

END THIS LONG TRAUMA

Relevant for: World & Indian Geography | Topic: Demography of the World – Major Tribes and their Habitats

Consider this. Fifteen crore individuals, better known as the Denotified Tribes (DNT) of India, continue to be considered 'criminal by birth'.

The term, 'De-notified and Nomadic Tribes', can be traced to the Criminal Tribes Act (CTA) of 1871. The colonial government notified nearly 200 tribal communities to be hereditary criminals, cementing their societal identity as outcasts and subjecting them to constant harassment by the administration. After India gained Independence, these tribes were 'de-notified' from the list of Criminal Tribes, and, hence, the term.

Several reasons can be ascribed to state-sanctioned stigmatisation of the DNTs in India under British rule, including the strategy to identify their allies and at the same time, subdue and monitor activities of rebellious tribal communities in India.

The CTA allowed for close supervision and control over the mobility of the tribes which were notified by the provincial governments. The Act was amended in 1897, 1908 and 1911 to give sweeping powers to the authorities, some as draconian as allowing the state to remove any child of the age of six and above from its 'criminal' parents. By 1924, certain provisions were amended, and the Act was finally applicable to the whole of British India. Along with the introduction of laws such as the Forest Acts and the Salt Tax Act, the British threw a noose around the the lives of DNTs using stringent regulations.

It is only in independent India that the need was felt to shift the collective burden of criminality to the individual, which led to the CTA being repealed and the Habitual Offenders Act (HOA) being enacted in various States. Not all States enacted it, Currently, a variant of the HOA Model Bill as proposed by the Union Government then stands enforced in 10 States across the country, having been enacted in many more.

However, the HOA functioned as a mere extension of the CTA. Nomadic and semi-nomadic communities continued to face harassment at the hands of law enforcement agencies. Certainly, the mere repeal of the CTA could not change the mindset of government officials or members of society. The fact is that even in the 21st century, DNTs continue to face ostracisation by society at large. Given their centuries-old tradition of constant movement, they often do not possess any residential proof, which leaves them out of the majority of the government's developmental schemes. Those deemed eligible for such schemes were randomly grouped under the Scheduled Castes, Scheduled Tribes or Other Backward Classes categories. As a result, most members of the DNTs continue to be out of the orbit of steps being taken to end discrimination.

To address these issues, the first National Commission for Denotified, Nomadic and Semi-nomadic Tribes (NCDNT) was constituted in 2003, and reconstituted two years later under the chairpersonship of Balkrishna Renke, which submitted its report in 2008. The recommendations found an echo in the Idate Commission, constituted with the similar mandate in 2015, and currently withholding public release of its report. However, denied funding by the Ministry of Social Justice and Empowerment in fulfilling its mandate of carrying out survey and field validation work, the Idate Commission Report lacks the scientific data necessary to introduce reforms to address the plight of DNTs.

The NCDNT report clearly recommends repealing the various HOAs. This has also been the constant refrain of community leaders, representatives and civil society organisations — as the

Act still casts its shadow of the state on communities. The onus is thus upon us, lawmakers at the helm of democratic institutions that govern the country, to finally bring down the curtains on this age-old, state-sanctioned stigmatisation, and act upon the demands put forth by the DNTs.

However, it is important to learn from previous mistakes. A mere repeal of the law will not address their need for establishing society-wide changes to gain access to political-social-economic welfare. Thus, the repeal of the HOA has to be accompanied by a slew of legal reforms to address the multitude of issues DNT communities face. Their unique lifestyle requires positive affirmation and development policies that cater to their long-standing and overlooked needs. It should be the duty of the government to be proactive and reach out to the DNTs since the latter would understandably refrain from seeking state help. As the sun sets on the 16th Lok Sabha, let us ensure that it also marks an end to the oppression of the nomadic and semi-nomadic tribes of India.

A.P. Jithender Reddy is the Member of Parliament from Mahbubnagar, Telangana, and is the floor leader for the Telangana Rashtra Samithi. Research assistance by Paritosh Mulay

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