

Identity Crises Among the Denotified and Nomadic Tribes and Issues of Affirmative Action

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India is known as a country of tribes and castes in its social formation. The Constitution of India recognises caste, tribe, gender and class as a form of social categorization, constitution of India also has laid down the criteria to identify marginal groups for affirmative action programmes for their mainstreaming in social order. However, the identification of these marginal groups has been critical and complex issue since Independence. Though the government of India has special provisions to protect the rights of these vulnerable groups, it needs various articles to give a deeper understanding of their issues. The Constitution of India has dedicated various articles to define and identify Scheduled Castes, Scheduled Tribes and other marginal groups. But now it has realized that there has been no clear or dedicated effort to identify Denotified and Nomadic Tribes (DNT's) which is also most vulnerable and marginal group in Indian society. Owing to the above mentioned problem the Government of India has appointed National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, to resolve the issue of identification and inclusion of DNTs in welfare programmes. An attempt has been made in this paper to understand what are the discrepancies and inconsistencies in identification of the above mentioned group in India in general and the state of Maharashtra in particular

[Key Words: *Identity Crises, Denotified and Nomadic Tribes, Affirmative Action, Social Welfare. Constitution of India.]*

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 change was necessary 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 change. 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 categorization, 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, it is apparent that categorisation of DNTs is 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 marginalization, neglect and oppression, first during the colonial rule, and subsequently, in independent India. 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 concretely 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 center 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.

The Government of India after 60 years of independence realizes that the issues of the DNT's are entirely different. Therefore, they appointed the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes to resolve their issues (Government of India 2005). The government issued the notification of its members and chairman, honourable Shri. *Balakrishna Shidram Renke* (MSJE. 2006) was appointed as chairperson for the same. He (Chairman along with his team members) visited almost all states of India and has submitted factual report of present conditions of these people in India. Though the report has been submitted, but as usually issues of marginal people are delayed and ignored, it is not yet discussed in the parliament and implemented. Thus, it should not come as a surprise if these marginal groups voice their faithlessness in the government, since their interests are marginalized.

Nomadic Tribes: A Neglected Arena

According to Rudolf C. Heredia (2007), it is the nomadic tribes even among the tribals, who are most vulnerable to the changes overtaking them. More than other tribals, they are under the threat of dominant communities, of being assimilated into the bottom set of the social strata, as even now they are being displaced from their traditional lands in the name of a development, too alien for them to understand because they have always been left out of this

process of development. Also these are groups who have been alienated from the benefits of this so development. Among the nomads, the most adversely affected by this cultural hegemony and prejudice, economic marginalization and political exclusion that goes with it, are the “Denotified tribes”. This raises fundamental questions for our society of social equality and economic equality, of ecological sustainability and peoples’ participation, of cultural autonomy and democratic integration, for “the tribal problem cannot be isolated from the broader national problems. Its solution will have to form part of the overall strategy for the regeneration of the India polity and society”. (Dubey 1972:32)

Definitions of the term “nomad” and tribes in the social sciences also remain controversial. While some include all those communities whose primary resource extraction strategy, be this animal husbandry, foraging, trade or servicing, is based on recurrent physical mobility, others prefer to restrict its usage to communities whose economy is based primarily on mobile herding. Yet others go further to distinguish between “real nomadism” and “pure nomadism”, whereby criteria used are drawn from the domains of demography, division of labour and various other aspects of social and political organization. For the purpose of study, I have demarcated three rather overlapping areas in which the nomadic group of tribals has been facing exclusion- economic inferiority and social inequality.

Economic Inferiority

Aparna Rao and Michael J. Casimir(2003:05), have come out with new perspective nomadic tribes as per her view nomads have primarily three types of economic categories. They are as follows:

**Pastoral or animal husbanders-* primarily endogamous communities economically dependent- often over generations- on livestock. The degree of dependence may vary seasonally and even annually, and included in this category are those often known as agro-pastoral. Deriving here from pastoral nomads are those who choose as their basic strategy for providing year-round food for their herds the movement of livestock to pasturage rather than bringing fodder to herds. The distance traversed by such movement, its frequency, its pattern, or the mode of shelter at any given moment, and the number of persons involved are not defining criteria, since all these vary between, and sometimes even within, communities, both synchronically and diachronically.

**Foragers/Hunter-gatherers/Gatherer-hunters-* those mainly endogamous groups whose principal economic and traditional subsistence strategy consists of gathering/collecting and/or hunting, and who have little or no regular access to cultivable land. Since the foods collected and/or hunted are patchily and seasonally distributed, mobility to varying degrees is a must.

**Peripatetics-* primarily non-food producing/ extracting, preferentially endogamous, itinerant communities, subsisting over long periods mainly on the sale of sometimes self-produced goods and/or more or less hereditarily learned, specialized services to sedentary and/or nomadic clients. Some may have a little land, house, animals, or may forage a little. Depending on the nature of the

goods and/or services offered and the density of the relevant clientele- who can be considered their resources- the degree of mobility varies between communities. Other terms used in recent years to describe peripatetics are 'commercial nomads', 'service nomads', 'symbiotic nomads' and 'non-food-producing nomads'.

According to Joseph C. Berland (2003:106), the Qualandar, a spatially mobile nomadic community, occupying the region of Hindu Kush, are readily recognized as nomadic entertainers who travel with their trained bears, monkeys, goats and dogs. They are also skilled jugglers and acrobats, magicians and musicians, impersonators and beggars, and may also carry messages and news. Females also prostitute themselves from time to time. As masters of diversity, they supply not only to villagers and urban-dwellers, but a host of others, including pastoral nomads, caravanners, temporary labourers, and military and police outposts-even other peripatetic groups with easily affordable, novel entertainment opportunities that serve as joyful and exciting diversions from the mundane habits of everyday life. Like the multi-resource economy of the Ghorbati, the Qualandar, derive their usefulness as an alternate source of supply of novelty and entertainment, where other sources are far away, or for other reasons inaccessible. In contrast to other subsistence activities involving spatial mobility, peripatetic universally are more widely dispersed, and usually lack direct control over such primary subsistence resources as pasture, herds, waterholes-even clients from whom they extract their livelihood.

Social Inequality

In the report of the 'The Resist Initiative International', titled '*Branded 'born' criminals: racial abuses against Denotified and nomadic tribes in India*' (2007), we see that, it is an impossible notion to claim that a person can be born a criminal however DNTs are being branded at birth Britishers also believed in this ideology and invoked law Criminal tribes Act 1871. The notion that these people are criminals from birth is so embedded in Indian society and in the states that harassment, racial discrimination, and prejudice seem to be standard practice without any accountability or justice being taken. There are laws to protect (DE notified Tribes) DNTs against persecution on the basis of their ethnic group but these are not being enforced.

Peter M. Gardner (2007:140) has documented two cases of abuse of rights among the Paliyan nomadic tribe of Kerala. When a honey contractor shot and killed three Paliyan for being uncooperative, two related bands retreated immediately. A brief study of one of those bands (after being five years on the run) was possible. Two case of how these nomadic tribes were forced to retreat from their frontiers have been reported in the book '*Nomadism in South Asia*'.

Case 1: one frontier band packed and within 20 minutes of the perceived threat, left their settlement standing in empty silence. It was later learned that this happened after weeks of an incident of police brutality. There

was no discernible alarm call, no meetings, or even obvious discussions. The eight or so original witnesses to the threat just looked it over and walked quietly to their huts; they, their families and neighbours packed their few possessions in minutes and slipped off, household by household, along several different trails, not to return to that valley for three months; rendering these tribes unemployed during their time of exile. Their livelihood was in obvious shambles since these tribes are not accustomed to any other form of occupation.

Case 2: A Paliyan community settled outside the forests' edge for at least a century was displaced by a massive government construction project. As part of the plan, each household was granted free government housing in their own Paliyan street of a nearby, new built Indian community, with a school and other facilities. In an unusual move nine years earlier, this very Paliyan settlement had petitioned for their own school. A revisit fifteen years after the petition and six years after the displacement revealed that only one-third of the original Paliyan community had elected to take advantage of the new arrangement. The others, soon after the loss of their previous homes had scattered. Those in government housing, all admitted to having manifold sources of unhappiness. Their fellow-villagers were loud, manipulative, judgmental, and concerned with even very personal aspects of other peoples affairs. Paliyan children particularly were a harassed minority in the school. Making matters worse, they felt far from their forest, which was forty minutes walk away, rather than five.

According to G. Prakash Reddy (2007:168), in independent India, the National Forest Policy was formulated in 1952. This policy hit the forest-developers much harder than the British policy because the "privileges" were further diluted and called "concessions". The attitudes of the people governing the country towards the forest and its inhabitants in independent India were similar to those of the British. These people did not learn any lessons from the consequences of misguided forest policy implemented by the British. In 1988, the government of India promulgated a new foreign policy. A Policy that affect that affected the very life-support system of the tribals and other rural people had been formulated without their participation. This perhaps is indicative of the attitude of the decision makers towards these marginalized groups.

The Forest Department, as well as the governments at both the state and national levels, has always discriminated against tribal communities in favour of non-tribal communities. It is an irony that people who were born and brought up in the forest and whose cultures are intertwined with forests are not allowed to utilize foreign resources; indeed, many of them have been physically relocated from their forest homes. At the same time, non-tribals are allowed to move into forest reserves and clear them for cultivation. The politicians and the governments have not only turned a blind eye to these illegal encroachments, but have conferred legitimacy on the perpetrators through government orders, not just once, but many times in all parts of the country. When the tribal and the

poor collect wood for fuel, the governments put the blame on them for deforestation.

The National Commission on Agriculture blames the tribals and the poor for deforestation. Government policy declares that prime consideration in forest management is environmental stability. All other aspects, including the establishment of industries, are said to be subordinate. Unfortunately, however, industries, both private and state owned are the major culprits destroying India's forests and have played havoc with the lives of tribal peoples. The largest concentration of industries is found in the heart of the tribal area of central India, but the benefits of these industries go to the non-tribals, while the tribals lose their land, habitat and social cohesion. Even on the small island of Little Andaman, where the *Onge* live, a matchstick factory has been built that uses a soft wood from the local forest. The wild mango tree whose fruits gave sustenance to the Chenchu, Savara, Konda Reddy and other food-gathering communities in summer, have been felled because of their suitability for manufacturing ply-wood.

Denotified Tribes- Historical Perspective

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 marginalization 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.

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.

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.

Thus, it can be concluded that due to the atrocities committed against these communities and the sheer lack of avenues to progress, they will naturally take up to criminal activities to supplant their income and livelihood. Their history of oppression and the continuity of that age old oppression and injustice which is still practiced towards these communities, has affected them adversely that it had made innocent people criminals. It is this tagging of the community that has caused the major harm and pushed them to becoming criminals. Instead of "denotifying" the tribes, what the system has done is pushed them live up to the previously held label of "criminal tribes" in some situations.

Scheduled Castes, Scheduled Tribes or Denotified Tribes?

In the year 1950, the list of Scheduled Castes and Scheduled Tribes was released. The Criminal Tribes Act was repealed in 1952. Though the Criminal Tribes Act Inquiry committee had categorically made the recommendations to the Central Government regarding these tribes they were deprived of the Constitutional safeguards due to both the acts of commission and omission. Thereafter the issue was swept aside due to the conflicts of the state formation on the linguistic pattern and these tribes in Maharashtra became victims in the process.

Following the linguistic pattern of state formation the territory of the early Nizam state was shared by Andhra Pradesh, Maharashtra and Karnataka. While the tribes in the territory included in Andhra Pradesh and Karnataka enjoy the constitutional status and privileges, the same tribes in the territory of Marathwada region included in Maharashtra are deprived of it for no fault of

theirs. Similarly, it is ironical that tribes like the Kaikadi and Pardhi in Vidarbha, which was previously a part of Madhya Pradesh, enjoy the constitutional status, in the rest of Maharashtra they are deprived of it. Since the Nomadic and the Denotified tribes which form the lowest rungs of the society fulfil all the criteria applicable to the ST they enjoy the constitutional status in most other states. Unfortunately, their counterparts in Maharashtra, though they share the same dialect, life style, cultural practices, social customs and blood relations they are deprived of the status of the Schedule Tribes. Instead of doing away with the injustice, the government went on including more and more castes and tribes in the Schedule of the NT's and DNT's pushing the original tribe against the wall.

Table I: State-wise Overlapping Classification of some Denotified and Nomadic Tribes in India

States and Communities	Banjara	Vadar	Kaikadi	Pardhi	Kanjarbhat	Berad
Andhra	S.T	S.C	S.C	S.C	S.C	S.C
Karnataka	S.C	S.C	S.C	S.T	S.T	S.T
Delhi	S.C	S.C	S.C	S.T	S.T	S.C
U.P	O.B.C	O.B.C	S.C	S.T	S.T	S.T
Orissa	S.T	S.C	S.C	S.T	S.T	S.T
Bengal	S.T	S.T	S.T	S.T	S.T	S.C
Bihar	S.T	S.T	S.C	S.T	S.T	S.T
Gujarat	S.T	S.T	S.C	S.T	S.T	S.T
H.P	S.C	S.C	S.C	S.T	S.T	S.T
Rajasthan	S.C	S.C	S.C	S.T	S.T	S.C
Maharashtra	DNT	DNT	S.C	S.T	DNT	DNT
Tamil Nadu	DNT	DNT	S.C	S.T	DNT	DNT

Source: Rathod Motiraj, 2000: Denotified and Nomadic tribes in Maharashtra.

Conclusion

According to sections 19, 20, and 21 of the Indian Constitution, the citizens are guaranteed with the right to settle in any part of the country. However, the members of these tribes can do so only at the cost of their constitutional safeguards, which amount to a gross injustice to them. The Government of Maharashtra has already declared its decision of implementation of recommendations of Mandal Commission. Since the Nomadic and Denotified tribes have been clubbed with other advanced sections of the society in the Mandal Commission Report, they will never be in a position to avail any benefit out of it. On the contrary, it has done a lot of injustice to the tribes in the original Schedule of NT's and DNT's. In these circumstances the NT's and DNT's are left with no alternative but to prepare themselves for protracted struggle against the injustice to secure their demand of classification equivalent to Schedule Tribes. The NT's and DNT's have no intention of cutting into the

share of the present Schedule Tribes. On the other hand, they demand that they should be included in a separate schedule having a constitutional status equal to the ST's. The ST's are not their foes but their allies in the struggle. It is possible to classify these tribes as Schedule tribes by a notification issued by the President of India. We may quote here that a similar act of omission in respect of certain tribes in Nagaland was corrected by the former Prime Minister Rajiv Gandhi in a similar fashion.

The Nomadic and Denotified Tribes are National tribes. They have no place of their own. Hitherto, their life is a long tale of suffering and persecution due to the absence of a means of livelihood and the stigma of criminality attached to them by the sedentary society. While it may take years and years to remove this stigma, the injustice meted out to them due to the act of omission and neglect could well be corrected without any further delay. It will be impossible for these tribes to enjoy human rights or the civil rights available to the citizens of India unless there is a positive intervention of the government in the form of Constitutional safeguards.

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