their 'criminal tribes', though officially between 1950- 1952, they have been 'denotified'.

In Maharashtra, the Antrolkar Committee looked at the question of the rehabilitation of the ex-criminal tribes, who were denotified in Maharashtra with effect from 13 August 1949: the CTA of 1924 ceased to be applicable to them but the Committee felt that the Habitual Offenders Restriction Act should be made simpler and wider in scope "in order to restrict all habitual offenders from Ex-Criminal Tribes and also others as action on these few notorious characters will enable other Ex-Criminal Tribes to live peacefully in their localities". (Budhan, Oct-Nov. 1998, pp. 13-14). It is apparent that the Committee, over and above the fairly stringent provisions of the Indian Penal Code (Indian Penal Code, section 75, Chapter III)⁷, had felt the need for the widening of the Habitual Offenders Act which would separate the really criminal from the denotified communities. That the parameters of analysis had not changed for the Committee members is also revealed in the careful specifications of what should be the state attitude to members of these communities who persisted in their nefarious activities even though the government had given them the options of clean and healthy living.

As soon as a person belonging to any community and particularly to the Ex-Criminal tribes is produced before a Magistrate for the second offence under the IPC against property and person he should be handed over to experts in psychoanalysis, criminology and allied sciences to examine him. The result of such examination should be informed to the Magistrate who thereafter should proceed to pass judgement on such accused. (Budhan, Oct-Nov, 1998, p.8)

⁷ This section provides for enhanced punishment for certain offences under Chapter XII (offences related to forgery) and chapter XVII (offences related to property) of the Indian Penal Code (henceforth IPC)

There is no attempt to even examine the vicious social conditions which had perpetuated a certain way of life for which partially, if not wholly, alien laws and mainstream indigenous prejudices can be held responsible. This attitude of the Committee reinforces the critique this Report posits: namely, inherent prejudices pertaining to mainstream moral and ethical codes are embedded even within individuals anxious to redress fundamental inequity and injustice under which whole communities have suffered. The Habitual Offenders Act, moreover, because it shifted emphasis from communities to the individual "hardened criminal", would possibly feel free to eliminate all attempt to educate and reform children, as the Criminal Tribes Act of 1871 had originally purported to do. As we have said, education and reform were no longer seen as state concerns by 1911, as there were other calls on the limited spread of government funds, especially pinch-penny colonial governments. In this respect, the Habitual offenders Act locked retrogradely with the CTA, by omitting all semblances of rehabilitation and focusing exclusively on legal repression.

What also is important in this context is that the Antrolikar Committee Report had addressed the issue of rehabilitation of the denotified communities only in Maharashtra. Education had been given top priority, but only primary education. The Report categorically stated that:

"Special elaborate suggestions about secondary and higher education have not been made as the question of the same will not arise for a number of years. For the time being we think facilities given to them as Backward Classes will be sufficient".

Further, the denotified communities, all 28 of them enumerated in the Criminal Tribes Act Enquiry Committee Report of 1939, have been classified according to their supposed ethnic origins -- whether they are indeed "nomadic tribes" or merely fall under the rubric of "backward Classes", thus repeating the colonial ethnographic stereotype. Such discursive ascriptions of ethnicity came packaged with graded privileges and opportunities, thereby containing the seeds of further injustice and perpetuating a potentially explosive political condition for demands and counter demands of different "ethnic" groupings.

After more than 50 years after the Antrolikar Committee outlined the necessary conditions for the "denotified tribes" to be established socially and politically, their situation in Maharashtra has actually slipped further towards unrelieved darkness. The recommendations of the Antrolikar Committee were never carried by the State government. Though there were a few blind spots regarding notions of "criminality" and "legal" action, the recommendations were certainly a step in the right direction. Police oppression and the indifference of the mainstream to their fate have together condemned more than 6 million people to a life of terror, fear, and deprivation, not just of food and shelter, but of all human dignity. They have been denied citizenship on their own soil.

The Constitution of India, the ultimate ethical and moral statement of a nation that defined itself against the backdrop of perceived universal values adopted by

the Constituent Assembly on November 26, 1949, stated unequivocally that all its citizens meant all persons

- a) who was born in the territory of India
- b) either of whose parents was born in the territory of India
- c) who has been ordinarily resident in the territory of India for not less than 5 years immediately preceding such commencement.

Further, every person included

- a) a prisoner
- b) a member of the armed forces

Thus, a citizen of India can expect Justice (social economic and political), Liberty (of thought expression belief, faith and worship), Equality (of status and opportunity), and Fraternity, assuring the dignity of the individual, guaranteed by the Preamble to the Constitution. Social Justice, an important component of the basic ideal of the Indian body polity, enables the courts to uphold legislation

- a) to remove economic inequalities
- b) to provide a decent standard of living to the working people
- c) to protect the interests of the weaker sections of the society.

As even the most preliminary overview of the present situation of the denotified communities will overwhelmingly demonstrate, here are a people who have been stripped of all the constitutional privileges that even a prisoner in India is guaranteed. More specifically, the fundamental rights of a citizen seem to have been created only to be contravened with regard to the "denotified communities".

Articles 19 and 21, if read with Art. 39-A, guarantees freedom of expression and Right to Life that cover a wide range of rights: pre trial release on a personal bond (i.e without surety) when the person concerned is indigent, speedy trials for offenders and especially child offenders, no delay in bringing in to trial, all indigent offenders who cannot afford legal representatives should be helped by the state, Right to livelihood, prisoners should not be tortured, and Undertrial prisoners cannot be detained without charges or kept in jail for a period exceeding the maximum prison term award. Art. 22 of the Constitution, giving protection against arrest and detention, specifies the conditions of arrest and detention in police lock-ups.

Directive Principles, Part III of the Constitution, Art. 45, directs the state to provide free and compulsory education for children, till they attain 14 years of age, while Art. 46, Part III, directs the state to promote the educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections. However such high sounding words cannot be upheld in any court of law in India. How urgent this problem is can be seen very ironically in a Report published during the 1930s, of the settlements in Maharashtra, where under the controlled laboratory environment of fear, discipline and some incentive of

monetary returns, the programme of the compulsory education of children did function⁸:

"The total population in the settlements in the Bombay Presidency is 12861. This shows an increase of 799. The list of the larger settlements with a population of over 1000 is as under:

Sholapur	4095
Indi	204
Bijapur	1229
Special Settlement	143
Bagalkot	397
Gadag	1023
Hubli	2322
Dharwar	405
Khanapur	548
Gokak Falls	672
Dandeli	251
Baramati	521

Primary education is compulsory for all the boys and girls between the ages of 5 and 12 years, and for all the children who work as half timers, in mills as long as they are half timers. In the latter case, therefore their half time attendance in the day school is compulsory until they reach the age of fifteen years. The following table is illuminating from the point of view of education:

Sholapur	4095	890
Indi	204	30
Bijapur	1229	230
Special Settlement	143	32
Bagalkot	397	66
Gadag	1023	194
Hubli	2322	457
Dharwar	405	39
Khanapur	548	65
Gokak Falls	672	182

⁸ Starte, Esquire, ICS Criminal Tribes Officer, Bombay Presidency. Dharwar A report on the Criminal Tribes Settlement of the Bombay presidency.

Dandeli	251	29
Baramati	521	65
Nira Projects	630	112

In the sphere of vocational training, the various trades for which the training was imparted are as under: Carpentry (78), Masonry (92), Tailoring (7), Agriculture (22), Black Smith (3) and Weaving (4).

The credit societies established in the settlements have continued their steady expansion and are in a good financial position. They serve a very useful purpose in providing loans for marriages and other expenses for the settlers. Some of them also finance and control carpentry factories attached to the settlements, and undertake building construction also. The share capital is now 10,405 compared with the 8,846 for the last year, and total of deposits is 48,069 and the reserve fund are 9,475."

Yet the database collected by the research team shows in the post colonial India of the 21st century, without the human laboratories where an alien government preened on turning hereditary criminals into law abiding and humble subjects, that the conditions for these communities have actually slid back in time. Education is a luxury, state sponsored credit societies pipe dreams, an ordinary right to livelihood a nightmare of buying off the police in order to survive. It is the memory of half-full stomachs and a semblance of achievement that has kept the 'justice' and sense of 'fairplay' of the colonial government still green in the minds of these people. Possibly they imply that the colonial government was no better than it should be, but that the Indian government has proved to be much worse.

Recommendations for Improving Human Rights and Economic Conditions of the Denotified and Nomadic Communities

A. Rights, Entitlements and Protective Mechanisms

The Habitual Offenders Act, if it is in force in any Indian State, may be abolished forthwith.

Human Rights Protection Cells may be established in the areas that have sizeable population of Denotified and Nomadic Tribes.

Human Rights Commission in various States may be given the responsibility of monitoring the proposed cells. Additional officers may also be appointed in districts having a large population of DNTs and NTs, for this purpose.

The NHRC had suggested in their 7th Annual Report that a senior police officer be appointed in every state to look in to the cases of violation of human rights of Denotified and Nomadic tribes and report to the state Human Rights Commission. This recommendation may be implemented, except that it may be a welfare officer or an officer from the Tribal Ministry, who may be made responsible for reporting violation of human rights to the Human Rights Commission.

It may be ensured that total liberation and full rehabilitation of bonded labourers and child labour, a majority of whom are DNTs, is done. The creation of separate authority exclusively for the DNTs and NTs may be considered for this very specific purpose.

The entire administrative machinery, especially the police, needs to be sensitized and reoriented to the problems of these communities. National Police Academy and other Police Training Institutes may be instructed to bring about attitudinal changes among police officials by incorporating suitable items in the curriculum. There is ample evidence that settled DNTs are forced by the police to commit crimes like brewing of illicit liquor in order to get their share of the earnings. While rehabilitating such groups, care may be taken to see that the local police are not given the authority over them for a specified period, so that they are actually given the breathing space for starting their new lives.

A listing of such vulnerable communities who need to be 'protected' from the police may be undertaken and special protection given to them against police reprisals and atrocities.

Besides training of the senior officials of the Police Department for dealing with the problems of DNTs in a humane and considerate manner, there is a need for special training of the subordinate staff made mandatory especially since the interface of the DNTs is with Head Constables PSI, and PIs.

Police can be involved in the development and welfare programmes for these groups to give them a first-hand understanding of the vulnerability rather than their 'criminality'. However, this involvement is intended for their education as a part of their curriculum at the Police Academy, and not for the police personnel in positions of authority.

Women of DNTs and NTs are especially vulnerable as it is noticed that men of other communities, especially those of the police force, try to sexually harass them. In case DNT men try to protect their women against such harassment, their DNT status is constantly used to get them beaten, jailed, or even killed in retaliation. A Special Cell in the proposed Vimukta Janajati Commission should be established, so that women of the DNTs and NTs come forward and complain cases of sexual harassment.

More than a mere thumb impression on any legal document (in case of police complaint, or as a witness, etc.) may be made mandatory from the illiterate members of these communities in place of signature. It has been frequently found that such an impression can be taken by force. Some measure is necessary, like a witness testifying that the signatory indeed understood and voluntarily agreed with what was being thumb printed.

In the case of DNTs and NTs, it would be necessary to protect them from harassment on mere suspicion. A suitable revision should be made in the Criminal Procedure Code to prevent such harassment.

A massive information campaign may be launched to sensitize the public about problems faced by the Denotified and Nomadic Tribes, and the stigma of criminality.

The Prevention of Atrocities Act, which is currently applicable to Scheduled Castes and Scheduled Tribes, may be extended to Denotified Nomadic and Semi nomadic tribes.

An Act named 'DNTs and NTs (Prevention of Atrocities) Act' may be enacted with a view to providing for exclusive special court of sessions with judges, investigation officers and public prosecutors. The proposed Act should include social and economic boycott and blackmail as substantive crimes of atrocity.

Further, the proposed Act should be extended to take into account atrocities caused by policemen and state officials as well to give a positive signal to the members of the society who harass these communities.

There is also a need to include under the proposed Atrocities Act the harassment caused to these communities by misuse of the Goonda Act and the Anti-beggary Act. It has been found that a majority of the hapless individuals booked under these acts belong to the DNTs, NTs and SNTs.

Since the livelihood of these communities is not ensured by the state, it may be considered an Atrocity to book persons of these communities under the laws for conservation and for animal protection. Communities like Saperas and Madaris who work with animals, or communities who continue to depend on forests for a living, may be exempt from these laws till alternative economic rehabilitation is ensured. This may be done on a case to case basis.

A pernicious interpretation of what is a 'traditional' occupation may be avoided when protection to traditional livelihoods of communities is sought. Being forced by the men folk of the community into exhibition of the body by women of the community to earn a living may be interpreted as a manifestation of patriarchy rather than a traditional 'art' form. Cases where prostitution with 'traditional sanction' by the community exists may require more imaginative treatment while creating livelihood.

The Act to Prevent Atrocity Against DNTs and NTs, proposed in B-xv may have a component of monetary compensation in instances of atrocity caused by the police and others, and which may be paid by the State to the families of persons suffering loss of life or livelihood due to such atrocity.

As a way of some moral 'compensation' to the community as a whole, the government may install at some selected locations having a substantial DNT population, memorials on the lines of war memorials. These will be symbolic of public admission of the historical and collective injustice caused to these people for a century and a half. These memorials will also serve the purpose of reminding the public of the collective responsibility of the state and the society to ensure that the atrocities are not perpetrated again.

A1. Non-displacement Guarantee, Compensation Norms

Adequate Compensation in the form of land is to be given to the Denotified and Nomadic Tribes wherever they are displaced due to any reason.

Once land is made available, care may be taken to ensure that the pattas are jointly held by men and women to ensure gender equality.

Any scheme of rehabilitation to be undertaken may be based on a clear assessment of the adverse impact on livelihoods and other disadvantages arising out of rehabilitation.

There is a need to create norms for paying compensation to those DNTS who get displaced due to the present urban demolition drives.

There are at present no parameters available, till the new National Policy on Compensation for Displacement comes into effect, to measure the damages caused by displacement to families belonging to Nomadic Tribes. Dwelling Rights, in absence of proper land records, need to be recognized as 'value' for assessing the damages and the compensation package.

There is a need to create a 'Denotified and Nomadic Tribes Rehabilitation Act'. The Act may include the following:

Allotment of houses with adequate space for raising animals;

Provision of water and other amenities;

Land for cultivation, which may initially supplement their subsistence and gradually may become their primary occupation;

The compensation norms for Denotified, Nomadic and Semi-Nomadic Communities may be group-oriented:

a) for those who have settled to normal agriculture or other vocations;

b) those who still lead nomadic life;

A2. Protection of Electoral Rights and Mobile Voting System

Persons belonging to Nomadic Tribes may be given Mobile Voting Cards (MVCs) to enable them to exercise their democratic duty of voting during elections. These MVCs may have validity throughout the Migrational Trajectory of the Nomadic Tribes, while the votes can get registered for pre-determined locations and constituencies.

A special drive for grant of voting rights to the Denotified and Nomadic communities may be launched by the Election Commission of India so that Voter's Identity Cards can be issued to members of these communities in a time bound manner, and the members of the Denotified and Nomadic Tribes are able to exercise their voting rights.

A3. Forest, Grazing and Passage Rights

Forest rights, grazing rights and passage rights for Nomadic pastoralists, across state boundaries and within a single state for the communities dependent on sheep, camel, goat, yak, buffalo and other animals, bees, birds or insects need to be ensured. In order to initiate the process, the benefit of Schedule Tribes (Recognition of Forest Rights) Bill, 2006 may be extended to Pastoral nomadic Tribes, and 'Indian Forest Act' and 'Wild Life Protection Act' may be reviewed and properly amended to ensure that the peripetatic groups and pastoral nomads are not harassed by the grazing land authority or forest authority.

provisions, the DDA be asked to take up the matter. Any denial of health care and nutritional food to them and their livestock by authorities be treated as an atrocity against them punishable under the proposed Prevention of Atrocities Act (DNT-NT).

B3. Education

- i. Special scholarships and book banks may be created to provide to DNTs students from primary school to Higher education.
- ii. The number of primary, secondary and senior schools, colleges and vocational training institutes accessible to these communities may be adequate to cater to the entire NT & DNT population.
- iii. In areas where there are large numbers of DNT and NT communities, special measures to improve education may be implemented intensively so that within a specified time the educational standard of these communities is brought on par with the others.
- iv. Mobile schools may be set up at the locations of their stay and within the entire route of their migration so that no child remains without access to education.
- v. The mid-day meal scheme may be put in place as an incentive for the children to attend school and to make for their lack of nutrition.
- vi. Residential schools for these communities may be adequately provided as a way of promoting education. Given the vulnerability of the DNT and NT children, special care may be taken to protect them from being mistreated and exploited by the staff of these schools.
- vii. The Government may launch special vocational training programs for these communities by setting up polytechnics, agricultural training centre and craft-making workshops.
- viii. A study of the occupational skills of these communities may be undertaken at the national level in order to determine the shifts away from the traditional occupations, trades and vocations so that appropriate vocational avenues can be created for them.
- ix. The 'Commission for Scientific and Technical Terminology', Ministry of HRD, Government of India, and the Central Institute of Indian Languages may be entrusted the task of developing text-books, reference books, supplementary reading materials and terminologies in the languages of these communities.

Appendix I

Listing of Tribes Notified under Colonial 'Criminal Tribes Acts' *List in existence prior to 1952*

UTTAR PRADESH

1. BADAKS and BADHIKS : notified S.C. in Badaun; Kheri; Mathura and Shahjahanpur district of U.P. They are S.C.
2. BANJARA; VANJARI, LAMANI, LAMBHDI, LAMBADI : C.T. in four districts of U.P.
3. Barwars : Worshippers of Hindu Gods and Mohammedan Pirs : C.T. Gonda; Hardoi; Sultanpur and Bareilly Districts in U.P. S.C. there.
4. Bauriah : Baoriess; Baurias; Bawariyas; Bawaris; Marwaris; MOGHIA : C.T. in Muzzaffar Nagar and Meerut district in U.P. S.C. there.
5. BEDYAS : C.T. in parts of U.P. also known as BERIAS.
6. BHANTUS : C.T. in U.P. confined in settlements in U.P. S.C. there.
7. BHARS : C.T. in U.P. once Suryavanshis occupied and ruled over Ayodhya. The Chero aborigines banished the Suryavanshis and ruled there. The Aryans drove the Bhars, Cheros and other tribes to the hills, then the tribals came down and reconquered Ayodhya etc. That is what Elliott says. In U.P. they are Raj Bhars.
8. BORIYA (also ARAKH; Bahelia; Pasi, Raj Pasi) C.T. in Fatehpur and Kanpur districts of U.P.

9. CHAMARS : C.T. in ETAWAH; GHAZIPUR; JAHWPUR, in the rest of U.P. S.C.
10. DALERA/DALARIA : C.T. in BARELLI; Merrut and Moradabad districts of U.P. (Famine Driven).
11. DOMS (MAGHAIYAS; ORIYAS; AUDINIYAS; BANSFORES) : S.C. but C.T. In U.P. MAGHALYS DOMS. ORIYA DOMS are notified S.C. in U.P.
12. DUSADHS (CHAKAIS; PALWARS; MAGHIYAS) : PALWAR DUSADHS C.T. in Balliya district of U.P.
13. GANDHILLAS : C.T. in Muzzaffar Nagar of U.P.
14. Gidhais : C.T. in Moradabad District of U.P.
15. GHOSIS : Muslim herdsmen C.T. in Aligarhi; Etah and Mainpuri districts of U.P.
16. GUJARS : C.T. in U.P. (Tradition cattle grazer)
17. HABURAS : C.T. in U.P. where they are S.C.
18. KANJARS : C.T. in U.P.
19. KARWAL NATS : C.T. in U.P.
20. KEWATS : C.T. in Basti district of U.P.
21. KHATIKS : C.T. in Basti & Gonda Districts of U.P. There are Hindu Khatiks and Muslim Khatiks in U.P. , S.C.
22. LODHAS or LODAHS : C.T. in Mainpuri and Fatehpur districts of U.P.
23. MALLAHS : C.T. in U.P.
24. MEWATIS : C.T. in U.P.
25. MUSAHARS : C.T. in Benaras division districts of U.P. (Dravidian Jungle Tribes).
26. NUTS or NATS : C.T. in parts of U.P.
27. OUDHIAS : C.T. in Kanpur and Fatehpur Districts of the U.P.
28. PASIS : C.T. in U.P.
29. SANSIAS : C.T. in U.P. and Delhi
30. TAGA BHATS : C.T. in Saharanpur District of the U.P.
31. BHALIAS/AHERIAS : S.C. in U.P.

HYDERABAD

1. DOMNARS or DOMARS (Reddys and Arais) : in post denotification period C.T. in Hyderabad State.
2. DONGA YERUKANS/KORACHAS/KORAVAS : C.T. in Hyderabad
3. KAIKADIS : C.T. in Hyderabad.
4. KOMAKAPUS : C.T. in Hyderabad State.
5. ODDARS or WODDARS : C.T. in Hyderabad State.
6. TALEGA PAMULAS or PEDDATY-GOLLAS or THELLA PAMAWADS; C.T. in Hyderabad under the name "THELLA PAMAWADS - YERA GOLLAS, PEDDITI GOLLAS, PARIKINOKKAAS & GURU DASARIS.
7. YENADIS (Madras) or YENADIWADS (Hyderabad) : YENADIS C.T. in Madras, YENADIWAD C.T. in Hyderabad.

MADRAS PRESIDENCY

1. ADI-DRAVIDAS IN Chingelput District
2. Ambalgars/Moottankampatti and Suriyanur; Trichinapalli District.
3. Lambadi in Madras
4. Bhattu Turkas, C.T. in Chittoor District of Madras State
5. BOWAS (PEDDAS and DONGAS) : in Kurnool; Belarvi; Ananthapur; Cuddapah and Chittoor in the Madras State also known BEDARS/BERAD on or after 1/1/1920 in Bombay State. (Originally a martial people, task force of Hyder Ali or Tipu's army). According to Enthoven in Belgaum an independent Bedar state under the Peshwas. Rebelled against the British, defeated in 1820. In Bombay State Bedar arising in 1829 and 1825.

5.1 PAIGIAS : C.T. in Madras
6. Buda Bukkalas; also Ghakalas and Pamulas : C.T. in Guntur District of Madras State.
7. Dasaris (Dongas & Gudas) : C.T. in Madras State, all over.
8. Dommars or Domars (Reddis & Arais) : were a C.T. in Madras State and still in Post-denotification period C.T. in Hyderabad State.
9. GHASIS : C.T. in Vasakhapattanam District in Madras State.

10. IRULARS : C.T. in North and South Arcot; Trichinopoly and Madras City of Madras State; Forest Tribe.
11. Jogis/Jogulas; C.T.
12. KALADIS, also "PARAYARS" C.T. in Ramanad District Glassed as S.C.
13. KALLARS (PERAMALAIS; KOOTERPALS and PERIYA SURIYURS) : C.T. in Madura North and South; Tanjore and Trichanapoly Districts.
14. Kanjars : also Madras State
15. KEPUMARIS : Mainly in Kurnool; Salem; Coimbtour and South Arcot Districts.
16. Kintali Kalingas : were C.T. in 6 villages in Pondur P.S. Limits of Vizagapattanam District.
17. Kondā Doras : South Vizagapattanam District (Hill Cultivators)
18. KORACHAS almost all over Madras State under different local names: Koracha; Korava; Erukula; Koravar S.C. in Mysore State.
19. KARUMBARAVAS : C.T. in Ramvad Dist. of Madras.
20. Modigas : C.T. in the Kurnool District.
21. Malas : C.T. in Madras S.C. there.
22. Maravars (Sambanads and Appanad-Kondayan-Kottai Maravars) : C.T. in Tinnevely and Ramnad Districts of Madras.
23. Mutharachas : C.T. in Madras State. Same as Muthurians.
24. NAKKALAS : C.T. in East Godavari District.
25. NOKKARS/NOKKANS : C.T. in Chingleput District.
26. ODDARS/WODDARS : C.T. in Madras.
27. PICCHARIS : C.T. in Bellary District of Madras. Same as PARDHIS, a hunter tribe.
28. Pichiguntalas : C.T. in Cuddapah District.
29. Poligars : C.T. in Chittoor District - A martial tribe. In a battle with the British 1799-1801 they killed 15 British Officers.
30. PARIYAS/RENGANOOR Parayias of Chittoor District, and REPPUR PARAYIAS of South Arcot District in Madras are C.T. also S.C. in Madras.

31. REDDIKAS : Only a small section notified in East Godavari District.
32. RELIS : C.T. in Vizagapatnam District.
33. TAL YARIS (DVAGUDIS) : C.T. in Cuddapah District.
34. TALEGA PAMULAS, or PEDDATI GOLLAS or THELLA PAMAWADS: Talega Pamulas or Peddati gollas C.T. in Madras. Also known as YERRA GOLLAS; PEDDETI GOLLAS, PARIKINOKKALLAS and GURU DASARIES.
35. TELLUNGAPPALATTI CHATTIS : C.T. in Madras.
36. THOTTIA-NAICKS : also known as Kambalathans or Jathi Pillays, Or Tottiyans, C.T. in Madras State.
37. URALIGAUNDANS : C.T. in Tanjor District of Madras.
38. VALAYARS : As early as 1868 they were mentioned as "a low and debase class", in the manual of Madura District. C.T. in Madura and Coimbatore Districts of Madras State.
39. Vallayankuppam Padaychis : C.T. in South Arcot district of Madras State.
40. Vattaikarans : C.T. in Tanjor District.
41. Vettuya Goundans : C.T. in Trichinopoly District.
42. YATAS : DONGA YATAS : C.T. in Vizagapattanam District.
43. YENADIS (Madras), or Yenadiwads (Hyderabad) : Yenadis C.T. in Madras and Yenadiwads C.T. in Hyderabad.

BOMBAY STATE

1. LAMANIS of Bijapur, Belgaum and Dharwad districts (also known as Sugalis) notified as C.T. in Bombay State.
2. BHAMTAS (IAKARIS) : C.T. in Bombay province. Also known as GHANTICHOR and UCHALYA. In Bombay state known as KHIS KATTRUS; VADARI, KALWADOAR; TUDUG WAWDAR; KAWATIS.
3. VHAMPTA (Rajput) : Rajput Bhamta or Pardesi Bhamtas are a distinct class than TAKARI BHAMTAS. C.T. in Bombay province.
4. BHILS : Were convicted of non-bailable offences, or were required to give security under Section 110 Cr. P.C. on or 1.1.1920, were notified as C.T. in East and West Khandesh, Nasik, Ahmednagar, Puna and Solapur district in Bombay State.

5. BOYAS (PEDDAS and DONGAS) also known as BEDARS or BERADS on or after 1.1.1920 C.T. in Bombay State (originally martial people, soldiers of Hydar Ali & Tipu's Army) In Belgaum independent State under the Peshwas. Under the British they rebelled and were defeated in Bombay State uprising in 1829 and 1895.
6. KALKADIS : C.T. in Bombay State; also Hyderabad.
7. KANJARS : C.T. also in Bombay
8. MAN-GARUDIS : C.T. in Bombay State S.C. there.
9. NIRSHIKARIS, also Hiran Shikari, or Pardhi in Bombay State.
10. TADVIS : C.T. in Bombay on or after 1.1.1920

PUNJAB, PATIYALA, EAST PUNJAB'S STATES UNION AND THE PUNJAB.

1. AHERIAS, or Behelias, or Aheris, or Heris, Patiyala, East Punjab's States Union, and the Punjab S.C. but notified as Tribes.
2. BARRAS : Notified in Punjab; Patiyala and East Punjab's States union S.C.
3. BAURIAH; BAORIESS; BAURIAS; BAWARIYAS; BAWARIS; MARWARIS, MOGHIA : C.T. in Punjab, Delhi as S.C.
4. BEDYAS : C.T. in Punjab
5. BENGALIS/BHANGALIS : C.T. in Punjab
6. BHEDKUTS : C.T. in the Punjab
7. BHURA BRAHMANS : C.T. in Kangra District, Punjab
8. CHHURAS or CHURAS : C.T. in village Savhra in Amritsar dist. and Fatehgarh and Shavhraon in Firozpur District in the Punjab.
9. DHEAS or DHES : C.T. also S.C. in Punjab, Patiyala also East Punjab States Union.
10. DHENWARS : C.T. in the Gurgaon district of Punjab.
11. GANDHILLAS' : C.T. in Patiyala district, East Punjab states Union and the Punjab. In Punjab they are S.C.
12. JATS (GUTKAS or DILLONS) : Gurkas and Dillon Jats are C.T. in some parts of the Punjab State.

13. Kanjars : C.T. in the Punjab; Patiyala and East Punjab states union in Punjab S.C. other states S.T.
14. MAHATAMS : C.T. in Firozpur district of Punjab.
15. MEWATIS : C.T. in the Punjab.
16. MINAS : C.T. in the Punjab, Patiyala and East Punjab States Union.
17. NUTS or NATS : C.T. in parts of Punjab.
18. RACHBANDS : C.T. in the Punjab.
19. SANSIAS : C.T. in the Punjab, Patiyala, East Punjab states union.
20. SINGHIKATS : C.T. in the Punjab.
21. TAGUS : C.T. in KARNAL Dist. of Punjab.

RAJASTHAN, MADHYA PRADESH & BHOPAL STATE

1. BAIRAGIS : C.T. in Bhopal State.
2. BANJARA; VANJARI; LAHANI; LAMVHADI; LAMBADI; part Rajasthan and Madhya Bharat, notified in Madhya Bharat, S.C..
3. BANCHHADAS : C.T. in Dhar, Sitaman, Dewas, Indore in Madhya Bharat.
4. BAURIAH; BAORIESS; BAURIAS; VAWRIYAS; BAWARIA; MARWARIS; MOGIA : part of Rajasthan and Madhya Bharat; in Ajmer S.C.
5. BEDYAS : C.T. in Vindhya Pradesh (M.P.) also referred to as BERIAS.
6. BHANMATES : C.T. in Dewas, Madhya Bharat.
7. BHATS : C.T. in Jodhpur division of Rajasthan, wandering poets and singers.
8. BHILS : C.T. in Jalore and Pali districts in Rajasthan (Pressure of Famine)
9. BIJORIA : C.T. in Bhopal
10. CHANDRAVEDIS; SONARIAS; SANALIRIAS : C.T. in Vindhya Pradesh (Chandravedisi Sonurias and Sanurias C.T. in Bhopal State.
11. Kanjars : C.T. in Madhya Bharat; Rajasthan, Ajmer and Bhopal states. They are S.C. in these places.
12. MINAS : MINA CHOWKIDARS have also been notified in some parts of Rajasthan (Better placed as they were former rulers of land later held by Jaipur Kings)

13. MULTANIS : C.T. in Udaipur and Bhilwara of Rajasthan.

14. NAIKS : C.T. in Jodhpur district of Rajasthan.

15. NIRSHIKARIS : C.T. as Pardhi in Madhya Bharat.

16. NUTS or NATS : C.T. in Rajasthan and Vindhya Pradesh.

17. PASIS : C.T. in Vindhya Pradesh

18. SANSIAS : C.T. in Ajmer, Delhi, Bhopal, Madhya Bharat, Rajasthan.

MYSORE, WEST BENGAL, BIHAR, ORISSA, J & K, SAURASHTRA, KUTCH

1. BAURIAH; BAORIESS; MARWARJ; BAURIAHS : C.T. in Bihar.

2. BEDYAS : C.T. in West Bengal, also referred to as Berias

3. BHARS : C.T. in West Bengal, Bihar

4. DANDASIS : C.T. in Ganjan district of Orissa. S.C. in rest of Orissa.

5. DHARIS : C.T. in Patna; Munger and Bhagalpur districts of Bihar.

6. DHEKARUS : C.T. in West Bengal, and Santhal parganas of Bihar.

7. DOMS : MAGHALYA, DONS: C.T. in Bihar, only the convicted ones are C.T. in West Bengal.

8. BANSFORE DOMS : C.T. in Bihar

9. ORIYA DOMS and ALIDINIYAS are C.T. in Orissa, Bihar and West Bengal.

10. DUSADHS : CHAKAI AND MADHIYA DAUSADS C.T. in Bihar.

11. GANTICHOR or GANTUKOLLARS : C.T. in Mysore State.

12. GHASIS : C.T. in Orissa also S.C.

13. GONDAS : C.T. in Orissa, convicted ones are C.T. in West Bengal.

14. HANDIJOGIS : C.T. in Banglore and Kokir districts of Mysore state, also S.C.

15. HINGORA : C.T. in Kutch.

16. JAINTRA PANS : C.T. in Orissa. Under Tajpur P.S. alone.

17. KARWAL NATS : C.T. in West Bengal & Bihar.

18. KORACHAS & KORAVAS : C.T. in Mysore States under names. Also ERUKULA and KORAVAR. S.C. in Mysore State.

19. LODHAS or LODAHS : C.T. in Singhum District in Bihar the convicted ones are C.T. in West Bengal. In West Bengal, they are S.C. (correction they are S.T. also found in Mayurbhanj - Mahashweta Devi.)
20. MIANS : C.T. in Certain parts Halar district in Saurashtra.
21. MUNDA POTTAS : C.T. in Gunjam District of Orissa.
22. MUSAHARS : C.T. in Bihar, also S.C. there (Dravidian Jungle Tribe)
23. ODDARS or WODDARS : C.T. Mysore also S.C. there.
24. PAIDIS : C.T. in Koraput district of Orissa.
25. PARNAS or PERNAS : C.T. in J & K.
26. SANSIYAS : C.T. in J & K.
27. TALEGA PAMULAS or PEDDATI GOLLAS or THELLA PAMAWADS: C.T. in Orissa.

2.2 The Maharashtra List of NTs and DNTs in the original Schedule

A

Denotified Tribes

1. Berad	6. Katabu	11. Ramoshi
2. Bestar	7. Lamani	12. Vadar
3. Bhamta	8. Phase-Pardhi	13. Waghari
4. Kaikadi	9. Raj-Pardhi	
5. Kankarbhat	10. Rajput-Bhamta	

B

Nomadic Tribes

1. Bawa	9. Golla	17. Masan-Jogi
2. Beldar	10. Gondhali	18. Nandi-Wale
3. Bharadi	11. Gopal	19. Pangul
4. Bhute	12. Helwe	20. Raval
5. Chalcwadi	13. Joshi	21. Shikalgar
6. Chitrakathi	14. Kasi-Kapadi	22. Thakar
7. Garudi	15. Kolhati	23. Vaidu
8. Ghisadi	16. Mairal	24. Vasudeo

2.3 Status of Denotified Tribes in Different States (Samples)

	Banjara	Vadar	Kaikadi	Pardhi	Kanjar	BhatBerad
Andhra	S.T.	S.C.	S.C.	S.C.	S.C.	S.C.
Karnataka	S.C.	S.C.	S.C.	S.T.	S.T.	S.T.
Delhi	S.C.	S.C.	S.C.	S.T.	S.T.	S.C.
U. P.	O.B.C.	O.B.C.	S.C.	S.T.	S.T.	S.T.
Orissa	S.T.	S.C.	S.C.	S.T.	S.T.	S.C.
Bihar	S.T.	S.T.	S.C.	S.T.	S.T.	S.T.
Gujarat	S.T.	S.T.	S.C.	S.T.	S.T.	S.T.
H. P.	S.C.	S.C.	S.C.	S.T.	S.T.	S.T.
Rajasthan	S.C.	S.C.	S.C.	S.T.	S.T.	S.C.
Maharashtra	DNT	DNT	S.C.	S.T.	DNT	DNT
Tamilnadu	DNT	S.C.	S.T.	DNT	DNT	

2.4 Status of Different Nomadic Tribes in Different States

1. Bahurupi : Maharashtra-N. T., Andhra-N.T., Gurjarath-N.T., M.P.-N.T., Karnatak-S.C.
2. Bawa : Gujarat-S.C., Maharashtra-N.T., M.P.-N.T.
3. Beldar : Maharashtra N. T., M.P.-S.C., Orisa-S.C., U.P.-S.C., Bengal-S.C.
4. Bhamta : Maharashtra-N.T., Andhra-D.N., Gujarat-D.N.T.
5. Bhoi : Maharashtra- N. T., Karnataka-S.C., Orisa-S.C.
6. Budbudke : Maharashtra-N.T., Andhra-N.T., Gujarat-N.T.
7. Chalwadi : Maharashtra-N.T., Andhra-S.C., Gujarat-N.T.
8. Chitapardhi : Maharashtra-S.T., Gujarat-N.T., M.P.-N.T., Karnatak-N.T.
9. Davari Gosavi : Maharashtra-N.T., Gujarat-N.T., U.P.-N.T.
10. Gadi-Lohar : Maharashtra-N.T., M.P.-N.T., Gujarat-N.T., Rajasthan-N.T.
11. Ghanti-Chor : Maharashtra-N.T., Gujarat-N.T., M.P.-N.T., Delhi-N.T.
12. Garudi : Maharashtra-N.T., Gujarat-N.T., M.P.-N.T.
13. Ghisadi : Maharashtra-N.T., Gujarat-N.T., M.P.-N.T., Delhi-N.T., Rajasthan-N.T.

14. Bolla : Maharashtra-N.T., Gujarath-N.T., Andhra-N.T., Tripura-N.T.,
Karnataka-N.T.
15. Gondhali : Maharashtra-N.T., Andhra-N.T., Karnatak-N.T., Gujarath-N.T.
16. Gopal : Maharashtra-N.T., M.P.-N.T., Gujarath-N.T.
17. Jogi : Maharashtra-N.T., H.Pradesh-S.C., Tamilnadu-DNT., Gujarath-N.T.
18. Kahar : Maharashtra-N.T., Tripura-S.C.
19. Kapadi : Maharashtra-N.T., Gujarath-N.T., M.P.-N.T.
20. Kolhati : Maharashtra-N.T., M.P.-N.T., Karnatak-N.T.
21. Masan-Jogi : Maharashtra-N.T., Andhra-DNT., Karnataka-S.C.
22. Shikalgar : Maharashtra-N.T., Punjab-S.C., Delhi-S.C. H.M.-S.C.
23. Tirmali : Maharashtra-N.T., Gujarat-N.T., Karnatak-S.C., Andhra-S.C.
24. Vasudeo : Maharashtra-N.T., Gujarat-N.T., M.P.-N.T.

**2.5 Gujarat Denotified/Nomadic/Semi-nomadic Tribes as Distributed in SC,
ST, OBC Categories**

SC : Turi, Garo

ST : Kathodi, Kotwaliya, Votodiya, Paradhi

OBC : Bajania, Bhand. Nath, Vadi, Vansfoda, Bawa-Vairagi, Bhayaiya,
MarwadaWaghari, Od, Ravalia, Shikliga, Sarania, Vanzara(Shinangwala and
kangasiwala), Jogi, Bhopa, Gadalia, Kangasia, Ghantiya, Chamtha, Charan-
Gadhvi, Salat Ghera, Bafan, Chhara, Dafer, Hingora, Me. Miyana, Sandhi, Theba,
Wagher, Waghari, Chuvalia Koli, Koli(only Rapar and Bhachau)

6

APPENDIX II

The Notification & Denotification

3.1 Criminal Tribes Act, 1871

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

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

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

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

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

Definition of the Tribe, Gang and Class

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

Part I, Criminal Tribes:

Local Government to report what tribes should be declared criminal

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

The report shall state the reason why such tribe, gang or class is considered to be addicted to the systematic commission of non-bailable offence, and as far as possible, the nature and the circumstances of the offence in which the member of the tribe are proposed to have been concerned; and shall describe the manner in which it is proposed that such tribe, gang, or class shall earn its living when the provision hereinafter contained have been applied to it.

If such tribe, gang or class has no fixed place of residence, the report shall state whether such tribe, gang, or class follows any lawful occupation, and Government, the real occupation of such tribe, gang, or class, or a pretence for

the purpose of facilitating the commission of the crimes, and shall set forth the ground on which such opinion is based; and the report shall also specify the place of residence in which such wandering tribe, gang, or class were proposed to be made for enabling it to learn its living therein.

If upon the consideration of such report, the Governor-General in council is satisfied that the tribe, gang, or class to which it relates ought to be declared criminal, and that the means by which it is proposed that such the tribe, gang, or class shall earn its living are adequate, he may authorize the local government to publish in the local Gazette a notification declaring that such the tribe, gang, or class is a criminal tribe, and thereupon the provision of this act shall become applicable to such the tribe, gang, or class.

No court of justice shall question the validity of any such notification on the ground that the provision therein before contained, or any of them, have not been complied with, or entertain in any form whatever the question whether they have been complied with; But every such notification shall be conclusive proof that the provision of this act are applicable to the tribe, gang, or class specified therein.

When the notification mentioned in section 5 has been published, the local government may direct the magistrate of any district in which such tribes, gang or class, or any part thereof. The declaration of the local government that any such tribes, gang or class, or any part of it, is resident in any district, shall be conclusive proof of such residence.

Upon receiving such direction, the said magistrate shall publish a notice in the place where the register is to be made, calling upon all the members of such tribes, gang or class, or of such portion thereof as is directed to be registered, to appear, at a time and place therein specified, before such person as he appoints, and to give those persons such information as may be necessary to enable them to make the register.

Any member of any such tribes, gang or class, who, without lawful excuse, the burden of proving which shall be lie upon him, shall fail to appear according to such notice, or shall intentionally omit to furnish such information, or who shall furnish, as true, information on the subject which he knows or has reason to believe to be false, shall be deemed guilty of an offence under the first part of section 174 or 176 or 177 of the Indian Penal Code (a), respectively, as the case may be.

The register, when made shall be kept by the district superintendent of police, who shall, from time to time, report to the said magistrate any alterations which ought to be made therein, either by way of addition or erasure.

No alteration shall be made in such register except by or order of the said Magistrate, and he shall write his initials against every such alteration. Notice shall be given of any such intended alteration, and of the time when, and place where, it is to be made, to every person affected thereby.

Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register either when the register is first made or subsequently, may complain to the said Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein, or erase it there from, as he may see fit. Every order for the erasure of any such person's name shall state the grounds on which such person's name is erased. The commissioner shall have power to review any order of entry, retention or erasure, passed by the said magistrate on any such complaint, either on appeal by the person registered or proposed to be registered or otherwise.

Any tribes, gang or class, which has been declared to be criminal, and which has no fixed place of residence, may be settled in a place of residence prescribed by the local government.

Any tribes, gang or class, which has been declared to be criminal, or any part thereof, may, by order of the local government, be removed to any other place of residence.

No tribes, gang or class, shall be settled or removed under this act until such arrangements as the local government shall, with the concurrence of the Governor General in council, consider suitable, have been made for enabling such tribes, gang or class, or such part thereof, as is to be so settled or removed, to earn a living in the place in or which it is to be settled or removed.

When the removal of persons has been ordered under the Act, the register of such persons' names shall be transferred to the district superintendent of police of the district to which such persons are removed, and the commissioner of the division in which it is situated, shall there be empowered to exercise the powers provided in sections 11 and 12.

The Local Government may, with the sanction of Governor General in council, place any tribe, gang or class, which has been declared to be criminal, or any part thereof, in a reformatory settlement.

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

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

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

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

The local government may, with the previous consent of the Governor General in council, make rules to prescribe –

- 1) the form in which the register shall be made by the said Magistrate
- 2) the mode in which the said Magistrate shall publish the notice prescribed in section 8, and means by which persons whom it concerns, and the headmen, village watchmen, and land owners or the occupiers of the village, in which such persons reside, or the agents of such land owners or occupiers, shall be informed of its publication
- 3) the mode in which the notice prescribed in the section 11 shall be given;
- 4) the limits within which persons whose names are on the register shall reside;
- 5) conditions as to hold passes, under which such persons may be permitted to leave the said limits;
- 6) conditions to be inserted in any such pass as to (a) the places where the holder of the pass may go or reside; (b) the officers before whom, from time to time, he shall be bound to present himself; (c) and the time during which he may absent himself;
- 7) Conditions as to answering at roll-call or otherwise, in order to satisfy the said magistrate or persons authorized by him, that the reasons whose names are on the register are actually present at given times within the said limits;
- 8) The inspection of the residences and villages of any such tribes, gang or class, and the prevention or removal of contrivances for enabling the residents therein to conceal stolen property, or to leave their place of residence without leave;
- 9) The terms upon which registered persons may be discharged from the operation of this Act;
- 10) The mode in which the criminal tribes shall be settled and removed;
- 11) The control and supervision of reformatory settlement;
- 12) The works on which and the hours during which persons placed in a reformatory settlement shall be employed, the rates at which they shall be paid, and the dispersal, for the benefit of such persons, of the surplus proceeds of their labor, after defraying the whole or such part of the expenses of their supervision and control as the Local Government shall seem fit;
- 13) The discipline to which persons endeavoring to escape from any such settlement, or otherwise offending against the rules for the time being in

force, shall be submitted; the periodical visitation of such settlement, and the removal from it of such persons as it shall seem expedient to remove;

14) And generally, to carry out the purposes of this act.

(1) Any person registered under this act violating a rule made under clause (4), clause (5) or clause (6) of section 18 shall be punishable with rigorous imprisonment for a term which may extend, on a first conviction, to one year, on a second conviction, to two years, and, on any subsequent conviction, to three years, and shall also, whether on the first or any subsequent conviction, be liable to whipping.

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

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

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

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

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

persons removed under this section: provided that an order from the local government or from the Inspector General of prisons shall not be necessary for removal of such persons.

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

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

3.2 Criminal Tribes Act, 1897

Passed by the Governor General of India in Council

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

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

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

(2) It shall come into force at once.

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

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

3. After section 1 of the Criminal Tribes' Act, 1871 the following section shall be inserted, namely, " 1A. In this Act the words "tribe", "gang" and "class" shall be deemed to include any portion or members of a tribe, gang or class."

4. After section 17 of the said Act the following section shall be added, namely:-
"17A.

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

2) For every reformatory settlement for children established under subsection (1) a Superintendent shall be appointed by the Local Government.

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

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

5. For section 19 of the said Act the following section shall be substituted, namely:- "19.

1) Any person registered under this Act violating a rule made under clause (4), clause (5) or clause (6) of section 18 shall be punishable with rigorous imprisonment for a term which may extend, on a first conviction, to one year, on a second conviction, to two years, and, on any subsequent conviction to three years, and shall also, whether on the first or any subsequent conviction, be liable to whipping.

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

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

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

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

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

The Schedule

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

Chapter XVI

Sections

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

Chapter XVII

Sections

- 382. Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft
- 383. Extortion.
- 385. Putting person in fear of injury in order to commit extortion.
- 386. Extortion by putting a person in fear of death or in order to commit extortion.
- 387. Putting person in fear of death or of grievous hurt in order to commit extortion.

- 390. Robbery.
- 391. Dacoity.
- 393. Attempt to commit robbery.
- 394. Voluntarily causing hurt in committing robbery
- 397. Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon
- 399. Making preparation to commit dacoity.
- 402. Assembling for purpose of committing dacoity.
- 458. Lurking house-trespass, house-breaking by night after preparation for hurt, assault or wrongful restraint.
- 459. Grievous hurt caused whilst committing lurking house-trespass or house breaking.

3.3 Bombay Habitual Offenders Act, 1959 (BOM. ACT NO. 61 of 1959)

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3.4 The Bombay Habitual Offenders Act, 1959 [Bombay Act No. 61 of 1959/26th October 1959]

An Act to make better provisions for the treatment and training of habitual offenders and for certain other matters.

WHEREAS it is expedient to make better provision for the treatment and training of habitual offenders, and for certain other matters. It is hereby enacted in the Tenth Year of the Republic of India as follows: -

Chapter I

Preliminary

1. Short title; extent and commencement -

- 1) This Act may be called the Bombay Habitual Offenders Act, 1959
- 2) It extends to the whole of the 1[State of Gujarat].
- 3) It shall come into force, on such date as the State Government may by notification in the *Official Gazette*, appoint.

2. Definitions - In this Act, unless the context otherwise requires -

- a) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);
- b) "Corrective settlement" means any place established, approved or certified for corrective settlement under section 14;
- c) Omitted
- d) Omitted
- e) "Habitual offenders" means any person who, since his attaining the age of eighteen years --
 - i. During any consecutive period (whether before or after the commencement of this Act, or partly before and partly after such commencement) of five years, has been sentenced on conviction, on not less than three occasions to a substantive term of imprisonment for one or more of the scheduled offences committed on separate occasions, being offences which are not so connected together as to form parts of the same transaction and
 - ii. Such sentence has not been reversed in appeal or revision:

For statement of Objects and Reasons, see Bombay Government Gazette, 1959 Part V, page 347.

1. Subs. vide Guj. A.O. 1960

2. Omitted vide ibid.

Provided that in computing the consecutive period of five years aforesaid, any period spent in jail either under a sentence of imprisonment or under detention shall not be taken into account.

- f) "Prescribed" means prescribed by rules made under this Act;
- g) "Registered offender" means a habitual offender registered or re-registered under this Act;
- h) "scheduled offence" means an offence specified in the Schedule or an offence analogous thereto;

(i) 1[* * *]

Chapter II

Registration of Habitual Offenders and Restriction of their Movements

3. Power of State Government to direct registration of habitual offenders -

The State Government may direct the District Magistrate to make a register of habitual offenders within his district, by entering therein the names and other prescribed particulars of such offenders.

4. Procedure for preparing a register of habitual offenders -

For the purpose of carrying out the direction given under section 3, the district Magistrate or any officer appointed by him in this behalf shall, by notice in the prescribed form to be served in the prescribed manner, call upon every habitual offender in the district -

- a) to appear before him at a time and place specified in the notice;
- b) to furnish such information as may be necessary to enable him to enter the name and other prescribed particulars of the habitual offender in the register; and
- c) to allow the finger and palm impressions, foot-prints and photographs of the habitual offender to be taken;

Provided that the name and other prescribed particulars of the habitual offender shall not be entered in the register, unless he has been given reasonable opportunity of showing cause why such entry should not be made.

5. Charge of register and alterations therein -

- 1) The register shall be placed in the keeping of the Superintendent of Police of the district who shall, from time to time, report to the District Magistrate any alterations which ought, in his opinion, to be made therein.
- 2) After the register has been placed in the keeping of the Superintendent of Police, no fresh entry shall be made in the register, nor shall any entry be cancelled, except by or under, an order in writing of the District Magistrate.

6. Power to take finger and palm impressions, footprints and photographs at any time -

The District Magistrate or any officer appointed by him in this behalf may at any time order the finger and palm impressions, footprints and photographs, of any registered offender to be taken.

7. Registered offenders to notify change of residence and to report themselves -

- 1) Every registered offender shall notify to such authority, and in such manner as may be prescribed, any change or intended change of his ordinary residence;

Provided that where such offender changes or intends to change, his ordinary residence to another District (whether within the State or not) he shall notify the change or intended change to the District Magistrate.

2) The District Magistrate may, by order in writing, direct that any registered offender shall-

- a) report himself once in each month, or where the District Magistrate for reasons specified in the order so directs, more frequently, to such authority, and in such manner, as may be specified in the order, and
- b) notify any absence or intended absence from his ordinary residence to the authority;

Provided that the District Magistrate may exempt any such offender from notifying any absence or intended absence from his ordinary residence for such period, and under such conditions, as appear to him reasonable.

8. Procedure by District Magistrates on change of residence of habitual offender to other district -

- 1) Where any registered offender changes his ordinary residence to another district within the state, the District Magistrate of the District in which the offender is registered shall inform the District Magistrate of the other district of such change, and at the same time furnish him with the name and other particulars relating to the registered offender in the register.
- 2) On the receipt of such information, The District Magistrate of the other district shall enter in his register the name and other particulars of the registered offender furnished to him, and inform the District Magistrate of the first district of such registration, and thereupon such District Magistrate shall cancel from his register the entry relating to that offender.

Provided that where a registered offender changes his ordinary residence to another district outside the State, the District Magistrate of the first district shall, while furnishing the District Magistrate of the other district with the name and other particulars of the registered offender, make a request to that District Magistrate that he may be informed of the steps if any, which may have been taken in relation to the offender under any law for the time being in force in that other district; and upon the receipt of such information the District Magistrate of the first district shall cancel from his register the entry relating to that offender.

- 3) Upon the entry of the name and other particulars of a registered offender in any register in the State under sub-section (2), the provisions of this Act and the rules made there under shall apply to him as if he has been registered, in pursuance of a direction given under section 3, in the register of the district to which he has changed his ordinary residence.

9. Duration of registration and re-registration of habitual offenders-

- 1) Subject to the provision of sub-section (3), the registration of a habitual offender under this Act shall, unless earlier cancelled, cease to be in force on the expiry of five years from the date of such registration, and on such cancellation or expiry the habitual offender shall cease to be a registered offender.
- 2) Notwithstanding the cancellation, or expiry of duration of registration, a habitual offender may be re-registered in accordance with the provisions of this Act relating to registration, as often as he is convicted of one or more of the scheduled offences at any time after such cancellation, or expiry, and subject to the provisions of sub-section (3), the re-registration shall unless earlier cancelled, cease to be in force on the expiry of five years from the date of such re-registration.
- 3) Where a registered offender is, during the period of registration or re-registration, convicted of one or more of the scheduled offences and sentenced to a substantive term of imprisonment, the duration of registration or re-registration shall be extended for a period of five years from the date of his release from such imprisonment.

10. Right to make representations against re-registration, etc. -

- 1) Any person aggrieved by the registration or re-registration of his name under section 4, or as the case may be, section 9 or by an order under section (2) of section 7, may within prescribed period make a representation to the State Government against such registration, re-registration or order.
- 2) The State Government shall, after considering the representation and giving the aggrieved person an opportunity of being heard, either confirm or cancel the registration, re-registration or order, as the case may be and shall in the case of confirmation, record a brief statement of the reason therefore.

11. Power to restrict movements of registered offenders. -

- 1) If in the opinion of the State Government it is necessary or expedient to the interests of the general public so to do, the State Government may subject to the provisions of sub-section (4), by order direct that any registered offender shall be restricted in his movements to such area, and for such period not exceeding three years, as may be specified in the order.
- 2) Before making any such order the State Government shall take into consideration the following matters, that is to say, -

- a) the nature of the offences of which the registered offender has been convicted, and the circumstances in which the offences were committed;
 - b) Whether the registered offender follows any lawful occupation and whether such occupation is conducive to an honest and settled way of life and is not merely a pretence for the purpose of facilitating the commission of crime;
 - c) the suitability of the area to which his movements are to be restricted; and
 - d) the manner in which the registered offender may earn his living within the restriction area, and the adequacy of arrangements which are or are likely to be, available therefore.
- 3) A copy of the order shall be served on the registered offender in the prescribed manner.
 - 4) The period specified in an order under sub-section (1) shall in no case extend beyond the period of registration or re-registration, as the case may be, referred to in section 9.

12. Power to cancel or alter restriction of movements - The State Government may, by order, cancel any order made under section 11, or alter any area specified in an order under the section:

Provided that before making such order, the State Government shall consider the matters referred to in sub-section (2) of section 11 in so far as they may be applicable.

13. Powers under sections 11 and 12 also exercisable by certain magistrates -

- 1) Subject to the provisions of sub-section (3), the powers of the State Government under section 11 and 12 may be exercised also by a Magistrate having power to act under section 110 of the Code, but without prejudice to the exercise of his powers under that section of the Code.
- 2) A Magistrate acting under section 11 and 12 shall follow, as nearly as may be, the procedure laid down in sections 112, 113, 114, 115 and 117 of the code for an order requiring security for good behaviour:

Provided that the order in writing referred to in section 112 of the Code shall, in addition to setting forth the substance of the information received, state the term, not exceeding three years, during which the order of registration shall be in force.

- 3) Where the State Government has already made an order under section 11 in respect of a habitual offender, the Magistrate shall not exercise any powers conferred by this section in respect of the same habitual offender, during any period in which the order of the State Government is in force.

Chapter III Corrective Training of Habitual Offenders

14. Establishment of corrective settlements -

- 1) For the purpose of placing therein such habitual offenders as are directed to receive corrective training under this Act, the State Government may, by notification in the *Official Gazette*, establish and maintain in the State as many corrective settlements as it thinks fit.
- 2) The State Government may also approve or certify any privately managed institution (whether known as a settlement or otherwise) as a corrective settlement for the purposes of this Act.

15. Power to direct habitual offenders to receive corrective training-

- 1) Where the State Government is satisfied from the report of the District Magistrate or otherwise, that it is expedient with a view to the reformation of a registered offender and the prevention of crime, that the registered offender should receive training of a corrective character for a substantial period, the State Government may by order in writing direct that the registered offender shall receive training of a corrective character for such period, not exceeding the duration of his registration or re-registration, as may be specified in the order.
- 2) Where a habitual offender, who is not more than forty years of age-
 - a) is convicted of any offence punishable with imprisonment, or
 - b) is required in pursuance of section 110 of the Code to execute a bond for his good behaviour, and the court or the Magistrate is satisfied from the evidence in the case and other materials on record that it is expedient with a view to his reformation and the prevention of crime, that he should receive training of a corrective character for a substantial period, the court or the Magistrate may, in lieu of sentencing him for such offence or, as the case may be, requiring him to execute such bond, direct that he shall receive corrective training for such term of not less than two nor more than five years, as the court or the Magistrate may determine.
- 3) Before giving any direction under sub-section (1) or sub-section (2) the State Government, the court or the Magistrate, as the case may be, shall -
 - a) consult the officer prescribed on the capacity of the corrective settlements to receive the habitual offender,
 - b) take into consideration the physical and mental condition of the offender, and his suitability for receiving corrective training in a corrective settlement and
 - c) give a reasonable opportunity to the offender to show cause why such direction should not be given.

- 4) A habitual offender, in respect of whom a direction to receive corrective training has been made, shall be placed in a corrective settlement for the term of his training, and while in such settlement, shall be treated in such manner and receive such training as may be prescribed.

16. Power to transfer or discharge from corrective settlement:-

The State Government, or any officer authorised by it in this behalf, may at any time by order in writing direct any habitual offender who may be in a corrective settlement to be transferred to another corrective settlement or to be discharged there from; and accordingly he shall be so transferred or, as the case may be, discharged.

Chapter IV Penalties and Procedure

17. Penalty for failure to comply with certain provisions of the Act.

A habitual offender who without lawful excuse, the burden of proving which shall lie upon him, -

- a) fails to appear in compliance with a notice issued under section 4 or
- b) intentionally omits to furnish any information required under that section, or furnishes as true any information which he knows, or has reason to believe, to be false or does not believe to be true, or
- c) refuses to allow his finger and palm impressions, foot-prints and photographs to be taken by any person acting under an order passed under section 6, or
- d) fails to comply with the provisions of sub-section (1) of section 7 or with an order of the District Magistrate under sub-section (2) thereof or with an order under section 11, may be arrested without warrant, and shall be punished -
 - i. on first conviction, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both, and
 - ii. on a second or subsequent conviction, with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees, or with both :

Provided that, if the court, after taking into consideration the offender's age and physical and mental condition and his suitability for receiving training of a corrective character, in a corrective settlement, is satisfied that it is expedient with a view to his reformation and the prevention of crime, that he should receive training of a corrective character for a substantial period, the court may, in lieu of sentencing the offender to any punishment under this section, direct, after giving him an opportunity of showing cause (and after consulting the officer prescribed on the capacity of the corrective settlements to receive

him) that he shall receive corrective training in a corrective settlement for a term not exceeding three years, as it may determine.

18. Arrest of person found outside restriction area or corrective settlement -

If any person -

- a) is found outside the area to which his movements have been restricted in contravention of the conditions under which he is permitted to leave such area; or
- b) escapes from any corrective settlement in which he is placed, he may be arrested without warrant by a police officer, police *patel* or village watchman and taken before a Magistrate who, on proof of the facts, may order him to be removed to such area or to such corrective settlement, there to be dealt with in accordance with this Act and the rules made there under.

19. Enhanced punishment for certain previously convicted persons -

- 1) Whoever, being a person in respect of whom a direction has been made under section 11 or section 15, and having been convicted of any of the scheduled offences falling under Part I of the schedule is convicted of the same or of any other scheduled offence falling in that Part shall, on conviction, be punished with imprisonment for life or with imprisonment for a term which may extend to ten years.
- 2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code (XLV of 180) or any other law.

20. Punishment for certain registered offenders found under suspicious circumstances -

Whoever, being a person in respect of whom a direction has been made under section 11 or section 15, is found in any place under such circumstances as to satisfy the court -

- a) that he was making preparation for committing theft or robbery, shall on conviction, be punished with imprisonment for a term which may extend to three years, and shall also be liable to a fine which may extend to one thousand rupees.

21. Penalty for failure to arrest a habitual offender -

If a police *patel* or a village watchman having opportunity to arrest any person under section 18, fails to arrest him in circumstances which are not beyond his control, he shall on conviction be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees, or with both.

Chapter V
Miscellaneous

22. **Bar of jurisdiction.** - No court shall question the validity of any direction or order issued under this Act.

23. **Bar of legal proceedings** - No suit, prosecution or other legal proceedings shall lie against the State Government or any person for anything which is in good faith done or intended to be done under this Act.

24. **Power to delegate** - The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act except the power under section 25 may also be exercised subject to such conditions (if any) as may be specified in the notification, by such officer not below the rank of a District Magistrate as may be specified therein.

25. **Power to make rules** -

1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely -

a) the form of notice under section 4 and the manner in which such notice may be served;

b) the form of register of habitual offenders and the particulars to be entered therein;

c) the authority to whom and the manner in which any changes or intended change of ordinary residence shall be notified under subsection (1) of section 7;

d) the nature of restrictions to be observed by registered offenders whose movements have been restricted;

e) the grant of certificate of identity to registered offenders and inspection of such certificates;

f) the conditions under which the offenders may be permitted to leave the area to which their movements have been restricted or the corrective settlements in which they have been placed;

g) the terms upon which offenders may be discharged from corrective settlements;

h) the working, management, control and supervision of corrective settlements including the discipline and conduct of persons placed therein;

- i) the conditions for, and the manner of, approving or certifying privately managed settlements;
 - j) the appointment of non-official visitors for corrective settlements;
 - k) the condition and circumstances under which members of the family of a habitual offender may be permitted to stay with him in a corrective settlement;
 - l) the periodical review of the cases of all persons whose movements have been restricted or who are placed in corrective settlements under this Act.
 - m) any other matter which is to be or may be prescribed under this Act;
- 3) In making rules under this Act the State Government may provide that a contravention of any of the rules shall be punishable with fine, which may extend to one hundred rupees.
- 4) All rules made under this Act shall, as soon as may be after they are made, be laid before the State Legislature.
26. Savings - Nothing in this Act affects the powers of any competent authority under any other law for the time being in force, to make an order of restriction or detention, and any order passed or direction made under this Act in so far as it conflicts with any other made by a competent authority under such law shall be deemed to be inoperative while the order under such law remains in force.
27. Repeal and savings - On the commencement of this Act, the following Acts, that is to say:-
- 1) the Bombay Habitual Offenders Restriction Act, 1947 (Bom. LI of 1947).
 - 2) the Hyderabad Habitual Offenders (Restriction and Settlement) Act, 1954 (Hyd. XXII of 1954), and (3) the Saurashtra Habitual Offenders Restriction Act, 1947 (Sau. XXXI of 1951) shall stand repealed:

Provided that such repeal shall not affect -

- a) the previous operation of any Act so repealed, or anything duly done or suffered there under;
- b) any right, privilege, obligation or liability acquired, accrued or incurred under any Act so repealed;
- c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act so repealed;
- d) any investigation, legal proceeding or remedy in respect of any such right, privilege, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including orders or rules made, notices issued and settlements established or approved) under any Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force accordingly unless and until superseded by any thing done or any action taken under this Act.

Offences under the Indian Penal Code (XLV of 1860)

Chapter XII

Sections

- 231. Counterfeiting coin.
- 232. Counterfeiting Indian coin.
- 233. Making or selling instrument for counterfeiting coin.
- 234. Making or selling instrument for counterfeiting Indian coin.
- 235. Possession of instrument or material for the purpose of using the same for counterfeiting coin.
- 239. Delivery of coin possessed with knowledge that it is counterfeit.
- 240. Delivery of Indian coin, possessed with knowledge that it is counterfeit.
- 242. Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof.
- 243. Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.

Chapter XVI

- 304. Culpable homicide not amounting to murder.
- 307. Attempt to murder.
- 308. Attempt to commit culpable homicide.
- 311. Being a thug.
- 324. Voluntarily causing hurt by dangerous weapons or means.
- 325. Voluntarily causing grievous hurt.
- 326. Voluntarily causing grievous hurt by dangerous weapons or means.
- 327. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
- 328. Causing hurt by means of poison, etc., with intent to commit an offence.

- 329 Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
- 332 Voluntarily causing hurt to deter public servant from his duty.
- 333 Voluntarily causing grievous hurt to deter public servant from his duty.
- 347 Wrongful confinement to extort property, or constrain to illegal act.
- 365 Kidnapping or abducting with intent secretly and wrongfully to confine person.
- 366a Procuration of minor girl.
- 366b Importation of girl from foreign country.
- 368 Wrongfully concealing or keeping in confinement, kidnapped or abducted person.
- 369 Kidnapping or abducting child under ten years with intent to steal from its person.

Chapter XVII

- 379 Theft.
- 380 Theft in dwelling house, etc.
- 382 Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.
- 384 Extortion
- 385 Putting person in fear of injury in order to commit extortion
- 386 Extortion by putting a person in fear of death or grievous hurt.
- 387 Putting person in fear of death or of grievous hurt, in order to commit extortion.
- 392 Robbery.
- 393 Attempt to commit robbery
- 394 Voluntarily causing hurt in committing robbery.
- 395 Dacoity.
- 397 Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398 Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399 Making preparation to commit dacoity.
- 400 Belonging to a gang of dacoits.
- 401 Belonging to a gang of thieves.
- 402 Assembling for purpose of committing dacoity.
- 411 Dishonestly receiving stolen property.

- 414 Assisting in concealment of stolen property.
- 451 House-trespass in order to commit offence punishable with imprisonment.
- 452 House-trespass after preparation for hurt, assault or wrongful restraint.
- 453 Lurking house-trespass or house-breaking.
- 454 Lurking house-trespass or housebreaking in order to commit offence punishable with imprisonment.
- 455 Lurking house-trespass or housebreaking after preparation for hurt, assault or wrongful restraint.
- 456 Lurking house-trespass or housebreaking by night.
- 457 Lurking house-trespass or housebreaking by night in order to commit offence punishable with imprisonment.
- 458 Lurking house-trespass or housebreaking by night after preparation for hurt, assault, or wrongful restraint.
- 459 Grievous hurt caused whilst committing lurking house-trespass or housebreaking.
- 460 All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

II

Offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (IV of 1956).

- 461 Living on the earning of prostitution.

Objectives of the Proposal

1. To study the economic status and occupational patterns of the communities selected for study.
2. To study patterns of encounter with the police department.
3. To study incidents of custodial deaths of persons belonging to the communities selected for study.
4. To study the levels of legal awareness and legal literacy among these communities.

To study the engagement of these communities with the electoral processes

APPENDIX III

The Status of DNTs at Independence

Recommendations by the Antrolikar Committee

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

The Recommendations of the Antrolikar Committee were as follows:

**Excerpts from the Ex-Criminal Tribes Rehabilitation Committee Report,
Government of Bombay, 1950**

Introductory

1. The Government of Bombay repealed the Criminal Tribes Act of 1924, in its application to the Bombay State, with effect from 13th August 1949 and by their Resolution, Education and Industries Department, No. 8721, dated the 25th August, 1949 were pleased to appoint a Committee to go in to the question of rehabilitation of members of the former Criminal Tribes. The following were the members appointed:

1. Dr. K.B. Antrolikar, M.L.A., *Chairman*
2. Shri B.N. Jakkal, Member
3. Shri K.S. Sarangapani, Member
4. Shri F.B. Dabhi, M.L.A., Member
5. Shri G.G. Karkhanis, Member
6. Shri Ravishankar Vyas, Member
7. Shri P. S. Nadkarni, Engineer under the Joint Registrar for Industrial Co operatives and Village Industries, Member
8. Shri P. S. Jadhao, a resident of Sholapur Ex-Settlement and a member of the Ex-criminal Tribes, was appointed as an additional member of the Committee under Government Resolution, Education and Industries Department, No. 8721 of 12th October 1949.

9. Shri U.R. Seolekar, Backward Class Welfare Officer, Sholapur, was appointed as Secretary of our Committee.
2. The Government Resolution announcing the appointment of the Committee specifies the term of reference in general as under:

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

Departments and Agencies to have a healthy exchange of views on the problems of uplift and rehabilitation of the Ex-Criminal Tribes:

- 1) The District Magistrate
- 2) The District Superintendent of Police
- 3) Administrative and Inspecting Officers of the Educational Department
- 4) Officers of the Co-operative Department
- 5) Officers of the Excise and Prohibition Department
- 6) Officers of the Forest Department
- 7) Managers of Remand Homes, Government Employment Exchanges, Textile Mills and Factories having members of Ex-Criminal Tribes as their employees
- 8) Representatives of voluntary agencies and institutions doing ameliorative work among the Backward Classes and Ex-Criminal Tribes
- 9) Prominent local social workers and leaders

iv. to examine witnesses specially acquainted with or taking special interest in the problems of the Ex-Criminal Tribes.

6. We issued over 950 copies of questionnaire to officials, non-officials and educated members of the Ex-Criminal Tribes. In all we received 150 replies to the questionnaire including 35 replies given by the representatives of the Ex-Criminal Tribes.

7. We visited the following places and localities inhabited by the Ex-Criminal Tribes:

Gujarat : Nadiad, district Kaira. Uttarsanda, district Kaira. Mahudha, district Kaira. Borsad, district Kaira. Bochasan, district Kaira. Dabhashi, district Kaira. Ahmedabad, district Ahmedabad. Naroda (Ahmedabad Ex-Settlement, district Ahmedabad). Baroda, district Baroda. Chhani, district Baroda. Sunsar, district Mehsana. Matarwadi, district Mehsana.

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

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

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

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

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

10. We express our sense of gratitude to officials and non-officials who gave full co-operation and assistance in the deliberations of our Committee and to those who took the trouble of sending replies to our questionnaire. We put on record the loyal and devoted services rendered by the Secretary of our Committee, Shri U.R. Seolekar in writing and completing this report and we take this opportunity to thank him sincerely for the same.

U.R. Seolekar, Secretary

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

Summary of Conclusions and other Recommendations

General

1. There are 28 communities which are enumerated in the Criminal Tribes Act Enquiry Committee Report of 1939, which were brought under the operation of the Criminal Tribes Act. We add to this list Thakardas of the old Baroda State residing in villages where the Criminal Tribes Act was made applicable. We thus treat 29 tribes in all as the Ex-Criminal Tribes of the Bombay State.
2. As most of the Ex-Criminal Tribes are included in the list of the Backward Classes, we have recommended special facilities to be given to the Ex-

Criminal Tribes over and above the facilities given to them as Backward Classes.

3. We recommend that Baraiyas of the Kaira District, Chhapparbands and Thakardas belonging to the villages brought under the operation of the Criminal Tribes Act of the old Baroda State should be included in the Backward Classes and they be made eligible for facilities provided by Government to the Backward classes at present. The special facilities recommended by us for Ex-Criminal Tribes may not be given to these communities.
4. Mang-Garudis, Kanjar Bhats and Pardhis should be treated as nomadic tribes and only they be made eligible for the facilities recommended for the nomadic tribes.
5. The term 'Dharalas' should be discontinued and tribes denoted by the term 'Dharalas' may be denoted by their respective names. For the sake of convenience we have used the term Baraiyas to denote all tribes denoted by the word 'Dharalas' in this Report.
6. New avenues for employment and industries, such as spinning and tile making for example which are basic in nature as they concern fundamental needs of man of food, clothing and shelter should be found out and efforts made to organise them through the Government or other agencies. The members of the Ex-Criminal Tribes should be encouraged to take up such new industries. There are certain other occupations, which are not based on the fundamental needs of man and the economic life in general. But for these there is a demand as they are based on sentiment, culture, tradition or faith, such as selling grass for feeding cows to pilgrims by Pardhis of Pandharpur. Selling of Manipot or beads by Parch women in Bombay or selling of flowers by Wagharis at Baroda may be found out and efforts made to make Ex-Criminal Tribes pick up such occupations.
7. Special elaborate suggestions about secondary and higher education have not been made, as the question of the same will not arise for a number of years. For the time being, we think that facilities given to them as Backward Classes will be sufficient. Government should proceed on the lines suggested by us for Primary Education, when the question of making special provisions for Secondary and Higher Education will arise.
8. As soon as a person belonging to any community and particularly to the Ex-Criminal Tribes is produced before a Magistrate for the second offence under the Indian Penal Code against property and person he should be handed over to experts in psychoanalysis, criminology and allied sciences to examine him. The result of such examination should be informed to the Magistrate who thereafter should proceed to pass judgment on such accused. Such a study of the accused will enable to find out whether the crime committed by him is a result of criminal tendency, which can be checked and directed to useful

channels, or of a criminal tendency, which has been hardened and become a habit of the accused.

8A. Useful activities run under the former Criminal Tribes Settlement Department should be revived and arrangement made to organise them properly for the benefit of the Ex-Criminal Tribes.

Education

9. Rigid enforcement of the provisions of the Compulsory Primary Education Act is highly essential. The Government should issue strict orders to the various School Boards to enforce Primary Education in schools, situated in areas where the members of the Ex-Criminal Tribes are residing in considerable number. The Backward Class officer should be asked to furnish a list of all such schools to Government.
10. District Committees formed of officers of the Backward Class Department and the Education Department with one or two non-officials interested in the amelioration of the Ex-Criminal Tribes to consider problems of education of Ex-Criminal Tribes and to make suggestions to make education popular among them should be constituted with the Backward Class Welfare Officer as its Secretary.
11. It is necessary to make adequate provisions of free supply of slates, books, stationary and clothes to poor and deserving Backward Class pupils so as to induce their parents to take necessary interest in sending their children to school. Government should impose certain conditions, in consultation with the Backward Class Officer and the Director of Public Instruction to make the School Boards take full advantage of Government grant-in-aid in this regard, as it appears that Government grant-in-aid is sacrificed by School Boards in order to avoid payment of their due 'share' which results in making no provision or inadequate provision of expenditure required for supplying stationary, books and clothes to Backward Class pupils. An amount sufficient to meet the estimated cost of supply of clothes, books, etc. to deserving Ex-Criminal Tribes pupils should be kept at the disposal of the Backward Class Officer in case the School Boards do not make necessary provisions for Ex-Criminal Tribes pupils. Or all school equipment should be given to Backward Class pupils by the Government direct through the Backward Class Department or the Educational Department and the various School Boards made to pay their share to Government.
12. Big colonies of the Ex-Criminal Tribes should be treated as 'special treatment areas' and all measures to improve education should be implemented intensively in all such areas. It should be seen that within the next 10 years the educational standard of the Ex-Criminal Tribes is brought on par with others by implementing all measures recommended in this Report.

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

of non-wandering tribes, while in the case of wandering tribes, they should be for the lower classes also. The rates of such scholarships at different stages in the school should be according to the schedule given in Chapter III. In the case of wandering tribes, 33 1/3 per cent pupils should be given such scholarships in the first five years and 25 per cent in the next five years. In the case of non-wandering tribes, these scholarships should be given to 20 per cent pupils in the first five years and 10 per cent pupils in the next five years. The position should be reviewed after 10 years.

23. The Regional Committees of Gujarat, Maharashtra and Karnataka should be requested to extend their social education work in Ex-Criminal Tribes colonies, by imposing conditions on social education officers to show special work of imparting social education to Ex-Criminal Tribes residing in their respective jurisdictions.
24. Literate boys, girls above the age of 12 years and adults should be trained in suitable cottage industries in rural areas through the peripatetic parties and mechanical trades, in urban areas, by regularly starting industrial schools. Such Industrial schools should be started at Ahmedabad, Sholapur, Hubli, Gadag, Bijapur and Ambernath. Trainees who receive training should be given Rs. 30 as stipends per month and after completion of training Rs. 500 should be given to him for purchase of equipment, tools and working capital to start the industry. Fifty per cent of this amount should be a subsidy and the remaining as loan returnable in 36 monthly instalments. Three big industrial training centres should be established at Ahmedabad, Sholapur and Hubli to train Ex-criminal tribes boys and girls in various trades.
25. An adequate number of vacancies for Tailoring and Carpentry courses should be reserved for Chhara boys in Government Industrial Technical workshop of the Labour Department at Ahmedabad, till the scheme of a separate industrial centre at Naroda materializes.
26. Segregation of children, particularly, the children of the hardened criminals, is neither desirable nor practical also. Neglected children should be sent to Certified schools under the provisions of the Children's Act and the said Act made applicable to all big Ex-Criminal Tribes colonies in the Bombay State.
27. Following additional hostel facilities should be given to Ex-Criminal Tribes pupils, over and above the facilities given to the Backward Class pupils -
 - i. Backward Class Hostels run by Government and private agencies should take initiative to have 20 per cent children of the Ex-Criminal Tribes in the hostels. Backward class pupils, who can stay with their parents and have educational facility at the place of their residence, are not eligible for admission to these hostels. This rule should be relaxed in the case of Ex-Criminal Tribes pupils, at least for a period of 10 years.
 - ii. Children of nomadic tribes should have preference in admission to such hostels. A special hostel may be started for the nomadic Ex-Criminal

Tribes pupils if 30 such pupils are available at one place. Such 10 hostels should be started in the year 1951-52 to begin with. Out of which, 6 hostels should be started, 2 at each place at Ahmedabad, Sholapur and Hubli, one for boys and one for girls. These 6 hostels should admit 50 inmates in each.

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

Economic

29. Strenuous efforts are necessary to see that a large percentage of Ex-Criminal Tribes is enabled to get jobs in Textile Mills and other Factories. The Rehabilitation Officer should be asked to collect statistical information of labourers required in various departments of the Textile Mills and other Factories and find out the scope for employing them. Percentage of Employment of the Ex-Criminal Tribes should be fixed up by the Backward Class Officer in consultation with the Labour Commissioner for a period of ten years.
30. Arrangement should be made through the Managers of Factories and Association of Textile Mill-owners to train Ex-Criminal Tribes on apprenticeship basis. The Government should pay liberal grants to the mills for such training arrangements or even bear the full cost of such training if mill managements do not voluntarily come forward to do this work.
31. Special provision should be made to give preference to the Ex-Criminal Tribes labourers in the present decasualization scheme.
32. Percentage of employment should be fixed in all Industrial concerns, Textile Mills and Factories where more than 50 labourers are working. Members of the Ex-Criminal Tribes may be rehabilitated at places where they will get remunerative jobs. This arrangement will automatically enable to split up their groups, and help their absorption in the society.
33. Employment should be provided to the Ex-Criminal Tribes in various Government Railway Workshops and semi-Government Factories and concerns. At least 5 per cent of the workers in such concerns should be the members of the Ex-Criminal Tribes. They should be taken as unskilled labourers to begin with and trained in various skills in due course.
34. If Trading Estates are established, employment should be provided to them as unskilled labourers.
35. They should be employed in Jails as menial staff, in Government, Defence Service and in the Police, in Railway menial staff as coolies, gang men and in State Transport, as cleaners, drivers, and conductors, as labourers in Public Works Department, Municipal and District Local Board works.

36. They should be employed in fourth grade Government services as peons, coolies, watchmen and menial staff in various Departments.
37. All primary School Leaving Certificate Examination passed persons should be employed as Primary School Teachers, Talatis or given similar jobs in the Revenue Department, but none from them should be allowed to remain unemployed.
38. Three big industrial training-cum-Production Centres should be started at Ahmedabad, Sholapur and Hubli with training facilities in about half a dozen, useful and remunerative industries. Arrangement should be made to enable at least 100 Ex-Criminal Tribes persons to do work in one industry. These centres should be run purely as business concerns and efforts made to make them self-sufficient in due course.
39. Industrial training should be given to Ex-Criminal Tribes residing in considerable population through the peripatetic industrial schools and if necessary extra peripatetic schools organized for this purpose. The trainees should be provided liberal stipends while they are under training and adequate loan facilities to run the industry, in which they have received training. Liberal loan facilities should be given to groups of such trained persons rather than individuals as far as possible.
40. Government should provide experienced persons as secretaries to the industrial and other Co-operative societies organized by Ex-Criminal Tribes. Fifty per cent emoluments incurred on account of such secretaries should be borne by the Government itself.
41. Co-operative Societies of Ex-Criminal Tribes should be advanced loan for Share capital on easy terms to enable them to have adequate loan facility. Government should guarantee to central financing agencies, in case there is difficulty in obtaining loan.
42. The scheme of loan facilities to be given to Backward Class artisans should be implemented with advantage for the individual Ex-Criminal Tribes following productive industries, on individual basis. A committee constituted of the Assistant Registrar of Co-operative Societies, the Backward Class Welfare Officer of the District, the Deputy Registrar of Co-operative Societies of the Division concerned and the District Officer for Industrial Co-operative and Village industries having jurisdictions in the District should dispose of such individual loan applications. They may recommend loan but powers of sanctioning it should rest with the joint Registrar for Industrial Co-operative and Village Industries. The District Officer for Industrial Co-operative and Village Industries should work as Secretary of the Committee.
43. Apart from Industrial Co-operatives, Multipurpose and Labourers Co-operative should be organized through the Welfare Organizers in Ex-Criminal Tribes Colonies.

44. Facilities should be provided to train Ex-Criminal Tribes women in sewing, weaving, tailoring, embroidery work, needlework and other crafts suited to them. Women teachers to teach these crafts should be appointed in Ex-Criminal Tribes colonies. Women trainees should be provided similar facilities provided to the trainees receiving training through the Peripatetic Training Schools.
45. Young girls who are above the age of 12 should be trained in suitable crafts to train women by starting regular craft training schools at Ahmedabad, Sholapur and Hubli.
46. The proposal of agriculture colonization of Ex-Criminal Tribes does not appear feasible. However efforts should be made to enable some Ex-Criminal Tribes following agriculture as their avocation to stay with non-Ex-Criminal Tribes agriculturists in the scheme of agricultural colonization. Separate colonies of the Ex-Criminal Tribes should not be encouraged.

Housing

47. We concur with the provisions of the Government Post War Reconstruction Scheme No.219 and recommend that lands should be given to the members of the Ex-Criminal Tribes at the rate of one and half gunthas to each family in the case of a non-agriculturist family and 3 gunthas in the case of an agriculturist family. It is necessary to have 400 square feet as the actual built area of the house in the case of each family. An additional built area of 200 square feet is necessary for an agriculturist family to use it as a barn.
48. The Government should bring into existence an organization, which would start providing housing accommodation to the Ex-Criminal Tribes. For this purpose a committee consisting of the Collector or his Deputy as Chairman and the Executive Engineer, the Assistant Registrar of Co-operative Societies and one or two social workers as members and the Backward Class Welfare Officer as Secretary should be formed in all Districts where there is a considerable population of the Ex-Criminal Tribes and particularly in the Districts of Sholapur, Bijapur, Dharwar, Belgaum, Ahmedabad, Kaira, Bombay, Bombay Suburban and Thana. A sub-committee of the District Backward Class Committee may be asked to do this work if possible with the Assistant Registrar of Co-operative Societies and the Executive Engineer as members of the same.
49. Housing Co-operative Societies of the Ex-Criminal Tribes wherever possible should be organized.
50. Housing lands should be made available to the Ex-Criminal Tribes to build houses in rural and urban areas where there are more than 5 families. The Mahalkaris and Mamlatdars should be asked to provide housing lands to Ex-Criminal Tribes families where they are less than 5 in number.

51. In case of nomadic tribes, land should be given free. Loans also should be advanced to them to build houses at a very low interest and recovery ordered in easy installments.
52. There should be no Ex-Criminal Tribe family left without a housing site within the next 3 years in urban areas and 5 years in rural areas.
53. While granting housing sites it should be seen that the Ex-Criminal Tribes are not segregated from the rest of the population.
54. Government should provide at their cost, trained secretaries to Housing Co-operative Societies of Ex-Criminal Tribes having more than 50 members.

Social Welfare

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

Administrative Machinery and the Habitual Offenders Restriction Act

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

selected experts in criminology, magistracy and Police work should be called and amendments to the existing Habitual Offenders Restriction Act made in the light of recommendations made by it.

Other Recommendations

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

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

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

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

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

Appendix IV

A DNT-Ghetto Case-study

Chharanagar - Ahmedabad

a) The people of chhara tribe live in Chharanagar. It is located in the Naorda area of Eastern Ahmedabad, District-Ahmedabad. Most of people in chharanagar belong to chhara community. Chharanagar is surrounded by the people of Sindhi community. It is located near Sardargram Railway station. Sardargram is a small railway station on the meter gauge railway line from Ahmedabad to Udaipur. Sardargram and Chharanagar is located near Kuberanagar Railway Crossing. The Road from Kuberanagar will lead to Airport and Gandhinagar Highway. Naroda-Patia located near National Highway No.8 is on the eastern part of Chharanagar. On the western part of chharanagar there is the last end of Ahmedabad Airport. Gandhinagar is towards north of Chharanagar and Ahmedabad main city is on the southern part of chharanagar.

b) Type of housing:

Most of the houses in chharanagar are cement made. There are around 90% of cement houses in chharanagar. Rest of the houses are cottages made of bricks and cement sheet roofs. Almost all the houses have (small) illegal drainage connections and around 60-70% of houses has electricity connections. Almost all the houses don't pay any municipal taxes and some even has illegal electricity connections. The approximate population of chharanagar is around 8000 to 10000. Among them around 3000 names are included into the voter's list.

c) Communities in that specific area:

Only Chhras live in chharanagar. There are around twelve to fifteen houses are of Bhaiyya Community from Uttar Pradesh.

d) Traditional occupation:

There are two myths related to the traditional occupation of chharas. Firstly they were associated into the traditional acting and dancing before British came to India. The second one says that they were the soldiers who were forced to leave their land and houses by Moguls and British.

e) Present occupation:

Many of them are traditionally involved into the business of brewing illicit liquor and some are forced to survive on petty thieving activities. The amount of education has increased among chharas since last one decade and because of that there are advocates, journalists, teachers and some do petty business and other unskilled work.

f) Schools:

There are around nine schools in a radius of 1 km from chharanagar. Among these nine schools four are up to secondary and higher secondary schools, two are up to only secondary and three are municipality operated primary schools.

g) Toilets:

Around 60% houses have their own toilets. And rest of the people don't have their own toilets and so they use open land for that.

h) Drainage:

Almost all the houses has (small) illegal drainage connections. The problem lies with the tap water. Very less people are accessed with the tap water connections. The drainage connections are worst during monsoon season.

i. Electricity:

Around 60-70% of houses has electricity connections. Almost all the houses don't pay any municipal taxes and some even has illegal electricity connections. There is no seen problem of electricity in this area.

i) Dispensary/Hospital:

There is one municipal dispensary and one trust run hospital. There are many Private hospitals around chharanagar. There are around 8 private dispensaries around chharanagar.

j) Local Transportation:

It is well connected with the local transport. It is connected with the Gol Limda, Bungalow Area and A-Ward bus stations of Ahmedabad Municipal Transport Service. Auto Rickshaws are easily available to reach chharanagar from Kalupur Railway station, Gita Mandir ST Stand and Ahmedabad Airport.

Troubles and Atrocities:

a) Problems with Police:

The main problem in chharanagar is related to the police Atrocities. There are some people who are forced to survive on brewing and selling illicit liquor, selling Indian Made foreign liquor and doing thieving activities. Because of this police atrocities in different forms is clearly seen in chharanagar.

Case Study.

Ramchandra Dholakia Garange a senior citizen of 60 years is living in chharanagar since his birth. He was called by one S.P.Sward headed by the Assistant commissioner of police of zone 4 of Ahmedabad city. He was dragged into the hansol police chowki by a P.S.I and three other police constables of this sward on 26th march Sunday. He was beaten up very much and forced to admit a theft

which he had not done. When he continuously refused for this he was so brutally beaten that his left leg got a fracture and right leg was temporarily paralysed. On the next day a case was registered under IPC 109 and was granted the bail on personal bond without being appeared before the magistrate.

Ramchandra went to civil hospital on 27th of March and registered a N.C. complaint in civil chowky on the same day. The FIR was not registered because the police authorities

were scaring him and his family. He was discharged under DAMA (discharged against medical advice) because the police authorities didn't want him to take treatment in any government hospital. He was then taken to a private hospital, even there the doctor's only agreed to operate him if he gives in written that he will not file any FIR against the police authorities.

Seeing that there are no ways left for him Ramchandra agreed for that and tried to file the FIR after his operation. On 13th of April he was taken to metropolitan court for his statement in front of the judicial megistrate. The FIR has not yet been filed.

Other Problems:

The Internal problems are seen often in chharnagar between the chharas. Some times it get solved in the local panchayat system and many a times it goes into the judiciary system. The ultimate beneficiaries are the police officers who take money to loged a FIR or to finish the case in court of in police station after the compromise is been held between the two parties. Many a times it happens that some innocent persons are accused in this type of internal clashes.

Case Study:

Sandip Indrear a student of S.Y.B.A. in C.U.Shah Arts College of Ahmedabad was present in school on 5th september morning. His mother's sister Meenaben K. Indrekar got a quarrel with one of her neighbour Urmilaben Kamlekar on the problem of collecting the interest on money lended to a lady named as Sakilaben Nathabhai Indrekar. Meenaben was the guranteer for the money lended to Sakilaben by Urmilaben. Urmilaben attempted suicide as a result of a quarrel between these three ladies. As a result urmilaben was taken to the Apollo hospital. There she gave her dying declaration in front of the District Magistrate and gave the name of Sandip Indrekar, Sachin, Kalpesh and Veeru. All of them were not even aware of the whole incident, but only given the name because urmilaben wants to have a good money from them after the compromise. Sandip is a student, veeru is an advocate while sachin and kalpesh does pittty labour. When the whole case went to the police authorities they did not even bother to investigate the case properly. And filed a chargesheet totally against these four person only because they didn't gave a big amount of money to the police department. They were kept in jail for around six months and were released on

bail by Gujarat highcourt after there was a compromise between the two parties. All the four accused paid a big amount of Rs.3,50,000 as a compromise amount to urmilaben and only after that they were able to come out of the jail. The case is still on in Gujarat highcourt.

Awareness:

a) About the outside world:

Being a part of the urban area most of the people know about India, its states, judiciary system, legal laws etc.

b) City and District Administration:

Large numbers of people are aware about the city and district administration.

c) Rights:

Some type of Awareness is needed to make them aware about human Rights and other constitutional rights.

d) Opportunities:

Everyone tries to grab opportunities they get, but very less succeed. There are very less opportunities in alternate source of income. Because the stigma of Criminal tribes is always attached to them and because of that there are very less organisations and people who gives any opportunity to any chhara.

Sources-Daxin Bajrange.

Tushar kodekar.

Maninagar DNT-NT Basti – an account by a DNT Theatre Actor Dakxin Bajrange

"Maninagar is a political constituency of Chief Minister of Gujarat State Mr. Narendra Modi, which is situated at the northern part of Ahmedabad City. Before 40 years back and after hundred years of nomadic life, Dabgar (Sansi), Rajbhoi, Vaghri and Bairagi nomadic communities settled nearby Karachi Railway Crossing. After settlement life, In 1960-1970 forefathers of those tribes settled at above place in Ahmedabad City. These nomadic communities are staying at here since last 30-40 years. They are living in plastic covered huts and no one having a concrete house at above place.

There are around 1500 people with more than 400 children. Almost 50-60 widows, 6 people are disabled, 60-70 people are old age, there is 110 years old woman in Basti. Usually for survival these people are used to sell Maps in Ahmedabad City, Villages, Haats etc, Rajbhoi Women used to make a plastic ropes at home itself and men used to go for ear cleaning work, Vaghri and Bairagi used to sell toys, some of women are used to go for begging for their family's

(7)

survival. As everywhere in India, here also these nomadic people stigmatized as Criminals in the eye of law & Order and mainstream societies.

Since last 10 years AMC demolished their huts 8 times and recently on 2nd March 2006 they again demolished their ghetto and pick up 60-70 % households, bed sheets, Kitchen wears etc.

After demolition local police brutally beaten up to Women and Children... There were continuous round up of policemen in Basti day and night. Since almost 2 years we are doing continuous follow up with corporation but there is no positive response. Multiple times made an applications for alternate but there is no answer from AMC. They demand 1976's documentary proof for alternate and only six people having this proof in Basti. As this area is a political constituency of CM, Media also portrait these people wrongly and used to write like 'Criminals Ghetto Demolished by Corporation' 'Chain Snatchers and Bootleggers Ghetto Demolished'... There was no way to raise voice against this atrocity by Government. We spoke to National DNT Commission and on 11th March Commission sent Member of Commission Shri Laxmanbhai Pattani. He immediately called up to Municipal Commissioner and Collector of Ahmedabad City and discussed with them about the problem of Maninagar Basti and demands with them some data. Then at that time we submit roughly some data of Basti as that time we had not prepared it and later we sent it via Email to Commission. Laxmanbhai also visited Maninagar Basti and seen situation of Basti and our people. But there was no positive reply from Corporation to provide those nomadic people alternate.

Hence, on 22nd March, we had to do a 'Symbolic Hunger Strike' for one day in the leadership of Dr. Ganesh Devy just to sensitize Corporation Authorities about the problems to live in open after demolition. As a result, there were some commitments by Municipal Commissioner Mr. Mukim, Dy. Commissioner Mr. Sacha and other Corporation Authorities that we will give alternate to 102 families and will give all households to Bastiwalas on available document with families. Now there is almost 4 month for that commitments and meanwhile we done continuous follow up with Corporation but still conditions is as it is. I prepared an entire Basti Data and submit to Corporation. On the basis of that data, On 10th April, Corporation Team did a Family Survey to whom huts were demolished by Corporation on 2nd March. Still, after continuous follow up there is no positive action from Corporation

With the help of IPS Keshav Kumar and Dr. Ganesh Devy also requested to Collector of Ahmedabad City Ms D. Thara to allot a land to nomadic people. To settle nomadic people, there is State Government's scheme in 'Developing Cast Welfare Department' of Gujarat State. It is scheme to give a loan to Nomadic people to make house if they have their own land. The amount of loan is 40,000/- Rs to family for construction on subsidy basis. For this I approached to Mr. Vanzara, Director of Developing Cast Welfare Department and submit a data sheet of Basti. Initially he seems ready to help to those DNT-NT families if they

have a their own land and for land we requested the collector to settle nearly 200 DNT-NT families in Ahmedabad City or surrounding of Ahmedabad City in collaboration with Developing Cast Welfare Department of Gujarat State. As recently we approached to Collector office regarding our application they told that File of Maninagar DNT-NT Basti already sent to corporation with the directions of Collector. During this extremely hot summer 2 children died in Basti. Dr. Devy requested to Mr. Mukim to allow them to make a Plastic hut in this monsoon and meanwhile follow up is going on with corporation and collector office".

Fight for Survival

In November 2004, Dr. Devy called meeting at Bhasha and he invited some of madaris from Bhiloda, Dehgam and Golden Chokdi for this meeting. Babunath Madari and Arjunnath Madari represent their problems about the harassment to madari community from Forest Department and Animal Help Activist who used to behave with Madaris as Police behave and they show Gujarat Samachar News paper of 5th Sept. about the recent attack on different madari ghettos at Dehgam and Gota Circle by Ahmedabad based Animal Help Foundation fellows and Forest Guards and brutally beaten up children, woman and old age madaris. They detain in Dog's Cage at Animal Help Foundation for whole night. It was shocking news for all of us and Dr. Devy told me to make short documentary film on the Madari livelihood issue to sensitize the law makers and decision makers how people use their amendment wrongly on such tribes. This film was supported (Produced) by Bhasha Research and Publication Centre and Created by Budhan Theatre which is a volunteer Theatre Group of DNT young actors which is formed by Bhasha.

I shoot 3 days and edited it for 4-5 days. The title of this film is 'Fight for Survival'. The remarkable thing of this film is that in re-enactment sequences Madari people themselves acted which looks so realistic. They wanted to express their experience. After completion of FFS, with the help of Bhasha I Screened FFS at various places like,

Gujarat Vidhyapith, Ahmedabad

St. Xavier's Collage, Ahmedabad

DA-IICT, Gandhinagar

Association of India Development, Pittsburgh USA

(Also AID screened it at various collages and institutes of USA)

Habitat Centre, Baroda.

Tribal Academy, Tejgadh

Gujarat Social Forum's - 2006

International Social Communication Cinema for its Traveling Film Package and dubbed in Bengali.

'CINE MELA' at JNU Film Festival, New Delhi

Then FFS won 2nd prize award named Jeevika 2005, in South Asia Livelihood Film Competition which is organised by Centre for Civil Services The Award Ceremony held on 22nd Jan-2006 at Habitat Centre, New Delhi. I received award by Shri Rakesh Sharma (Well Known Documentary film Maker of India) and Shri Tarique Masood (Eminent Documentary Film Maker of Bangladesh) I got beautiful glass momentum designed by famous glass artist Mr. Kaushik and 30,000 cash Award. After Award ceremony, CCS has organised many screenings at various collages and institutes in Delhi and other citieslike,

Screenings at Schools/Colleges

Jan-19

Vasant Valley School

Jan 20-22

India Habitat centre

Jan-23

Ramjas College

Delhi School of Economics

Jan-24Madhubala Institute of Communications &
Electronic Media

Dr. Bhim Rao Ambedkar College

Delhi Law Faculty

Jan-25

DPS School,

National Institute of Advertisement

School of Planning & Architecture

Jan-28

Sri Aurobindo Mass Communication

Kamla Nehru College

AIIMS

IP College

Kriti Film Club

16th Feb. 2006

Jeevika Livelihood Documentary film Festival at CEPT Campus.

10 Feb, 2006

University of Mumbai, Mumbai

15-18 Feb. 2006

Roop Kala Kendro, Calcutta

19-25 Feb. 2006

Madras Christian College, Chennai

20th March, 2006

JNU, Delhi

After every screenings there was discussion regarding issue, so in this process many people came to know about the livelihood problem of Madari community.

Like Theatre, films of Budhan Theatre also becomes a protest medium of Nomadic People.

Dakxin Chhara, Budhan Theatre

Budhan Theatre

Budhan Theatre is a volunteer Theatre group of Chhara Tribe which is founded by Dr. Ganesh Devy and Smt. Mahasveta Devy. Budhan Theatre is launched by Bhāsha Centre and an autonomous and voluntary Theatre Group set up by young people of the Chhara community at Ahmedabad. Chhara Tribe is one of the Denotified Tribes, which was branded by law as 'Born Criminals' by British and later by Independent India. Presently, based in Ahmedabad, this community is a 'Forever Suspect' in the eye of law and order & mainstream society and treated as a 'Hardcore Criminal'. Police atrocity and harassment is a regular practice among the Chhara Tribe as well as among other Denotified Tribes of India.

Budhan Theatre is trying to remove the criminal stigma attached to the Chhara tribe through Theatre, which we believe is our inherited talent. Through theatre we are sensitizing society towards social acceptance and legal justice. Besides theatre activities, Budhan Theatre has started film making in 2004, as a livelihood option for the Chhara youth as well as to document various issues, cultural heritage and other relevant information on Nomadic and Denotified Tribes.

The DNTs have lost their identity due to living on the fringes of society, the stigma of being 'Born Criminals' given to them by the law and society. So many years after Independence, these communities and its people have no constitutional guarantee.

Budhan Theatre is a cultural platform to protest and to raise the voice of the denotified and nomadic communities and fights for social justice and human dignity.

The recent production of Budhan Theatre is 'Muze Mat Maro...Saab' it is a 30 minutes play, which is containing a text of Budhan Theatre's previous productions named Budhan, Pinyahari Kale Ki Mout, and Encounter. All plays are based on

custodial deaths of DNT people in different states and there is also issue about the demolition of DNT ghetto in Ahmedabad City in the name of 'Mega City' by Ahmedabad Municipal Corporation.

Last year many children died in heavy cold winter season and also dying due to hot summer because since last 2 years they lying under the open sky. They not allowed making their plastic made huts in this monsoon. Slowly these nomad communities are migrating unknown journey and becoming again nomads towards hunger and inhuman life given by this Developing Country System.

We performed this play at Tejgadh in the presence of Shri Ramdayal Munda and Many other writers, activists. Now a days this play is performing in the various slums of Ahmedabad City to motivate and to unite people against the demolition policy of Government. We performed in 16 different slums of Ahmedabad city with the support of Action Aid, Gujarat. According of the Coordinator Binaben of Action Aid for this project, "People lot motivated to watch play and become ready to join huge rally which is on 18th July"

This year 2 actors of Budhan Theatre selected for workshop to get Admission in NSD and same play is going at Mysore to perform at CIIL on 17th July, first time in South India

Dakxin Chhara, Budhan Theatre, Chharanagar Road, Kubernagar, Ahmedabad-40: II

Atrocities cases Account offered by a DNT journalist Roxy Gaganekar

"In Chharanagar, Before two months, 55-60 years old Ramchandra Garange called by police at Kubernagar police chowky. He obeyed order of police as all Chharas have to obey same and went to Kubernagar police chowky. He was told by police that somewhere robbery has committed and Sheth (Shop Owner) is come to police chowky to indentify robbers. This is regular practice at Kubernagar Police Chowky. As Mr. Ramchandra Told that there were no any Sheth Kubernagar police Chowky. Then From Kubernagar Police Chowky he transferred to Hansol Police Chowky. Both Chowkys are under the Sardarnagar Police Constituency. Their he brutally beaten up by drunkard police. Police stretched his both legs two side with the support of wall and continuous kick on both Thais. That old man was screaming and drunkard police beating up and as result that old man's bone bolt of left leg broken. He becomes a handicap at this age. He wanted to register case against that police officials but Sardarnagar police not registered his complain against police. Next day he taken at court and without produced in front of magistrate he got bail. With the support of his wife he went to civil hospital to lodge complain against police who done atrocity on him but somehow he was thrown out from the Civil Hospital and he could not registered a complain against the police, he was having a great pain and he needed immediately operation so he admitted in private hospital name Anand Surgical at Saijput Bogha. There he and wife urged to doctors to operate him but somehow doctors told that we will do

operation but if you give us in writing that you will not complain against police. To listen from Doctor Mukesh Patel (Orthopedic) he shocked but he needed immediately operation otherwise he could be paralyzed so he gave him in writing same to doctor and then doctor operate him and fix steel bolt instead of broken bone bolt in his left leg. About this case I wrote to National DNT Commission and send them a VCD along with required documents of Mr. Ramchandra's statement but still there is no reply or action. At last after recovery Ramchandra bhai made application in court and process to register complain is still in process. His elder son was 'Tadipar' by commissioner of police.

Before few months in Sabarkantha district of Gujarat state, family of Chamtha Nomadic community was brutally beaten up by local people who have a political background. To taken away a land of that Chamtha family they declared a one of woman 'Witch' (DAYEN) by villager. Still they are struggling for their land.

Everyday Social Welfare Department Police used to come in Chharanagar and register at least 40-50 cases on Chhara Women. This is a daily practice. If woman deny to coming with them at police station they used to brutally beaten up by male police. I ever seen a woman police to come in Chharanagar to arrest Chhara Woman in my whole life.

At the suburban of Ahmedabad City there is a Bhat Village. Before a year Raj Nat community used to live their but village people (Thakors) demolished their ghetto by Bulldozer due to Criminal Tribe Prejudice and make them ran away to those 125 families. Now they are also lying under the open sky at the riverbank of Sabaramati in Sma"

Executive SummeryThe study of the Human Rights Status of Denotified and Nomadic Communities of Delhi, Gujarat and Maharastra – By Prof. G. N. Devy***Introduction***

The study focused on the status of the denotified and nomadic communities in three states of India namely Delhi, Gujarat, Maharastra. The study enlighten that in British time period, they did not understand the communities that were non-sedentary. Therefore all nomadic communities become suspect in the eyes of the colonial British rulers. They drafted a unique piece of legislation in 1871 which they thought would tame the nomadic communities. Many of the wandering minstrels, fakirs, pretty traders, rustic transporters and disbanded groups of soldiers were included by the British in their list of criminal groups. In the first half of the 19th century, the tribes in the North West frontier were declared 'Criminal Tribes'. This category become increasingly open ended, and by 1871 the British had prepared an official list of Criminal Tribes.

The Criminal Tribes Act made provisions for establishing reformatory settlements where the criminal adivasis could be kept in confinement and subjected to low paid work. During 1921, the CT Act was extended to cover numerous other tribes in the Madras Presidency, Hyderabad and Mysore. Indian society mutely witnessed the emergence of a new class of people who were branded as born criminals. This legislation called the Criminal Tribes Act. Merely two hundred nomadic communities were brought under the provisions of the CT Act. After independence, the notification issued during the colonial regime was repealed. Therefore, these communities came to be known as denotified tribes.

Afterward independence, the communities notified as criminal adivasis were denotified by the government and that notification was followed by the

substitution of a series of Acts, generally entitled 'Habitual Offenders Act'. The denotification and the passing of the HOAs should have ended the misery of the communities penalized under the CT Act. This however did not transpire as the HOAs preserved most of the provisions of the former CT Act, except the premise implicit in it that an entire community can be 'born' criminal. The police forces as well as the people in general were taught to look upon the 'Criminal Tribes as born criminals during the colonials times. That attitude continues to persist even today.

Objectives: -

- To study on the economic status and occupational patterns of the communities selected for study;
- To study the patterns of encounter with the police department;
- To study incidents of custodial deaths of persons belonging to the communities selected for study;
- To study the levels of legal awareness and legal literacy among these communities; and
- To study the engagement of these communities with the electoral processes.

Recommendations: -

1. Rights, Entitlements and Protective Mechanisms

- i. The Habitual Offenders Act, if it is in force in any Indian States, may be abolished forthwith.
- ii. The Prevention of Atrocities Act, which is currently applicable to Schedule Castes and Schedule Tribes, may be extended to Denotified and Semi-Nomadic Tribes. An Act named 'DNT and NTs (Prevention of Atrocities) Act' may be enacted with a view to providing for exclusive special court of sessions with judges, investigation officers and public prosecutors. The proposed Act should include social and economic boycott and blackmail

as substantive crimes of atrocity. The proposed Act should be extended to take into account atrocities caused by policemen and state officials as well to give a positive signal to the members of the society who harass these communities.

- iii. Human Rights Protection Cells may be established in the areas that have sizeable population of Denotified and Nomadic Tribes. Human rights commission in various States may be given the responsibility of monitoring the proposed cells. Additional officers may also be appointed in districts having a large population of DNTs and NTs, for this purpose. The NHRC had suggested in their 7th Annual Report that a senior police officer be appointed in every state to look in to the case of violation of human rights of Denotified and Nomadic Tribes and report to the SHRC. This recommendation may be implemented, except that it may be a welfare officer or an officer from the Tribal Ministry, who may be made responsible for reporting violation of human rights to the NHRC.
- iv. The entire administrative machinery, especially the police, needs to be sensitized and reoriented to the problems of these communities. National Police Academy and other Police Training Institutes may be instructed to bring about attitudinal changes among police officials by incorporating suitable items in the curriculum. There is ample evidence that settled DNTs are forced by the police to commit crimes like brewing of illicit liquor to get their share of the earnings. While rehabilitating such groups, care may be taken to see that the local police are not given the authority over them for a specified period, so that they are actually given the breathing space for starting their new lives. There is a need for special training of the Subordinate staff made mandatory especially since the interface of the DNTs is with Head Constables PSI and PIs. Police can be involved in the development and welfare programmes for these groups to give them a first-hand understanding of the vulnerability rather than their 'criminality'. A massive information campaign may be launched to sensitize the public

about the problems faced by the Denotified and Nomadic Tribes, and the stigma of criminality.

- v. A special cell for protection of rights and entitlements for the women of Denotified and Nomadic Tribes and communities may be to be created within the National Commission for women. A special cell in the proposed Vimukata Janajati Commission should be established, so that women of the DNTs and NTs come forward and complain cases of sexual harassment.
- vi. The livelihood of these communities is not ensured by the State, it may be considered an Atrocity to book persons of these communities under the laws for conservation and for animal protection. Communities like Saperas and Madaris who work with animals, or communities who continue to depend on forests for a living, may be exempt from these laws till alternative economic rehabilitation is ensured. This may be done on a case-to-case basis. The Act to Prevent Atrocity against DNTs and NTs, proposed in B-xv may have a component of monetary compensation in instances of atrocity caused by the police and others, and which may be paid by the State to the families of persons suffering loss of life or livelihood due to such atrocity.

2. *Non-displacement Guarantee, Compensation Norms*

- i. Adequate compensation in the form of land is to be given to the Denotified and Nomadic Tribes wherever they are displaced due to any reasons.
- ii. Scheme of rehabilitation to be undertaken any be based on a clear assessment of the adverse impact on livelihood and other disadvantages arising out of rehabilitations.
- iii. At present, there is a need for parameters, till the new National Policy on Compensation for displacement comes into effect, to measures the damage caused by displacement to families belonging to Nomadic Tribes. 'Dwelling Rights, in absence of proper land records, need to be

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recognized as 'value' for assessing the damages and the compensation package.

iv. There is a need to create a Denotified and Nomadic Tribes Rehabilitation Act' and this Act may include the following :-

- allotment of houses with adequate space for raising animals;
- provisions of water and other amenities;
- land for cultivation, which may initially supplement their subsistence and gradually may become their primary occupation;
- the compensation norms for Denotified, Nomadic and Semi- Nomadic Communities may be group- oriented: (a) for those who have settled to normal agriculture or other vocations; (b) those who still lead nomadic life;

3. Protection of Electoral Rights and Mobile Voting System

- i. Persons belonging to Nomadic Tribes may be given Mobile Voting Cards (MVCs) to enable them to exercise their democratic duty of voting during elections. These MVCs may have validity throughout the Migrational Trajectory of the Nomadic Tribes, while the votes can get registered for pre-determined locations and constituencies.
- ii. A special drive for grant of voting rights to the Denotified and Nomadic communities may be launched by the election commission of India so that Voter's Identity Cards can be issued to members of theses communities in a time bound manner, and the members of the Denotified and Nomadic Tribes are able to exercise their voting rights.

4. Forest, Grazing and Passage Rights

- i. There is need to initiate the process, the benefit of Schedule Tribes (Recognition of Forest Rights) Bill, 2006 may be extended to Pastoral nomadic tribes, and ' Indian Forest Act' and 'Wild Life Protection Act' may be reviewed and properly amended to ensure that the peripatetic groups and pastorals nomads are not harassed by the grazing land authority or forest authority.

- ii. A grazing Land Development Board may be setup, with proper community representative, to develop special pastoral and grazing lands. In a meanwhile, the existing grazing areas may be reserved for pastoral groups.

5. Issuance of Domicile and Birth Certificates

- i. Provision may be made for an easy issuance of Birth and Domicile certificates; and the officials who do not provide the certificate may be punished under the proposed Prevention of Atrocities Act.

6. Representation of DNTs in Democratic Bodies

- i. The population of the Denotified and Nomadic Tribes and communities in the country is sufficient large to deserve a substantial representation in the Parliament. It will be desirable to initiate the process of ensuring proper representation of the Denotified and Nomadic Tribes in both houses of the Parliament.

7. Livelihood- Security

- i. The provisions of the National Rural Employment Guarantee Scheme should be immediately extended to the Denotified and Nomadic Tribes wherever they are.
- ii. A Denotified and Nomadic Tribes Development Authority is to be set up with branches in areas where there is sizeable concentration of population of these communities. This authority focus on the:
 - iii. To create a single window system from initiation to finalization of schemes livelihood support.
 - iv. To facilitate forward linkages for the units set up under the aegis of the Board.
 - v. To facilitate finance at a nominal rate of interest.
 - vi. To provide entrepreneurial trainings and seed capital for setting up of enterprises.

- vii. Ten percent space in commercial complexes may be reserved for allotment in rural, semi-urban and urban areas for the commercial activities that the Denotified and Nomadic Tribes may wish to undertake. This space may be leased out to the Self- Help Groups to carry out activity in micro- enterprise.

7. Hostels for Students and Old Age Houses

- i. Children from Denotified and Nomadic Tribes, special residential schools are to be conceptualized and created for these children.
- ii. Special provisions for Old- Age Community Housing needs to be made so that they do not have to ' legalize' their deprivation reflected in their begging or by registering themselves under the present public order law as ' criminals' in order to find shelter in the Social Defence Community Wards.
- iii. A rapid Housing and Construction plan is to be conceptualized and implemented for the Denotified and Nomadic Tribes and communities.

8. Healthcare

- i. A combined plan of nutrition and health care for Denotified and Nomadic Tribes and their livestock be drawn and implemented in a time-bound manner, which may include: mobile medical units for immunization, maternity and child care along with nutritional food, free medical facilities in central and state govt hospital and the DNT-NT District Development Authority, as proposed in above points, be entrusted with the responsibility of ensuring the implementation of the DNT and NT health programme.

9. Education

- i. Special scholarships and books may be created to provide to DNTs students from primary schools to higher education.

- ii. The no. of primary, secondary and colleges and vocational training institutes accessible to these communities may be adequate to cater to the entire NT and DNT population.
- iii. Mobile schools may be set up at the locations of their stay and within the entire route of their migration so that no child remains without access to education.
- iv. A study of the occupational skills of these communities may be undertaken at the national level in order to determine: the shifts away from the traditional occupations, trades and vocations so that appropriate vocational avenues can be created for them.
- v. The 'Commission for Scientific and Technical Terminology', Ministry of HRD, and the Central Institute of Indian Languages may be entrusted the task of developing textbooks, references books, supplementary reading materials and terminologies in the languages of these communities.