

**NATIONAL COMMISSION  
FOR  
DENOTIFIED, NOMADIC AND SEMI-NOMADIC TRIBES**

**(MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT  
GOVERNMENT OF INDIA)**



**REPORT**

**VOLUME - I**

**JUNE 30, 2008**

बालकृष्ण रेणके

अध्यक्ष

**BALKRISHNA RENAKE**  
(CHAIRMAN)



भारत सरकार  
राष्ट्रीय विमुक्त, घूमन्तु एवं अर्ध-घूमन्तु जनजाति आयोग  
(सामाजिक न्याय और अधिकारिता मंत्रालय)  
GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR  
DENOTIFIED, NOMADIC & SEMI-NOMADIC TRIBES  
(MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT)

No.9/4/2006-NCDN&SNT

Dated: 30<sup>th</sup> June, 2008

Respected Meira Kumar ji.

The National Commission for Denotified, Nomadic & Semi-nomadic Tribes constituted vide Ministry of Social Justice and Empowerment Resolution No.12016/17/2004-SCD (R.L.Cell) dated 14.3.2005, assumed its working with effect from 6<sup>th</sup> February, 2006. Soon after arranging the office infrastructure, etc. the Commission issued Public Notices in the Newspapers in various parts of the country both in English and in regional languages and requested the public to share its views with regard to the Terms of Reference of the Commission. The Commission also prepared an exhaustive Questionnaire and sent the same to the State Governments/UTs to elicit the views of the State Governments/UTs about the socio economic conditions of the Denotified, Nomadic & Semi-nomadic Tribes as also the steps which need to be taken for their socio economic development. During its tenure, the Commission visited 18 States/UTs to study the socio economic conditions of the Denotified, Nomadic & Semi-nomadic Tribes on the spot, to interact with them and with their representatives as also the officers of the State Governments. The Commission also interacted with the Chief Ministers and Ministers in-charge for the welfare of the Denotified, Nomadic & Semi-nomadic Tribes as far as possible. The Commission has studied reports of various Committees/Commissions etc. constituted by the Union and State Governments for the upliftment of the socially and economically backward classes. The Commission received 1156 memoranda from the public, organizations, NGOs, community leaders and others. The Commission also studied the recommendations of the Technical Advisory Group (TAG) constituted by the Ministry of Social Justice and Empowerment vide their Order No. 12016/3/2006-SCD (R.L.Cell) dated 29<sup>th</sup> August, 2006.

2. Having analyzed the information received from the State Governments/UTs, the Report of TAG, memoranda received from the public, individuals and organizations, etc. and the information received by the Commission during its visits to States/UTs, the Commission has prepared its Final Report containing its recommendations regarding the measures to be taken for raising the living standards of the Denotified, Nomadic & Semi-nomadic Tribes. The Final Report also includes the interim recommendations submitted by the Commission to the Government on 31.5.2007 with a couple of slight modifications here and there.

Contd..2

3. The Commission is extremely grateful for your kind support and guidance from time to time during its tenure. The Commission hopes that an early implementation of the recommendations of the Commission will make a visible and significant impact on the lives of the Denotified, Nomadic & Semi-nomadic Tribes in the country.

It is with great pleasure that we submit our Report.

With warm regards

Yours sincerely,

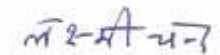


(Balkrishna Sidram Renke)  
Chairman



(Laxmabhai K. Patni)  
Member

Encl: As above



(Lakshmi Chand)  
Member Secretary

Mrs. Meira Kumar ji,  
Hon'ble Minister of Social Justice and Empowerment,  
Government of India,  
Shastri Bhawan,  
New Delhi.

## FOREWORD

Kudos to the UPA Government and its Common Minimum Programme and our heartfelt gratitude to the Ministry of Social Justice and Empowerment for setting up the National Commission for Denotified, Nomadic and Semi-nomadic Tribes, thus providing an opportunity to systematically think about and study the socio-economic conditions of the most vulnerable and disadvantaged sections of the Indian society. In retrospect, it is an irony that these tribes somehow escaped the attention of our Constitution makers and thus got deprived of the Constitutional support unlike Scheduled Castes and Scheduled Tribes. However, we are grateful to the Government for the precious opportunity given to these tribes through this Commission to identify measures for their all-round development.

The preamble of our constitution sums up our resolve to secure, inter alia, justice – social, economic and political to all the citizens of our country. The Directive Principles in general and Article 38 in particular contain the fundamental principles for the governance of the country. Accordingly, the State has to strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice – social, economic and political will be the bedrock of the national policy framework. In pursuit of this constitutional objective, the Union Govt. and the States have been taking a number of measures from time to time. Similarly, Article 14 and 16 (4) of the Constitution intend to remove social and economic inequality to make equal opportunities available to all the citizens including the poor and the disadvantaged.

Through the planning process along with a sound policy framework, the Indian economy has been growing satisfactorily. The rate of growth of GDP, per capita income, life expectancy, infrastructure has been on the rise. At the same time, the expenditure in the social sector has gone up by leaps and bounds and has been benefiting an increasing number of the disadvantaged and the poor. All this notwithstanding, the Denotified and the Nomadic communities have not been benefited to the desired extent. Unfortunately, the plight of these communities continues to be the worst among the various sections of the population. It is, in this context that the decision of the UPA Govt. in pursuance of its Common Minimum Programme deserves appreciation by all and sundry.

The Commission has been able to visit almost all the major States of the country and have interacted with a large cross section of people connected directly or indirectly with the welfare of the Denotified and Nomadic communities. The Commission has adopted a holistic approach in studying the socio-economic conditions of these communities and have made a comprehensive set of recommendations, which, if implemented, will go a long way to ameliorate the living standards of one hundred million people in the country.

**New Delhi**  
**30.06.2008**

**Balkrishna Sidram Renke**  
**Chairman**  
**National Commission for Denotified,**  
**Nomadic & Semi-nomadic Tribes**

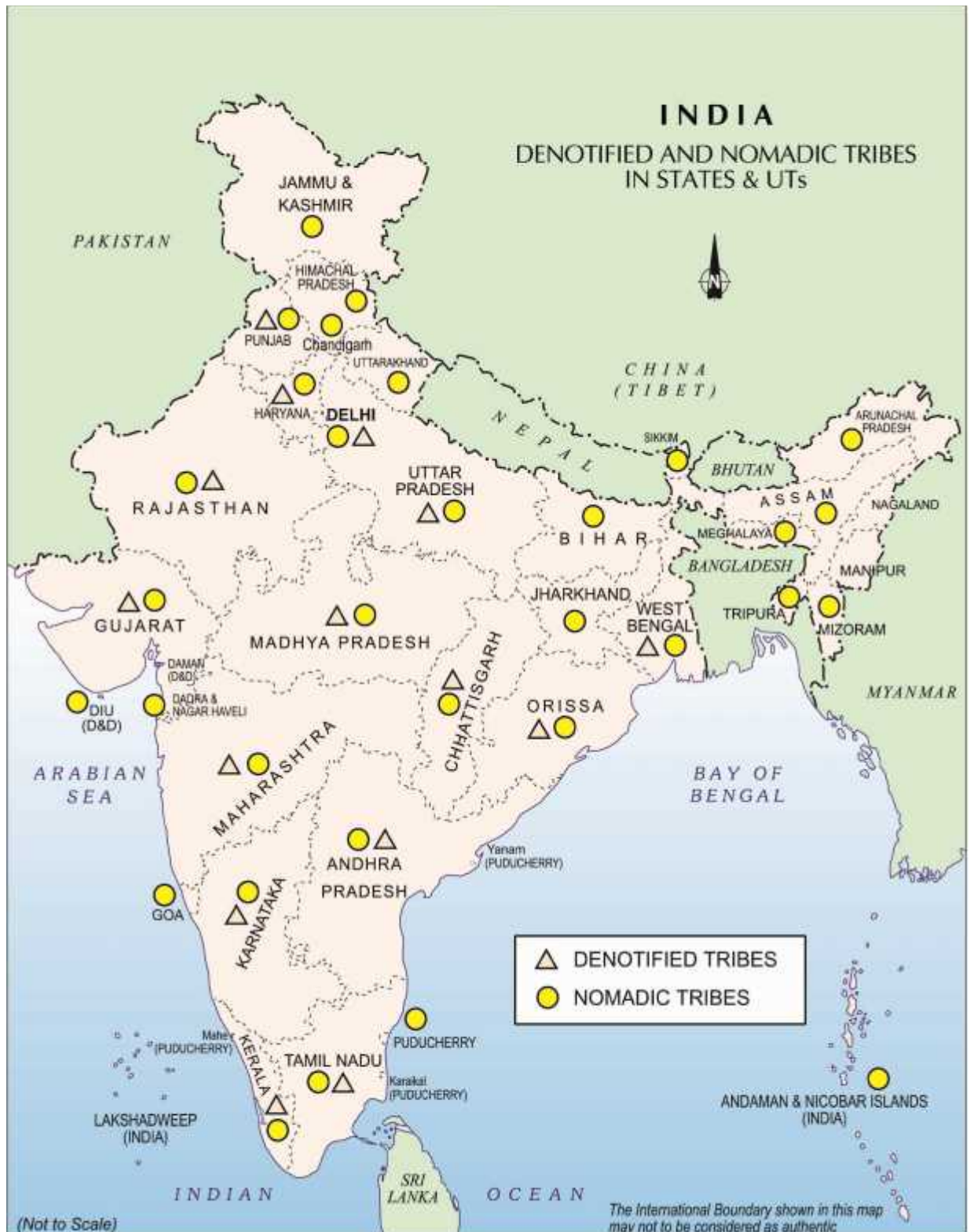
## **ACKNOWLEDGEMENTS**

The Commission is grateful to Dravidian University (Kupam, Andhra Pradesh), Pune University (Pune, Maharashtra), Wada Na Todo Abhiyan (New Delhi), Oxfam India Trust, Lokdhara National Network of DNT Organization, for organizing national seminars to discuss the problems of the Denotified, Nomadic, and Semi-nomadic Tribes.

The Commission is indebted to Dr R. Siva Prasad, Professor Vinay Srivastava, Dr. Meena Radhakrishna, Dr. C. R. Sathyanarayanan, Mr. Alok Pandey, Ms. Charu Singh, Ms. Swathi Dev Vasudev, Professor R.K. Mutatkar, Justice S.N. Bhargava, Dr. Anil Kumar Pandey, Dr. K.M. Metri, Shri Mohamad Aslam (I.A.S. Retd.), Mr. Uttam Kambale (Editor, Sakal), Shri Sandip Chhachara, Shri Hari Narke (Researcher and Literary Person), Shri J.M. Malkan, Shri K.G. Banjara, Shri Minar Pimple (Deputy Director, UNMDGC-Asia) and Dr. Swayam Panda, for their invaluable contribution.

The Commission also expresses its thanks to all those who have helped it in various ways.





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## **Chapter 1**

### **Introduction**

Independent India envisioned building an egalitarian society in which people with diverse socio-cultural and economic backgrounds can have equal opportunities in different fields with dignity and honour. To achieve this society, some sort of social engineering was imperative for bringing the historically wronged and deprived communities at par with the historically favoured and privileged. Positive discrimination along with developmental interventions, and capacity and asset building, was considered essential to this social engineering. For achieving a state of social and economic equality, the builders of modern India have undertaken certain measures right from the time of Independence.

As a part of this process the people who had been historically wronged and disadvantaged were put under different social categories, such as the Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). Each was accorded certain privileges to overcome its socio-economic disabilities. In this categorisation, the communities that were earlier part of the Denotified, Nomadic and Semi-Nomadic Tribes were also included in the lists of SC, ST, and OBC categories. However, their categorisation was not logical or uniform. There are still a number of Denotified, Nomadic and Semi-Nomadic Tribes which have not been included in any one of these categories. Instead, they are placed at par with the communities of the general category.

These communities have a long history of marginalisation, neglect and oppression, first during the colonial rule, and subsequently, in independent India. This Commission will be a great service if it is able to change the course of history of these people by improving their living conditions so that they (and their posterity) are able to live with honour and dignity.

#### **Background:**

The initial concern about these communities after our independence from the British rule slowly petered out. With the passage of time, these communities have become almost invisible, and the 'mainstream' communities, governments virtually

lost sight of them. It is partly because these communities are largely politically 'quiet'- they themselves do not place their demands concertly before the government, for they lack endogenous vocal leadership; and also, they are devoid of the patronage of a national leader who can help bring them to the centre stage of political discourse. Perhaps, they have not been seen as constituting a decisive vote bank. It is apparent that there is a lot of apathy among the policy makers and planners about these communities. For many of them these communities are inconsequential. Many are not even aware of their existence. This attitude is reflected in the successive Five-Year Plans. However, with the UPA (United Progressive Alliance) government's initiative in 2006, a National Commission was constituted to look into the problems of these diverse communities and to suggest ways and means to ameliorate their condition. The effort is to bring these communities at par with the other citizens of the country so that they enjoy the fruits of economic and social progress.

It is relevant to summarise the reflections of the earlier commissions and committees on Denotified, Nomadic and Semi-Nomadic Tribes or communities (DN-N-SNT) constituted to look into the problems of the Scheduled Castes, the Scheduled Tribes, and the Other Backward Classes. These Commissions and Committees, though included a number of these communities in the SC, ST and OBC categories, have felt that the DN-NT-SNT need to be given a special focus, and different development programmes be designed for them, as their problems are different from the SC, ST and OBC communities. Also, culturally and socially, they are different from the others. In other words, these communities deserve a separate treatment and plan for affirmative action.

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

#### **a) The Criminal Tribes Inquiry Committee, 1947**

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

against idleness, prostitution and crime to which their conditions of existence make them prone’.

#### **b) Ayyangar Committee**

A Committee was established under the Chairmanship of Mr. Ananthsayanam Ayyangar in 1949. After a detailed study of the working of the Criminal Tribes Act throughout the country, it submitted its report in 1950, in which it made several recommendations for the repeal of the Act and gave reasons for this. The Committee also emphasized the need for allocation of adequate funds for their welfare and rehabilitation. It recommended that the Central Government should make a liberal contribution not exceeding 50 percent of the allocation to the State Governments for the initiation and execution of the schemes for a period of ten years in the first instance.

The Government of India accepted some of the recommendations of the Ayyangar Committee. It repealed the Criminal Tribes Act with effect from 31 August 1952 by the Criminal Tribes (Repeal) Act, 1952 (Act No XXIV of 1952). But, to keep effective control over the so-called hardened criminals, Habitual Offenders Act was placed in the statute book.

#### **c) Kalelkar Commission**

The first Backward Class Commission was appointed on 29 January 1953 under the Chairmanship of Mr. Kakasaheb Kalelkar. This Commission in paragraph 48 of its report suggested that the erstwhile ‘Criminal Tribes’ should not be called ‘Tribes’ nor should the names ‘Criminal’ or ‘Ex-Criminal’ be attached to them. They could be called ‘Denotified Communities’. The Kalelkar Commission further recommended that “these groups may be distributed in small groups in towns and villages where they would come in contact with other people, and get an opportunity for turning a new leaf. This would help in their eventual assimilation in society”.

The first Backward Class Commission in paragraph 41 mentions that there were as many as 127 groups aggregating 22.68 lakhs in 1949 and 24.64 lakhs in 1951 described in official records as Ex-Criminal Tribes. These groups could be divided into two sections, i.e., (i) Nomadic; and (ii) Settled. The nomadic groups included the gypsy-like tribes such as Sansis, Kanjars, etc., and ‘had an innate preference for a life

of adventure.’ The settled and semi-settled groups were deemed to have descended from irregular fighting men or persons uprooted from their original homes due to invasions and political upheavals.

The first Backward Class Commission took special note of the ‘wandering communities’ separately in the later part of its report in paragraph no. 135. The relevant portion is quoted below: ‘There are a large number of small communities who eke out a precarious existence in the countryside. They have no fixed place of residence and they move from place to place in search of food or employment. They often rear pigs and poultry, hunt wild animals to satisfy their hunger and collect forest produce to make a living. They live in thatched sheds or gunny tents, and move in groups. They believe in witchcraft. Because of the insecurity of their life, some of these communities are given to crime. It should be the special responsibility of Government to give them a settled life’.

#### **d) Lokur Committee**

In 1965, an Advisory Committee was constituted for the revision of the Scheduled Castes and Scheduled Tribes list by the Government of India under the Chairmanship of Mr B.N. Lokur. The pre-independence list of ‘Denotified and Nomadic Tribes’ consequently got divided into the three constitutionally recognized categories, i.e. Scheduled Castes, Scheduled Tribes and Other Backward Classes. Although the Lokur Committee in general followed the strict guideline for entertaining the requests of revision of the Schedule Caste and Scheduled Tribes lists, it had given quite favourable recommendations with regard to Denotified and Nomadic Tribes.

The Committee was aware of the anomalous situation of the communities being listed as SC in one State and as ST in another (and also OBC in another). According to the Committee, ‘This anomalous classification appears to have had its origin in the fact that members of the denotified and nomadic communities possess a complex combination of tribal characteristics, traditional untouchability, nomadic traits, and anti-social heritage’ (p. 16).

The Lokur Committee observed that its ‘discussion with the State Governments, however, revealed that **the type of development schemes usually**

**designed for Scheduled Castes and Scheduled Tribes have not benefited the denotified and nomadic tribes** to any significant extent because of their relatively small numbers, and their tendency to be constantly on the move. It is also clear that while these communities may possess some characteristics usually associated with the Scheduled Castes and Scheduled Tribes, the dominant factors which govern their life are their anti-social heritage and tendency to move from place to place in small groups. **We are inclined to feel that it would be in the best interest of these communities if they are taken out from the lists of Scheduled Castes and Scheduled Tribes and treated exclusively as distinct group, with development schemes specially designed to suit their dominant characteristics'** (p. 16). Lokur Committee further suggested that 'the present anomalous position regarding the denotified and nomadic tribes, who could more properly be identified as communities rather than tribes, should be rectified as soon as possible after a detailed investigation' (p. 17).

#### **e) Mandal Commission**

The Second Backward Class Commission under the Chairmanship of Mr. B.P. Mandal (1980) criticized the government policy for emphasizing the economic criteria and dismissing caste as a criterion to determine social and educational backwardness. Mr L. R. Naik wrote a separate minute of dissent with reference to the categorization of the socially and educationally backward classes. He states that, 'By way of clarity they would be hereinafter, called 'Depressed Backward Classes' as distinct from the 'Intermediate Backward Classes'.... The intermediate backward classes, in my opinion, are those whose traditional occupation had been agriculture, market, gardening, betel-leaves growers, pastoral activities, village industries like artisans, tailors, dyers and weavers, petty business-cum-agricultural activities, heralding, temple service, toddy selling, oil mongering, combating, astrology, etc. etc., who have co-existed since times immemorial with upper castes and had, therefore, some scope to imbibe better association and what all it connotes than many unfortunate **'Depressed Backward Classes' whose intermingling with the Indian society was either denied, prohibited and even segregated obviously on account of stigma of nomadism, resulting in their abysmally low social status. They, generally, are ex-criminal tribes, nomadic and wandering tribes, earth diggers, fishermen, boatmen and palanquin bearers, salt makers, washermen, shepherds, barbers,**

scavengers, basket makers, furriers and tanners, landless agricultural labourers, watermen, toddy tapers, camel-herdsmen, pig-keepers, pack bullock carriers, collectors of forest produce, hunters and fowlers, corn parchers, primitive tribes (not specified as Scheduled Tribes), exterior classes (not specified as Scheduled Castes), and begging communities etc. etc.... These very names amply connote their social and educational backwardness and, therefore, should have been postulated by the Founding Fathers of our Constitution as in the case of the Scheduled Castes and Scheduled Tribes for the purpose of specification.... Liberty, Equality and Fraternity so richly enshrined in the Constitution of our country have still to acquire meaningful proposition for all of them' (Pp. 229-230, emphasis added).

#### **f) Justice Venkatachaliah Commission**

The Report of the National Commission to Review the Working of the Constitution under the Chairmanship of Justice M.N. Venkatachaliah, submitted to Government of India on 31 March 2002, made a very focussed review on the plight of Denotified and Nomadic Communities in Chapter 10 on 'Pace of Socio-Economic Change and Development' under 10.12.1 and 10.12.2 and recommended for the establishment of a Commission to review things related to these communities.

The Report states that 'The denotified tribes/communities have been wrongly stigmatized as crime prone and subjected to high handed treatment as well as exploitation by the representatives of law and order as well as by the general society. Some of them are included in the list of Scheduled Tribes and others are in the list of Scheduled Castes and list of backward classes. The special approach to their development has been delineated and emphasized in the Reports of the Working Groups for the Development of Scheduled Tribes, Scheduled Castes and Backward Classes in successive Plans and also in the Annual Reports of the Commissioners for Scheduled Castes and Scheduled Tribes, National Commission for Scheduled Castes and Scheduled Tribes and the National Commission for Backward Classes. There are also special reports available on de-notified tribes. Their recommendations have not received attention. **The Commission recommends that the Ministry of Social Justice and Empowerment and the Ministry of Tribal Welfare should collate all these materials and recommendations contained in the reports of the working groups and the reports of the National Commissions and other reports referred**

to and strengthen the programmes for the economic development, educational development, generation of employment opportunities, social liberation and full rehabilitation of denotified tribes. Whatever has been said about vimuktajatis also holds good for nomadic and semi-nomadic tribes/communities. The Commission recommends similar action in respect of nomadic and semi-nomadic tribes/communities as done in the case of de-notified tribes or vimuktajatis. The continued plight of these groups of communities distributed in the list of Scheduled Castes, Scheduled Tribes and backward classes is an eloquent illustration of the failure of the machinery for planning, financial resources allocation and budgeting and administration in the country to seriously follow the mandate of the Constitution including Article 46. **The Commission also points out that the setting up of an integrated net work of National Scheduled Castes and Scheduled Tribes Development Authority, etc. recommended in para 10.5.2 to 10.5.3 above will provide a structural mechanism to deal in a practical way with the vimuktajatis as well as nomadic and semi-nomadic tribes/communities within the frame work of the SCP and TsP. Similarly the approach to the development of backward classes referred to at para 10.14 below contains the approach to deal in a practical way with the Vimuktajatis and nomadic and semi-nomadic tribes/communities who are in Backward Class list’.**

It is further suggested in the Report of Justice Venkatachaliah Commission that, **‘The Commission also considered the representations made on behalf of the De-notified and Nomadic Tribal Rights Action Group and decided to forward them to the Ministry of Social Justice & Empowerment with the suggestion that they may examine the same preferably through a Commission’.**

It is apparent from the observations of the above Committees or Commissions that the conditions of the Denotified, Nomadic and Semi-Nomadic Tribes or Communities are deplorable and deserve a separate and special treatment so that their lot can be improved. This is essential for bringing this very large section of downtrodden citizens of India into the ambit of development and to confer upon them the dignity of citizenship with all its appended social, cultural, economic and political rights on par with the others. Otherwise, the words ‘constitution’ and ‘citizenship’ are hollow and irrelevant to them.



**Way forward:**

How to go about redressing the situation with regard to these communities, so that their condition can be substantially improved? What are the bases for arriving at the enormity of the problem? In this regard, we need to have a sound logic and rationale to proceed further to analyse the problems of deprivation among the Denotified, Nomadic and Semi-Nomadic Communities for some positive legislative and policy intervention. One of the ways is to analyze and understand the problems (and their enormity) that these communities have been facing for decades although some of them have been included in the list of SC, ST and OBC. Here, we shall be required to compare their problems and vulnerability with the SC, ST and OBC, with which they have been classified. It may also be noted here that there are nomadic and semi-nomadic communities which have not been classified in any of the constitutionally recognised categories for positive discrimination. They may be, as noted in the beginning, existing along with the general population, hence denied for ages the benefits and privileges that accrue with the policy of positive discrimination. The fact remains that in comparison with SCs, STs and OBCs, they continue to be low in all indices of human development. If they are with the general population, they are acutely invisible, totally uncared for, and hence have to be taken out of the general population and scheduled for the policy of positive discrimination.

**Our Concerns:**

In light of the above, the following concerns become very relevant for reflecting upon the problems of DNT, NT, and SNT communities in order to arrive at suitable solutions for their upliftment. They are:

1. To evolve a criteria of definition for the identification and classification of Denotified, Nomadic and Semi-Nomadic Tribes.
2. To identify the benefits of reservation to the Denotified, Nomadic and Semi-Nomadic Tribes.
3. To draw a comprehensive plan to secure and deliver fundamental rights to these communities.
4. To develop a broad campaign for positive image building in the civil society about these communities.

## **The Issue of Identification**

The issue of identification of the Denotified, Nomadic and Semi-Nomadic Tribes is complex. The State Governments have a separate and designated list of 'Denotified and Nomadic Tribes', and it appears that they do not follow any well defined criteria for their classification. It has been observed that the inclusion and exclusion of communities in such lists was done on political considerations rather than on fair and uniform criteria.

Several representations to the Commission pointed out that such inclusion has undermined the interest of the 'Original Nomadic and Denotified Tribes'. Hence, the Commission feels that these terms should be comprehensively defined to avoid any ambiguities in future and to maintain uniformity throughout the country. The Commission held discussions with experts in the disciplines of anthropology, sociology and other social sciences in this regard and arrived at the definitions and criteria discussed below.

## **The De-notified Tribes:**

These are communities (or 'tribes') that, during the British regime, due to specific administrative as well as law and order reasons, were 'notified' as being 'born criminal' by the British Government under a series of laws starting with the Criminal Tribes Act of 1871. These laws were enacted as crime was considered a 'hereditary profession' and the enactment of the law and its entry into the working of police training as well as in the public arena slapped the brand of being 'born criminals' on the entire population of these communities. After Independence, this Act was repealed in 1952, and the communities were 'de-notified', hence the name.

Within the period of notification, while the communities were branded as criminals quite unjustifiably, efforts were also made to settle them as large groups at several places throughout the country. More than 50 such 'settlements' were established in the country [in Ayyangar Committee Report (1951: 137-9) information about Bombay and Madras Provinces was not available. The Criminal Tribes Act was already repealed by these two Provinces at the time of Ayyangar Committee] where a large number of people from such communities were re-located, who were confined to a specific locality and used as labourers in road or dam construction and in different industries. Even while these were often termed as 'open prisons', land was

allotted to the people, housing created, though under strict police supervision, and occupational training was imparted to them in various trades with a view to get them habituated to a settled living earned through hard labour. In addition to the wages paid to the working persons, special allowances were also paid to non-earning persons. Schools were opened for children. As a result of these efforts, as it is observed today, the living condition of the DNT population in the erstwhile settlements is ironically far better as compared to their counterparts who never got into the settlements, or broke away from them after the settlements were opened.

Thus, the term ‘Denotified Tribes’ stands for all those communities which were notified under the several versions of Criminal Tribes Acts enforced during the British Rule between 1871 and 1947 throughout the Indian territory and were ‘denotified’ by the repeal of these Acts after India’s Independence. A list of such communities was compiled by the Ayyangar Committee. The Commission has adopted this list along with those sent by the States for the purpose of its investigation and inquiry.

### **Problem of Definition**

Among these three categories of communities, the problem of defining the Nomadic and Semi-Nomadic Tribes requires greater attention over those of the Denotified Tribes. There is better clarity with regard to the Denotified Tribes, and therefore, we need to have conceptual clarity with regard to nomadic and semi-nomadic tribes.

### **Definition of Nomadic and Semi-nomadic Communities**

For the *Cambridge International Dictionary of English* (1995), the word nomad means ‘a member of a group or people who move from one place to another rather than living in one place all the time’ (p. 959). Although no hint is given in this definition about the lifestyle of nomads, the activity forming the pivot of their society, the example given in this *Dictionary* to illustrate the usage of this word is, ‘Nomads travel these arid regions with their camel herd’, which amply shows that the author has ‘pastoral nomads’, or more specifically, ‘camel nomadism’, in mind, or when we conceptualize nomads, the pastoral communities are the first to figure in our mind.

The *Oxford Advanced Learner's Dictionary* (1995: 786) defines nomad as 'a member of a tribe or people that moves with its animals from place to place and has no permanent home.' The second meaning given here is: 'a person who does not stay long in one place.' The meaning of nomad that the *Concise English Dictionary* (1962: 777) gives is: 'One of a tribe that wanders about seeking pasture for their flocks', and like the *Oxford Dictionary*, the second meaning of this term is 'wanderer'. It is clear from these two definitions (from different dictionaries) that the first meaning of the term nomad is with reference to animal breeding: Nomads are animal breeders, and move with their animals in search of pasture.

Registering our difference with the first dictionary meaning, we submit that we conceptualize nomad not as a 'pastoral', but as a 'peregrinator'. The focus in this term is on geographical mobility than on the type of economy they practice. There are nomadic groups that entertain; some supply herbal medicines to settled communities; some sell iron implements. They may have a myth according to which they were settled at a place, but were constrained to move, and may consider that place as the one to which they would eternally belong, but this belief in an unchanging location where they emerged and, in some cases, to which they might like to return, does not reduce their status as being nomadic. People think in terms of the alternating cycles of wandering and settlement.

Keeping in mind the notion of mobility – or transformation of one type of society into another – we may envisage a continuum, the left pole of which is of nomadic societies and the right, of sedentary societies. Lying on the continuum are the various shades of society; there is a complex and shifting continuum between pure nomadism, partial nomadism, transhumance, and sedentary agriculture. Those to the left of the continuum from its mid point are more nomadic, and those to the right are more settled. The process of transformation is usually from left to right, that is from the state of nomadism to that of sedentariness. The opposite process from right to left, that is from settled living to nomadic, is also possible, as is spelt out in the myths of many contemporary nomadic societies, for the continuum works both ways. However, empirical examples of this process are not very easy to find, although once communities are uprooted because of developmental programmes they may adopt a peregrinating life until they settle down. This shows that the continuum principally

works in one direction, from left to right. Sedentarism is on rise; nomadism is on decline; and the continuum may usually be characterized as depicting the ‘process of sedentarization’. It may be, at this juncture, relevant to note that Rao and Casimir dedicated their edited volume on *Nomadism in South Asia* (2003) to ‘millions of South Asians whose children may one day like to know more about the nomadic lifestyles of their ancestors.’

Here, it is important to distinguish ‘nomadism’ from ‘migration’ on the one hand and ‘rotational living’ on the other. People migrate from their villages in search of jobs. Thousands of people come to cities and metropolises a couple of months before the major festivals (such as Dussehra, Diwali) looking for the jobs of painter, cleaner, mason, etc., and return to their villages for celebrations. Although one may carelessly use the term ‘nomadic’ for them, it is wrong to do so. Migration is invariably linked to ‘push’ and ‘pull’ factors – either people are ‘pushed’ out of their native areas to look for jobs elsewhere; or they are ‘pulled’ to cities and other places that have opportunities.

Shifting cultivators have a ‘rotational living’ within the same tract of land. They clear up a particular piece of land and cultivate it for a certain number of years, keeping in mind the amount of annual production from it. Once it declines appreciably, and they are unable to meet both ends with it, they move to another piece of land and cultivate it, before leaving it to clear another field. In a circular fashion, they return to the land that was earlier left fallow. The community decides which piece of land its group would subject to clearing.

Both ‘migration’ and ‘rotational living’ involve mobility, but they are different from nomadism, which is a type of social formation. Nomadic communities are perpetually moving, for their occupation demands it. They do not leave their areas temporarily because of poverty, crop failure, or some natural calamity. They are also not shifting cultivators. In fact, nomadic communities are not food producers. They are usually engaged in other non-agricultural occupations. Hence, it would be wrong to characterize either seasonal migrants or shifting cultivators as nomads. For us, nomadism is a way of life, and therefore, is not a common metaphor for all kinds of mobile people who move from one place to another for earning their livelihood.

Presently, there are thirty to forty million nomads in the world, divided into three types, viz. hunter-gatherer, pastoral nomads, and peripatetic nomads. Perhaps, at one time, all communities were nomadic. Nomadism was the lifestyle of the 'centre', so to say, rather than of the 'margin'. When the concept of private property had not fully developed, and land was plentifully available, the communities afforded the *luxury* of shifting from one location to the other, depending upon what appeared to it salubrious and lush in terms of the economic resources optimally needed to meet the needs of people. Gradually, around 10,000 B.C., with the discovery of plough and settled agriculture, some nomadic peoples started settling down, while others continued with their long-cherished ways of life. With urban revolution came the overarching state, the political organ, which tried to extend its control over all communities, including those that happened to be outside its immediate boundaries. Nomadism had developed a much-valued sense of freedom, which meant 'not to be under the authority of an alien power.' Nomads saw the world without the 'roof' and the 'barricades', without 'barriers' and 'boundaries'. The entire world, for them, was one, and they moved in and around its niches in accordance with the demands of their lifestyle. The territorial frontiers and limits that the state had imposed upon its people were unknown to nomads, and they tried their best to escape from them.

In fact, state was the biggest enemy of the nomads, for it represented the interests of the dominant classes, for whom peregrinating communities were both a threat and a nuisance. They could harm the settled people and disappear in wilderness. Lest their acts of deviance go unpunished, the state not only considered them as a threat to security, thus describing them as 'criminal' in many cases, to be dealt with severely, but also delineated stringent measures to force them settle down. Once they sedentarized, it was thought that the law would be able to keep a vigil on them. Nomadism made them independent and unshackled, whilst sedentarization came hand in hand with surveillance. This would explain why nomads have time and again opposed their settling down that the state planned for them. Nevertheless, nomads have sedentarized, often forcibly, sometimes willingly. One of the conclusions we may reach here is that human history began with nomadism. It is the oldest way of life. Once human beings settled down, the concept of private property came up, so did properly structured kin groups.

Against this background, a nomad may be defined as ‘one who is constantly on spatial movement.’ A group (or society) of constantly moving (or migrating) people is nomadic, and the lifestyle and symbolic system the nomads have is known as nomadism. Here, people eke out their livelihood by migrating from one site to another within a specific territorial zone. The fact that people move should not be interpreted as meaning that they journey from one eco-zone to another, or, to put in empirical terms, the nomads from the Himalayas travel to central India. As a lifestyle, nomadism is always adapted to a habitat. Nomads have a specialized knowledge of an area, and their economy is suited to that. Nomads are journeyers in a habitat; they process the resources that they find there. In other words, they are not parasites on nature.

The concepts of nomadic society and nomadism are easy to understand, but problem surfaces when a list of the communities which are contemporaneously nomadic is to be drawn up for micro-level, community-specific development. Along side the term ‘nomad’ figure terms such as ‘transhumance’, ‘seasonal nomadism’, and ‘semi-nomadism’. Let us look at the differences between them.

‘Transhumance’ and ‘seasonal nomadism’ are used interchangeably. It is a form of nomadism organized around the migration of livestock between mountainous pastures in warm seasons and lower altitudes the rest of the year. Migration occurs between lower and upper latitudes; for example, the Siberian reindeer graziers move between the sub-arctic region and the arctic tundra. In case of some of these communities, nomadism has virtually disappeared. The Norwegian Sami men, for instance, accompany their reindeers alone while their families reside in permanent houses. For such situations is used the term ‘semi-nomadism’, which indicates a distinctive lifestyle resulting from a differential amalgamation of pastoralism and sedentary habits (Falah, 1990, The evolution of semi-nomadism in non-desert environment, *Geojournal*, 21, Vol. 4). These people have a fixed abode for part of the year, although its duration varies from one community to another.

French geographers call what we have called here ‘semi-nomadism’ ‘semi-sedentary mode of life’ (Clarke, 1959: 95-6, Studies of semi-nomadism in north Africa, *Economic Geography*, 35, Vol. 2). In this state of social formation, different proportions of pastoral nomadism and cultivation are combined. For French, this is

‘semi-sedentary mode of life.’ Semi-nomadism, for them, is a way of life dependent upon sheep- or goat-tending, or ass tending, which is usually carried out in desert peripheries, the semi-arid regions. The term ‘nomadism’ is used for a social life based upon camel tending and breeding. In this sense, writes Gottwald (1999: 445, *The Tribes of Yahweh: A Sociology of the Religion of Liberated Israel*, Orbis Books, Maryknoll, NY), the term ‘semi’ is “taken to mean ‘less fully developed’ or ‘less independent of the settled zone’, or both, and ‘full’ is taken to mean ‘more fully developed’ or ‘more independent of the settled zone’, or both.”

In this definitional cluster, those who are more dependent upon settled communities, like sheep tenders, are semi-nomadic in comparison to those who are less dependent, like camel herders. For the latter is used the term ‘nomadism’. Both these types of societies are distinguished from those that are nomadic during part of the year and sedentary during the other part. They were formerly full nomads, now in transition from a continuous nomadic life to complete sedentariness. Semi-nomadism, in this perspective, is a distinct way of life, which can endure over time instead of being sedentarized. Thus, in literature, two meanings are ascribed to the term ‘semi-nomadism’. First, it is a differential combination of nomadism and cultivation; and second, it is a kind of nomadism which for its survival requires more dependence upon settled communities.

Ecological factors are closely related with different phases of nomadism. MacArthur (1980, quoted in: *Sustainable Management of Common Natural Resources in Mongolia*, Ministry for Nature and the Environment, Mongolia), for instance, has drawn a relationship between the quantum of rainfall and the state of nomadism. Areas having less than fifty millimetres (mm.) of rainfall have occasional nomadic stock keeping. Those having between fifty and two hundred mm. of rainfall have nomadism with long migrations. All types of nomadism, transhumance, and supplementary arable farming are associated with areas having rainfall between two hundred and four hundred mm. of rainfall. Areas having rainfall ranging from four hundred to six hundred mm. have semi-nomadism, transhumance, partial nomadism, with a strong emphasis on arable farming. Transhumance and partial nomadism are found in zones with rainfall ranging from six hundred to one thousand mm. Semi-



nomadism may result mostly because of the ethnic tradition. Areas having more than one thousand mm. of rainfall have partial nomadism and stationary stock keeping.

As an ideal type, the nomads do not have a fixed home. They may have a story of their origin, the place where they lived before journeying eternally, but they do not have a place to which they return after travelling for some months in connection with their livelihood. Semi-nomads are 'partial nomads' – they have fixed habitations to which they return once a year, or when their occupational activities are expected to cease for a while. One of the main examples of semi-nomads is of pastoral people, who move with the herds of their animals after the monsoon harvest and return to their respective villages just before the onset of rains. For eight to nine months, when they are out of their settlements, moving with their animals in search of pasture, their houses either remain locked, or they leave their women, children, old people and infirm there, not only to look after the habitation, but also to sow winter crops, if any. Invariably, they have some small tracts of land, which they cultivate during monsoon, after returning from the grazing expeditions. The characteristics of their respective social organizations flow from the kind of migratory pattern they have.

The problem in producing separate lists of nomadic and semi-nomadic communities is bound to come because the communities that were nomadic at one point of time have become semi-nomadic at another, and in many cases, have settled down once and forever. Therefore, although conceptually, one can distinguish nomadic from semi-nomadic communities, in reality, it would be extremely difficult to do so, and one would be forced to decide this rather arbitrarily. Moreover, one comes across different patterns of living within the same 'nomadic' community. Take the case of Gaddis of Himachal Pradesh – some of them oscillate with their animals between their summer and winter habitations; some have permanently settled down in villages, but their men take their animals for grazing in the nearby pasture every morning and they return in the evening, or what is called the 'radial movement'; and some permanently settled families are in non-pastoral occupations. Each of these strata is also a connubial circle. Against this background, it would be difficult to call the community 'nomadic' or 'semi-nomadic', since both the patterns of living are coeval. Therefore, an attempt to draw up separate lists of nomadic and semi-nomadic societies would not succeed.

This would lead us to another issue. Earlier, we noted that nomadism is on decline. More and more communities, which would have preferred nomadic existence, have been settling down, and in times to come, nomadism would be an artefact of the past. From this, it should not be surmised that once the nomadic communities settle down, their economic status improves and they are respectfully integrated with the outside world. On the contrary, the stigma of being nomadic continues. Even when the communities have physically sedentarized, they are viewed as ‘on the move’. Our first hand experience from Rajasthan informs us that although the Raika-Rabari, a pastoral group, have their permanent hamlets (called *dhānī*) where they have been living for years, the villagers think that their huts are flimsy, can be easily dismantled, and they would move to some other place. In other words, the nomads and semi-nomads are viewed as groups largely ‘unreliable’ and ‘fleers’. Many folk sayings in Rajasthan depict Raika-Rabari as people who ‘live outside the village and tread a path much different from that of the villagers’. They are also not called *gaonwale* (villagers); they are *dhānīwale*. They are like the ‘flimsy’ hamlets they dwell. The point is that the past of a nomadic community lingers even after it has sedentarized. That is why, for preparing a list of nomadic and semi-nomadic communities, we must adopt an historical approach – look for the recent past of the communities.

Probably, at one time, as we have argued, all communities were nomadic, but the process of their settlement began with the advent of the system of food production. Since then, different nomadic communities have settled down at different points of time, and the process of their settlement has varied widely and heterogeneously. Some communities sedentarized centuries ago, and have since then progressed extremely well. The adverse social consequences of nomadism are non-existent in their cases. Some communities lead a semi-nomadic existence, and they are able to continue with it instead of feeling the need of settling down. By comparison, there are communities which have been nomadic till quite recently, and their condition has deteriorated after their settlement. As said earlier, it would be a futile exercise producing two different lists of communities, nomadic and semi-nomadic, because in contemporary India, nomadic communities are in the process of sedentarization. The theoretical distinctions that we made between nomadism and

semi-nomadism are not today reflected in communities that have a nomadic antiquity. It is, therefore, proper to prepare just one list, calling it the 'List of Nomadic and Semi-nomadic Communities'.

There is another point suggesting that we should not belabour distinguishing nomadic from semi-nomadic communities, since the measures of development and compensatory discrimination we suggest are for all of them. In other words, we are not proposing different sets of benefits for nomadic and semi-nomadic communities respectively. If the benefits and positive measures are going to be the same for them, there is no point in struggling with the issue of separating nomadic from semi-nomadic communities, for in reality, they cannot be separated in the way some theoretically-inclined scholars have tried to do. The list can be prepared by collating the following sources:

- (1) The Census of India, 1931, which gives a list of nomadic communities, under the rubric of 'wandering communities'.
- (2) The People of India Project, which provides short ethnographic sketches on 4,635 communities. A close reading of the volumes of this project will help us in identifying nomadic communities or communities that had a traditional nomadic background; may be a century ago, they were leading a fully nomadic or semi-nomadic existence.
- (3) The list of nomadic and semi-nomadic communities provided by different states and union territories of India.
- (4) The list of nomadic and semi-nomadic communities prepared on the basis of the field survey undertaken by members of the Commission.
- (5) The representations made by different communities claiming to be traditionally nomadic. For examining their claims, the following criteria should be adopted:

- (a) **Communities that have a traditional social background of nomadism;** that is to say, which were nomadic in the past, say a century ago, and their claim is supported with authentic historical evidence, whether supplied by the community itself or by independent researchers; in all cases, the veracity of sources needs to be ascertained before. Such communities had (or may continue to have) a variety of occupations, such as pastoralism, begging, providing entertainment (sometimes

with animals, such as bears, monkeys, snakes, parrots), herbal treatment and fortune telling, artisan work, hawking and vending, semi-skilled or skilled labour, etc,

- (b) **Marginalization from social and economic mainstream.** In global economy, goods and services are standardized and centrally controlled by multinationals and other organizations. The newly emerging global economic system does not allow these communities to lead their traditional life, with the result that nomadic communities have lost their livelihoods and independence. Folk artists of the past have become destitute; artisans who supplied agricultural implements or weapons of warfare are reduced to beggars; pastoralists who once owned large flocks of animals are now landless labourers or marginal farmers.
- (c) **Low human development index and high relative deprivation index.** In other words, in matters of health, livelihood, occupation, and education, their communities are lowly placed. They have long periods of hunger; they remain in debt-bondage for longer period, and are unable to pay off their loans for generations; they perpetually experience the scarcity of resources. This is reflected in their social, economic, cultural, and educational backwardness.
- (d) **Large deprivation from the gains of planned development.** As a consequence of their occupational requirements, they are unable to take advantage of the development programmes; therefore, their life continues as it is.
- (e) **Lack of empowerment.** The nomadic communities have been at the margin of the political system. Since they do not have a permanent residence, they have not been able to obtain an 'identity card', or any other proof of their being a citizen of the state. Their names do not exist in the list of voters. As a consequence of this disability, they are debarred from all those ventures that require a proof of their citizenship. They are denizens of the nation without the rights of citizenship.
- (f) **Carriers of social stigma.** The label of 'criminal', 'beggar', and 'untouchable' is attached to them. The peasant villages consider pastoral nomads as 'nuisance'.

### **Commission's Effort**

In view of the above, the Commission has made efforts to understand the problems of the DNT, NT and SNT communities scientifically by consulting experts in the areas of anthropology, sociology, social work, media, statistics and social activism. It has also made efforts to arrive at a proper definition of NT and SNT by

engaging experts in a workshop specifically called for this purpose. The Commission has experienced difficulty in locating and accessing data and made efforts to collate data from a wide variety of sources. The task was arduous and time consuming but the effort was essential and necessary for drafting a scientific report on the Denotified, Nomadic and Semi-Nomadic Tribes and to offer its suggestions and recommendations for the welfare and empowerment of these communities.

**Report Structure:**

This Report is based on analysis of data gathered from different available sources. It broadly presents the findings under different sections/chapters for drawing inferences and suggests recommendations for follow up to ameliorate the conditions of the Denotified, Nomadic and Semi-Nomadic Tribes.

The Report is organised into two volumes. Volume I of the Report discusses several aspects dealing with definition, historical perspective of the communities, approach and methodology, an overview of Denotified and Nomadic Tribes indicating their location in SC, ST and OBC lists, State-wise lists of synonyms of various Denotified and Nomadic Communities/Tribes, anomalies in their inclusion in categories of SC, ST and OBC, denotified and nomadic tribes and their population, analysis of the information received from the State Governments in response to the questionnaire of the Commission, salient socio-economic features of these communities, causes for the decline of their traditional occupations, atrocities and human rights violations, gender issues, and Recommendations.

Volume II of the Report contains the Annexures.

## Chapter 2

### Denotified, Nomadic and Semi-Nomadic Tribes

#### Historical Perspective

#### Denotified Tribes<sup>1</sup>

The so-called Criminal Tribes were notified as such by the British by enacting the Criminal Tribes Act, 1871 as a part of their misconceived strategy to control crime in British India by branding a large number of Indian castes and communities as criminal. This led to the creation of settlements of these tribes in various parts of the country to enable the police to exercise constant surveillance over the movement and behaviour of such tribes and thus prevent them from committing crime. This arrangement caused considerable harassment and hardships to these castes and communities and adversely affected their lifestyles and sustenance. After India achieved independence in 1947, the Criminal Tribes Act, 1871 was reviewed and eventually repealed in 1952. As a result, all the castes and communities which were notified under the Criminal Tribes Act, 1871 were denotified. Unfortunately, though the Act was repealed, its adverse impact continued on both the castes and communities which were earlier branded as criminal by the civil society at large. This antisocial legacy of the British Rule persists even today and both the police and the civil society treat them with suspicion and humiliation.

The media continues to brand these communities as ‘criminal tribes’. Even educated members of these communities, who constitute a few first-generation office-goers or professionals, are subjected to deep suspicion and insult by the wider society when they set out to look for jobs, and at their workplaces. There is constant, relentless humiliation they suffer at the hands of ‘respectable’ people. Swimming against the tide each day, they struggle to enter the virtuous cycle of education, work and respectability, which has eluded them and their children for several generations. Since ‘criminal tribes’ continue to make sensational headlines so frequently, the phenomenon needs to be examined historically.

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<sup>1</sup> Information on this is from Meena Radhakrishna, *Dishonoured by History: ‘Criminal Tribes’ and British Colonial Policy*. Orient Longman, New Delhi, Revised Edition, 2008.

To begin with, the Criminal Tribes Act was operational mainly in Punjab and North West Frontier Provinces. Criminal Tribes Act, 1911, replaced this Act, and was applied to the whole of British India. Compared to the 1871 Act, the new CTA gave more powers to local governments to declare any tribe, section or class of people as a Criminal Tribe; to order registration of members of the Criminal Tribe and taking of their finger prints; to direct that every such registered member would report himself at fixed intervals to a police officer of the village; report to the police officer or the headman any change of residence; and to restrict the movements of Criminal Tribe members to a particular area.

The Criminal Tribes Act denied members of the Criminal Tribe normal rights under the common law and took away the jurisdiction of the courts to question the validity of notifications issued under the most crucial sections of the CTA by the Government. The registration of an individual or a community could no longer be questioned under this section, nor could their restriction of movements. It was not for any offence committed that all these punitive measures were employed, but only for 'preventive action' which was the professed purpose, albeit unofficially, of the Criminal Tribes Act. This could be done even though a Criminal Tribe member had no convictions, had never been imprisoned or even never sentenced to a fine. This was because all that was required for the notification of a community as a Criminal Tribe was the 'reason to believe' that the community was addicted to crime.

Another important feature of the CTA was that local governments were authorized to establish industrial, agricultural or reformatory schools and settlements for members of the Criminal Tribe. Under this scheme, employment was to be given to the Criminal Tribes either on government agricultural land, or in a private enterprise. The members were not allowed to go out without a pass, which was issued at the discretion of the manager of the settlement. The local government could subject them to further 'discipline', if any members tried to escape from such settlements. Hours of work in a settlement, rate of payment, disposal of products made by the settlers, all were decided by rules that the local governments had made.

Most nomadic communities were declared criminal, and put into these settlements where they were forced to work without payment in British owned enterprises, plantations, mills, quarries and factories. This measure was meant to

reform them, and surveillance of these supposed criminals was achieved through missionary organizations. One of these organizations, Salvation Army, was extremely influential with the British government, and considered these settlements to be an experiment in 'curing criminals'.

The communities which had already lost their means of livelihood suffered grievously because of their having been notified as Criminal Tribes. Declaring them criminal only worsened the situation as far as finding work was concerned as they were feared and mistrusted. The British administration also admitted that those who were registered under the Act were left at the mercy of subordinate police officers.

The practical criteria that the administration came to apply for a community to be notified were (i) blood relationship of individuals with members of the Criminal Tribe who had conviction in their names; and (ii) blood relationship with those who had already been notified. Administratively speaking, what this meant was that once notification of a particular section of a community was done, it could be an automatic basis for a number of fresh notifications.

There is historical evidence that a number of communities in the north of India were involved in the rebellion against the British in 1857. These communities were used by the rebel princes and rajahs either directly to fight against the British, or were indirectly involved in a variety of ways in assisting their armies. As a result, these communities were brutally suppressed during 1857, and later declared Criminal Tribes under the Criminal Tribes Act, 1871.

The 1857 war of independence convinced the British that it was time to sort out the faithful from the rebellious, to differentiate between the loyal and the disloyal. A number of communities that had sided with the rebels and mutineers in 1857 were declared Criminal Tribes in 1871. Similarly, those communities that not only assisted Rana Pratap but also fought the British were declared Criminal Tribes. Another set of communities which fell in the net had acquired a criminal image with the Madras administration because of the resistance they put up to the British attempts of annexing areas they had dominated.



To give an example of the broadness and flexibility of the term ‘criminal’, and the open ended uses to which the Criminal Tribes Act was put, it was suggested within the British administration that the Act could be used profitably ‘for combating secret societies, political preachers who might create unrest and so on’ for combating the newly emerging nationalist movement.

The forest laws put into force from mid-nineteenth century onwards deprived a large number of communities of their traditional rights of grazing, hunting and gathering, and shifting cultivation in specific areas. The affected communities were ignorant of the new laws, and frequently found themselves on the wrong side of the law because of the new legislation against their livelihoods. Moreover, throughout the nineteenth century, the British government cleared the forests for commercial use, and ordered the forest communities to provide the labour for the newly established plantations. The communities which resisted this move were declared criminal.

A large number of communities were nomadic and earned livelihood through petty trade with local settled communities. They used to carry their merchandise on the backs of their animals and moved around selling petty articles. Such communities slowly lost their means of livelihood when the road and railway networks began to connect villages and towns. Historical records show that in any case the British administrators suspected all nomadic people. It was also argued that once such communities had lost their legitimate means of livelihood, they must have been living by indulging in criminal activities. There is ample evidence to show that a very large number of communities that were formerly nomadic fell in the net of the Criminal Tribes Act because of such an argument. Communities forced to settle down were used in British owned enterprises, or were handed over to loyal landlords who were allowed to use them on their land as free agricultural labourers.

The provisions of the CTA were such that they only required reasonable suspicion on the part of the authorities, and not substantive proof of a community’s criminality. If ‘respectable’ people of the village (landlords, high castes or those who paid taxes to the British) testified that a community was criminal, it got notified. As mentioned earlier, a criminal could be any one who resisted the British. A community could also be declared a criminal tribe if it resisted a local oppressive landlord or high caste member.

Indian society always had traditional groups which subsisted on alms and charity, or paid in kind for 'spiritual' services. Such groups had a low but legitimate place in the social hierarchy of settled people. Many of them, *sadhus*, *fakirs*, religious mendicants, fortune-tellers, genealogists, traditional healers, etc., were accepted by the settled society for their services. There were groups that entertained the public through performing arts. There were nomadic musicians, dancers, storytellers, acrobats, gymnasts and tightrope walkers. The British declared a number of these nomadic communities criminal tribes. Similarly, many nomadic groups, which entertained the public with the help of performing animals and birds (such as bears, monkeys, snakes, owls, birds) were also declared criminal tribes.

A number of communities which used to work with iron, clay, bamboo, etc., made and repaired a variety of domestic articles, implements and artefacts were also notified as criminals.

As it will be seen from the above description, the Criminal Tribes Act was extremely arbitrary and unjust and a large number of communities all over the country suffered its impact. Though the Criminal Tribes Act, 1871 was repealed in 1952, its legacy continues to socio-economically harm these tribes and their proper settlement and rehabilitation continues to be a major challenge before the Union and the State Governments even today.

### **Nomadic and Semi-nomadic Tribes**

#### **1. Hunting and Food-gathering Communities:**

Hunting and gathering is said to be as old as the history of mankind. Mankind all over the world practiced it for centuries as a source of subsistence and livelihood. 'Hunting' is defined as catching or killing animals for food. Hunting communities use arrows, traps and nets or similar other strategies to catch animals. On the other hand, 'food gathering' (or simply, 'gathering') refers to the collection and accumulation of food like tubers, roots, shoots, berries, nuts, leaves, and fruit from plants for consumption. People practicing these forms of livelihood are called hunters and food gatherers, or even the term 'forager' is used for them. Hunting and gathering as a

source of livelihood is different from hunting for pleasure and sport and poaching, which may be a violation of laws in many countries.

Some nomadic communities are in the process of settling down in permanent villages but they still largely depend on hunting and gathering as livelihood support and continue to traverse seasonally to forests for hunting and gathering.

Hunters and food-gatherers have always been nomads. These communities move in search of forests for food according to a seasonal pattern. Eco-systems are usually connected with migratory game species and hunter-gatherers tend to adopt migratory settlement patterns. Hunter-gatherers have been described as egalitarian, living in small community groups in forests, in social harmony with each other, and in ecological tune with their forest environment. Some of these communities are full-time nomadic foragers. They have been described as small, autonomous and highly mobile communal units spread over large territories (see Chan, 2007, *Survival in the Rainforest*, Research Series in Anthropology, Helsinki University Printing Press; Hattori, 2005, Nature conservation and hunter gatherers' life in Cameroonian rainforest. *African Study Monographs*, Suppl. 29; Köhler, 2005, Of apes and men, *Conservation and Society*, Vol. 3, Series 2).

The policy of the colonial rulers towards hunting-gathering communities was biased. The remarks of the colonial administrators about them were rooted in the values of racism and ethnocentrism. The colonial rulers felt that while white people were more refined, civilized and hence superior, the forest dwellers were 'animal-like, inferior, and un-human'. Braidwood (1957, *Prehistoric Men*, Anthropology Number 37, Chicago Natural History Museum Popular Series, Number 37) sums up the colonial view of the forest dwellers in the following words: 'A man who spends his whole life following animals just to kill them to eat, or moving from one berry patch to another, is really living just like an animal.'

The colonial governments all over the world believed that hunting-gathering people belonged to the natural world and not to the civilised society. An author notes that in one country colonised by the whites, living aboriginal hunter-gatherers until 1960 were counted in wildlife tallies for animals rather than in population census (Foote, 2003, [cfcj-fcjc.org/clearinghouse/drpapers/2003-dra/foote.pdf](http://cfcj-fcjc.org/clearinghouse/drpapers/2003-dra/foote.pdf)). Often the

hunter-gatherers were referred to as 'primitive people' or 'primitive race' belonging to the 'past' (Kelly, 1995, *Hunter and Gatherers and Anthropology in the Foraging Spectrum*, Smithsonian Press, Washington D.C.).

The advent of colonization had a disastrous bearing on the lives of hunting and gathering communities. In colonial societies, the administrators saw the nomadic lifestyle of hunting-gathering communities as a 'problem'. Nomadism was seen as an administrative obstacle that prevented the authorities to exercise their control over these communities. They also could not collect revenue from hunter-gatherers, as they were not settled at one place. The colonial rulers made all efforts to ensure that the hunters and gatherers settled down rather than wandered about.

Following the Criminal Tribes Act, 1871, some of the hunting communities were declared as 'criminal tribes' by the British from time to time and this continued to impinge on the lives of their descendents. Interestingly, the notification of these communities as 'criminal tribes' was not resorted to because of the poaching habits or any other disastrous ecological activities involved in by the British. Many of these communities, including those in the princely states, were regularly employed by both the British and the royal India gentlemen to hunt for pleasure. The skills of these communities in hunting were explicitly recognized, and their active assistance taken by hunting parties in precisely locating the game, to guide them through the thick forests, and to attract the actual prey – frequently the now endangered tiger.

The colonial administrators gradually asserted that hunter-gatherers were responsible for the decline of wildlife. They did not realise that they indulged in hunting for sport as a matter of right. The colonial rulers systematically exploited the forest resources for its commercial and industrial ventures at home. Resources were siphoned off from the colonies, and strict forest laws were enacted to stop its use by natives, having traditional rights over them. All this led to a situation where hunting-gathering communities lost their sources of food and livelihood.

The thinking of colonial rulers on the issue of the relationship between these tribes and forests has continued even in independent India. The forest administrators have gone a step forward. Their strategy for forest conservation is not only continued with the earlier laws, but also to enact new, and stricter laws. The result is that the

forest laws have led to a large number of such communities being subjected to intense hunger for the following reasons:

- a. Lack of access to small games, like fowl, rabbits, deer, monkeys, which used to be staple for a large number of hunting communities.
- b. Lack of access to bark, roots, tubers, corns, leaves, flowers, seeds, fruits, sap, honey, toddy and other forest products, which were a regular source of nutrition for gathering communities.
- c. Lack of access to fish in ponds and streams in the forest that used to be a traditional source of protein.
- d. Lack of access to pasture land for grazing animals has led to a decline in the population of cattle which used to be the main source of milk and meat for some hunting gathering communities.

The new forest policy of the Government of India has served to displace hunting and gathering communities from the forests by creating National Parks, Wildlife Sanctuaries, and protected areas. Hunting-gathering communities have lived along with wildlife in the forests since ages.

Although this process has not been much documented in India, some cases illustrating the marginalization and acute proletarianization of hunter-gatherers may be culled from literature. The following case study (titled *The Way Ahead: Tiger Task Force Report, 'Joining the Dots'*) is quoted from a detailed report by the Ministry of Environment and Forests.

According to a survey done in 2003, more than seventy per cent of a particular community in Rajasthan gave hunting as their main occupation. Because of restrictions on hunting, a majority of this particular community has taken to protecting agricultural fields against crop depredation by animals like the *nilgai* (blue bull). Other communities living in the vicinity of forests are informally using their skill at hunting animals. But as this utilization continues at an informal level and there is no official recognition of their role as a protector of crops, the community members merely get in return for their efforts some food-grains and a piece of land to build temporary shelters on the farmers' fields. Unlike the earlier times when hunting was their major occupation, today they only resort to hunting in the times of distress. As a

result, the study shows that on an average, more than seventy per cent of the families of this community interviewed faced food shortage crises.

To conclude, today's hunting-gathering communities are in a state of penury as they have not only lost their traditional means of livelihood, but their very survival is also in jeopardy.

## 2. Nomadic Pastoral and Non-Pastoral Communities

Nomadism, along with its different variants, is a perpetually changing social formation (Galaty et al., 1981, John G. Galaty and Douglas L. Johnson, eds., *The World of Pastoralism*, The Guilford Press, New York and London). Communities which were always nomadic are slowly settling down, and those which had settled in the past are being constrained to a peregrinating existence. For instance, certain communities of displaced persons and project-affected people usually become nomadic when their land is alienated and the compensatory alternatives, which the state provides them, fall short of sustaining them or their traditional lifestyles. Nomadism and sedentary living may be approached as cultural alternatives to seeking livelihood. What one chooses, or is forced to choose, depends upon the extraneous factors that are unremittingly shaped by the history of the community and the political state that exercises control over it (Rao and Casimir, 2003, *Nomadism in South Asia*. Oxford University Press, New Delhi).

Perhaps, as archaeologists remind us, in pre-historic times, all human communities were nomadic and migratory (Galaty and Johnson, 1990). The search for better habitats, and what is metaphorically called 'green pastures', drove people from one place to another. Inter-community hostilities and scrimmages made people shift from the comforts of a place, where they had happily settled down, to less secure, difficult, and ecologically harsh lands. The folklore of many communities is replete with the stories of migration undertaken perforce under the environments of acrimony. The Gaddi of Bhanmore (in Himachal Pradesh), a Scheduled Tribe, attribute their nomadic existence to migration from Lahore (in Pakistan), where at one time they lived well until they were forced to move to their present location as a consequence of the atrocities to which the dominant community (professing a different religion) incessantly subjected them. When they reached the hills, they had

to take up an occupation in harmony with its ecological demands. The caste-people, who came from Lahore, became 'herdspersons' (*gadariā*), and came to be known collectively as Gaddi (the corrupt form of the Hindi word *gadariā*), a community that comprises groups from different castes. The Gaddi offer a classical example of a tribal community which is composed of different castes, thus interrogating the distinction that anthropologists make between 'tribe' and 'caste' (Saberwal, 1999). A well-known saying in which the Gaddi sum up their history is: *ujadā Lahore, basā Bhanmore* ('Lahore was deserted, Bhanmore was inhabited'). A lesson from this example is that for understanding the contemporary state of a community, it is imperative to look into its history (and also, 'ethno-history', which means the 'past as the people construct it').

Another example here could be of a well-known nomadic community of blacksmiths of north India, originally from Chittorgarh in Rajasthan, called the Gadulia Lohar (Misra, 1977, *The Nomadic Gadulia Lohar of Eastern Rajasthan*, Anthropological Survey of India, Calcutta). These erstwhile sedentary people were constrained to leave their ancestral homes in Chittorgarh as it came under the control of the Mughal army in 1568. Along with the other great warriors, the Gadulia Lohar vowed that until Chittorgarh was liberated, they would not go to their fort, live in houses, sleep on cots, light lamps, and keep ropes for drawing water from the well, and this marked the beginning of their nomadic existence on bullock carts, moving from one place to another. Although in 1955, Prime Minister Jawaharlal Nehru led them in a procession into Chittorgarh fort, thereby fulfilling their vows, they have continued to live nomadically perhaps because of the nature of their occupation, and its adaptation to social as well as natural environments.

Archaeologists tell us that with the Neolithic revolution (the age of food-production, around 10,000 B.C.) came the gradual settlement of wandering communities. The settled agriculturalists developed symbiotic relationships with the other occupational communities (such as of the carpenters, basket-makers, blacksmiths, potters, barbers, laundrymen, ethno-veterinarians, etc). Gradually, multi-community villages came into existence. Although the process of sedentarization of communities had begun, it did not imply that each community was destined to settle down. As some communities were settling down, along side were those that endured

their nomadic way of life. For example, a study of the literary compositions in Tamil, dating back to the first six hundred years after the Christian era, points out that around two thousand years there were ‘wandering people’ who served the other communities as musicians, entertainers, fortune-tellers, and herbalists. They were also entrusted with the task of carrying messages from one state to the other. Some of them eked out their livelihood from beggary. These non-pastoral nomads, often dwelling the fringe areas of a community, occupied a lowly place in social hierarchy.

The relations of settled occupational communities with agricultural communities were different from the relations they and the agricultural communities had with nomadic people. The occupational communities served the agriculturists for the entire year, providing the products (say baskets, ploughs, shares, etc.) they produced, and were reciprocated in the form of grains at the end of the harvest season. By comparison, the services the nomads (including the pastoral) provided were not really a part of the agricultural operations or what the agricultural communities regularly needed. The peasants often kept milch and traction animals with them, and therefore, did not require an immediate dependence upon pastoral nomads for a regular supply of their products.

In other words, nomadic communities were not a part of the patron-client relations (what in north India are known as *jajmānī* ties) that usually characterized peasant villages in India. A settled occupational caste, which is a part of the *jajmānī* system, could remain dependent on a few peasant households, and meet its survival needs, but the nomads, particularly the non-pastoral, require a large number of clients dispersed over a large area for meeting their needs. The pastoral nomads needed to traverse a vast tract of land in search of grazing grounds for their flocks of animals. In that sense, a nomadic way of life was imperative for certain communities.

Moreover, it seems that in the past, the state wanted to keep some communities itinerant, for they would not only serve as ‘traditional postmen’, carrying messages from one state to the other, but also act as spies. Although appearing as bumpkin and rustic, the nomads were expected to bring in the ‘secrets’ of the other state. The role of peregrinators (not only of nomadic communities but also of mendicants) was recommended (and even extolled) by the Indological texts, including Arthasastra.



In addition, the policy of the ancient, and later on medieval, state with respect to nomadic communities was that of non-intervention. The state permitted the nomadic communities to wander and pursue an occupation they wished. Only when indulging in serious violations of law were they strictly dealt with, punished, and excommunicated. Interestingly, although the state was autocratic, it did not try to homogenize its subjects. On the contrary, if a community tried to usurp the occupation or the lifestyle of another community to which it objected, the state intervened to keep the multi-cultural world of the people intact. Obviously, against this backdrop, if a community desired to remain nomadic, it could do so.

Some communities were not fully nomadic, for they (or some of their members) returned to their villages during the months of monsoon for cultivation. Either they owned some cultivable land, which they tilled with domestic labour, or they worked on the land of others for wages. In the latter case, they returned to their respective camps after receiving wages. This was viewed as additional income. Those who had land and tilled it, kept the produce with them for domestic consumption. However, in many cases, as it was difficult to transport the bags of grains and cereals from one place to another, they were sold off to agricultural castes, or even brought to the markets for disposal. Such communities, generally called semi-nomadic, usually cultivated just one crop. Sometimes they left the land fallow if the rains that year had been measly.

Agriculture was caste-free. Anyone, from any caste, could take up agriculture as his occupation, either as a landlord or a tenant, or could render an agricultural operation (such as of weeding, ploughing, guarding the fields, as a labourer) for wages. Along side, each community also had a near monopoly on an occupation, the services and products of which it supplied to other caste communities. While pastoral nomads specialized in animal breeding and tending, thus contributing in a significant manner to the village economy, the non-pastoral nomads rendered a variety of services to a wide range of clients. They made and supplied a myriad of little useful items, such as mats, baskets, brooms, toys, brushes, and earthenwares. They also dealt with spices, honey, and plant and animal medicine. For instance, moving through villages, the Vaidus (or traditional healers) provided herbal medicines to their clients. Ghatiya Jogis made and repaired grinding stones. Some communities (such as

Banjara, Lambadi) moved in caravans of packed animals with salt, while their women bartered jewellery (in silver or any other metal) they themselves had made. Gadulia Lohar arrived at the onset of the monsoon in peasant villages, selling and repairing agricultural tools and implements. In all cases, there obtained a relation of synergism between settled and nomadic communities, and as noted earlier, the state (or the nobility), whether in ancient or medieval times, did not force a community to follow a particular style of living. Each one was free to live the way it did, provided it did not defy the rules that sustained the autonomy of communities and communal harmony. We learn from historical accounts that the condition of nomads in ancient and medieval days was good, almost romantically eulogized.

But the condition of nomads began changing during the British times, and gradually they lost their autonomy, peace and harmony. However, initially, the British rulers found nomads extremely useful for their knowledge. The nomads had established extensive communication networks with the communities to which they provided their services and goods. Since they travelled far and wide, they not only knew about different communities, their lifestyles and habits, but also about the paths, routes, hidden passes, and could guide visitors in their travels through deserts where a newcomer had the danger of being engulfed by a sand dune. For exercising effective control over their colonies, the British needed information about the people and their country, for which they took nomads under their patronage. Furthermore, they relied upon the nomads to help them setting up their trade routes and lead their armies through unknown terrains.

However, this period of honeymooning between the British and the nomads was short-lived. Soon the diabolical policies of the British started precipitating. The British gradually brought the areas where the nomads, shifting cultivators, and forest-dependent people lived, under their control. They also took over the common land. Intense demands were placed on the natural resources of the country for obtaining raw material for factories back home. More and more land was brought under cultivation, thus was not available for the flocks of animals. New forest laws were imposed, the outcome of which was that the forests became a public property, needing protection in name of the national interest. Shifting cultivation was viewed as destructive to forests; that was the reason why it deserved to be banned. Shifting cultivators – the

‘plunderers of forests’ – were believed to be in a state of ‘wildness’ and urgently needed to be civilized.

The consequence of all these policies was that the people were suddenly deprived of their life-support system. Thrown in a state of conundrum, they had no option but to shift to those areas that were hitherto un-surveyed, but soon, as was to happen, they also came under the control of the administration. Under these circumstances, the people had no alternative but to take up a criminal style of living that eventually alarmed the British, who went ahead with severely punitive legal and corporeal measures to domesticate the deprived communities. What the administration conveniently forgot was that it was solely responsible for making people deviant and criminal.

We may take some examples to show that one of occupational alternatives before nomadic and semi-nomadic communities as a result of the forces the British rule unleashed on them was to take up crime as a way of life.

Take the case of the Lodha of West Bengal. These people of a pre-agricultural economy, mainly dependent upon forest products, lost the control of their forests to the Rajas and Zamindars, who secured it on fixed revenue from the British administration. As a consequence, the forests were cleared and converted into agricultural fields. Those who at one time were the ‘lords of the forests’, had the freedom to move from one part to the other, became ‘encroachers’, greatly restrained by forest guards from making use of the forest resources for their bare minimal survival. A situation of haplessness through which they passed forced them to adopt the ‘path of extra-legal activity’ (Bhowmick, 1981: 6, Rehabilitation of a ‘denotified community’, The ex-criminal Lodhas of West Bengal, *RAIN*, 44). From then on, they continued to indulge in anti-social activities, with the result that in 1871 they were declared to be a Criminal Tribe.

A sympathetic understanding of their history tells us that it was the outside invasions into their area, leading to usurping of their resources and a marauding of their life-support system, which led to these people opting for a criminal way of life. The stigma of criminality has dwarfed their status and prestige, and thwarted their efforts to get a job and earn their livelihood. Suffering frequent police oppression,

arrest, and confinement in prisons, their self-esteem is abysmally low. Under these circumstances, they have become incessantly migratory, as a consequence of which their group cohesion and family bondage grievously suffer, contributing to an atomistic (or individualistic) living.

The Kanjar is one of the widely distributed communities of north India. Like the other foraging peoples, they have been living in the midst of settled communities for at least two millennia (Nagar, 2008, *Hunter-gatherers in North and Central India: An Ethnoarchaeological Study*, John and Erica Hedges Ltd., Oxford). Gradually, more and more forests were cleared up for agriculture. Settlements, roads, railway lines, and industries were laid out. In this process, the original habitat of the Kanjar was steadily destroyed. Resources for hunting and foraging were greatly reduced. Nagar (2008: 37) writes: 'From being totally nomadic, the Kanjar bands had to settle down in the vicinity of villages and towns.' Once their traditional sources of livelihood were jeopardized, they made new adjustments in their subsistence strategies, and one of them was to take crime as an alternative source of livelihood. Whilst the Kanjar were not as notorious as were the other communities of the plains (such as the Aheriyas, Haburas, and Sansi), they were known to commit theft and highway robbery. Travellers were afraid of moving through lonely or sparsely populated areas in the vicinity of Kanjar habitations.

The Pardhi of Madhya Pradesh are a semi-nomadic tribe, who have permanent houses away from peasant villages, where they live during the rainy season. During the dry months of the year, they are on the move, usually camping in forests, trying to catch wild animals that they hunt. This has been their traditional occupation. Beginning with the British rule, there has been a deterioration of forests and a ban on hunting. Under the circumstances of not getting enough food for their survival, at some point of time, the Pardhi perforce took crime as a way of life. Nagar (2008: 85) writes: 'Like the other hunting-gathering communities given to crime, the Pardhis too probably took to crime as their forest habitat was destroyed and their hunting-gathering way of life became unviable.'

Enthoven (1922: 173, *Tribes and Castes of Bombay*, Government Central Press, Bombay) noted that though the Pardhi had peaceful habits, they often lived by thieving. They often robbed standing crops. So much were the landlords fearful of

them that they tried to secure their goodwill by giving them gifts and a part of the produce. In this way, they were able to save their crops, otherwise they would have their total crops taken away or destroyed. Because of their proclivity to crime, all members of their community were regarded as criminal, and were rounded up by law-enforcing agencies whenever a case of crime occurred.

In addition to the colonial rule's take over of the land and resources of nomadic and semi-nomadic communities, there were some other factors responsible for the degradation of their condition. Nomads loved the freedom of movement, recognizing neither the national nor the international borders, which the administration tried to curtail. The leaders of nomadic groups were irritated by such moves. Many nomadic and semi-nomadic groups participated in the freedom movement of 1857, which was also a cause of worry for the administration, for it did not want it to snowball into a 'national movement'. The nomads also carried information from one part to the other, thereby linking different communities, which made the British particularly nervous. Against this background the British prepared a list of Criminal Tribes, in which nomads, shifting cultivators, and forest-dwellers were classified, for the administration thought that this was the best way to deal with these communities, and keep them isolated from rest of the country.

The marginalization of nomadic and semi-nomadic tribes that began during the British rule continued unabated even after independence. Land reforms, which began in the 1950s, were a step towards the expansion of agriculture in the country. The emphasis in these reform programmes was on generating the maximum revenue. The public land was colonized for cultivation of crops. The commons came to be grabbed by the influential villagers. In course of time, many forests and permanent pastures became private. Under the policy of 'grow more food', agriculture received the maximum attention to the neglect of pastoralism. Areas that were earlier used as grazing sites came to be developed for agricultural fields, and were acquired by the peasant communities. For instance, the Rajasthan canal has brought vast tracts of land under cultivation, thus pushing the nomads out, who earlier used it for grazing purposes. In Gujarat, in 1950s and 1960s, the state supported land reforms known as Bhūdān movement, under which common lands were given away to low caste landless people. In the south central region of Gujarat, known as Saurashtra, high

tracts of commons were converted into croplands. As a result, permanent pastures were heavily reduced; they were less than twenty per cent of what they were at the time of independence.

Pastoral nomads chose those lands for grazing their animals that had water sources nearby, but in course of time, they also started disappearing as the grazing lands were taken over by peasants. As a result the condition of the nomads has worsened. At one time, there developed synergistic relations between the pastoralists and peasants. After the harvest, the agricultural fields were free to accommodate the migrating flocks of animals, which ate away what all was left and deposited manure therein. The agriculturists in fact invited nomadic pastoralists to their fields on the promise of some payment so that they could receive manure.

However, with fields becoming double or triple cropped, the symbiotic relations between peasants and pastoralists have broken down. Not only that, they are now of hostility and conflict. Every year, physical conflicts take place between migratory herds of animals and peasants, sometimes culminating in casualties on both sides. As a consequence, some nomadic pastoralists – such as the Raika of Rajasthan – have demanded the state to arm them so that they could protect them from peasants who consider the visit of animal-breeders to their areas as a nuisance and wish to deal with it strictly (Srivastava, 1999, in M.K. Bhasin and Veena Bhasin (eds.), *People of Rajasthan*, Kamla-Raj Enterprises, Delhi). Against this background, the nomadic pastoralists think that their occupation has become a difficult proposition.

## Chapter 3

### Approach and Methodology

The Terms of Reference (TOR) of the National Commission for Denotified, Nomadic & Semi-Nomadic Tribes (**Annexure 1**) are as follows:-

- (a) To specify the economic interventions required for raising the living standards of De-notified, Nomadic and Semi-Nomadic 'Tribes' by asset creation and self-employment opportunities;
- (b) To recommend measures to utilize the existing channelling agencies set up for the economic development of SC/STs and OBCs for extending an economic development package to these groups, keeping in view their specific requirements;
- (c) To identify programmes required for their education, development and health; and
- (d) To make any other connected or incidental recommendation, that the Commission deem necessary.

2. After assuming charge, the Commission examined in detail the nature and scope of the Terms of Reference. The Commission noted that the Govt. Resolution dated 14<sup>th</sup> March, 2005 relating to the constitution of the Commission expresses concern of the Government of India for the educational and economic needs of the Denotified, Nomadic & Semi-Nomadic Tribes in the country which are spread amongst the Scheduled Castes, Scheduled Tribes, Other Backward Classes and others. The Resolution also emphasizes that one of the six basic principles of Common Minimum Programme of the U.P.A Govt. is addressed to provide full equality of opportunity, particularly, in education and employment of Scheduled Castes, Scheduled Tribes, Other Backward Classes and religious minorities. It is, therefore, clear that notwithstanding the fact that the Denotified, Nomadic & Semi-Nomadic Tribes are spread amongst the SCs, STs, OBCs and others, they are still far from the satisfactory level of socio economic development.

3. As is evident, the TOR require the identification of economic interventions required for raising the living standards of Denotified, Nomadic & Semi-Nomadic Tribes by asset creation and self employment opportunities, identification of various

measures to utilize the existing channelling agencies set up for SCs, STs & OBCs for extending an economic development package to these groups in view of their specific requirements and the identification of programmes required for the education, development and health of the Denotified, Nomadic & Semi-Nomadic Tribes. It has also been provided that the Commission may make any other connected or incidental recommendation that the Commissions deem necessary.

4. It will thus appear that the TOR given to the Commission are comprehensive enough to include all the possible measures which the Govt. needs to take to improve the socio-economic conditions of Denotified, Nomadic & Semi-Nomadic Tribes to bring them at par with the socio-economically forward sections of the Indian population.

5. Considering the nature of the TOR and the fact that such a Commission has been constituted for the first time in the history of the disadvantaged sections of the Indian society, the Commission decided to adopt a holistic approach for studying all the relevant aspects of the lives of the Denotified, Nomadic & Semi-Nomadic Tribes and for making recommendations to include all the possible measures which are likely to improve the socio-economic conditions of the Denotified, Nomadic & Semi-Nomadic Tribes and to enable them to enjoy a peaceful and harmonious coexistence with the mainstream Indian society.

6. With a view to familiarizing itself with the actual living conditions of the Denotified, Nomadic and Semi-Nomadic Tribes and to ascertain their socio-economic disabilities and handicaps, the Commission followed a two fold strategy. One, the Commission visited 841 communities in 277 settlements/helmets/Bastis in 89 Districts of 18 States in the country. The details of the tours of various States/Districts etc. undertaken by the Commission are shown in the **Annexure 2**.

While on tour of a particular State/District, the Commission went to areas inhabited by the Denotified, Nomadic and Semi-Nomadic Tribes and closely saw their helmets and settlements, helmets and houses and their general conditions of living. During such visits, the Commission particularly interacted with their community leaders, women and children about their problems and their demands and expectations. In addition, the Commission also discussed their problems with the



senior officers of the State Govt. and the steps being taken by the State Govt. to improve their conditions. It was usually followed by an interaction with the Chief Ministers and Ministers-in-charge of the Departments dealing with the welfare of the Denotified, Nomadic and Semi-Nomadic Tribes. The details of meetings with Chief Ministers are contained in **Annexure 3**.

Second, the Commission prepared a comprehensive Questionnaire **Annexure 4** regarding various aspects of the living conditions of Denotified, Nomadic and Semi-Nomadic Tribes in the country and sent the same to all the Chief Secretaries of the States/UTs with the request to send the information required in the Questionnaire to the Commission. Out of the 28 States and 7 UTs only 26 States and 5 UTs sent the information after a long follow up by the Commission. Also, information required was not complete in almost all the cases. The information received from the States/UTs has been analysed in the Commission.

Simultaneously, the Commission also published a public notice in the National and Regional Newspapers (in regional languages) giving information regarding the constitution of the Commission and its terms of reference and requested the public to send their views and suggestions to the Commission. The Commission, in response to the Public Notice received as many as 1156 Memoranda containing the demands and expectations of individuals and organizations which have been taken into consideration by the Commission while making its final recommendations.

The Commission also got a Rapid Community-Based Survey of the Denotified, Nomadic & Semi-Nomadic Tribes in India done by M/s Synovate India Pvt. Ltd., Mumbai. The Survey Agency visited 122 communities at 180 locations in 11 States in the country. The survey relates to almost all the aspects of the socio-economic conditions of the Denotified, Nomadic & Semi-Nomadic Tribes and the conclusions drawn by the Survey Agency reflect the ground realities about their living conditions. A copy of this Survey is at **Annexure 5**.

The Commission also organized and/or participated in 96 conferences, meetings and seminars both in various States and in Delhi with various activist groups of Denotified, Nomadic & Semi-Nomadic Tribes and interacted with them on various issues. Similarly, the Commission also invited 92 well known community activists,

academicians, legal experts, Government Officers and retired Police Officers (details given in **Annexure 6**) to discuss various issues relating to the Denotified, Nomadic and Semi-Nomadic Tribes.

Following the aforesaid dual approach and methodology of physical inspection and collecting information from the States/UTs, through the Rapid Community Based Survey, from general public and community activists, consultants and experts, the Commission finalized its recommendations.

## **Chapter 4**

### **Denotified, Nomadic and Semi Nomadic Tribes**

#### **- An overview**

It has been estimated that South Asia has the world's largest nomadic population. In India, roughly 10 per cent of the population is Denotified and Nomadic. While the number of Denotified Tribes is about 150, the population of Nomadic Tribes consists of about 500 different communities. While the Denotified Tribes have almost settled in various States of the country, the Nomadic Communities continue to be largely nomadic in pursuit of their traditional professions.

2. The Commission was keen to take stock of the number of communities in the Nomadic category. Unfortunately, there is no authoritative source of information which can give the names and the number of Nomadic Tribes in the country. The last decennial caste-wise census was undertaken in 1931 and it was possible to find the names of some Nomadic Communities in it. Also, a large number of Denotified & Nomadic Tribes have been included in the lists of Scheduled Castes, Scheduled Tribes & Other Backward Classes from time to time. However, some of the Denotified, Nomadic & Semi Nomadic Tribes are still neither in one list nor in the other.

3. The Indian Constitution also does not mention the Denotified or Nomadic Tribes. It confines itself to the Scheduled Castes, the Scheduled Tribes and the Backward Classes. The Denotified & Nomadic Tribes have thus been largely out of focus of the social sector management except in a couple of States like Maharashtra and Gujarat. It has also been painfully observed that even though a large number of these Tribes and Communities are in the lists of SCs, STs and BCs/OBCs, they have not been able to take advantage of the affirmative action programmes launched by the Union and the States from time to time due to illiteracy and ignorance. As a result, these Communities continue to be the most disadvantaged and the most vulnerable section of the Indian society.

4. In order to make specific recommendations for their socio-economic development, the Commission attempted to take stock of the number of these

Communities and their population. The Commission sent a questionnaire to all the Chief Secretaries of States and UTs and asked for information, inter alia, about the lists of these Communities maintained by the States and UTs. The State/UT wise lists of these Communities are in **Annexure 7**. The Research Division of the Commission has also indicated on the basis of the Presidential Notification whether a community is in the list of SC, ST or OBC.

5. Having examined the lists sent by the States/UTs, the Commission's conclusion is that the lists of Communities are not complete in most of the States/UTs. It is, therefore, necessary to ask the States/UTs to revise their lists and include all the denotified and nomadic tribes in their lists.

6. The Commission had also issued a public notice to invite suggestions from individuals, institutions and organizations and NGOs, etc. of the steps to be taken for the welfare of the Denotified & Nomadic Tribes. The Commission received 1156 Memoranda (see **Annexure 8**) in response to the public notice. The Research Division of the Commission also consulted books, research papers and other literature on the subject. As a result of this effort, the Commission has been able to prepare State-wise lists of 647 Nomadic Communities. The Commission's view is that these lists may be sent to the concerned States with a request that they take steps to include them in their lists of Nomadic Tribes after proper survey and verification. The State/UT-wise lists suggested by the Commission are in **Annexure 9**. The Research Division of the Commission has also indicated on the basis of Presidential Notification, etc., whether a community is in the list of SC, ST or OBC.

## **Chapter 5**

### **Denotified, Nomadic and Semi-Nomadic Tribes**

#### **--Synonyms**

In April 2006, the Commission issued a detailed questionnaire to all the States/Union Territories (UTs) to supply information on various aspects of the socio-economic development of the Denotified, Nomadic and Semi-Nomadic Tribes. Under the sub-heading 'List of the Communities and Criteria for Identification' of the questionnaire, lists of Denotified, Nomadic and Semi-Nomadic Tribes maintained by the States/UTs, were sought. Only the States/UTs, such as Andhra Pradesh, Chhattisgarh, Delhi, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal have furnished the lists of Denotified, Nomadic and Semi-Nomadic Tribes maintained in their respective States/UTs.

While scrutinizing the lists of Denotified, Nomadic and Semi-Nomadic Tribes supplied by the States/UTs, it has been found that in certain cases, the synonyms were furnished for the main entries, whereas in certain other cases, synonyms were not reported at all. Also, the Commission has received a number of representations from various individuals and community associations across the country to include the synonyms of their communities also along with their community names, i.e. along with the main entries in the list.

In the lists of the State governments, synonyms have not been kept with the main entries of the communities. This has led to the ignorant and helpless sections of Nomadic communities into a difficult situation, for they are not able to claim whatever little benefits are available to them. While moving across different linguistic and cultural zones, or even within a State, the nomadic communities are identified with various names. Therefore, in order to bring in clarity in the existing lists of Denotified and Nomadic communities/Tribes in various States/UTs and also to help the genuine members of respective communities who have no clear idea of how they have been reckoned in the Government lists, an exercise of eliciting the synonyms of Denotified and Nomadic communities was undertaken by the Commission. At the

State/UT level, synonyms of the communities have been elicited primarily from the most popular research publication known as the People of India Series of the Anthropological Survey of India, Ministry of Culture, Government of India. This extensive ethnographic survey which covered almost all the communities in the country gives a fair picture of the distribution and identity (names and synonyms) of the Denotified and Nomadic communities and their interrelations with other communities. Apart from this source, Memoranda received by the Commission from individuals, institutions and associations were also used to prepare the list of synonyms. **The list of the Denotified and Nomadic Tribes (only Hindi version) intimated by the Uttar Pradesh (U.P.) Government contains the entries of names with area restrictions (taluks/districts) whereas synonyms of Denotified and Nomadic communities are reported in the People of India volumes for the U.P. State as a whole, without area restrictions. Therefore, synonyms have not been compiled in case of U.P.**

It is to be noted here that the categories of Nomadic Tribes and Semi-Nomadic Tribes have been merged into a single category called 'Nomadic Tribes/Communities' for the purpose of presentation of the Synonyms as well as other findings, as the gap between the two categories is found to be negligible at the present juncture. Accordingly, the list of synonyms has been prepared, keeping only two categories, namely Denotified and Nomadic Tribes/Communities.

As far as referring the communities under consideration, some States/UTs have adhered to the suffix 'Tribes', viz., Denotified Tribes and Nomadic Tribes, while some have preferred to use 'Communities', i.e., as Denotified Communities and Nomadic Communities. In this Report, a uniform usage of Denotified Communities and Nomadic Communities has been preferred to refer to the communities (Tribes) under consideration.

The exercise of preparing the list of synonyms has been carried out only in case of States/UTs which have supplied their official lists of Denotified and Nomadic Tribes/Communities to the Commission. The synonyms identified are furnished in the last column of the tables given in the **Annexure 10**.

## **Observations and Suggestions**

1. It has been observed in the lists of several State/UTs that the names of the Denotified and Nomadic Tribes are entered by adding the letter 's' with their actual names, signifying a plural sense to the communities. For instance, in the State list of Tamil Nadu, the Boya have been entered as Boyas, Domb as Dombs, Jogi as Jogis, and so on. This kind of entry, a colonial practice, has been reported to create confusion to the Certificate Issuing Authorities as well as to the actual community people. Such entries may even give scope for dubious claims as well. Therefore, it is suggested that the additional letter 's' suffixed with the names of the communities may be deleted in the lists of the Denotified and Nomadic Communities/Tribes, wherever they occur. It is also suggested that a community's name written either way in Community Certificates, i.e., with or without the additional letter 's' with their names, should be treated the same, thereby avoiding difficulty to the people.

2. There are spelling variants of the same name, leading to entry of the same community more than once in the list of Denotified Communities. For instance, at S.No.4 in the Denotified Communities/Tribes list of Tamil Nadu, the community Ambalakarar is repeated again at S.No.5 as Ambalakkarar (by adding 'k'). But both the entries denote one and the same community. Such entries may be merged and brought under a single entry. By doing this, not only the anomalies existing in the list of the Communities will be sorted out but also the length of the list will be reduced.

Again, in the State list of Karnataka, at S.No.19, the community Javeri is repeated again at S.No.20 as Johari; at S.No.28, Kanjari is repeated again at S.No.29 as Kanjar. In certain cases, a single community has been entered in different names forming different entries in the list, e.g. S.No.4 Berad is entered again under S.No.6 as Naik Makkalu; S.No.2 Yerkula is entered with its popular synonym of Kaikadi at S.No.3 and again at S.No.17 as Karcha. Going by the ethnographic accounts of the Anthropological Survey of India's People of India Series, no community has been reported as Karcha in any State. Possibly this entry at S.No.17 may be indicating only the Koracha who are known by the synonyms of Korava / Yerkula / Yerukula. Therefore, it is suggested that such entries may be merged and brought under a single entry. Such an action will certainly restrict the misuse of certain unused, unclaimed and non-existing entries, like Karcha at S.No.17. It will also enable the Government to show the actually existing Denotified Communities/Tribes in the State.

3. Derogatory names and insulting prefixes of communities still find a place in the lists of Denotified Communities/Tribes of certain States/UTs.

(i) For instance, in the Denotified Communities/Tribes list of Andhra Pradesh, Serial No. 10 is Donga Yathas; Serial No. 27 is Donga Dasari; Serial No. 29 is Donga Yanadis; Serial No. 30 is Donga Yerukulas; Serial No. 31 is Donga Waddars; Serial No. 32 is Donga Dommaras; Serial No. 40 is Donga Malas; Serial No.48 is Donga Korchas; and so on.. The prefix 'Donga' means 'thief' in Telugu.

(ii) In the DNTs list of Tamil Nadu, Serial No.15 is Donga Boya; Serial No.16 is Donga Ur. Korachas. The prefix 'Donga' means 'thief' in Telugu. The name Kepmaris is entered under S.Nos.35 and 59 in the same Denotified Communities/Tribes' list of Tamil Nadu. The name Kepmaris is derogatorily used by people to denote those who are involved in petty thefts.

**Such names with derogatory prefixes, causing insult to people, continue to find place in Government lists. Therefore, it is suggested that the Governments of Andhra Pradesh and Tamil Nadu should drop such prefixes in the lists of Denotified Communities/Tribes and make necessary modification in the names of communities in consultation with the respective communities. The other States/UTs should also critically examine their lists to identify any pejorative words that are still used as names of the communities, like in the examples given above. All such words should be eliminated, and their alternatives sought in consultation with the members of the concerned communities.**

4. In respect of bigger groups among the Denotified Communities/Tribes in Tamil Nadu, like Koravars, Kallars and Maravars, a number of territorial and occupational subgroups seem to have existed as endogamous (i.e., marrying within), professing specific occupations and confining to definite territories as evident from the several entries of subgroups in the lists of the Denotified Communities/Tribes. Of late, as communication and media facilities have started connecting people and due to various social, economic and political factors, the process of fusion of the subgroups of the larger group and marital alliance between them have greatly initiated, resulting in a cohesive 'single community identity' and disuse of the erstwhile territorial and occupational subgroup affiliations. For instance, the Koravars in Tamil Nadu are now



a single social entity, as is evident from the only one representation that has been received from Tamil Nadu Kuravar Association representing all the Kuravar/ Koravar population in Tamil Nadu. Against this ground level reality, if we still continue to have disused and discarded names as ‘separate’ entries, we shall not only keep a lengthy and inflated government list, but also add to confusion. It will not be possible to know the actual number of the existing communities with such a list. Therefore, it is suggested that the State Government may revise the list of Denotified Communities in Tamil Nadu in consultation with the concerned communities. **All the operational territorial and subgroup affiliations of the larger community, which are now listed as separate entries, as one below the other, may be brought together under a single entry, i.e. under an acceptable prevailing blanket name.**

5. As far as the State of Madhya Pradesh is concerned, the Department of Scheduled Caste Welfare, Government of Madhya Pradesh, vide their letter No. F-12/42/2006/4/25 dated 18.1.2007 has supplied the Commission separate lists for Denotified Communities/Tribes and Nomadic Communities/Tribes, in Hindi and English. On scrutiny, it is found that no uniformity exists between the Hindi and English lists, in terms of their spellings and pronunciation. For instance, in the list of Nomadic Communities/Tribes,

- (i) Serial No.9 is missing in the Hindi list whereas in the English list, it appears with an entry of Gindhali community, thereby making a wrong total of 30 in the Hindi list.
- (ii) At S.No.3 in Hindi, the community is pronounced as Bhate whereas in English it is written as Bhata.
- (iii) At S.No.6 in Hindi, the community is written as Durgi, Murgi whereas in English it is written as Durgimurgi.
- (iv) At S.No.7 in Hindi, the community is written as Chisadi, whereas in English, the community is written as Ghisadi with a wrong Serial No.4
- (v) At S.No.10, in Hindi, the community is written as Jogi, Jogi Kanphata, whereas in English it is written only as Jogi Kanphata.
- (vi) At S.No.11 in Hindi, the community is written as Joshi, Balsanthoshi Joshi, Bahulikar Joshi, Thicharkadhi Joshi, Harda Joshi, Nadia Joshi, Harbola Joshi, Napamdiwala Joshi and Pingala Joshi, whereas in English it is written as Joshi, Balsanthoshi, Joshi Bahulikar, Joshi-Chitrakthi Joshi, Harda, Joshi-

nadia, Joshi-Harbola, Joshi-Namdlwala , Joshi-Pingala. There is no uniformity between the Hindi and English listing of the community and its synonyms.

- (vii) At S.No.12 in Hindi, the community is written as Kashikapdi whereas in English it is written as Kashikapdi (Kashikpdi Harda).
- (viii) At S.No.13 in Hindi, the community is written as Kalandar, whereas in English it is written as Kalandar (Gulamday).
- (ix) At S.No.15 in Hindi, the community is written as Karohala, whereas in English it is written as Karohia.
- (x) At S.No.16 in Hindi, the community is written as Kasai (Shepherd), whereas in English it is written as Kassai (Shepherds)
- (xi) At S.No.17 in Hindi, the community is written as Lohar Pitta (Gadia Lohar), whereas in English it is written as Loharpitta (Gadiar Joher).
- (xii) At S.No.18 in Hindi, the community is written as Dhangar, whereas in English it is written as Dhangara.
- (xiii) At S.No.20 in Hindi, the community is written as Shikaligar, Ardhia Saigulgor Sarania Shikaligar, whereas in English it is written as Shikaligar, ardhia, Saigu, Lgor, Sarania, Shikaligar.
- (xiv) At S.No.21 in Hindi, the community is written as Shirgiwala, Kuchband (Kuchband), whereas in English it is written as Sirgiwala kuchvand (Kuchband).
- (xv) At S.No.22 in Hindi, the community is written as Shudubudu, Sidhan (Bahurniya) whereas in English it is written as Suduguhu Sidhan (Bahurniya).
- (xvi) Similarly, at S.Nos.23, 24, 25, 26, 27, 29 and 30 also, there is no uniformity between the Hindi and English listing of the Community and its synonyms.

Such discrepancies are also found in the list of Denotified Tribes of Madhya Pradesh. **Therefore, it is suggested that non-uniformity existing between the Hindi and English (versions) lists of the Communities and their synonyms need to be sorted out and a fresh list of the same, free from all errors, is to be prepared by the Madhya Pradesh Government.**

## Chapter 6

### **Denotified, Nomadic and Semi-Nomadic Communities**

#### **- Anomalies in their inclusion in categories of SC, ST and OBC**

It is a fact that due to livelihood requirements, a number of Denotified & Nomadic Tribes have been moving from place to place across various regions in the country. In course of time, these communities have been included in the lists of Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC) which made them eligible for the benefits of certain welfare schemes and the facility of reservation. It has been noticed over the years that in the process of inclusion of the Denotified & Nomadic Communities into SC/ST/OBC, a number of anomalies in the status of these communities in various States and UTs have cropped up which has created dissatisfaction among the communities against the State/UT Governments. For instance, a single (Denotified or Nomadic) community living in contiguous States/UTs and homogenous in nature has been included in different categories. Some examples of such cases are as follows:

1. The community of Banjara has been included as ST in Andhra Pradesh and Orissa; as OBC in Chhattisgarh, Gujarat, Haryana, Madhya Pradesh, Maharashtra and Rajasthan and as SC in Punjab, Delhi and Karnataka.
2. The Bawaria / Bavaria community has been included as SC in Delhi, Haryana, Punjab, Rajasthan, Uttar Pradesh and Uttarakhand and as OBC in Gujarat and Madhya Pradesh.
3. The Bediya, Bedia, Beria has been included as SC in Chhattisgarh, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh and Uttarakhand; as ST in West Bengal and as OBC in Karnataka.
4. The Kanjar/Kanjari/Kanjarbhat/Chara/Kanjar/Nath community has been included as SC in Chhattisgarh, Madhya Pradesh, Delhi, Rajasthan, Uttar Pradesh, Uttarakhand and West Bengal and as OBC in Karnataka and Maharashtra.
5. The Madari has been included as SC in Madhya Pradesh, Karnataka, Tamil Nadu, Orissa, Delhi and Rajasthan, whereas in Uttar Pradesh,

Uttarakhand, Punjab, Haryana and Gujarat, they have been included in the OBC list.

6. The Nat (Rana, Badi)/Nut has been included as SC in Chhattisgarh, Delhi, Haryana, Madhya Pradesh, Rajasthan and Punjab, whereas in Gujarat and Karnataka, they have been included in the OBC list.
7. The Od has been included as SC in Haryana and Punjab, whereas in Gujarat and Rajasthan, the Od have been included in the OBC list.
8. The Yerkula/Yerukulas has been included as ST in Andhra Pradesh. But the same community has been listed as OBC in Karnataka and Tamil Nadu.
9. The Sansi/Sansia has been included in the SC list in Delhi, Haryana, Madhya Pradesh, Rajasthan, Punjab, Uttar Pradesh and Uttarakhand. But they have been listed as OBC in Karnataka.

Anomalies of this nature in several other cases, like Aheria, Bazigar, Sapera, Sikkalgar, etc., have also been brought to the notice of the Commission.

Another kind of anomaly is that within a State itself, a single (Denotified or Nomadic) community has been listed in two different categories. For example, in Andhra Pradesh, the Nakkala has been listed in the OBC list at Sl.No.65. Again, they also figure in the ST list of Andhra Pradesh as Nakkala, Kurvikaran at Sl.No.34.

The third category of anomaly which has been brought to the notice of the Commission is that listing of a single community in different categories as DNT, SC and ST with area restrictions within a State itself.

For example, in Madhya Pradesh, the Pardhi has been listed as SC in certain districts, such as Bhind, Dhar, Dewas, Guna, and so on, as ST in certain other districts and *tahsils* along with synonyms like Bahelia, Chita Pardhi, etc. In the remaining districts of the State, they have not been given any constitutional status and treated as General Category.

In Gujarat, the Koli community has been listed as DNT only in Rapar and Bhachau talukas of Kutch district; the Charan-Gadhvi has been listed as NT only in

Vadodara region. In the remaining districts of the State, they have not been given any such status and treated as General Category.

In Maharashtra, the Thelari community has been listed as NT only in the districts, Dhule, Nasik, Jalgaon and Aurangabad. In rest of the State, they have not been given any such status and treated as General Category.

The anomalies of the above nature appear to be unreasonable and need to be corrected by the State/UT Governments and the Union Government by reviewing them in consultation with each other. This will help removing a major cause of dissatisfaction from these communities. Some more examples of such anomalies are contained in **Annexure 11**.

## Chapter 7

### Denotified, Nomadic and Semi-Nomadic Tribes

#### - Population

As said earlier, South Asia has the world's largest nomadic population<sup>1</sup>. It is estimated that 7% of India's population is nomadic<sup>2</sup> and consists of five hundred different communities. In addition, there are a large number of denotified communities as well. The last caste-wise census in India was done in 1931. However, this census does not include all the denotified and nomadic tribes. Moreover, 1931 census is about 80 years old. Some rough estimates quoted by the participants in various seminars, etc., are 10 to 15 crores. In order to work out the most realistic estimate of the population of Denotified, Nomadic and Semi-Nomadic Tribes in India, the Commission undertook a detailed exercise through its Research Division.

#### Methodology

In order to work out the population of Denotified, Nomadic & Semi-Nomadic Tribes, the Commission divided their total population in the following three categories:-

1. Denotified Tribes who are listed as SCs and STs in various States, i.e., Denotified (SC/ST);
2. Nomadic and Semi-nomadic Tribes who have been included in the list of SCs and STs, i.e., Nomadic (SC/ST); and
3. Nomadic Tribes which have been included in the list of OBCs from time to time, i.e., Nomadic (OBC).

#### 1. Calculation of population of Denotified Communities (SC/ST)

The following procedure was followed for calculating Category 1.

- The list of Denotified Tribes provided by 15 States has been prepared.
- The Communities included in this list were categorised into SC/ST/OBC.
- Thus the population of Denotified Tribes who fall in the category of SC/ST has been worked out on the basis of Census 2001.
- **Thus the total of the 1<sup>st</sup> category i.e. Denotified (SC/ST) for 15 States works out to 1, 36, 05,034 (See Annexure 12).**

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<sup>1</sup> Malhotra 1982 for India

<sup>2</sup> Randhawa 1996; Malhotra 1982

## **2: Calculation of population of Nomadic (SC/ST) other than the Denotified**

The following procedure was followed for this calculation:

- For calculating the population for category 2, the population of all those communities which fall in the category of SC/ST in the following lists was worked out :
  1. Lists of Nomadic communities provided by the States
  2. Lists of Nomadic communities prepared by the Commission
- Adding (1) & (2) a State-wise master list of nomadic communities (SC/ST) was prepared. In this master list, under a single serial number, different spellings of the name of the community as well as its synonyms were incorporated to make sure that a community appears only once under a single serial number and its population is counted only once.
- This becomes the Nomadic (SC/ST) list for the purpose of category (2) population only. It may be noted that this is not a list of all Nomadic communities which fall in SC/ST categories as Nomadic (Denotified) communities falling in SC/ST category have been counted in category 1.

**Note:** While calculating the population figures of Nomadic communities (SC/ST) minus the Denotified communities, it was found that the names of certain communities appear in both category 2 and category 3. This is because sometimes a community is listed as OBC in a certain State, and as SC or ST in another State. A procedure for avoiding double counting of such communities was adopted, which is as follows:

- The overlapping communities between Nomadic (OBC) and Nomadic (SC/ST) were identified.
- If their population was available in the document provided by National Commission for Backward Classes (NCBC), they were counted in the Nomadic (OBC) population.
- Communities whose names were not found in the NCBC document, their population was taken from the 2001 Census and counted in the Nomadic (SC/ST) population.
- The above procedure ensured that these communities were counted only once.

**The total Nomadic (SC/ST) population worked out to 4, 49, 59,058 approx. (See Annexure 13).**

### **Category 3: Calculation of Nomadic (OBC) population minus Denotified Communities**

The following procedure was followed:

- A master list of Nomadic communities falling in the OBC category was prepared from the following two lists:
  1. The lists of Nomadic communities provided by the States
  2. The State-wise lists of Nomadic communities prepared by the Commission
- In this master list, under a single serial number, different spellings of the name of the community as well as its synonyms (as appearing in the two lists) were incorporated. It was done to make sure that a community appeared only once under a single serial number and got counted only once.
- Denotified communities' list was excluded while preparing the master list because Denotified communities had already been counted in Category 1.
- This becomes the Nomadic communities' (OBC) list minus the Denotified. It may be noted that this master list is not an exhaustive Nomadic (OBC) list, i.e., it is not a list of all Nomadic communities falling in the category of OBCs. The Denotified OBCs had been removed from here. This list was made only for the purpose of calculation of population of Category 3.
- The all India Nomadic (OBC) population was calculated from the figures based on 1931 Census compiled in a document provided by the NCBC. In this document, it was found that 1951 projections of population of various communities were extrapolated from the 1931 census. These 1951 figures were taken for Nomadic communities which are today OBC, for further extrapolation to 2001. **The total population of Nomadic communities' (OBC) without extrapolation as in 1951 worked out to 1, 71, 77,138 (See Annexure 14).**

Thus, we have population figures of 1951 for both Nomadic communities (OBC) and all-India, while the Nomadic (OBC) population figures for 2001 are not available. Hence, we have calculated the estimated Nomadic (OBC) population of 2001 based on the proportional share of Nomadic communities (OBC) in 1951.



### **Step I:**

$$\frac{\text{Nomadic population (NP)}}{\text{Total population (TP)}} \times 100 = \text{Proportion of NP to TP}$$

$$\frac{17177138}{361088090} \times 100 = 4.76\%$$

### **Step II:**

$$\frac{\text{TP of 2001}}{100} \times \text{Proportion of NP to TP of 1951} = \text{Estimated population}$$

$$\frac{1027015247}{100} \times 4.76 = 4,88,85,926$$

It is important to note that in 1951 Census population figures are available only for 91 Nomadic communities (OBC).

### **Total DNT and NT Population in 2001 (Category 1 + 2 + 3):**

|                                         |   |                            |
|-----------------------------------------|---|----------------------------|
| DNT (SC & ST) 2001 Population           | = | 1,36,05,034                |
| Nomadic (SC & ST) 2001 Population       | = | 4,49,59,058                |
| Nomadic (OBC) 2001 Estimated Population | = | <u>4,88,85,926</u>         |
| <b>TOTAL</b>                            | = | <b><u>10,74,50,018</u></b> |

**Note: Information about 123 Nomadic communities (OBC) is not available. Similarly, no information is available about 104 nomadic communities which are outside the categories of reservation.**

### **Limitations of calculating Denotified population**

- The population of Denotified communities which has been calculated is only partial as only 15 States had provided the lists of Denotified communities.
- **Inability to calculate and include the population of Denotified (OBC), i.e., those Denotified communities which fall in the OBC today:**

The document provided by the National Commission for Backward Classes (NCBC) contains extrapolated 1951 population figures for those communities which were counted in the 1931 census. Some of those communities are Denotified (OBC) today. However, the population figures available for them are erstwhile Province-wise. A Denotified community of a particular region cannot be taken as a Denotified for the whole Province or for the entire country. A particular Denotified community's population should be counted only from the particular region where they were originally notified and denotified. For this reason, those Denotified communities which fall in the category of OBC could not be counted and their population does not form part of the calculations.

- In large States, like Gujarat, Maharashtra and Tamil Nadu, all Denotified communities are found to be OBC. All these communities could not be counted for the reason explained above.

#### **Limitations of calculation of Nomadic (OBC) population**

- The projection for the Nomadic communities (OBC) figures is partial because all the States did not send the lists of Nomadic communities. Only ten States sent their lists.
- The names of 123 communities in the NCBC document were such against which no population figures were available.
- There were also communities which were not included in 1931-Census, and therefore their population is missing from the projection.
- For some communities, e.g. Vasudev or Gondali, very small population had been shown whereas it is known from other recorded sources that these communities are much larger in number.

#### **Limitations in calculating Nomadic (SC/ST) population**

- The major limitation here again was that only ten States sent lists of Nomadic communities. In spite of identifying a large number of new Nomadic communities in the State-wise Nomadic communities' lists prepared by the Commission, all Nomadic communities could not be identified and counted.

**Conclusion**

In view of the aforesaid limitations the population of a number of Denotified and Nomadic Tribes could not be taken into account in working out the projections. In spite of this, it is the Commission's view that the population of Denotified, Nomadic & Semi-nomadic Tribes in the country can safely be assumed to be more than One Hundred Million. However, to have an authentic estimate of their population, it is desirable that their population is enumerated in the forthcoming Census-2011 to enable the Union and the States to design and implement welfare schemes in accordance with their population.

## Chapter 8

### Analysis of Information Received from State/UT Governments in Response to the Commission's Questionnaire

1. In April 2006, the Commission issued a questionnaire to all the State Governments and Union Territories to provide information and views on the socio-economic conditions of Denotified, Nomadic and Semi-Nomadic Tribes living in their States/UTs. The questionnaire was devised with a view to
  - i. ascertain the number and details of Denotified, Nomadic and Semi-Nomadic Tribes including their population, etc.
  - ii. enable the Commission to know about the various developmental measures being taken by the States/UTs for the welfare of Denotified, Nomadic and Semi-Nomadic Tribes;
  - iii. obtain a clear picture of the socio-economic status of Denotified, Nomadic and Semi-Nomadic Tribes in various States/UTs; and
  - iv. receive the views and suggestions, if any, of the States/UTs to assist the Commission to formulate suitable welfare schemes for future.
2. The questionnaire for the State governments and Union Territories (see **Annexure 4**) contained 45 questions and broadly covered the following aspects.
  - i. Demographic Information
  - ii. Lists of the communities included in the category of Denotified, Nomadic and Semi-Nomadic Tribes and Criteria for identification and inclusion in various categories
  - iii. Study Reports on Socio-Economic Problems of these communities, if any
  - iv. Information on Development and Welfare Measures
  - v. Employment Opportunities
  - vi. Preservation and Promotion of Art, Culture and Heritage
  - vii. Political Empowerment
  - viii. Education
  - ix. Housing
  - x. Suggestions and Recommendations, if any.

3. The responses of the States/UTs can be summarized as below:

| Total number of States and UTs | States/UTs responded to the Commission's questionnaire | States/UTs responded to only few Questions | State/UTs responded to many Questions | State/UTs that did not respond to the Commission |
|--------------------------------|--------------------------------------------------------|--------------------------------------------|---------------------------------------|--------------------------------------------------|
| 35                             | 31                                                     | 14                                         | 17                                    | 4                                                |

States/UTs, such as Andhra Pradesh, Arunachal Pradesh, Assam, Chhattisgarh, Bihar, Gujarat, Goa, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Punjab, Rajasthan, Sikkim, Tripura, Tamil Nadu, Uttarakhand, Uttar Pradesh, West Bengal, Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu, Delhi and Puducherry, in total 31, have responded to the Commission's questionnaire.

Out of these 31 States/UTs which have responded, fourteen of them, namely Assam, Arunachal Pradesh, Bihar, Goa, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Uttarakhand, Andaman & Nicobar Islands, Daman & Diu and Puducherry, have either answered only a few questions or have not furnished any meaningful information at all.

The States/UTs, namely Jammu & Kashmir, Jharkhand, Chandigarh and Lakshadweep have not responded to the Commission's questionnaire at all.

Among the questions that were answered by the States/UTs, only those questions for which comparatively more responses have been received are briefly analyzed here.

4. In respect of the **Demographic Information**, most of the States have provided population figures of only those Denotified, Nomadic and Semi-Nomadic Communities that are listed as Scheduled Castes (SC) or Scheduled Tribes (ST). In certain cases, the States/UTs have provided a combined population figure of Denotified, Nomadic and Semi-Nomadic Communities. A few States such as Karnataka, Maharashtra, Tamil Nadu, Orissa and Punjab have provided estimated population figure of the Denotified Communities. For instance, the State of Maharashtra has estimated a total Denotified population of 65, 73,112; Punjab has

estimated a total Denotified population of 2, 62,469 and Tamil Nadu estimated a Denotified population of 21, 46,755. The Karnataka Government furnished population figures in respect of only seven of the Denotified, Nomadic and Semi-Nomadic Communities, with a projected population of 25, 58,589 for 2006.

5. As far as the **Lists of Denotified and Nomadic Tribes** are concerned, Chhattisgarh, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan and Uttar Pradesh have provided the lists of both Denotified and Nomadic communities, whereas Andhra Pradesh, Delhi, Punjab, Tamil Nadu and West Bengal have provided only the lists of Denotified Communities in their respective States. All these lists provided by the States/UTs have been included in this Report.
6. A few States and UTs have responded to the question on **Criteria applied for Identification of Nomadic and Denotified Tribes**. The Government of Maharashtra has stated that the Denotified and Nomadic communities in Maharashtra were identified by the State Backward Classes Commission. The State of Madhya Pradesh has stated that the NT and DNT were identified on the basis of their historical background and various practices followed by the communities. In the case of Haryana, the State government has responded that the list of Denotified Communities of erstwhile Punjab State was just adopted for Haryana as well. The Government of Kerala has mentioned that the Denotified Communities were identified on the basis of the Criminal Tribes Act of 1871 by the British administration. The Nomadic and Semi-Nomadic Communities in Kerala were identified based on their wandering nature, not having a permanent dwelling and seasonal movement from place to place for subsistence. The Government of Tamil Nadu has not furnished any information on Nomadic Tribes. With regard to DNTs, the Government of Tamil Nadu has stated that based on the Criminal Tribes Act of 1871 by the British administration, the Denotified Communities were identified in the State.
7. On the aspect of **Study Reports on Socio-Economic Problems** of Denotified and Nomadic, the Government of Maharashtra responded that it has appointed two Commissions so far, namely, Mr. Thade Committee in 1960 and Mr. B. R. Idhate in 1997 to identify the socio-economic and other problems of Denotified and

Nomadic communities. The Government of Tamil Nadu mentioned that the Reports of the First and Second Backward Classes Commissions constituted by the Government of Tamil Nadu covered the aspect of socio-economic problems of Denotified as well.

8. For the information sought on **Welfare Measures, Development Programmes/Schemes, Financial Assistance**, etc., many States/UTs have provided detailed information on various schemes being implemented by them for the Backward Classes of their respective States/UTs, which included the Denotified also.

For instance, the **Andhra Pradesh** government responded that it constituted a Backward Classes Finance Corporation in 1974 to implement various schemes for the socio-economic development of Backward Classes in the State which included the Denotified Communities also. With regard to budget allocations made for the development of Denotified and Nomadic peoples, the Government of Andhra Pradesh informed that it was not possible to furnish caste-wise break up of budget allocations, as allocations were made for Backward Classes as a whole in the State.

The Government of **Madhya Pradesh** responded that to take care of socio-economic development of Denotified and Nomadic Communities, the State Government established the Madhya Pradesh Rajya Vimukt, Ghumakkad and Ardh Gumakkad Jati Vikas Abhikaran in 1996. Through this authority, various self-employment programmes and basic infrastructural development works are being implemented for the Denotified and Nomadic peoples in the State. For the question on details of Finance and Development Corporation set up by the State for the development of Denotified and Nomadic peoples, the Government of Madhya Pradesh responded that no such Finance and Development Corporation has been set up in Madhya Pradesh for DNT-NT and SNTs. If these communities are included in SCs and OBCs, they get loans and subsidies from Scheduled Caste Finance and Development Corporation and Other Backward Classes Finance and Development Corporation, as per the provisions in the schemes. No separate information has been provided for DNT-NT and SNTs of **Madhya Pradesh** on this aspect.

The Government of **Maharashtra** has responded that it has been implementing a number of schemes for the welfare of VJNTs, Socially Backward Classes (SBCs) and Other Backward Classes (OBCs) in the State. It has also made category-wise reservation for candidates belonging to VJNTs, SBCs and OBCs, for educational and service purposes. Almost all the castes and sub-castes of the VJNTs, SBCs and OBCs in the State are included in the Central list of the Other Backward Classes, as per the Mandal Commission Report.

With regard to the Schemes for Education of Denotified and Nomadic, the Government of **Maharashtra** responded with the following details.

- 1) Grant-in Aid to Ashramshalas run by voluntary organization for VJNT boys and Girls (98400 beneficiaries for the year 2006-2007 in 525 primary and 295 secondary schools)
- 2) Government of India Post-Matric Scholarship
- 3) Award of Scholarship to Backward class students meritorious in secondary schools (for Mumbai)
- 4) Award of stipend to Backward Class students studying in Industrial Training Institutes
- 5) Tuition fees and Examination Fees to VJNT, SBC and OBC students
- 6) Maintenance allowance to Backward Class students under training at Sainik Schools
- 7) Payment of maintenance allowances to VJNT students studying in Professional Courses and studying in hostels allotted to Professional Colleges
- 8) Post-Matric Scholarships to SBC and OBC students
- 9) Award of stipend to VJNT and SBC students studying in ITIs
- 10) Rajashri Chaatrapati Shahu Maharaj merit Scholarship
- 11) Savitribai Phule Scholarship for VJNT and SBC girls
- 12) Public Schools for Vimukta jatis and Nomadic Tribes, and so on.

Other development schemes of the Government of Maharashtra include Tanda/Vasti Development Scheme, housing loan and subsidy to Backward Class Co-Operative Housing Societies, Subsidy schemes and training programmes of



the Vasantaro Naik Vimukta Jatis and Nomadic Tribes Development Corporation Ltd.

The **Rajasthan** Government has informed that out of 602 hostels run for students studying up to senior secondary class, 30 hostels have been run exclusively for the students from Denotified and Nomadic in the State, besides providing pre-matric and post-matric scholarships. For the socio-economic development of Gadia Lohars, the Rajasthan Government has been implementing a Special Integrated Scheme for house-cum-shop for Gadia Lohars, along with another financial support scheme to purchase raw material for manufacturing equipments and tools for agricultural and industrial purposes.

The **Tamil Nadu Government** has informed that the Tamil Nadu Backward Classes Economic Development Corporation has been providing loans to individuals, groups and societies belonging to the Most Backward Classes and Denotified Communities (MBCs and DNCs) at subsidized rates for economically and financially viable schemes/trade/project. Various job oriented training programmes are also provided to the MBCs/DNCs to enable them to secure jobs. Further, the Tamil Nadu Government has informed that besides the pre-matric and post-matric scholarships, free education scholarships are also granted to the MBC and DNC students studying in degree, polytechnic and professional courses. The Tamil Nadu Government further stated that out of 973 government hostels run by the State Government for the BC/MBC students, 132 hostels are run exclusively for the DNC students. For the educational advancement of the Paramalai Kallar community, a numerically dominant DNC, the Tamil Nadu Government runs 260 Kallar Reclamation Schools and 48 hostels with an attendance of 48898 students. Free house site pattas were also given to the MBCs and DNCs in Tamil Nadu.

The Government of NCT of **Delhi** has stated that the **Delhi Scheduled Castes, Scheduled Tribes, OBC, Minorities Financial and Development Corporation**, an undertaking of Government of NCT of Delhi, is taking care of the needs of these communities figuring in SC and OBC list of Delhi. For the welfare of Denotified in Delhi, the State Government has a separate programme called 'Scheme for Welfare Centre for Denotified Tribes' through which vocational training in crafts, tailoring, sewing, embroidery, food and nutrition are

imparted to women and girls of Denotified communities. To provide institutional care, educational and moral development to the children of Denotified communities in Delhi, residential homes have been set up by the Government of NCT of Delhi under the **Scheme for Sanskar Ashram**. Another **Scheme for Economic Rehabilitation of Denotified Tribes-Allotment of Industrial Sheds** has also been implemented by the Government of NCT of Delhi.

9. In respect of the information sought from the States/UTs on **Political Participation** of Denotified, Nomadic and Semi-Nomadic Communities, most of the States/UTs have furnished no information. States such as Punjab, Haryana and Maharashtra have furnished information regarding the political participation of members of Denotified, Nomadic and Semi-Nomadic Communities at the levels of Panchayat / Zilla Parishad and State Assemblies.
10. With regard to the **Implementation of Laws**, no State Government has supplied any information on the Implementation of Beggar Act and Habitual Offender Act.
11. In respect of the **Suggestions and Recommendations** sought from States/UTs, various recommendations have been suggested by the State/UT Governments. Almost all of them were considered by the Commission while finalising its Recommendations.

## Chapter 9

### Denotified, Nomadic and Semi-Nomadic Tribes

#### - Salient Socio-Economic Features

The socio-cultural and economic factors reflect the real level of development of any community or communities in a given social set-up. The living conditions, settlement patterns, health, sanitation and hygienic conditions, livelihood support systems, etc., can provide insight into the level of development of communities. These can also provide us with an understanding and insight about the nature and extent of intervention required for improving their living standards.

In order to understand their conditions of living we need to understand their socio-economic and cultural background. For this, we need to look at their 1) **geographical spread** – the kind of places where they live in, the type of resources that they have access to, and the sort of problems that they face in carrying out their livelihood pursuits and living; 2) **social structural and demographic aspects** – linguistic and religious background; intra and inter-community relations, and relations with the society at large; family pattern, age at marriage, and educational and occupational status; 3) **cultural aspects** – their value system, ethos, systems of belief and institutions of social organisation; 4) **economic aspects** – the resources that they possess, the livelihoods that they pursue, benefits of development programmes received, problems that they face in eking out their living, financial support from formal financial institutions and government's economic development and entrepreneurial programmes, market network and support, etc.; 5) **infrastructural aspects** – health care facilities, educational set-up, roads, housing, general hygiene and sanitary conditions, transportation and other aspects; and 6) **human rights aspects** – harassment by police, and other communities, which exploit their vulnerability and perpetrate violence on them and abuse the dignity and honour of their men, women and children, and gender discrimination, both within and outside the communities.

A cursory glance on the above aspects will help us to understand the ground level realities. This would guide us to focus our attention on the issues that need our immediate attention for their long term development.



Nandiwalla

**Geographical Spread:**

The Denotified communities, which consist of pastoral, non-pastoral ecological (foragers) as well as non-ecological nomads (peripatetic) and some settled communities, are largely placed in more than 50 resettlement colonies in different provinces of the country (Ayyangar Committee, 1951: 137-9; information for the settlements in Bombay and Madras provinces was not available in the Ayyangar Committee Report, as by the time of the Committee the Criminal Tribes Act was already repealed by these two provinces). Taking recourse to section 16 of the Criminal Tribes Act 1924 the communities notified as criminal tribes were moved out of their original precincts and resettled in totally alien locations. These settlements were more like concentration camps. Their labour was exploited and they were denied human rights, including right to livelihood, in the name of reformation. However, there are a few Denotified communities which have been out of these settlements across different parts of both urban and rural India.

In fact, the district administrators of British India were empowered to notify communities as 'criminal' and this led to a situation where some of the members of the community belonging to a district, or even a police station, were declared as 'criminal'. This implies that the entire community may not be 'criminal' but a section of them are. In other words, the same community may be Denotified in a district and not in other districts. This makes things complex and creates confusion for the administrators and law enforcing authorities in a State, much against the welfare of the communities. For instance, Attur Melnad Koracha are regarded as Denotified Tribe in Salem and Namakkal districts only; Mahatam of Sharkpur Police Station in Shekपुरa district and Bhora Brahman of Kangra district of Haryana; Mahatangi of Mamdot Police Station area in Firozpur district of Punjab; Mogiya of Udaipur and Chittor in Rajasthan; etc., to name a few. Thus, Denotified communities were unevenly dispersed across different parts of British India.

Nomadic communities are not bound by the political boundaries or boundaries of States. They are actually bounded by their folk precincts, which follows either the dispersal of natural resource endowments, in case of pastoral, as well as some of the non-pastoral ecological nomads (foragers), or move across linguistic regions or States (even across Nation States) of rural and urban India, in case of many non-pastoral



Nandiwalla on Move

non-ecological nomads. The Gujjar, Bhakkarwal, Gaddi, Boya, Pardhi, Chenchu, Gadia Lohar, Lambada or Lamani or Banjara, Nandiwalla, Korava or Koracha, Waddar or voddar, Dombari or Dommari, Baharupiya, etc., are classical examples of nomadic communities, both pastoral as well as non-pastoral, who traverse across different parts of India and also across the borders of the country.

Among the nomadic groups, the pastoralists are largely found in arid regions of the country, while the non-pastoral nomads are found in different regions of rural and urban India. Traditionally, some of the non-pastoral non-ecological nomads (peripatetic) were traversing different rural and urban (small towns) regions across India, some of them were involved in entertaining many of the 'mainstream' rural and urban dwellers, while the others are engaged in petty trade, artisanal activities, etc. As observed by Misra, the latter are a 'product of human history and culture,' and 'they have more definitive relationship with other settled groups' (1982: 16-17, *In Misra and Malhotra, eds., Nomads in India, Anthropological Survey of India, Calcutta*). The foragers (hunter-gatherers) largely confined to some of the forested areas with relatively less contact with the other settled communities.

As a result of changes that have taken place in the country, due to various policies and programmes undertaken by the governments and having lost their means of livelihood, many of these communities have become 'nowhere' people. They have now become squatters, residents of urban slums and rural fringes living on public or private lands in make shift homes, kutcha or semi-pucca houses.

### **Social Structural Aspects**

#### **Language and Religion:**

As observed earlier, nomads are polyglots. Many of them have their own dialects and converse among them in their dialect while with others they speak in the popular local language.

The Denotified, Nomadic and Semi-Nomadic communities belong to different religious groups like Hindu, Muslim, Sikh, Christian, Buddhist, etc. In some cases, groups from the same community belong to different religious groups, for example, Gujjars and Shikaligar or shikligar who have followers of both Hindu and Muslim religions; the Bhotia traders who are Buddhist; Qualandar who are Muslim; Ghormati

are influenced by Hindu, Sikh and Muslim practices, which is reflected in their songs, stories, and rituals (Childers, 2003: 414, in Aparna Rao and Michael J. Casimir, eds., *Nomadism in South Asia*, Oxford University Press, New Delhi), etc. As Misra et al observed, the itinerants 'carry the culture of the greater tradition, of course, in the style, dialect and media which easily catch the imagination of the local people. For example, in Andhra and Mysore State **Gangireddulu** perform Ram-Sita marriage through sacred bulls. The performance is accompanied by the local music. The instruments they play on such occasions are **nadaswaram** (local pipes) and **dimki** (local drums). Then there are many other itinerants who carry and propagate only the items of local traditions. ...Great many local cults through a process of systematisation and refinement have been incorporated into great traditions. Raghavan gives an example of how **Gondali**, a Karnataka dance of hunters was incorporated in the Sangitaratnakara of Sarangadeva, the standard and most widely known text on music and dance which was composed in the first half of the 13<sup>th</sup> century. There still exists in northern parts of Mysore a group of itinerants who are known as Gondalis and who are called upon by the people of those areas to perform Gondali dance on the occasion of marriages' (1971: 1-2, *Nomads in the Mysore City*, Anthropological Survey of India, Calcutta).

#### Contacts with neighbourhood communities and wider society:

Among the nomads, the peripatetic (non-pastoral non-ecological) nomads have greater interaction with the settled communities, both rural and urban. Misra and Rajalakshmi Misra (1982, In Misra and Malhotra, eds., *Nomads in India*, Anthropological Survey of India, Calcutta) and Kameswara Rao (1982, In Misra and Malhotra, eds., *Nomads in India*, Anthropological Survey of India, Calcutta) observed that any Indian village in a year is visited by at least 30 nomadic groups. These groups offer an array of goods and specialist services to the settled people. They form 'a part of the wider network of Indian peasantry' (Misra and Rajalakshmi Misra, 1982: 1). Misra aptly identifies that 'ecological conditions, the culture of the neighbouring settled population are of great significance in determining the various social, economic, political and religious features of a nomadic population' (1982: 16-19). Thus, the hunter-gatherers, the pastoralists, and the peripatetic nomads have different degrees of contact with the settled communities, the hunter-gatherers having the least and the peripatetic having the widest of contacts.



Joseph C. Berland in his study of nomadic communities in Pakistan very aptly points out that, ‘peripatetic communities are more ‘bridging elements’... They are seldom ‘organically connected’ to the membership of host communities through traditional bonds of kinship, propinquity, or occupation... Consequently, local communities often know very little about the social and cultural habits of peripatetics. As a result, clients tend to refer to and address members of these diverse nomadic populations (as *khānābadosh*) by their specific skills, product, or service anticipated: *bāzigar* (acrobat), *bandarwālā* (monkey leader), *guguwālā* (terracotta toy-maker), *saperā* (snake-handler), and the like. The major exceptions to this broad rule of thumb obtains among very specialised communities, such as Chungar (Basket and broom-weavers) and Lohar (smiths), where group name and service tend to be synonymous’ (2003:111-112, in Aparna Rao and Michael J. Casimir, eds., *Nomadism in South Asia*, Oxford University Press, New Delhi).

It is also important to note that peripatetic nomads ‘were a part of wider network of Indian peasantry; in a variety of ways they maintained links between the numerous communities. They had a degree of autonomy which allowed them to develop their own art, knowledge and skills and thereby allowed them to retain identity and enrich the Indian culture... It has been observed that certain nomadic groups serve only certain castes, reaffirming the monopoly theory in the caste system’ (Misra, 1982: 19-20).

The Denotified as well as the Nomadic communities suffer the stigma of criminality and nomadism. The society at large views them with suspicion, and thanks to the colonial as well as post-Independence rulers a people who were living with dignity and honour have become stigmatised. The Denotified and the Nomadic communities are hounded or chased out not only by the ‘mainstream communities’, but also by the revenue, police and local self-government and Municipal administration or officials. They neither belong to the rural nor the urban areas. Rather, they are made out to be ‘nowhere people’ by all sections of the people and also by the government machinery. As a result, they do not possess ration cards, voting rights, caste and identity certificates, and residential address (**Annexure 5**, Pp. 61-64). In short, they have become denizens.



A Gadia Lohar Home

The denotified and nomadic communities are located in both rural and urban areas. The distribution of the communities is related to the nature of the livelihoods pursued by the communities in question. For instance, the pastoralists are found more in rural areas as compared to some of the peripatetic nomads. However, due to the impact of various laws, policies and programmes of the government as well as due to the other processes of modernisation, economic liberalisation and expansion of agriculture, and a host of other factors, many of the peripatetic nomads, and even others, have moved to urban areas in search of work. The community survey conducted by the Commission witnessed the presence of a substantial proportion of Denotified and Nomadic Communities in urban areas. In fact, we find more number of Nomadic communities in urban areas today due to the disintegration of their traditional livelihood means (**Annexure 5**, p.19).

#### Family pattern and age at marriage:

The Denotified as well as Nomadic communities live in bands and kinship and community play a very significant role in their day-to-day dealings. By and large, they are acephalous, like most of the tribal communities. The resources are held communally and are allocated to its members by the community council. Their family pattern varies depending upon the livelihood pattern of the communities.

It is important to note that '*cognitive solidarity*, rather than relationships based on geographic propinquity, are the more resilient *elastic bonds* that bind peripatetic families, kinsmen, and friends together across time and space' (Berland: 2003: 113). Quite a few of them have horizontal joint family pattern, while some of the peripatetic nomads have nuclear family pattern. In fact, there is a decline in the joint family system. This is clearly reflected in the Community Survey of the Commission. Another thing that is noticeable among the Denotified and Nomadic communities is very low age at marriage. The mean age at marriage for men is as low as 10 years and for women it is 8 years among the Denotified, and 7 years for both men and women in case of Nomadic communities (**Annexure 5**, p. 22).

#### Educational and occupational status:

Education is a mirage to the Denotified and Nomadic communities. It is no wonder that these communities are largely illiterate and those who are educated are educated mostly up to tenth class. The community survey clearly reflects that the



A Nat Girl Performing

Denotified and Nomadic communities have poor access to education due to the problem of livelihood security and sustenance. Children are initiated into income earning activities at a very tender age. They are not motivated to attend schools due to the perception that education does not ensure any livelihood and the educated children will be a liability as they will not take to their traditional calling once educated. Poverty and lack of citizenry rights deny them access to basic rights. Though free primary education to every citizen is a constitutional right, as Tilak observed, 'There is nothing like 'free' education in India' (2007: 262, in Abusaleh Shariff and Maitreyi Krishnaraj, eds., *State, Markets and Inequalities*, Orient Longman, New Delhi). In fact, he further pointed out that 'Low-income groups spend higher proportion of their income on education than the rich' (ibid: 263). In case of Denotified and Nomadic population it is not the question of low-income but a question of no-income. Under the prevailing circumstances, one cannot expect any substantial improvement in the literacy levels unless some serious efforts are made by the government to ensure sustainable livelihoods to the members of these communities. The enrolment and drop out rates are very high, as observed in the Community Survey undertaken by the Commission (**Annexure 5**, Pp. 29-32).

Majority of the Denotified and Nomadic communities, especially the peripatetic, are poor and they cater to the lower and middle level peasantry (Misra, 1982: 21). However, today, their livelihoods have become unlawful due to the misplaced policies and programmes of the governments and unthoughtful policy makers. As a result, their traditional occupations have become now demeaning and disrespectful, and of low esteem. Most of the peripatetic nomads have been reduced to begging, wage labour, etc. Their traditional technical skills, knowledge about environment, medicinal herbs, music, art, theatre, and other expertise are becoming a lost treasure and things of no value. Most of them today look up to the government and others for help and mercy. Thus, a people who were once independent and highly enterprising have become dependent on others.

### **Cultural aspects**

Nomadism is a way of life and nomads are habitual movers. In fact nomadism is not viewed as a form of social or political organisation or world view but as a strategy to enhance access to resources. It is 'a resilient, rational response to a variety



boundaries, they also stress that broad, accurate system of ecocultural knowledge about host communities offers them control, freedom, and flexibility while stimulating the creativity and confidence necessary to respond to changes in familiar settings and to explore opportunities in new markets' (ibid: 123-124). The cultural knowledge of the Nomadic communities can be an asset even in today's 'globalised' world.

### **Economic aspects**

The Denotified and Nomadic communities pursue a wide variety of livelihoods, depending on the specific nature of the community in question. The pastoralists based on the animals they tend vary in their economic pursuits. There are pastoralists who raise cattle, buffaloes, goats, sheep, camels, pigs, geese, etc. These pastoralists are a good source of milk, butter, meat, wool, organic manure, and other animal products. They traditionally have customary relations with the peasants in rural India. Some of these traditional economic relations are affected due to many changes that have taken place since colonial times. They now not only lack livelihood security but even food security. Many of them do not even get a square meal a day, leave aside the nutritional quality of the food that they consume (see **Annexure 5**, Pp.39-42).

Similarly, the foragers who indulge in food gathering and collecting non-timber forest produce (NTFP) and hunting small game are now reduced to vagrant labour that depend on the mercy of those who employ them and as rag pickers in urban areas. Majority of them have lost their abodes and means of livelihoods. They no longer have any access to their traditional resources as a result of the forest laws enacted by the governments of British, and later by independent India.

The plight of some of the peripatetic nomads is much worse due to loss of patronage, emergence of new communication and entertainment media, and the enactment of different laws by the State. Many of them have become 'criminals' in the eyes of law and wider society. They have now taken to begging, rag picking, prostitution and other immoral activities for their existence (see **Annexure 5**, Pp. 33-41). This has a clear bearing on their right to livelihood and residence.





Gadaria with his Sheep



When we look at the impact of the development programmes, many of them had an adverse impact on their lives. Some of the development programmes have snatched their traditional resources and means of livelihood. They are now asset-less, homeless, and solely dependent on the mercy of others. As the Community Survey of the Commission reveals these communities have not received any benefits of government development programmes. The problem of the aged and that of destitute women is more alarming as they have not received the benefits of any governmental schemes like the old age pension. They also do not receive any financial assistance from any of the formal financial institutions. They continue to depend on moneylenders and from private sources and borrow almost on daily basis to meet their subsistence on exorbitant rates of interest (see **Annexure 5**, Pp. 43-46, 68-69).

Another important aspect to note is that their produces do not get favourable response from the modern markets as they lack access to them. Most of them, who indulge in street vending of vegetables, fruits, old clothes, cosmetics, bangles, toys, baskets, etc., face problems of eviction and harassment from police, revenue and other local authorities. These communities cater to the needs of the poor and make a living out of sale of their produce of labour. Thus there is a need to provide access to market places to these communities.

### **Infrastructural aspects**

Development and availability of, and access to infrastructure, like public health facilities, educational institutions, development of communication network like roads and cheap conveyance facility to transport people to places of work, housing, safe drinking water, rights to places of stay, general hygienic and sanitary conditions, etc., has a direct bearing on the well being of the Denotified and Nomadic communities. The Community Survey of the Commission has clearly brought out the fact that many of the Denotified and Nomadic communities have not benefited from the available public infrastructural facilities like the hospitals, schools, housing, etc. (see **Annexure 5**, Pp. 48-55).

The problem of low incidence of enrolments and high dropout rates are related to the poor educational infrastructure, distance from the school facility, lack of hostel facilities, and the prevailing educational system. It is observed in the Commission launched Community Survey that the distance to schools and mobile



Gadia Lohar in Camp

nature of the communities have a bearing on the communities enrolling children in schools. In a sample of 122 communities surveyed, very negligible proportion of children are found in hostels (see **Annexure 5**, Pp.28-32). Schools are not an attraction to these communities. They do not relate themselves with the culture of the Nomadic communities. Even if a school is available in the vicinity of the communities, they refrain from using it as it does not have any relevance to them. It cannot provide them any means of livelihood, hence is not useful to them.

The observations of Vani K. Barooah are apt to be cited here. She observed that, 'The absence of anganwadis in a village, and the absence of middle school within one kilometre of a village reduced the probability of school enrolment... Interestingly, the probability of school enrolment was not affected by the absence of a primary school... Equally interestingly, the absence of a primary school in a child's village raised the probability of a child continuing in school after enrolment. Most likely, this is because the probability of continuation is a conditional probability, the condition being that a child was enrolled in school; if parents were sufficiently motivated to enrol their child at school even though the school was in another village, they would be motivated enough to have the child continue in school' (2007: 418, in Abusaleh Shariff and Maitreyi Krishnaraj, eds., *State, Markets and Inequalities*, Orient Longman, New Delhi).

Housing is an area where these communities face very serious problems. They do not have any record of rights (*patta*) for their residential plots, though they have been living in those areas for generations, be they in public or private land or waste lands; or on the roadside or in the fringe of the villages. This aspect is clearly reflected in the Community Survey of the Commission (see **Annexure 5**, Pp. 24-26). They face constant harassment of demolition of their settlements and eviction by the local revenue officials, municipal authorities, realtors, police and the politicians. They constantly live under these threats. Most of them live in small *katcha* houses (if we call them so) made of jute rags, polythene or tin sheets, etc., without any sort of public amenities like safe drinking water supply, drainage, internal roads, etc. Though these may be called as some kind of shelter, they do not protect them during rainy season.



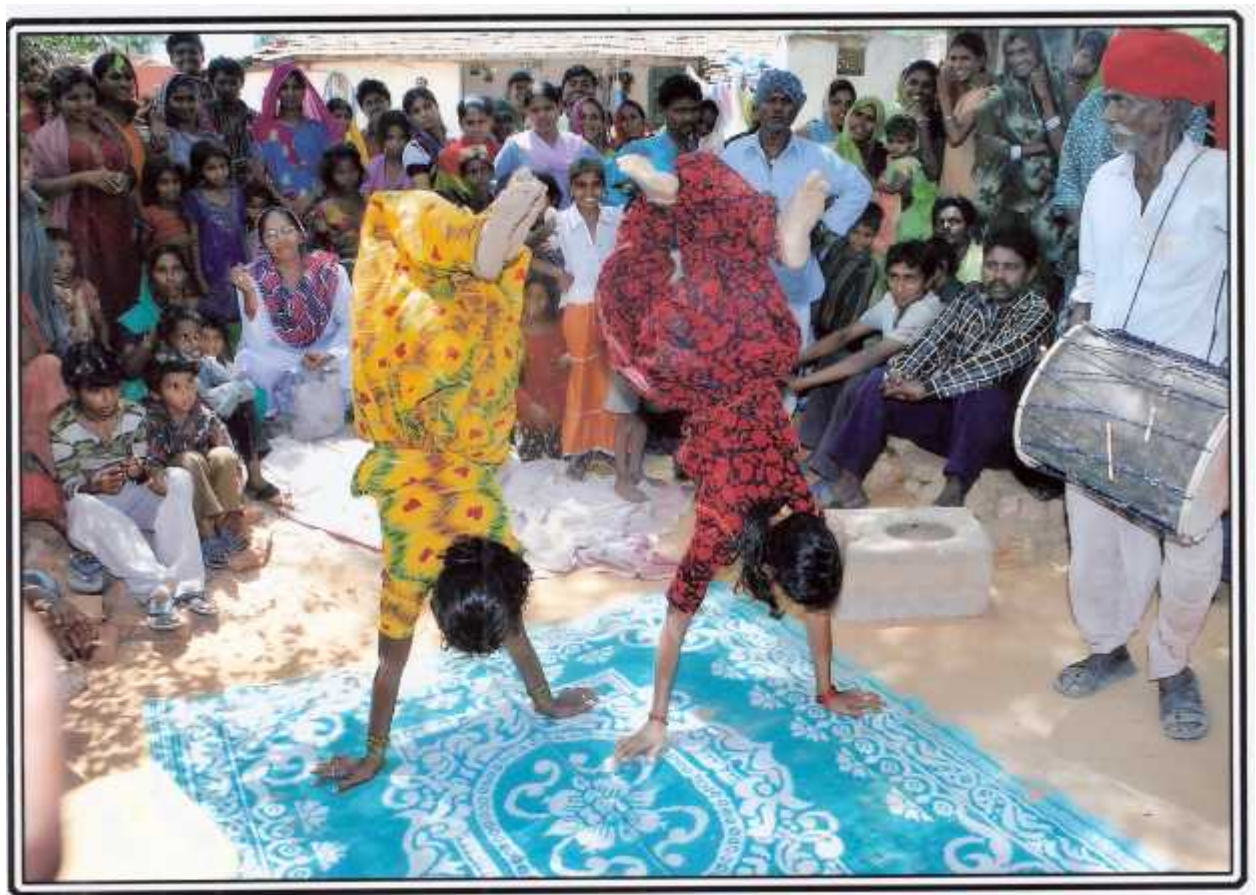
Manganiyar (Balladeers)

## **Human rights aspects**

Many of the Denotified and Nomadic communities have their traditional councils (Jaat Panchayats) which ensures the unity and integration of the communities. It maintains their internal harmony; looks after the demarcation of work areas or allocation of resources; resolves disputes pertaining to individuals, families, clans or even with other communities; maintains harmony and tranquillity. In the community based survey conducted by the Commission it was found that community Panchayats are still active among both the Denotified and Nomadic Communities. They are called upon to resolve family disputes, disputes between lineages, disputes over grazing and other economic rights, cases related to theft, assault, and conflicts relating to interaction with other communities. Many of the communities consider them as highly effective (see **Annexure 5**, Pp 75-78). However, women have no role in these traditional councils and face discrimination. These councils need to be sensitised and there is a need to incorporate women into these councils for gender equity. In general, the traditional councils play an important role and they need to be involved not only in dispute resolution but even in development interventions.

Most of the Denotified and Nomadic community members face abuse of human rights by the law enforcing authorities, realtors, politicians, landlords, and the village communities. They are exploited by every one of them. They are many a time victims of the misuse of power by the police and the caste communities in the villages. They are arrested or illegally confined for any theft or burglary indulged in by others. Their women are not spared. They become easy victims of some of the lustful and corrupt personnel in the law enforcing machinery, and the landed in the villages. Even children are not spared. The Community Survey clearly reflects the human rights violations and abuse of power by the police and others (see Annexure, Pp. 70-74). The Denotified and Nomadic communities are very vulnerable and they need to get the benefit of redress through some constitutional protection to overcome these atrocities and human rights violations.





Nat Girls Performing

## Chapter 10

### Reasons for Decline in Traditional Occupations

All human societies, including the ‘traditional’, are dynamic and change is ubiquitous. The word ‘tradition’ is derived from the Latin word *traditio* meaning ‘to hand down’ or ‘to hand over’. The customs, values, cultural knowledge, etc., are passed on from one generation to the next orally and through enculturation, while the livelihoods and other practices are passed on through enculturation and hands-on training. When we talk of traditional societies we talk about them from a particular vantage point. They are referred to as traditional in terms of their cultural norms, values, occupations, etc. According to the Dictionary of Sociology, “The term ‘traditional society’ is usually contrasted with industrial, urbanized, capitalist ‘modern’ society. It incorrectly groups together a wide range of non-modern societies, as varied as contemporary hunting and gathering groups on the one hand, and medieval European states on the other. It is a judgemental term, often implying negative traits associated with being backward, primitive, non-scientific, and emotional, although it is sometimes linked with a mythical golden age of close-knit family values and community” (Marshall, 1998, *A Dictionary of Sociology*, Oxford University Press).

The livelihoods that many of the Denotified, Nomadic and Semi-Nomadic communities pursued, or still pursue, can be termed traditional occupations. The traditional occupations are as varied in number as the Denotified, Nomadic and Semi-Nomadic communities are. However, the changes that have been taking place in the traditional occupations of Denotified, Nomadic and Semi-Nomadic communities are not due to any evolutionary or natural factors. The changes are mostly due to the colonial as well as Independent India’s policies, globalisation, modernisation, urbanisation, technological advancement, changes in agricultural practices, market interventions, and commercialisation.

As observed in the beginning, Denotified communities are an administrative category. However, they include nomadic, semi-nomadic and also sedentary communities. The nomadic (peripatetic or peregrinating) and semi-nomadic communities can be looked at in terms of non-pastoral and pastoral communities. The

pastoral and non-pastoral communities which were once independent, and welcomed by the other communities, have not only become marginalised today but also unwanted and are hounded out!

These communities, which once had offered a wide variety of services to clients across regions, have been driven to a situation where they had to resort to criminal acts, thievery, beggary and other 'anti-social' activities for their survival. They have become suspect in the eyes of sedentary villages or the urban 'mainstream' communities. This shift in their fortunes had taken place for some like Gadi Lohar, Shikligars, Berads, etc., sometime during the Mughal rule, and for most only after the colonial rulers' policy interventions beginning from 1857 and usurping their resources, and also denying them access to their traditional capital through different enactments, including the Criminal Tribes Act of 1871, Forest Act of 1878, and revenue policies beginning with Permanent Settlement of 1793. In fact, these changes in the political fortunes as well as changes in policies and encroachments into their resources have converted these communities into criminals over time (Bokil, 2002, De-notified and Nomadic Tribes, *Economic and Political Weekly*, Vol XXXVI, No. 2). The same colonial legacy has continued even in Independent India. These communities were never consulted by the policy makers while plans for their development were being drawn. To state the truth, the policies of the colonial rulers, as well as of the successive governments of independent India, did an irreparable damage to these communities in making them adopt a criminal way of life, and if not to this, then to their impoverishment and marginalisation, as happened with non-Criminal Tribes of nomads and semi-nomads. Why communities became what they became was because of the historical context of rule, an attack on their livelihood, and their oppression.

The people who were driven to misery and uncertainty have been encountering animosity and disdain for no fault of theirs from the wider community. Many a times they are chased out of the villages and face the worst kind of discrimination which is unparallel to any kind of discrimination meted out to settled communities. Governments presume that sedentarizing the nomads into agriculture and allied activities will resolve their problems created as a result of wrong policies and enactments. But what is still not realised is that agriculture is not the panacea for



all the accumulated problems of these communities. In fact, harnessing their human and social capitals, through investments in physical and natural capitals and also strengthening their financial capital, to evolve sustainable livelihoods is what is required today. It is high time that we appreciate the fact that the loss of their natural capital due to encroachments and development projects has badly affected their livelihoods. They were most of the times, if not always, denied physical and financial capitals.

When we look at their traditional occupations and their existing occupations, it offers us an understanding of changes that have taken place and the reasons for these changes. It also offers us clues as to how to utilise their diverse skills to enhance or strengthen their livelihoods so that they live with dignity and honour. Our effort has to be to offer them the livelihoods that they were pursuing traditionally and honour their cultural values with respect to biodiversity conservation and environmental protection.

At this juncture, it is important to recall the observations made by the first Prime Minister of India, Pt. Jawaharlal Nehru, about tribal communities, which are relevant even to many Nomadic and Semi-Nomadic communities. He said, 'I am alarmed when I see – not only in this country but in other great countries too – how anxious people are to shape others according to their own image or likeness, and to impose on them their particular way of living. We are welcome to our way of living but why impose it on others? ... it is grossly presumptuous on our part to approach them with an air of superiority or to tell them what to do or not to do. There is no point in trying to make them a second rate-copy of ourselves' (1973:2, *The Tribal Folk*, in *The Tribal People of India*, Publication Division, Ministry of Information and Broadcasting, New Delhi).

In a speech delivered at the World Park Congress, Durban, Uncle Saayyad of Iran very aptly pointed out the reasons for the changes in the profession of the pastoralists. He argued, 'Unfortunately, throughout the twentieth century forced sedentarisation was inflicted upon us. Pastures and natural resources were seized from us by various governments. Our migratory paths were interrupted by all sorts of "development" initiatives including dams, oil refineries, and military bases. Our summering and wintering pastures were consistently degraded and fragmented by

outsiders. Not even our social identity was left alone. Our tribal foundations were forcibly “restructured” and our image has been cast as that of backward, stubborn peoples who do not wish to adapt to modernity. Our story is similar to the story of nomadic pastoralist peoples all over the world, under all sorts of regimes that do not bear to let us manage our lands and lives’ (2003, Pastoralist as ecologists. Speech delivered at the World Park Congress, Durban, South Africa).

The Segovia Declaration of Nomadic and Transhumant Pastoralists, 2007, also reflect on the reasons for the trials and tribulations of the nomadic pastoral communities across the globe. It says, ‘In many societies, governments have “nationalised” and confiscated rangelands, forests and other natural resources on which pastoralists depend, removing them from community care, control and property and alienating nomadic pastoralists from their natural rights. In the meantime, current neoliberal economic and social policies globally impose the privatization of natural resources—including life itself. These have resulted in an unprecedented concentration of economic and political power in the hands of very few elites throughout the world. These policies are destroying the livelihoods, environment, nature and culture, including the spiritual values and dignity of pastoralists and other rural communities. Our rural areas are faced with conflict and war and are becoming empty as our people migrate to cities and other countries’.

The above observations clearly reflect on the major reasons for the decline of pastoral nomadism and the livelihood crises of these communities today. The story is not very much different in India. If we look at the different policies, they all encouraged privatization of commons belonging to nomadic and pastoral communities. The effect of privatization is found to be more on pastoral nomads and nomadic hunters and gatherers. The livelihoods of non-pastoral nomads were largely affected by mechanization, industrialization and emergence of modern entertainment technologies. As a result of decline in sources of living, many of the nomadic tribes or communities have been shifting to sedentary lifestyle, thus leading to an occupational shift. Most of the nomads are now into wage labour (Gobar Times, 2002; Bokil, 2002, Facing Exclusion, *Indian Journal of Social Work*, Vol. 63, I; and Lim and Rita Anand, 2004, Confronting Discrimination, Habitat International Coalition, Housing and Land Rights Network).



A Pardhi Woman selling Pots

It is important to note that several laws enacted by the Government of India have affected the livelihoods of the Denotified, Nomadic and Semi-Nomadic communities. For instance, Criminal Tribes Act (subsequently repealed in 1952 but replaced by Habitual Offenders Act), Indian Forest Act (its subsequent versions), Wildlife Protection Act of 1972, Land Acquisition Act of 1984, Prevention of Beggary Acts (States) adopting antiquated Bombay Prevention of Begging Act, 1959, The Drugs and Magic Remedies (Objectionable advertisements) Act 1954, Excise Act of 1944, Environment Protection and Biodiversity Conservation Act of 1999, Prevention of Cruelty to Animals Act, 1960, etc, have affected the Denotified, Nomadic and Semi-Nomadic communities by denying them access to the resources, to which they had traditional rights, and deprived them of their livelihoods. In fact, it made them criminals overnight without offering them any sustainable alternatives. The callousness of the State has only increased the misery of these communities and increased their vulnerability.

Milind Bokil (2002) has vividly shown how the modern development process since Independence has impacted different nomadic communities and their traditional avocations. For instance, the pastoralists have lost their common grass lands and also the limited existing lands have been degraded, thus making them shift to small scale agriculture and wage labour. The hunter-gatherers because of restrictions placed on hunting small game and also accessing any resource from the forests made them lose their livelihood and became vulnerable to police, forest and other local authorities.

Bokil (2002) rightly identifies five major reasons for the plight of pastorals and hunter-gatherers. They are 1) degradation of natural resources, both in quality and quantity; 2) increase in competitive use patterns; 3) privatisation (which includes encroachment of commons, etc., by the power elite and landed gentry) and commercialisation (both by the government and corporate bodies); 4) restrictions on access; and 5) curtailment of movement. These have forced the nomads to abandon their traditional occupations or to scale down their operations substantially, thus making them vulnerable. They also face a lot of opposition and resistance from the settled agricultural communities, which practice intensive agriculture.



A Group of Baharupiya Performing

Similarly, mechanisation and industrialisation, coupled with restrictive laws, have affected severely the goods and service nomads. It becomes difficult for them to compete with the products of industries, both in terms of costs and market network. Many nomads who are engaged in smithery, blanket making, basket making, herbal medicines, itinerant trade, distilling, stone work, earth working, etc., were thrown out of their traditional livelihoods by the unscrupulous market forces and forces of modern development. This has forced most of them to shift to wage labour or operate on a very low scale business or petty trade or, in some cases, small scale agriculture.

The spread of modern entertainment media, especially television, and also due to the laws that restrict them from performing with animals has affected the nomadic communities involved in traditional entertaining avocation. As a result, most of them are pushed out of their traditional livelihoods and without any alternative means of livelihood they either resort to petty trade, wage labour, or even to prostitution.

The fate of other nomads like mendicants, astrologers, singers, bards, etc., is similar to the other nomads observed earlier. They are also affected as a result of changes in the nature of belief systems as well as the decline of importance of these traditional communities and weakening of their relationship with the village communities. They are now reduced to the position of beggars.

The Denotified and Nomadic communities in addition also carry a stigma along with the decline of the relevance and feasibility of their traditional occupations. Whenever there are any development projects like construction of dams, industries, mining, etc.), which require rehabilitation, these communities never receive any benefits, in spite of being evicted from their traditional places of living and work, as they lack any record of rights or rights of residence. All these impact their livelihoods and throw them out of gear with their lives.

Many of the nomads have been denied their right to livelihood, habitation, human rights, right to culture, etc. Hence, there is a need for developmental and other interventions on part of the government with a lot of sensitivity to the culture and livelihoods of nomadic people. Instead of resorting to some outlived models of development, we need to think more innovatively for providing sustainable and dignified livelihoods to these communities. There is a need to encourage pastoralism

as an economic strategy as an equivalent of agriculture. Dry land cultivation, restoration of rights of the nomads in their traditional resources will be more useful in preserving as well as conserving the environmental balance and biodiversity. History tells us that so long as these communities had their control over the natural resources they were not only well conserved but also protected, as these resources were the sources of their livelihood. Hence, they were also part of their religious ethos and they revered them. Encouraging pastoralism can give a boost to the dairy industry and so far it has never considered the pastoralists as a part of it. Encouraging them in this avocation will also be beneficial to encourage allied industries dealing with leather products, wool, meat, etc., thus providing employment to many millions of people. We no longer can deny the mass of nomadic people their long overdue rights of citizenship along with all its attendant rights, including right to a dignified and sustainable livelihood. In this regard, the Commission has summarised its observations based on visits (See **Annexure 15**).

## **Chapter 11**

### **Atrocities and Human Rights Violations**

Denotified and Nomadic communities have always been on the receiving end, be it in the arena of development, law enforcement, justice delivery or what have you. Their situation is somewhat paradoxical. To put differently, if the fence eats the crop who can save the crop and to whom the crop can complain? If the State, which is supposed to look after the welfare of its citizens, becomes the tormentor, who can rescue its subjects and to whom can they look up to for help. This is exactly the dilemma that the Denotified and Nomadic communities have been facing since the British rule. Prevailing situation today calls for an overhaul of law enforcement and civil administration. It also requires educating the general public/civil society about these communities to remove the false images that they have developed about these communities. The following discussion would bring to the fore the alarming situation concerning these communities today.

Human rights situation of Denotified and Nomadic communities, more so in case of the former, is appalling and deplorable, to say the least. They are subjected to atrocities everyday by the police, civic and revenue administration, and civil society. Many of these atrocities go unnoticed as they are never reported or reported wrongly. Unwittingly, media is one of the major enhancers of stigma wrongly attributed to them and their relentless campaign against these hapless communities day in and day out in their columns. While reporting crime in their daily columns they report that these crimes are done by some Pardhi, Sansi, Bavaria, etc., gangs. This makes the readers to believe that these communities are criminal in nature.

There are varied reasons for the perpetuation of atrocities on these communities, the major one being the colonial rule. In a way, they are the helpless victims of the wronged past as well as the present due to deliberate orchestration of falsehood by the dominant groups or interests. Today, law enforcement, revenue and civic administration are the major culprits and colluders in perpetuating atrocities and human rights violations on these communities. The mindset of these perpetrators is one of arrogance, disrespect for law and human values. This is more so in case of lower rung officials of different departments of government and even judiciary who



are steeped in corruption and debased values. They behave as if they are the rule-makers and take law into their hands, and harass these helpless and poor members of the communities. The harassment is not restricted to individuals only but is extended to the other members of the family and their wider kin. These communities being poor, resource-less, homeless, illiterate, naïve and ignorant, fatalistic, and scattered, consider these happenings as their misfortune for being what they are. They lack organisation, political clout, and resources. They are disadvantaged in all respects and hence, become an easy prey. In this regard, no discrimination is made between men, women, children or aged by the perpetrators of violence and abuse, be they the police, neighbouring caste communities, wider civil society and visual and print media. The Commission launched Community Survey (see **Annexure 5**, Pp. 70-74) very clearly reflects this.

Denotified and Nomadic communities encounter many a humiliation, and both verbal and physical abuse for meeting their basic needs, like food and shelter, and in accessing amenities like drinking water, fuel, fodder, burial place for their dead, etc. They are constantly hounded out, living in grip of fear and threat for their existence. In light of this, one can easily understand the atrocities committed by the police, village communities, local power-holders, revenue and civic officials, who all form a cliché against these hapless Denotified and Nomadic communities. Commission has witnessed this in many places across the country that it had visited. Many a time, the complaints from the Denotified and Nomadic communities are not even registered, leave aside their expediting. They prejudge and regard them as bad elements, criminals and are always wrong. Police assert that the Denotified and, in some cases, Nomadic communities, continue to be criminal by birth and invariably are made liable to all crimes in their jurisdiction. In a way, they are law unto themselves (For better understanding of the ground level reality, refer to select case studies given in the **Annexure 16**).

Justice is a mirage and unaffordable to these communities. They do not have any one to stand in their support, except for a handful of civil rights activists. There is a need for massive campaigning against the ill conceived notions about these hapless communities, sensitizing the police, officials, and civil society on the lines of

HIV/AIDS. In fact, this social malaise is no less dangerous than the dreadful disease that the HIV/AIDS is.

## Chapter 12

### Denotified, Nomadic and Semi-Nomadic Tribes

#### - Gender Issues

An important aspect of inequality in human society is the gender. Since majority of societies in the world happen to be patrilineal and male-dominated, women among them are denied several rights, and are discriminated. Not only that, even in matrilineal societies, which can be counted on finger tips, women suffer from several social, cultural, and economic handicaps. Though women all over the world are victims of discrimination, their condition is immeasurably bad and pitiable in Denotified and Nomadic tribes. Their vulnerability to exploitation is particularly high because of the precarious condition of their communities, which are poor and socially excluded. Their poverty has increased exponentially with a decline in their traditional occupations, destruction of their natural habitats, and absence of opportunities for gainful employment. Not having the rights of citizenship in many cases, such as the power to vote, they are not the favourites of politicians, who may come to their rescue whenever the need arises. Devoid of modern leadership, which may provide them with spokespersons and ‘intermediaries’ between the state and the people, they are unable to make their representations to the government and fight for their legitimate rights. In a nutshell, Denotified and Nomadic Tribes women are subject to exploitation, suppression, and oppression. It is well known that sufferings of poor women are several times more than that of rich women. Since women from the Denotified and Nomadic communities are the victims of ‘cumulative inequality’, they deserve immediate policy intervention.

In addition to taking a serious note of the cases of atrocities against women from Denotified and Nomadic communities reported in the media, the Commission also carried out many *in situ* enquiries on the state of women among them. One of its important conclusions is that threat to the safety and dignity of women in Denotified and Nomadic communities is significantly larger than it is in other societies. We may present below a few cases that substantiate this point.

The Hindi newspaper, *Amar Ujala*, of 3 May 2008 carried a report about a petition that a nomadic community of Parisar Tehsil, Banda District (Uttar Pradesh),

submitted to the administration. It said that criminals and anti-social elements of the area sexually assaulted their women, for, being homeless, they resided in open grounds, and were most irresistible to their prying eyes and attacks. The petition also alleged that the administration was totally indifferent to their problem.

In another case, the Commission also learnt from an NGO official about a girl (whose family's shelter was under a tree) from Rajasthan, who was forcibly carried away by a group of miscreants on a motorcycle, and was dumped at the place from where she was picked up the following day. Sensing the vengeful attitude of the wrongdoers, who hailed from dominant sections of the community, her family did not approach the police with a complaint. However, the NGO intervened and the case was brought to the knowledge of the administration, but as the victim did not belong to the SC/ST category, she was not entitled to any relief.

A large number of cases of this type may be collected from literature. The Commission also received representations from these communities as well as from the representatives of the NGOs who appraised it of the cases at the local level where women were especially targeted for sexual attacks, in certain cases for avenging the actions of some male members of the Denotified and Nomadic community. Women were singled out to 'teach a lesson to the community as a whole.' The saddest part was that in many cases neither did the administration take note of these happenings nor did the police register the case.

An NGO working with Denotified and Nomadic communities visited the Commission and requested its presence at a public hearing which it had initiated on the issue of suicide that a fifteen year old girl from a Denotified community had committed because of beatings and harassment at the hands of police in the city of Bhopal. In this meeting, a number of women and children narrated their experiences of police atrocities on them. They said that they were invariably rounded up for petty thefts, confined to police stations, beaten and tortured, and released after their families succeeded in bribing the police. An absence of both policewomen and juvenile courts was noted for dealing with cases where the victims of oppression were women and children. An important fact that the Commission learnt was that the law-enforcing agencies were under severe pressure from middle and upper classes to book rag-pickers, and deal with them sternly, for they thought that 'today's rag-pickers would

be tomorrow's hardened criminals.' It is appalling to note that educated people still cling to the discarded theories of criminology that people from marginal and tertiary occupations (such as rag-picking) are bound to take crime as a future career.

The Commission also found that when a community lost its livelihood – say because of new laws for environmental protection and wildlife (like the Wildlife Protection Act, Prevention of Cruelty to Animals), thus driving the people out of their traditional habitats and occupations – its women had a larger probability of entering into the flesh trade to eke out subsistence for their families and children. According to the 2003 Report of the Indian Centre for Indigenous and Tribal Peoples (ICITP), thousands of women in the midst of economic and sexual exploitation in towns and cities came from tribes (of hunter-gatherers) that were ousted from their land and ancestral homes by national park schemes, the objective of which was to colonize the erstwhile human habitations for preserving the species of wild animals, such as tigers and leopards.

Communities that at one time survived by showing tricks of performing bears, monkeys, parrots, owls, etc., have suffered a great deal due to the implementation of the Act banning the exhibiting of animals. A report in *The Tribune* (2 September 2001) gave the case of such a community in Haryana which was rendered jobless as a consequence of this Act. As it was unable to locate an alternative pattern of economic livelihood, it became most susceptible to the anti-social elements, which started visiting their habitations luring males to crime and women to immoral activities. Put differently, the criminalization of the community began once its traditional life-support system broke down.

Similarly, according to a petition that the President of the Bhartiya Bar-girls Association had submitted to the Governor of Maharashtra, on 15 April 2005, about eighty per cent bar girls came from those communities that used to be of traditional dancers and entertainers in north and south India. At one time, dancing and entertaining received patronage from feudal classes. As the latter declined, the dancing and entertaining communities took to street performances, which also began disappearing with the advent of the modern forms of entertainment (particularly television and cinema). Under these circumstances, with all sources of livelihood drying up, these communities were constrained to send their girls to dance in bars,

where they were most prone to sexual exploitation and abuse. These women bore the brunt of exploitation, since with the money they earned they invariably supported a large family, often of jobless people.

Two factors have acted conjointly. First, the traditional livelihoods have drastically declined, exposing people to occupations that they would take up only in distress. We may call these ‘push’ factors. Second, there has been a phenomenal expansion of the entertainment industry, which offers attractive money. These are ‘pull’ factors. Deprived of the avenues of traditional livelihood, women are pulled to new jobs in bars, under the garb of which their exploitation occurs. Studies point out that a large number of bar girls are drawn from the Denotified and Nomadic communities of Maharashtra, Andhra Pradesh, West Bengal, Uttar Pradesh (mostly Agra), Delhi, Kerala, Haryana, and Rajasthan. The worst these girls underwent was when the bars were closed down. *Asian Tribune* (of 10 May 2005) reported that the former bar girls were treated as criminals and arrested on charge of prostitution.

Certain communities have been labelled as practicing ‘caste-based prostitution’. On this issue, the Commission’s view is that one must make a distinction between ‘certain individuals from a community indulging in prostitution’ and ‘the entire community practicing prostitution’. It is the former that may be empirically found; but the latter is nothing but a figment of our collective imagination, which has done an irreparable damage to the reputation of communities. The media is also responsible for this, for it has carried out articles with misleading titles; for instance, a national English language newspaper published an article on 9 July 2002 with the following title: ‘A Rajasthan Village where Prostitution is Tradition.’ The outcome of this is that communities are stigmatised; the entire community comes to bear the stigma of prostitution. Clients and touts visit them for trafficking, coaxing their women to take to prostitution. Law-enforcing agencies start troubling them. If some women of these communities have taken to prostitution, it is because of a combination of several factors, such as loss of traditional means of livelihood, non-availability of alternative occupations in village as a consequence of caste restrictions, and lack of skills for taking up a job in towns and cities. Ironically, the upper caste men who visit these women at nights observe all norms of impurity and purity during the day.

The Commission carried out a preliminary study of a Denotified and Nomadic community in north India, and found that not all its families were in prostitution. The powerful members of neighbouring communities sexually abused the women of this community. The community was of homeless nomads, having moved four times from one location to the other in the last fifteen years. Their men were harassed frequently for any thefts and robberies in the area. The members of the community perforce had to succumb to the wishes of their powerful neighbours, including forcing their women to submit to the sexual demands of the outsiders. They knew that if they did not, they would be forced to move out from their present location. With adverse circumstances surrounding them, the community envisioned its future in uncertain terms.

Besides the stigma of prostitution, there are other dishonours with which the Denotified and Nomadic communities suffer. Some of them are supposed to be illegal brewers of liquor; some are supposed to practice witchcraft; some are supposed to transport opium. The Commission feels that all these stereotypes are wrongly attached to these communities. It is unfortunate that for the activities of a few individuals – and deviant persons may be found in any group – the entire community is branded as the practitioner of an illegal practice, or the harbourer of an evil. The axe falls on the community as a whole, but the worst affected are its women (particularly the young) and children (particularly the female).

Furthermore, the Commission also submits that the vulnerability of women increases many times when the community adheres to ‘backward’ cultural practices, when the community itself looks down upon its women. Undoubtedly, many Denotified and Nomadic communities allow their women to work outdoors, choose their own spouses, permit divorce through negotiation, and have remarriage. Child marriage may not exist among many of them.

If this is one side of the story, the other is that women are also victims of the customs and institutions of their communities. For instance, their councils (*panchāyat*) may play an extremely negative role as far as women’s issues are concerned. *India Today* (12 July 1999) reported the case of a Denotified community in the district of Tonk (Rajasthan) that had the practice of extremely humiliating and painful virginity test done on women on their bridal nights. If they failed the test, they

were tortured to name their lovers, who in turn were levied with heavy fines by the community's council. Women were also forced to name not one but many lovers, so that each could be forced to pay the fine. The council also had some more barbaric practices (such as holding in hands red hot iron weighing as much as two kilograms, remaining submerged in water for a long time) for women to prove their virginity. If they failed the test, the council members could go to any extent in imposing fine or corporeal punishment on the person concerned. The councils could also label a woman a 'witch', for which she would suffer lifelong.

Like societies in general, the Denotified and Nomadic communities are also changing in the direction of the main society. They are also taking up the dress patterns, material things, languages and dialects, and customs and practices of the others. Some of the Denotified and Nomadic societies, which have become a little better off, do not allow their women to work outdoors. They are more and more confined to the four walls of the household. The custom of demanding dowry at the time of marriage is replacing the earlier custom of bride-wealth. In the latter, women's abilities in the system of production and reproduction were fully recognized. They not only produced heirs to the male-dominated households, but also worked in the fields, and contributed significantly to economic pursuits, thus supplementing the household income.

Once some of these communities adopted the system of dowry, the position of women has drastically changed. Now, they are seen more as an economic liability. The Commission is sad to note that some of them, because of the devaluation of women, have resorted to the evil of female foeticide. The point we wish to put forth is that the condition of women has deteriorated not only because of the external forces and the relationship of these communities with the outside world, but also because of their 'barbaric' practices, which have singled out women for oppression, and the changes that are surfacing among them. Because of these changes, the condition of old women, widows, and small girls has really worsened.

Two issues demanding our serious attention are of education and health. Literacy rate among women of these communities is abysmally low, so is their standard of health. In addition, in many cases, women are the actual breadwinners of their households. It has been observed that the number of female-headed households



among them is fast increasing, which shows a reversal of traditional gender roles with males as 'breadwinners' and females 'homemakers'. These 'breadwinning' women are exposed to a large number of threats and unsavoury conditions from the outside world, especially in their work contexts.

Our developmental policies should be gender-sensitive. They should take care of all strata of women. Our aim should be to delineate policies that eventually lead to the empowerment of women.

## **RECOMMENDATIONS**

## RECOMMENDATIONS

1. The Terms of Reference of the Commission refer to Denotified, Nomadic and Semi-nomadic Tribes. The Denotified Tribes include various Tribes notified as Criminal Tribes under the Criminal Tribes Act, 1871. Some of these Tribes are Nomadic Tribes as well. The difference between Nomadic Tribes and Semi-nomadic Tribes (including pastoral nomads) is based on the frequency of their movement from one place to another. It is, therefore, desirable that the three categories may be reduced to two categories, viz. Denotified and Nomadic Tribes (DNTs) for the purpose of reference to these Tribes as a target group in the context of dealing with various issues relating to them. Henceforth, Denotified and Nomadic Tribes will be referred to as DNTs.
2. For implementing welfare schemes for DNTs, it is desirable that these Tribes are identified and their State/UT-wise lists are prepared by the States/UTs. The details of Denotified Tribes are contained in the Criminal Tribes Act, 1871, and its subsequent amendments to facilitate the preparation of State/UT-wise lists of Denotified Tribes to the Commission in response to the Commission's questionnaire. Some States have made and sent the lists of Denotified and Nomadic Tribes, but these lists do not appear to contain all the castes included in the category of Denotified & Nomadic Tribes. It is suggested that the State Governments/UTs which either do not have such lists or have incomplete lists may constitute a small Committee under the Chairmanship of the Chief Secretary along with concerned officers, 2 – 3 Community Leaders from DNTs, and one or two prominent anthropologists or sociologists as members to examine the inclusion of various castes in the list of Denotified and Nomadic Tribes in the State/UT. To assist the aforesaid Committee in the States/UTs, the Commission has also prepared State/UT wise lists of nomadic tribes along with their synonyms based on evidence collected from various sources. These lists are only suggestive and the Committee may consider them for inclusion in the State/UT lists only after proper survey and verification.

3. To conceptualise the welfare schemes for the DNTs and to work out the financial implications it is necessary that the States/UTs have information about their population in the State/UT in various Districts. Since DNTs have not been enumerated in the census as DNTs, it is necessary that the States/UTs undertake a quick house to house survey of the families of DNTs to work out their estimated population and their concentration in various Regions/Districts of States/UTs. This process may be completed in six months.
4. There is no authentic information about the population of DNTs in various States/UTs. Efforts were made to work out an estimated figure for their population. A rough estimate based on the 1931 census and other relevant information from various sources put their population between 10-12 crores in the country. However, to have a correct estimate of their population it is desirable that the Union Government initiate steps to enumerate DNTs in the next census due in 2011.
5. The Commission, during its visits to various States, noted that the Departments dealing with the welfare of DNTs are not adequately conversant with the socio-economic conditions of DNTs largely because of their lack of exposure to them. It is suggested that the State Governments may constitute an Advisory Committee at the State level/UT level under the Chairmanship of the Chief Minister/Administrator of the UT. The Committee may include prominent anthropologists and sociologists, activists and community leaders of DNTs in addition to the concerned senior officers of the State Govt./UT Administration. Similar Advisory Committees may be constituted at the District level under the Chairmanship of the District Magistrate and may include the Superintendent of Police, social activists and community leaders of DNTs. These Committees may hold their meetings at least every three months and may review and monitor the progress of various welfare schemes being implemented in the State/District for DNTs and may draw up future action plans.
6. It has been seen that a large number of DNTs have been included either in the list of SCs, STs, or the OBCs from time to time. However, these DNTs have not been able to take the benefit of various developmental schemes being

implemented for SCs, STs, and OBCs. In order to enable the DNTs to take the benefit of various developmental schemes being implemented for the poor, it is necessary that the Union/State/UT Governments frame and implement separate welfare schemes for them as a separate target group irrespective of the fact whether they belong to SCs, STs or OBCs.

7. To enable the members of DNTs to avail the benefits of various welfare schemes, it is necessary that they are issued Caste Certificates expeditiously and in a time-bound manner by the District Administration. The position with regard to the issue of Caste Certificates to DNTs is far from satisfactory. Also, if the applicant for the Caste Certificate is also an SC, ST or OBC, only one certificate needs to be issued for his belonging to a particular Denotified/Nomadic Tribe and either SC, ST or OBC.

It is also suggested that the District Administration may be made the final authority for the issue of caste certificate and no higher Committee need to be constituted at any other level to judge the genuineness of the certificate issued by the District Administration. It was found by the Commission that the Government of Maharashtra has constituted a 'Validity Committee' at the State level which examines each and every certificate issued by the District Administration. This not only takes a long time but also involves a great deal of hassle and inconvenience for the applicants. It is, therefore, recommended that the Government of Maharashtra may abolish the 'Validity Committee' forthwith.

It is also suggested that the District Administration may organise special on-the spot camps in the hamlets inhabited by DNTs for the issue of caste certificates so that the applicants may get caste certificates without much running around various Government offices.

8. The Commission wants to strike a note of caution to the States/UTs to exercise adequate vigilance and supervision in the matter of issue of Caste Certificates to avoid the possibility of issue of false certificates.

9. BPL (Below Poverty Line) card is another handicap faced by the DNTs and without BPL cards, they are not able to qualify for the benefits of various welfare schemes meant for the weaker sections and the downtrodden. The State Governments may launch a special programme to have BPL cards issued to the eligible families belonging to DNTs.
10. Similarly, a large number of DNT families are without Ration Cards which deprive them of the benefits of the Public Distribution System to purchase essential commodities at concessional rates from the Fair Price Shops. The Nomadic Tribes are the worst hit by this situation. Denotified Tribes, particularly Nomadic Tribes, are largely BPL population. It is, therefore, necessary that the States/UTs undertake the exercise of issuing Ration Cards to DNT families by organising a special campaign both for urban and rural areas.
11. The Denotified and particularly the Nomadic Tribes are unable to exercise their right to vote as either they are ignorant or are on move from one place to the other and have not been included in the voters' list. It is also because these people may not have permanent residences. Steps need to be taken by the Union Government, the Election Commission of India, and the State Governments to undertake a special campaign for inclusion of their names in the voters' lists.
12. It has been seen that DNTs are living in slum conditions all over the country both in urban and rural areas. They live either in the open, small and makeshift tents or in small hutments or improvised pucca or kachha houses. Not only the space occupied by such houses, etc., is far too inadequate in comparison to the size of their families but their settlements are virtually slums. During their visits to such settlements in some States, the Commission found that these settlements did not have the facility of common amenities like sanitation, clean drinking water, sewerage, electricity, roads and public latrines, etc. The local body did not appear to have done anything in this regard.

The need of the hour is that the local bodies ensure that the situation in such settlements is improved forthwith so that the DNTs are able to enjoy at least the basic civic amenities till they get shifted to better places of settlement.

13. It has also been seen that there are some housing colonies of DNTs in some cities and towns in the country but, apart from the fact that such colonies miserably lack civic amenities, they do not also have the facilities of a Community Centre/Panchayat Hall, which could be used by the DNT families for marriages and other similar social functions/get-together(s), etc. Similarly, there are no play grounds for their children, gyms, etc. It is well known that members of DNTs are not allowed to use these facilities available in other nearby areas of the city/town. It is suggested that Local Bodies provide such facilities to the housing colonies of DNTs.
14. The Ministry of Social Justice and Empowerment and State Governments/UTs are responsible for implementing various schemes for the development of Scheduled Castes, Scheduled Tribes and Other Backward Classes (OBCs). These schemes, inter alia, relate to grant of various kinds of scholarships, construction of residential schools for boys and girls, hostels, coaching centres, educational loans, studies in foreign universities, training for various technical jobs like pilots etc. It is suggested that the Ministry may earmark appropriate outlays for such schemes for DNTs in the same ratio as is being presently done for SCs & STs through a dedicated delivery system. Similarly, the Ministry of Rural Development may earmark separate funds for old age pension to DNTs.

It is also suggested that all the Ministries/ Departments/ PSUs and other Govt. agencies and institutions may extend the same benefits and concessions, etc., to DNTs as are being done for SCs.

15. Housing is a basic human need. While a large number of Denotified Tribes are settled, Nomadic Tribes are generally on the move in pursuit of their traditional occupations for livelihood. Also, in view of the changing economic scenario, their age old traditional occupations are gradually losing relevance in providing the desired livelihood support. The Nomadic Tribes are increasingly

veering to the view that they settle themselves at one place or the other and take to alternative professions.

Indira Awaas Yojana is the flagship scheme of the Union Government for providing housing to the rural poor which is being operated on 75:25 basis. The annual flow of funds from the state exchequer was Rs.4400 crores during the Xth Plan. While DNTs are also covered under the eligibility criteria under this scheme but since their priority is so low that it is estimated that the number of beneficiaries of this scheme from the category of DNTs is negligible.

The Commission is of the strong view that considering their number and the fact that they have not been given much importance in providing houses, the Central Govt. may earmark at least 50% of the current outlay for Indira Awaas Yojana for building houses only for DNTs during the XI<sup>th</sup> and the subsequent Plans and this scheme for DNTs may be rechristened as Indira Awaas Yojana for DNTs.

16. The problem of housing in urban areas is still worse. The continuing influx of population to urban areas has led to, inter alia, slums where a large number of poor families have come and settled in tents. These families consist of migratory labour as also the DNTs. The living conditions of these families are not only subhuman but also create pressure on basic urban services for the entire urban population.

It is gratifying to note that the Ministry of Housing and Urban Poverty Alleviation has already launched an ambitious scheme under the Jawahar Lal Nehru National Urban Mission for slum clearance and for the improvement of urban infrastructure in general. Since a large number of families belonging to DNTs live in such slums, the slum clearance programmes under the above scheme will enable these families to enjoy the benefits of this scheme in terms of housing and urban infrastructure.

However, considering the poor plight of DNTs, it is suggested that the above scheme is slightly modified to provide that the DNTs of these slums may be



given top priority for housing and development of urban infrastructure. It is hoped that a large number of DNT families will be benefited by the implementation of this scheme.

The scheme also lays down that housing should not be provided free to the beneficiaries and a minimum of 12% in general and 10% in the case of SC/ST/DC/OBC/PH and other weaker sections be charged. The Commission is of the view that considering the poor conditions of Nomadic Tribes, they may be charged only 5% as against 10% for SC/ST, etc.

The Commission had an occasion to see this scheme being implemented by the Union Territory of Chandigarh and the Small Flats Schemes, 2006, being implemented by them. Though there was no distinction kept between the general and the DNT slum dwellers, the Commission found the implementation of the scheme to be one of the best and compliments the UT Administration for the same.

17. The Jawaharlal Nehru National Urban Renewal Mission is presently applicable only to certain big cities and towns in the country. There are a large number of smaller cities and towns also in the country. A large number of DNTs have settled and created slums in such small cities and towns as well. It is suggested that the States/UTs may implement similar Housing Schemes for DNT slum dwellers as in big cities and towns with a beneficiary contribution of 5% in case of DNTs. This scheme may be taken up for implementation on priority basis. It may also be ensured that the DNT families are not uprooted from their present location until alternative housing facilities are created for them.
18. The Central Government launched a scheme, namely, Golden Jubilee Rural Housing Finance Scheme in 1997-98. This scheme envisages the sanction of credit to individuals desirous of constructing/acquiring new dwelling units and for improving or adding to existing dwelling units in rural areas at normal rates of interest. Considering the shortage of houses for DNTs, it is suggested that this scheme may be reviewed and modified suitably in the changed

circumstances with a view to benefiting the DNTs by providing for suitable subsidy in the rate of interest.

19. Considering the size of the demand for houses for Nomadic Tribes, it is also suggested that the Union and the State Governments may launch a scheme to develop Special Socio-Economic Settlement Zones (SSESZ) for Nomadic Tribes at suitable locations on the lines of the Special Economic Zones for industrial units. The SSESZs may be developed to provide built up houses to live along with a small piece of land attached to such houses to enable the family to carry on their profession as well. Locations of such SSESZ can be in the neighbourhood of either SEZs or the other industrial areas or trade or business centres to enable the residents to get an opportunity for employment. Such SSESZs can be developed for at least 100 families at one place with minimum infrastructure, like electricity, drinking water and schools, etc.
20. Education, by far, is a basic agent of change in the process of socio-economic development of disadvantaged groups. DNTs are no exception. While the Central Government launched its flagship programme of Sarva Shiksha Abhiyan (SSA) in 2001-02 for the whole of the country irrespective of caste or religion and the national rate of literacy is gradually inching up, it has not been able to make much headway for DNTs mainly for two reasons. One, there is not enough awareness for education among the DNTs living in far flung areas and moving round the year from one place to the other in search of livelihood; and second, the children of these Tribes are looked at as additional hands for eking out livelihood for the family. Thus, the rate of literacy among DNTs is much less than any other social segment of population. It is, therefore, necessary that special efforts are made to undertake a massive awareness programme for DNTs to convince them to send their children to schools. Though SSA also promotes girls' education to eliminate gender disparities, the position of girls' education in DNTs is far too bad and special efforts are to be made to improve the situation.
21. To attract more and more DNT children to schools there is an urgent need to open primary schools in the areas predominantly inhabited by DNTs if they do not already exist and provide free education to these students along with the

ICDS facilities. Such schools can be run either by the State Government or by good NGOs with appropriate grants from the State Governments.

22. The Sarva Shiksha Abhiyan (SSA) aims at universalising elementary education with community-ownership of the school system. The National Mission of Sarva Shiksha Abhiyan has constituted six sub-missions for various areas of SSA. While one of the sub-missions relates to education of disadvantaged groups including girls, SC/ST/minorities/urban deprived children and disabled children; this sub-mission does not specifically mention the DNT children. It is suggested that a separate sub-mission may be constituted for the DNT children to facilitate regular review of the performance of states in this regard. Similarly, a separate Task Force (TF) be constituted for this sub-mission with experts and specialists so that the TF can review and monitor the progress of SSA for DNTs including the Kasturba Gandhi Balika Vidyalaya scheme.
23. To further strengthen the educational infrastructure for DNTs, the Government needs to open residential schools separately for boys and girls in the areas inhabited by DNTs for upper primary students. The scheme of Kasturba Gandhi Balika Vidyalaya launched in July, 2004 needs to have a separate annual target fixed for girls belonging to DNTs residing in interior rural areas in various States/UTs. This is a useful scheme and needs to be implemented on priority basis.
24. In order to further spread education among DNTs, the State Governments should open Residential Schools separately for boys and girls in DNT dominated areas for free education, lodging and boarding.
25. To facilitate the process of attracting boys and girls belonging to DNTs to Post Matric levels of education including technical education, the Government needs to open and run hostels separately for boys and girls at the District and Taluka levels. One or two such hostels need to be opened in Delhi on the same lines as done for the students belonging to the North-Eastern Region.

26. Along with the educational infrastructure, the Government needs to create infrastructure for skill development of DNT students at various levels of education. This is extremely important in view of the increasing need for skilled manpower in the changing economic context as also the need for creating opportunities for the employment of DNTs. This will mean setting up polytechnics, it is, etc., in the DNT dominated Districts so that DNT students are equipped with the required skills to enable them to seek employment.
27. National Small Industries Corporation is running Technical Centres at various places in the country. It is also understood that NSIC is planning to open more such centres in partnership with the private entrepreneurs on franchise basis. These centres provide training for the development of entrepreneurship and also training in various trades to men and women irrespective of age. The minimum educational qualification for training in various trades is the ability to read and write. This facility of talent building will be extremely useful to the youth of the Denotified & Nomadic Tribes. It is suggested that the Ministry of Social Justice and Empowerment may execute an MoU with the NSIC for training men and women belonging to Denotified & Nomadic Tribes in various parts of the country to enable them to either set up their cottage industries or seek wage employment in the trades in which they take training. The arrangement for such training to the Denotified and Nomadic Tribes may be made free of cost.
28. Khadi & Village Industries Commission (KVIC), being the largest employment provider in rural areas, are implementing a number of schemes for self-employment, or for setting up micro, small and medium industries in rural areas. For example, Rural Employment Generation Programme (REGP) is their latest flagship programme to provide employment in rural areas. It has been noticed that REGP and other schemes of KVIC do not specifically mention DNTs as beneficiaries like SC/ST/OBC/Women, physically handicapped/ex-servicemen and Minority community. It is recommended that KVIC may also include DNTs as the potential beneficiaries of their on-going schemes. This will provide DNTs an opportunity to seek gainful employment to improve their living standards.

29. A large number of members of Denotified & Nomadic Tribes are small artisans and make a variety of handicrafts in various parts of the country. These include items made of clay, plaster of paris, glass, stone, marble, bamboo, etc. The major problem being faced by these artisans is in the areas of procurement of raw material, marketing and credit, etc. It is, therefore, desirable that the Central Cottage Industries Corporation of India Limited, the Handicrafts and Handlooms Exports Corporation of India Limited, extend the benefits of their schemes to the artisans belonging to the Denotified & Nomadic Tribes.
30. A large number of DNT families earn their livelihood by selling vegetables, fruits, *datun*, second hand clothes and many other similar articles as street vendors/hawkers/ peddlers. However, they face difficulties in getting licenses from the Local Bodies. It is suggested that special market zones may be developed at suitable places in large cities, giving them priority in the allocation of space. Such special markets exist in several cities but under the titles of 'Bhikbazar' or 'Chorbazar', which actually are the poor man's markets. These should be turned into dignified market places for the DNTs with priority given in space allocation for them.
31. It is also suggested that State Government may arrange to provide small showrooms and marketing outlets to artisans belonging to Denotified & Nomadic Tribes in the urban market places. It will help them to market their products.
32. The Central Government launched a scheme, namely, Golden Jubilee Rural Housing Finance Scheme in 1997-98. This scheme envisages the sanction of credit to individuals desirous of constructing/acquiring new dwelling units and for improving or adding to existing dwelling units in rural areas at normal rates of interest. Considering the shortage of houses for DNTs, it is suggested that this scheme may be reviewed and modified suitably in the changed circumstances with a view to benefiting the DNTs by providing for suitable subsidy in the rate of interest.

33. It is gratifying to note that the Government has adopted 'financial inclusion' as the mainstay of the rural credit policy in the country. In this context, it is strongly recommended that the Denotified, Nomadic and Semi-nomadic Tribes be extended the benefit of this policy on priority basis by forming Self Help Groups of men and women among these Tribes.
34. DNTs are, by and large, the poorest section of the society and except that some of them have been included in the lists of SCs, STs, and OBCs from time to time, no separate welfare schemes have been implemented for them. As suggested earlier, DNTs need to be treated as a separate target group for the purpose of implementation of poverty alleviation programmes. In this context, it is necessary that a DNT Sub-Plan on the lines of SCSP may be implemented as an umbrella strategy to ensure flow of targeted financial and physical benefits from all the general sectors of development for the benefits of DNTs. Accordingly, States/UTs and Central Ministries may be required to formulate and implement DNT Sub-Plan for DNTs during the XI Plan as part of their annual plans by earmarking resources in proportion to their share in total population.
35. A separate Finance and Development Corporation for DNTs, like National Scheduled Castes Finance & Development Corporation, may be set up at the centre which may implement similar welfare schemes for DNTs as is being done for the Scheduled Castes at present.
36. Similarly, DNT Finance and Development Corporations be set up by the States for identifying eligible DNT families and motivating them to take advantage of the development related schemes, sponsoring the schemes to financial institutions for credit support, providing financial assistance in the form of margin money at low rates of interest and subsidy in order to reduce the repayment liability and providing necessary tie-up with other poverty alleviation programmes. The State level Finance & Development Corporation may also finance employment oriented schemes covering (i) Agriculture and allied activities; (ii) Small Scale, Micro and Tiny Industry; and (iii) Transport and Service Sector.

37. DNTs constitute the most socially and economically backward sections of the population. The fact that some of these tribes have been included in the list of SCs, STs, or OBC from time to time it has perhaps been presumed that they are getting the benefits of the welfare schemes implemented for SCs, STs or OBCs. Sadly, the situation is far from it. It is, therefore, extremely necessary that considering their population in the country the focus now shifts to DNTs as a separate target group of population and a suitable mechanism is evolved to channelise the Government assistance earmarked for them through a separate dedicated delivery system. Accordingly, there is a need for a separate department for the welfare of DNTs at the State level, a separate Directorate of Welfare of DNTs and a separate District level officer for the welfare of DNTs in the State. Similarly, there is a need for a separate Ministry/Department for the welfare of DNTs at the Centre.
38. The Commission has noted that a large number of nomadic tribes have been pursuing their traditional occupations, and thus have been catering to various needs of the society. Unfortunately, almost all these professions have come to a naught due to either technological advancement and/or enactment of certain laws on various subjects in the country. A typical example of this phenomenon is the enactment of laws relating to Wild Life Protection, Prevention of Cruelty to Animals and the Environment Protection. As a result of these laws, lakhs and lakhs of snake charmers, monkey players, Kalandars, bird catchers and people using plants for herbal medicines, etc., have not only lost their professions in the middle of their lives, but are also facing police action and harassment by the NGOs and the Government employees every now and then. After having lost their professions being the only source of their livelihood through out the history of mankind, they are on the verge of starvation with there being no possibility of changing their professions for want of education or technical skill and know-how. While there is no denying the fact that such laws are desirable in the overall ecological and environmental security of the country, it is perhaps equally desirable to ensure that the people affected by such laws are satisfactorily rehabilitated. India is a large country with immense bio-diversity, flora and fauna. Even if the relevant laws are amended to allow the Nomadic Tribes to pursue their

traditional occupations involving wild life and plants, etc., it is not going to make much difference to the overall position of biological diversity in the country. It appears that this aspect has not been given adequate weightage before enacting these laws. It also needs to be appreciated that the current generation of people who have been pursuing these professions for a long time cannot take to alternative sources of livelihood at this late stage of their life. Also, training wild and domestic animals for entertaining people particularly in semi-urban and rural areas is not only a great 'art' in itself but also a great source of entertainment to the people. Since the animals provide a source of livelihood to a large number of families, it is unfair to think that they would treat their animals with cruelty. In view of this background, the Commission strongly recommends that the existing laws may be revisited and suitably amended to enable the nomadic tribes to continue to use wild animals and herbal plants without any restrictions to pursue their traditional professions.

39. Pastoral Communities are an integral part of Nomadic Tribe population in the country. Their traditional occupation has been livestock breeding and marketing and sale of livestock products like milk and wool, etc. The livestock generally include sheep, goat, buffalo, cow and camel. Unfortunately, with the passage of time, they are in distress and are finding it difficult to continue their traditional occupation for certain reasons. The basic and the foremost reason is the diminishing grazing lands for their herds. Traditionally, grazing lands have been earmarked in rural areas but, unfortunately, with the passage of time, these lands have either been illegally occupied or have been diverted for some alternative use. This is adversely affecting the occupation of pastoral communities. In view of this situation, State Governments have to ensure that pastures and grazing lands as provided in the revenue records of villages and towns are restored to their original character. In addition, new pastoral zones with basic amenities for the pastoralists may also be developed.
40. The Commission has already recommended the setting up of residential schools for the children of nomadic tribes. It is suggested that similar residential schools be run for the children of pastoral communities and should



be located on the migratory routes of these communities so that the parents find it easy to send their children to such schools and to remain in touch with them during their movement from one place to the other.

41. It is also suggested that Mobile Dispensaries for veterinary care be provided on the migratory routes of the Pastoral Communities for their cattle as also for their families. Arrangements should also be made to deliver technical guidance on continuous basis to the pastoralists to upgrade the quality of their livestock.
42. It has been seen in the past that the herds of the pastoralists suddenly fall prey to natural calamities and thus adversely affect the pastoral communities. It is suggested that the Government compensate these communities for the adverse effect of such calamities.
43. Pastoralists rearing sheep, goats and camels are deprived of several benefits as these animals are not included in the list of “useful animals”. It is suggested that the above mentioned animals may also be recognised as ‘useful animals’ and necessary steps undertaken for their development.
44. One of the major problems being faced by the Denotified Tribes is a continuing stigma of criminality about them which has made them vulnerable to frequent police action merely on the basis of suspicion. It is, therefore, necessary that the Denotified Tribes get rid of this stigma at the earliest and live a dignified life like the mainstream citizenry of the country. To achieve this objective it is necessary that the syllabus and contents of training for police from top to bottom is reviewed by a small Committee under the Chairmanship of the Union Home Secretary in the Centre and the Chief Secretaries in the States/UTs, and based on its recommendations necessary steps initiated to implement these recommendations in the country to save DNTs from the avoidable harassment by police by implicating them in false criminal cases. It is also necessary that a massive awareness programme is launched to sensitise both the police and the public that these Tribes are not criminal by birth.

45. The DNTs are also victims of atrocities like Scheduled Castes committed by anti- social elements. It is, therefore, necessary that the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 be, mutatis mutandis, made applicable to DNTs as well and the central assistance be granted to the States in the same ratio as in the case of SCs and STs. Similarly, special cells may be set up by the States for the implementation of the above Act. To expeditiously prosecute cases under this Act, the number of Special Courts be suitably increased to effectively deal with the cases relating to DNTs.

It is also necessary that the progress for implementation of this Act is reviewed and monitored by the Central Government with the senior officers of the State Government from time to time.

46. It has been observed in many villages that villagers do not want the DNTs to stay in their villages or village area; some Gram Panchayats (GPs) have resolved to evict the DNTs from their GPs; and in some villages Bastis of the DNTs are ragged or destroyed. Hence, to curb this, it is suggested that the Government may award incentives in the form of subsidy/loan or other monetary assistance to the villages where the DNTs are included in the development process of the village through creation of assets for the DNTs like houses, pattas, small piece of agricultural lands, right to use the water source of the village, employment guarantee schemes, etc.
47. It has been observed that in most of the cases of atrocities committed against the DNTs the villagers or a group of villagers are involved and all the accused get acquitted due to lack of identification and evidence. Hence it is recommended that whenever such a crime takes place where all the villagers or a group of villagers are involved, the entire village should be collectively punished. The punishment may be in the form of stopping or holding up the financial assistance, or loans which are supposed to come to the village for at least 2/3 years.
48. The effect of the Criminal Tribes Act, 1871 is the legacy of the British and it needs to be brought to an end to save a large number of people belonging to

Denotified & Nomadic Tribes from avoidable police harassment. Apart from the aforesaid recommendations, it is also suggested that the investigation of criminal cases filed against the Denotified & Nomadic Tribes is done by a Dy. S.P. It is also suggested that a senior police officer at the District level be specially authorised to hear the grievances of misuse of law against and harassment of the members of the Denotified and Nomadic Tribes. Also, in case the investigation of a criminal case against a member of the Denotified & Nomadic Tribe does not fructify for prosecution, the victim should be financially compensated by the State Government for his harassment for which a suitable policy/criteria may be determined by the State/UT administration.

49. The stigma of criminality and the consequent harassment of Denotified & Nomadic Tribes is the major problem affecting crores of people in the whole of the country. It is suggested that the Union Government may organise a conference of Chief Ministers of States and Administrators of Union Territories to discuss various issues relating to this problem and the steps that need to be taken not only to sensitise the administration in general and the police in particular but also to generate awareness among the people at large to save Denotified & Nomadic Tribes from harassment at the hands of the police and the anti-social elements. The major problems affecting the DNTs are their involvement in false cases by the police, atrocities by anti-social elements and restricting their freedom of movement in pursuance of their traditional occupations, etc.
50. To prevent the harassment of DNTs in general, it is recommended that a Member each of the National Human Rights Commission at the National level and a Member of the State Human Rights Commission at the State level is appointed from amongst the DNTs.
51. The women belonging to DNTs are particularly prone to harassment not only by police but also by antisocial elements. To save DNT women from such harassment and to enquire into such cases and to create a feeling of goodwill about them in society, it is desirable that a Member each of the National

Commission for Women and of the State Commission for Women be appointed from amongst the DNT women.

52. The Union Government has opened a new chapter in the history of the process of upliftment of socially and economically disadvantaged groups by constituting the National Commission for Denotified, Nomadic, and Semi-nomadic Tribes and by entrusting it the task of making recommendations for the development of DNTs in the country. Considering the fact that the Denotified and Nomadic Tribes are the most marginalised and disadvantaged sections of our society, it is desirable that a regular National Commission for the Denotified and Nomadic Tribes is constituted to provide constitutional safeguards to the members of the Denotified and Nomadic Tribes like the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes, and to aid and assist the Union and the State Government to review and monitor the implementation of the recommendations of the National Commission for Denotified and Nomadic Tribes. The National Commission may be created by an amendment in the Constitution on the same lines as the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes.
53. Considering their socio-economic conditions, which are generally worse than those of the Scheduled Castes and the Scheduled Tribes, it is suggested that they may be given constitutional status and support on the same lines as given to the Scheduled Castes and the Scheduled Tribes under Article 341 and Article 342 of the Constitution. Accordingly, the Constitution may be amended by adding Article 342 A as follows:-

“342-A. Scheduled Communities -

- (1) The President may with respect to any State or Union Territory and where it is a State, after consultation with the Governor thereof, by public notification specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purpose of this Constitution be deemed to be Scheduled Communities (Denotified and Nomadic Tribes), in relation to that State or Union Territory, as the case may be.

(2) Parliament may, by law, include in or exclude from the list of Scheduled Communities specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but have as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification. ”

54. Similarly, the Constitution may be amended to include “Scheduled Communities” under Article 330 and Article 332 to enable these communities to be eligible for reservation of seats in the House of the People and in the Legislative Assemblies of the States.

55. Simultaneously, Scheduled Communities (Denotified & Nomadic Tribes) which have been included in the list of Scheduled Castes and in the list of Scheduled Tribes may be excluded from these lists in accordance with Article 341 (2) and Article 342 (2) of the Constitution. Also, such Scheduled Communities as have been included in the list of the OBCs may be excluded from such list in accordance with the provisions of National Commission for Backward Classes Act, 1993.

56. Considering the population of Denotified and Nomadic Tribes in the country and their non-participation in the democratic process, it is suggested that seats in every Gram Panchayat may be reserved for Scheduled Communities (Denotified and Nomadic Tribes) including women on the same lines and on the same principle as is being done for Scheduled Castes, Scheduled Tribes, and Other Backward Classes (OBCs).

Similarly, seats may be reserved for Scheduled Communities (Denotified and Nomadic Tribes) in Block/Taluka Panchayats and Zila Panchayats/Zila Parishads on the same lines and on the same principle as is being done for Scheduled Castes.

57. A large population of Scheduled Communities (Denotified and Nomadic Tribes) is living in cities and towns all over the country. It is suggested that seats may be reserved in all the Urban Local Bodies for Scheduled Communities (SComs) on the same lines and on the same principle as is being

done for Scheduled Castes to enable them to participate in the democratic process.

58. Considering the Commission's recommendations for a separate DNT Sub-Plan, a separate Ministry/Department at the Central Government level, a separate Finance & Development Corporation for DNTs at the national level, additional resources will have to be provided in the Union Budget. In view of the continuing robust growth in the collection of Government revenues, it may not be difficult to provide budgetary support for the welfare schemes to be launched for DNTs. This will also hold good for the States/UTs.
59. To mobilise additional resources to improve the socio-economic conditions of DNTs, it is suggested that 10% of the funds earmarked for M.P. Local Area Development Fund may be spent on schemes and programmes involving creation of physical infrastructure for the welfare of DNTs. This may include construction of residential schools, hostels, vocational training centres, and purchase of land and construction of houses for DNTs. Similar arrangement may be made in respect of funds allocated to MLAs/MLCs in the States and Councillors in Urban Local Bodies.
60. It is a welcome development that the corporate world is increasingly undertaking various welfare projects for the benefit of the poor in the discharge of their Corporate Social Responsibility as a voluntary initiative. These projects include creation of facilities in the field of healthcare, insurance, education, vocational training and housing, etc., both in rural and urban areas. This may be a major source of non-governmental assistance which can be channelised for the welfare of DNTs in various parts of the country. It is suggested that the Union and State Governments may proactively encourage and motivate the growing private sector to take their support and cooperation to undertake need based projects for the welfare of DNTs in particular.
61. If the resources still fall short of the requirement to fund the welfare schemes and programmes for the DNTs, the Union and the State Governments/UTs

may impose a suitable cess like the education cess for generating additional resources.

62. It is also suggested that the schemes and programmes for the welfare of DNTs may preferably be implemented on Public Private Partnership basis as far as possible. This will not only reduce the financial burden of the Government, but will also help in raising the efficiency of the delivery system to maximise the impact of welfare schemes for DNTs.
63. Nomadic Tribes are communities living unsettled over generations. However, times have changed and the communities have reached a dead end, where they cannot continue with their wandering life style any more. The vanishing common property rights, improvement in infrastructure in the communication systems and media have made the whole world a small village and has thrown these communities out of gear since they are not able to continue with their traditional sources of livelihood.

In order to provide sustainable livelihood to these completely assetless people, top priority should be given to create new settlements where activities like housing, education and creation of the source of income will be started simultaneously. For this purpose, they should be settled on Government lands lying idle or on lands to be acquired by the Government. The Government should immediately bring into effect a 'Right to Minimum Land Holding Act' according to which each Nomadic family (of not more than five persons, larger families getting more allocation in that proportion) may be allotted at least one acre of cultivable land on nominal lease basis with assured irrigation.

Such Pattas may be allotted to SHGs of Nomadic Tribes in a pooled manner for those who want to engage themselves in agro or primary food production activities, on a non-transferable basis so that the group together can create sustainable assets on the land, on a scientific basis, with proper training.

64. It is also suggested that the allotment of houses or plots or agricultural land may be allotted to DNTs on the condition that the allottees will not be able to transfer the house, plot or agricultural land to any person.

65. Since education is the cornerstone for the upliftment of DNTs, the Ministry of HRD may earmark separate outlay for the DNTs for the XI Five-Year Plan and monitor its utilisation accordingly. This will ensure focussed attention of the Government on the education of DNTs and the required flow of funds therefor.
66. Presently, SCs, STs and OBCs are enjoying the benefit of reservation in Government jobs. While some of the Scheduled Communities (Denotified and Nomadic Tribes) being in the lists of SCs, STs and OBCs are also eligible for such reservation, in effect, they are getting virtually no benefit as the comparatively better off and dominant castes in these lists take almost the entire benefit of reservation. In order to enable the Scheduled Communities (Denotified and Nomadic Tribes) to enjoy the benefit of reservation, a separate percentage of reservation in Government jobs needs to be given to them on the same lines and on the same principle as is being given to SCs and STs. It is estimated that their population is more than ten crores. In view of this, it is suggested that the Scheduled Communities be given 10% reservation in Government jobs even if the total reservation exceeds 50% as an integral part of the Affirmative Action programme for the socio-economic upliftment of these communities.
67. During its visit to the States of Maharashtra and Gujarat, the Commission found that Section 63 of the Bombay Tenancy of Agricultural Land Holding Act, 1948, inter alia, prohibits transfer of land to non-agriculturists. In view of this provision, a member of the Denotified or Nomadic Tribe who is not an agriculturist cannot purchase agricultural land for himself. Since most of the DNTs are non-agriculturists, they are not able to purchase agricultural land for themselves. It is suggested that the State Governments may revisit such provisions and suitably amend the relevant provision to enable DNTs to purchase agricultural land for their livelihood support. Other States/UTs may also examine the relevant laws for a similar action.
68. The Commission also found that Rules regarding admission to Agriculture Colleges in Maharashtra bar admission to Agriculture Colleges if the applicant



is not an agriculturist. Therefore, if applicants belonging to DNTs apply for admission to Agriculture Colleges do not get admission as they are not agriculturists. This Rule appears to be unfair and needs to be changed to enable DNT applicants, most of whom are non-agriculturists, to seek admission in the Agriculture Colleges in the State.

69. A major handicap in enabling DNTs to take advantage of various welfare schemes of the Central and State Governments is not only their ignorance about such schemes but also lack of initiative, confidence, courage and conviction due to their long standing social exclusion. In such a situation, the implementing Government agency at the grassroots needs to organise an aggressive sensitisation campaign for them by visiting their settlements both in urban and rural areas familiarising them about various welfare schemes and helping them in preparing their applications, etc., forwarded to the relevant authorities, and thus ensuring that the maximum number of such applicants get the benefits of the welfare schemes.
70. The Central and State Governments/UTs may promote the setting up of a Community Service-cum-Information Centre for DNTs through an NGO with the objective of helping DNTs needing guidance and counselling in the fields of education, health and employment. The Centre may be equipped with computers and latest literature on the relevant welfare schemes. Experts available at the Centre will especially guide DNT youth in choosing the career options, acquiring skills for self-employment and availing bank credit either individually or through Self Help Groups. The Centre may also be equipped with a toll free help-line.
71. Since DNTs and particularly, nomadic tribes, live and wander in far flung areas, which are not easily accessible, it is suggested that suitable programmes regarding various welfare schemes being implemented by the Government are regularly broadcast in the local language from the nearest All India Radio Stations. This will enable them to familiarise themselves with various welfare schemes being implemented. Similarly, a weekly TV programme may also be introduced on the lines of Krishi Darshan by Doordarshan to sensitise and

familiarise the DNTs living in the urban and semi-urban areas about various welfare schemes, etc., being implemented for them.

72. During its visit to various States, the Commission found that a large number of States (about seventeen) have set up Research Institutes for Scheduled Castes and Scheduled Tribes which undertake research on various issues relating to SCs and STs as also the evaluation of impact of various welfare schemes relating to their socio-economic development. It is suggested that similar Research Institutes should be set up by the States/UTs for DNTs.
73. Considering the rich cultural heritage and the need to preserve it, it is recommended that a multicultural complex/Academy may be set up in every State/UT to develop, preserve and exhibit the diverse and rich cultural heritage of DNTs. It will support and preserve arts, crafts, music, dance, folk-lore and indigenous knowledge systems of DNTs for their further development.
74. The Commission during its field visits observed that in the School Leaving Certificates of some students belonging to the nomadic tribes, the name of the caste of the student was written as Beggar or Bhikshuk or Firaste (Wanderer), etc. It may be because the parents of such students being illiterate do not know how to fill up the enrolment form and therefore, they request either the teachers or someone else to do the same. In such cases the teachers/middle men write the name of caste of the students as per their own understanding and knowledge. The result is that it becomes very difficult for the students to get caste certificates from the competent authority on the basis of caste.

It is, therefore, recommended that the name of the caste of the student (which was registered wrongly) should be corrected in the school records itself. For this, a request/application to the concerned school should come from the concerned student, approved by his/her caste panchayat or general body of the community.

75. DNTs are by and large assetless and jobless. To assist them economically, the following steps are recommended.

(i) Some communities (like Oddar, Od, Vadar, Beldar, etc.) have been traditionally associated with occupations related to lime work, digging earth, carrying sand, mining, quarrying, and so on. Presently in many States/UTs, a large number of these people are engaged in construction industry as unorganised labourers in carrying, loading and unloading of sand, cutting and crushing stones, etc. It is suggested that the State/UT Governments may organise Self Help Groups (SHGs) and Cooperative Societies of these people and provide the above said jobs to their Self Help Groups and Cooperatives on contract basis so that the concerned communities are assured of a sustained living.

(ii) A large number of DNTs are engaged in rag picking in cities and towns and are living in extremely unhygienic conditions with no knowledge and understanding of the aspects of safety in their jobs. It is suggested that the State/UT Governments may make arrangements to ensure safety and health of these people while they are in their occupations dealing with hazardous waste material as a part of their occupation. It is also suggested that those who are engaged in collecting solid waste material may be given training in waste recycling process and provided with support and assistance to set up waste-recycling plants/units. The State Governments/UTs may also provide access to the solid wastes to their SHGs and Cooperatives free of charge.

It is further suggested that the waste paper from Government offices may be sold to the SHGs or Cooperatives of the DNT communities through negotiation and not through Tender.

- . (iii) It has been observed that there are unused Government lands along the banks of rivers, ponds, dams, etc. Similarly, lands along the highways are lying idle. It is suggested that such lands may be allotted to DNTs on lease basis to enable them to grow crops, vegetables, plants and flowers and herbs, etc.

76. As stated earlier, a number of castes/communities from amongst the Denotified, Nomadic and Semi-nomadic Tribes have been included in the lists of SCs, STs, and OBCs from time to time. It has been noticed that in many

cases the same caste/community has been included in the list of SCs in one or more States, and the same caste/community has been included in the lists of STs or OBCs in some other States and has not been included in any list at all in some States. Similarly, a caste/community has been included in one list in some Districts of the State and in another list in some other Districts and in no list in the remaining Districts. This is not only unreasonable but also discriminatory and iniquitous and has created anger and dissatisfaction among various castes/communities in the country. Such examples have been referred to in the chapter in 'Anomalies'. It is, therefore, strongly recommended that all such anomalies be identified and corrected to ensure that a caste/community is in the same list in all the States and also within the same State.

It has also been noticed that various Denotified, Nomadic and Semi-nomadic Tribes have been identified district-wise in the same State. This is also unreasonable. In an age of occupational mobility, if a family moves from one district to another, it should not mean a loss of status of that family. A typical example of this is the State of U.P. It is, therefore, recommended that narrow area restrictions be removed forthwith and castes/communities ordinarily be allowed to enjoy the same status throughout the State.