

FINAL REPORT OF UGC MINOR RESEARCH PROJECT
On
PLIGHT OF DE-NOTIFIED TRIBES IN JALGAON DISTRICT – A HUMAN RIGHTS
PERSPECTIVE

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PRINCIPAL INVESTIGATOR
DR. VIJETA S. SINGH
ASISTANT.PROFESSOR
S.S. MANIYAR LAW COLLGE, JALGAON. MAHARASHTRA

DECLARATION

I, undersigned hereby declare that the research work done on the topic entitled “**PLIGHT OF DE-NOTIFIED TRIBES IN JALGAON DISTRICT - A HUMAN RIGHTS PERSPETIVE**” project report is an original report of my research, has been done by me and has not been submitted for any previous degree. The experimental work is almost entirely my own work; the collaborative contributions have been indicated and acknowledged. Due references have been provided on all supporting literatures and resources.

DR. VIJETA S. SINGH
PRINCIPAL INVESTIGATOR

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PLIGHT OF DE-NOTIFIED TRIBES IN JALGAON DISTRICT - A HUMAN RIGHTS PERSPETIVE

1.1 Introduction: -

It is a matter of great pity to have certain vulnerable groups like De-notified Tribes still in their own primitive condition even after a quite long period of commencement of the Indian Constitution. No benefit of socialist, secular, democratic, republic could reach up to those neglected people.

It is, therefore proposed to know as to who are De-notified and Nomadic Tribes , what is their main problem and how could it be solved and how could they be brought into the main stream of Indian society .

India got freedom but the troubles and tribulations confronted by De-notified and Nomadic tribes are still going on. After independence the social system of India has not been changed as it was expected. Though the Constitution of India guarantees status of equality to each and every individual in country, but social discrimination is still in existence, as if leading to a partially successful social revolution. The reason behind adopting criminal activities among De-notified and Nomadic tribes lies in their identical treads in pre independence period. Stigmatized with the 1871 criminal Act affected their traditional occupations giving rise to life threatening conditions of hunger, starvation. Naturally some of them took to stealing, looting necessary things like grains, fruits, animals; owing to which they are permanently taken to be as criminal. Though, whole of the castes are considered as criminal, but it is not necessary that each individual member should be criminal. However, by default the social system allows to recognize each new born individual as born criminal, throwing them into eternal ditch of oppression, harassment and stern penury. Thus, in order to explore the nature of human development among namely: Banjara,

Pardhi, Rajput Bhamata, Pardhi, Pawari, Padvi, TadviBhill, Dhangar and Vanjari tribal communities from De-notified and Nomadic tribes.

Today, one can observe only the members from said community begging food on streets, the reasons of their plight can be traced back to caste system.

The social system itself has denied means of livelihood, abandoned them from religion, culture turning them into beggars in true sense. For instance, Banjara, Rajput Bhamta, Dhangar, Tadvi, Pardhi, Vanjari although, come in contact with city-life but their wandering lifestyle didn't end: the nomads transferred from rural areas but are detached from the city premises. In stable life of De-notified and Nomadic tribes has given way too many troublesome issues concerning their social, economic, educational, and political existence. In other words, one can observe stagnated human development among the tribes: no enrolment for ration card, no citizenship of a village, no employment opportunity and no right to own natural resources that ultimately lead to starving conditions. Prevention of Beggary Act-1959, Wild Life Protection Act-1972, Prevention of Cruelty to Animals Act-1960, Environment Protection and biodiversity Act-1999, Development of Irrigation system and related Acts have given rise to many difficulties in the life of De-notified and Nomadic tribes. But the above stated Act almost snatched the means of livelihood from De-notified and Nomadic tribes.

Constant wandering from place to place brought the De-notified and Nomadic tribes in contact with many villages. Here they had to adjust with the impurities related to air, water and tidy life style. It ultimately affected their health, falling prey to seasonal epidemics. If any individual from Pardhi community is injured at work site, they don't approach nearby health center; instead prefer herbal treatment at home. The Dhangar, Banjara, Vanjari tribal communities' rear domestic animals but their constant wandering makes them vulnerable to many diseases. The Pardhi, Vadar, Banjara, and Berad tribes are engaged in extracting liquor business, and hence constantly monitored by police administration. Harassing treatment at police station some time destroyed complete family.

1.2 The De-notified Tribes of India: -

The term 'De-notified Tribes' (hence forth De-notified tribes shall also consider DNTs & Notified Tribes shall be NTs) stands for to all those communities who were notified under the several versions of Criminal Tribes Acts enforced during the British Rule in between 1871 and 1947 throughout the Indian territory and were De-notified by the repeal of these Acts after the Independence of India. The scholars studying the Crimes in pre-British India write that 'in historic past, one has the idea of social system organized by aboriginal tribes who had delinquent tendencies in a greater degree' (Upadhaya, 1978).

India is a nation characterized by plurality in religions, ethnicity, caste, sub-castes and diverse cultures. People belonging to such categories have difference in cultures and practices. Amongst them are some ethnic communities or tribes. The word 'tribe' is generally used for a "socially cohesive unit, associated with a territory, the members of which regard them as politically autonomous" (Mitchell, 1979: 232). Very often a tribe possesses distinct dialect and distinct cultural traits." There are several terminologies used for tribes like, *Vanvasi*, *Adivasi*, *Mulnivasi*, Indigenous, and Scheduled Tribes. Among the existing tribal communities in India, a significant population of marginalized tribal communities was once branded as 'Criminal Tribes' with the declaration of Criminal Tribes Act (CTA) in 1871. With the enactment of the Act, these tribesmen were registered and notified as 'Criminals' in society.

There are three main views on criminal tribes debated in the academia. According to the first group of scholars, the criminal tribes are the part of the original gypsies of the Europe who spread across the world and migrated to India. The second group of scholars argues that they are actually offshoots of the primitive Indian races that failed to adjust with the development of civilization and kept moving from one place to another in search of a permanent residence and became nomads. The third group of scholars reject the above two views and argue that, these groups are

not either belong to the gypsies of Europe nor primitive Indian races, rather they belong to the Royal household and were forced into exile for some serious crimes and in order to avoid persecution, they kept moving from one place to another. It is also possible that they took to crime as revenge against their persecutors (Sharma, 1998).

A. Definition of De-notified Tribes:

De-notified Tribes are the communities who were 'notified' as 'born criminal' by the British government under a series of laws with Criminal Tribes Act, 1871. These notified tribes, after Independence were de-notified from list of criminal tribes by repealing the Act in 1952 and hence De-notified Tribes.

B. Definition of Nomadic Tribes:

Nomadic are the communities who do not have a fixed home; hence they keep on moving from one place to another a strange pattern of livelihood. The place where they lived before journeying eternally, but they do not have a place to return after travelling for their livelihood.

C. Definition of Semi- Nomadic Tribes:

The 'partially nomads' – they have fixed habitations to which they return once in a year, or when their seasonal or occupational activities are expected to cease for a while.

D. Born Criminal: -

The notion of 'born criminals' became popular with the Italian school of Positivist Criminology headed by Cesar Lombroso (1835-1909), popularly known as the 'father of Criminology'. He argues that criminals are born with some inferior physiological differences and those differences are easily noticeable. His concept of born criminals became popular as he stated that the criminality is an '*atavism*' or traditional deposition. In his study in Italy, he came up with the 'biological throwback' on the roaming tribes and their unsettled way of life which was quite unpopular amongst the educated and cultured people in Europe. He further studied the population

in the European prisons and their physical characteristics, which are considered as 14 physiognomic characteristics or physical attributes of criminals, e.g. - the size of their skulls, the shape of their noses etc.

1.3. Human Rights and Human Development: -

The Universal Declaration of Human Rights recognized individual rights but not another community rights. The basic rights concerned only with the universal applicability of individual human rights but the Universal Declaration of Human Rights 1948 and the U.N. Charter were silent on the rights of indigenous people. The United Nations had started to make valiant effort to enlarge after 1980's. During the year 1982 the UN Human Rights Commission of the Economic and social council approved the UN Working group on indigenous population was a direct response to the word the plight of indigenous people in the Globe.

In 1985, the working group was mandated to draft a declaration on the rights of indigenous people and it was completed in 1992 as Draft Declaration on the Rights of Indigenous people. This draft is most comprehensive document on the right of indigenous people in International Human Rights view and it establishes the Rights of Indigenous people to their protections on the lines of Culture, Property, Identity, education, employment and health etc. Though States are not legally bound by the declaration, it will exert a considerable number of moral forces when adopted by General Assembly consisting 46 Articles. The draft declaration is divided in to nine parts.

1. Fundamental Rights
2. Life and Liberty
3. Culture, Religion and Language Law
4. Education, Media and Employment
5. Participation and Development
6. Land and Resources

7. Self - Government and Indigenous

8. Implementation

9. Minimum standard.

The Declaration emphasizes the rights to maintain and strengthen their own culture, institution and traditions and also their needs.

United Nations Development Programmes has defined human development as the process of enlarging people choices. The most critical ones are to lead a long and healthy life, to be educated and to enjoy a decent standard of living. Additional choices include political freedom, granted human rights and various ingredients or self-respect. These are among the essential choices the absence of which can block many other opportunities. According to Muhibul-Huq, the defining difference between the economic growth and the human development school is that the first focuses exclusively on the expansion of only one choice: income, while the second embraces the enlargement of all human choices whether economic, social, cultural or political.

1.4 Status of De-Notified Tribes in Society: -

The role of history is perhaps most significant in the case of the so-called tribes who are habitually committing crimes. The Indian Society, in general tolerated the menace of the petty thieves. However, it is hard to say whether certain communities were habitually and permanently engaged in serious crime. During British rule is perhaps one of the darkest chapters in the colonial history of the subcontinent. After the mutiny of 1857, the British administration took a number of preventive steps to retain law and order. The enactment of the Criminal Tribes Act (CTA) of 1871 was one of them. However, the Act was based on a fallacious understanding of Indian Society. This is also one of the reasons of plight of these communities particularly the caste discrimination. One of the influential members of the Law-and-Order Commission, TV Stephens equated caste with profession and believed that certain communities were professionally

criminal and crime was their caste, occupation as well as religion.

1.5 Significance of the Study: -

The study area is home of many tribal groups of people in India. They depend on forest products-based employment and some traditional agricultural practices.

In Maharashtra out of 42 De-notified and Nomadic tribes, 28 are termed as Nomadic and 14 De-notified tribes which again include more than 200 sub-castes. All these tribes consider themselves independent and different from each other follows identifiable livelihood patterns. The real problems are annual income, per capita income, land holding capacity, irrigation facility, migration, infant mortality, addiction, malnutrition, religious superstition, health and illiteracy etc. by unfolding above problems and with the help of field visit and interview “**PLIGHT OF DE-NOTIFIED TRIBES IN JALGAON DISTRICT - A HUMAN RIGHT PERSPECTIVE**”. As a Tribe they carved livelihoods through a variety of activities like hunting, collection of things from forest e.g., Honey, Dink, Mahu etc. They indulged in petty thefts and stealing for the same reason. However much of the theft was restricted to a few products of corn, fruit, harvested grain and similar products.

1.6 The Study Area: -

The Jalgaon district is situated in Northern part of Maharashtra attached to border of Madhya Pradesh, City of Jalgaon serves as the administrative seat for the district. It is bordered by the state of Madhya Pradesh to the north and by the districts of Buldhana to the east, Jalna to the southeast, Aurangabad to the south, Nashik to the southwest, and Dhule to the west.

Before 1906, the district was named was Khandesh district. In 1906 the district of Khandesh was divided into two districts called, East Khandesh and West Khandesh. With East Khandesh covering the territory that is now Jalgaon and neighboring Dhule. Jalgaon district have 15Tahsils out of that 5 Tahsils have maximum tribble population they are Raver, Yawal, Chopada,

Pachora, Amalner and Chalisgaon. Rest all Tahasils are having mixed population of district but every Tahsil have some Tribble community, Yawal wild life sanctuary is hub of Tribble people in this district, two major revisers Tapti and Girana flowing from this district. Maximum Tribble communities are found in the basin of Tapti River that is why researcher has selected this region for the purpose of completion of Minor Research Project.

Map of Maharashtra showing Jalgaon District: -

(kR8mcjeQmBc3rYByz5MlSlkAMxAfw&sa=X&ved=2ahUKEwjRmfG23YXqAhVTVisKHSOyAkwQ9QEwAXoECAkQIw&biw=1366&bih=657#imgrc=xmHo9rrT9xRiUM):



Map of Jalgaon District with Tahsil: -



1.7 Objective of the Study: -

Law has been said to be an instrument of social reconstruction and social change, so also in changing conditions of an industrialized and urbanized society. Law could be the best instrument for better prevention from plight of DNTs and NTs and bringing about better Environment to live.

The ultimate issue is social integration. This issue is very peculiar with the DNTs. Other disadvantaged groups like the scheduled castes DNTs were previously identified as criminal tribes. It was only in 1952 when De-notification order was passed that they were termed as De-notified., but only transmission from criminal tribes into De-Notified tribe is not sufficient.

Major section of these tribes still untouched from their Rights and the concept of Human Rights are totally new for them. In geographical area of Jalgaon District many of the Taluka places inhabited by De-Notified tribes, the reality of their life needs to study.

1. To study the Philosophy of DNTs in Jalgaon District.
2. To create awareness about Human Rights amongst DNTs. There are number of Human Rights are available but DNTs are still unaware of these rights. There is great need.
3. To conduct an empirical study in the district for identifying the Causes of non-sustainability of DNTs in this.
4. To bring up the actual situation of DNTs Human Rights in this District.
5. To find out the effective findings and provide suitable recommendations.

1.8 Hypotheses of the Research: -

In course of research following hypotheses has been tested for its validity.

1. De-notified and Nomadic tribes had to survive in adequate socio-economic conditions.
2. Majority of the De-notified and Nomadic tribes endure worst poverty conditions.
3. Growing educational awareness among majority of the De-notified and Nomadic tribes.
4. Improvement in status of women in De-notified and Nomadic tribes.

1.9 Review of Literature: -

Lokur Committee (1965) observed that state government welfare schemes designed for scheduled castes and scheduled tribes have not benefitted the nomadic and de-notified tribes because of their relatively small number and nomadic communities' tendency to be constantly on the move. Rudolf C. Heredia (2007) stated that DNTs are most suppressed communities and the modern development models failed to include them in to main stream of development, as a result these communities remain poor and marginalized.

DNTs, NTs and SNTs have not been sufficiently attended by democratic polity and civil society. Renke Commission (2008) has indicated that 97% of DNTs and 86% of NTs come under Scheduled Caste, Schedule Tribe or other Backward Classes. The commission report suggested preparing state wise list of de-notified communities for implementation of welfare schemes.

Kumar, Arjun (2014) finds that social background factor acting as constraint and leading to denial on access to basic amenities in rural and urban areas. Various government policies on provision of basic amenities needs to be supplemented with pro poor and group specific social policies for improving the standard of life and well-being. Kumar, Arjun. (2017) has said that weaker sections of society, such as, the Scheduled Castes and Scheduled Tribes have been most deprived and excluded. There is a need to initiate immediate action to provide adequate basic

amenities the most neglected communities in rural areas to achieve the sustainable development goals.

Idate Commission (2017) has observed that many of de-notified and nomadic communities did not have basic facilities and infrastructure like sanitation, clean drinking water, drainage, electricity, etc. and this committee report revealed that large number of de-notified communities do not have permanent shelters and lacking access to common amenities such as clean drinking water, electricity and sanitation.

1.10 Research Methodology:

The problem is selected with great interest keeping the significance and impelling the need of quality of life to maintain dignity of DNTs and NTs life in society. The other reason for selecting this problem for study is that vulnerability and degradation affects the mental and physical health of these DNT people. In the legal research the most suitable method is the hypothetico-deductive method and partly empirical method in the project work.. However Partly doctrine method and partly non-Doctrinal is used for the study because law is social science, and the problem at life, health, education and survival the scientific method is applied in the study.

The relevant material from the primary and secondary sources and material and information collected from both vertical and horizontal sources i.e., both legal and non-legal sources, like law books, journals, original judgments of Supreme Court and High courts, Planning commission reports, five year plans, recommendations of statutory agencies, documents other periodicals, report and relevant matter published in newspapers, Articles, statistical data, sociology, political science and Jurisprudence. Hence the present research is based on primary and secondary data.

A) Primary Data:

As the primary source of data, different tribal communities from Jalgaon district namely- Banjara, Pardhi, Rajput Bhamata, Tadvi, Padvi, Tadvi Bhill, Pawari, Bhil, Dhangar and Vanjari are selected to study from the point of view of Human development. By providing a direct

observation, scheduled questionnaire to the selected families from said communities in Jalgaon region, an attempt has been made to collect facts that points at different aspect of human development. The questionnaire primarily tries to draw information about educational awareness, per capita income, educational standard, and annual income as well as land owing capacity, migration, child labour, malnutrition, drug or liquor addiction, life expectancy, religious festivity, customs, livelihood standard, share of women in family income and loan borrowing etc. Apart from this data regarding qualitative development has also been sought out from popular writers, thinkers, social activists, research scholars from the communities by interview technique.

B) Secondary Data:

All information required for the evaluation, analysis and elaboration of the research findings is developed on different sources concerning the research topic. For the purpose, almost all the commissions, committees and reports published by central and state government, Maharashtra Human Development Report, apart from this, book by many writers, published books, research papers and references, journals, news articles, online sources etc. have been taken into consideration during the research process.

C) Sampling Technique:

Generally, Samples are collected by using two methods probability sampling method and non-probability sampling method. For the present research work Purposive Sampling Method is used under the Non probability sampling method to selects samples. Accordingly, out of total DNT and NT communities ten (10) communities residing in Jalgaon district have been selected for detail observation and study of plight of DNTs the communities.

D) Limitations of the Present Research:

Only Jalgaon district has been selected out of three districts from Khandesh region and Jalgaon districts consisting 15 Tahsils (Talukas) out of that three Tahsils are having majority population of Tribals.

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Chapter – II

History of De-Notified Tribes in India

2.1 Introduction: -

The Vedic period- Crimes and Anti-Social Behaviors: -

Manu smriti- there was an age when Dharma prevailed in perfection but gradually Adharma made its headway giving rise to theft, falsehood and fraude.

An ancient sage, kamandaka wrote about the need of Danda (punishment). Kautilya has said that thieves and robbers are the pests the society and suggested various steps to eliminate such elements. Chauryashahstra (Art of Thievery)- one among the 18 Vidyas and 64 Kalas...

Back in history, the tribal people were in fact self-governing first nations. These subjugated tribal groups were forced by the people belonging to upper castes to perform menial jobs like small household works, sweeping, cleaning of excreta, leather works, removal of dead bodies etc. The tribal people were considered untouchables and they were not even allowed to sit along with the people of upper caste. Their sovereign existence outside the mainstream led to the preservation of their socio-religious and cultural practices as there were no interference by the mainstream society.

No body is a born criminal; Criminals are the product of the society. The history of de-notified Tribes dates back to the early years of colonial rule. The tribes represent all those communities which were listed as ‘criminal’ under several versions of the Criminal Tribes Acts between 1871 and 1947. These communities were ‘de-notified’ when the Acts were repealed after India’s independence, this classification of an entire community as criminal by the British, as Dilip D’Souza has noted, was part of a colonial model of law and order whereby those communities that resisted British rule were targeted in various ways. “A criminal tribe was a gang tribe or class of people addicted to the systematic commission of non- bailable offenses and with reason to

believe a local government could notify using the local gazette that an entire tribe, gang or classes of people were criminals.

2.2 Intentions of the British:

When the Bill was introduced in 1871 by T.V. Stephens a British official said, "... people from time immemorial have been pursuing the caste system defined job-positions: weaving, carpentry and such were hereditary jobs. So, there must have been hereditary criminals also who pursued their forefathers' profession." On another occasion defining criminal tribe James Fitz James Stephen testified, "When we speak of professional criminals, we... (mean) a tribe whose ancestors were criminals from time immemorial, who are themselves destined by the usage of caste to commit crime, and whose descendants will be offenders against the law, until the whole tribe is exterminated or accounted for in manner of thugs"

These tribes were labeled as criminal because they acted against the will of the British Government, the British who were unaware of the nomadic culture in India considered the tribal practices as barbaric and uncivilized. The tribes did not acquiesce to the unjust forest laws framed by English. They continued to drive their livelihood from forest articles and the woods were thus named as "robbers and thief by the state". The English believed that criminal characteristics could be inherited from one generation to other. Hence, the penalty was imposed in perpetuity.

This piece of legislation set a precedent that any local government could classify any tribe as 'criminal' if it felt "the tribe, gang or class of persons is addicted to the systematic commission of non-bailable offences." The burden of proving a legitimate occupation fell upon the member of the tribe as criminal intent was presupposed. For years, this law gave authorities the power to harass, intimidate, segregate, imprison and restrict the movement of tribes which lacked permanent settlements.

The commission of crime was no longer a criterion for punishment; birth in a particular tribe was each DNTs community is an endogamous group. Though they are termed as tribes for all practical purpose they were treated as castes in the traditional rural society. Restrictions on inter-dining and inter-marriages prevailed. They were not considered untouchables but occupied lowest position in social hierarchy status.

The DNTs are mainly patriarchal communities. The authority of the elderly males is considered supreme. The status of women is extremely low and very often brutal sanctions are imposed on them. They have very strong caste or tribal council. Almost all the decisions pertaining to their domestic and social life are negotiated in the caste council.

The Role of History could be analyzed in the following way -

- * Understanding the history of specific communities and understanding how and why they were drawn to a nomadic life i.e., analyzing the historical forces that led to nomadism.
- * Analyzing how history has shaped their economic, social and cultural life and how it has given rise to a particular economy, culture and mindset.
- * Understanding the historical factors leading to criminal behavior.
- * The study of history is important not only from the knowledge point of view but also for searching identities and inculcating self-respect.

The British branded a number of marginalized population groups [tribal] innately criminal and made elaborate arrangements for their surveillance. This was with the larger game plan of imperial governance – the policy of keeping the subject population segregated and sequestered into various strata. When the Bill was introduced in 1871 by T. V. Stephens, stress was laid on

ethnological theories of caste which linked profession, upbringing and background. The Act entailed registration of all members of notified 'tribes' [irrespective of their criminal precedents] and imposition of restrictions on their movements. In the course of subsequent amendments of the Act, penalties were increased and provisions were made for taking tribal boys (within the age group of four and eighteen) were taken away from their parents. In 1908, special 'settlements' were constructed for the notified tribes where they had to performed hard labour.

In 1936, Nehru denounced the whole system as 'monstrous' and after independence, in 1949, and the Committee appointed by the government found the system violating the spirit of the Indian constitution. With the repeal of the Act in 1952, 2,300,000 tribal were decriminalized. Due to the wandering traditions over hundreds of years without any ostensible means of livelihood and under the influence of the caste system, they were forced to live under sub-human conditions. A large section of these tribes is known as '*Vimukta-jaatis*' or the Ex-Criminal Tribes, because they were branded as criminals by birth under the "Criminal Tribes Act 1871". In spite of the repeal of the Act in 1952, they are still being treated as Criminals by birth and subjected to harassment and persecution in the hands of the police and the state machinery. The de-notified and nomadic tribes (DNTs) are an integral part of the Indian society.

The DNTs are not just a neglected section but a complex one as well. Their problems are not only grounded in contemporary reality, but also deeply rooted in history. They have suffered injustices at the hands of both polity and society but the same are not sufficiently redressed (Bokil, 2002). The Nomadic and De-notified tribes constitute about five million of population in Maharashtra and about 60 million across India.

The so-called De-notified tribes of India are among the lasting victims of the British arbitrary ruling. Originally 'notified' by the government as criminals in 1871, the DNTs should have enjoyed the freedom of independence that came to the rest of India's people in 1947. Instead, they have languished as the most handicapped community in the nation, with health, literacy, and employment levels far below the average. The British labeled them criminals because they

pursued a nomadic way of life. The nomadic tribes traditionally carried important commodities such as salt and honey between the coasts and the inland forests.

The British relied on these networks to establish their own trading relationships and to guide their armies through unknown regions. Indeed, these traders and transporters of goods were crucial informants for the new rulers, who benefited from tribal knowledge of flora and fauna, transportation and communication. These criminal tribes were De-notified in 1952 after India's independence. However, they were reclassified as habitual offenders in 1959. The stigma of the criminal label still follows them till today. Many laws and regulations in various states prohibit certain communities of people from traveling; others have to still register at police stations in the districts they pass through. This close association with authority makes nomadic tribes especially liable to suspicion when crimes actually occur. The percentage of DNTs in custody and under investigation is greatly disproportionate to their population (Schwartz, 2000). According to the Renake Commission 2008, the population of DNTs is roughly 10– 12 cores. Population worked out by commission of DT, NT & Semi DNT and distributed in three different classes.

1. De-notified Tribes who are listed as SC's and ST's in various states i.e., De- Notified (SC / ST) since last 50 years.
2. Nomadic and semi-Nomadic tribes who have been included in the list of SC's and ST's, i.e., Nomadic (SC / ST)
3. Nomadic tribes, which have been, included in the list of OBC's from time to time i.e., Nomadic (OBC).

Accordingly, the information regarding DNT or Ex-criminal tribes have been received from 15 different states and the people who are already included in the SC /ST category constitute of 1, 36, and 05,034.7 In an enlightened moment soon after Independence, India repealed the Criminal Tribes Act on August 30, 1952 and liberated, e.g., 'de-notified' – the tribal communities from the label of criminals. Thus, de-notified communities now celebrate August 31 as their Independence Day. However; unfortunately, the government concurrently enacted a series of Habitual

Offenders Acts. These Acts empowered police authorities to investigate a suspect's criminal tendencies and whether his occupation is conducive to a settled way of life. Police forces across the country used these laws liberally to persecute the De-notified and Nomadic Tribes (DNTs). These tribes were regularly subject to public humiliation, atrocities, beatings and custodial deaths.

There are various key issues of DNT and NTs which are interlinked. The major problem of these communities is their omission from Census data and therefore there is no census data on DNT and NT population. No census means removal from the development schemes and policies and political participation. Another issue is criminal stigma attached to the communities. Stigma of being ex-criminal community affects their day-to-day life which leads to their social exclusion. There is also an absence of uniformity in their categorization as ST, SC and OBC across the country, e.g., Banjara in Andhra Pradesh is ST and SC in Karnataka and DNT in Maharashtra.¹² Due to these different statuses, the constitutional rights available to SCs and STs in the country are not available to them as they are NT/DNT in Maharashtra, despite the fact that Article, 17, 18, 19, and 21 of the constitution provides citizens the right to settle in any part of the country. The members of these tribes can do so only at the cost of their constitutional safeguard, which amounts to a gross injustice to them

The Nomadic and De-notified tribes in most of the states of India were included in the category of Scheduled Tribes as they fulfill the criteria in most cases; however, some of them are still deprived of the safeguards and provisions as they continue to remain in the 'VJNT' (*vimukta jatis* and nomadic tribes) category in Maharashtra and other Backward Classes in the Central Lists. These communities are not much researched except the administrative records and so there is need to study of NT and DNTs at the community level as well as regional or national level. Later the states were also given the authority to make any special provision for the advancement of any socially and economically backward classes by appointing special commissions under Article 340 in the Indian Constitution. Until 1980, the reservation policy was extended to the people belonging to Scheduled castes (SC) and Scheduled Tribes (ST). Later, after the "Mandal

Commission's report on Reservation", the provisions were also extended to other backward classes (OBC) and 27% reservation was given to the OBCs in jobs and higher education. There are a few tribes in our country who have been named as Nomadic because of their lifestyle and some as de-notified because of their traditional occupation ways.

There are no constitutional provisions for the socio-economic development and protection against any exploitative measures. The reservation policy for backward classes is an effort by the government to improve the social, economic and educational status of these people. However, the benefits of these policies are how far accessed by these people is in question. The economic and educational status of this community is still very dismal. Several initiatives have been taken by the governments since the Pre-independence period by the formation of committees, commissions and bodies like the Backward Classes Cell (BCC), Ministry of Social Justice and Empowerment, National Backward Classes Finance and Development Corporation (NBCFDC), the National Commission for Backward Classes (NCBC) etc. to improve their living conditions. The tribes/communities identified the de-notified tribes as nomadic tribes have been subject to social exclusion even today. The reservation policy for backward classes is an initiative by the government to uplift the most deprived section of the society and improve their social, economic and educational status. In the constitution, OBCs are described as "socially and educationally backward classes", and government is enjoined to ensure their development. Caste systems are traditional, hereditary systems of social stratification, enforced by law or common practice, based on classifications such as occupation, race, and ethnicity etc.

The government initiatives began in post-independence era with the formation of First Backward Classes Commission, in 1953 under the chairmanship of Kaka Kalelkar, followed by Mandal Commission under B.P. Mandal and Supreme Court interim stay etc. In spite of these efforts of the government, the NTs/DNTs did not receive any attention or any kind of development and protective measures by the country. Even today they are the victims of humanity, discrimination, social stigma etc. most of the population even today lives with

disrespect and are mistreated as criminals. The majority of the population is far away from education and continuing with its traditional occupations, or settled as marginal farmers, or wage earners.

2.3 Post Independent Situation of De-Notified Tribes: -

In January 1947, Government of Bombay set up a committee, which consist Mr.B. G Kher, then Chief Minister Mr. Morarji Desai, and Shri Gulzarilal Nanda, they look after into the matter of “Criminal Tribes’ and result was in repeal of Act in Aug 1949 and it transformed the status of 2,300,000 tribes being decriminalized. After independence, the Act was ultimately repealed. First time it was in Madras Province in 1949, after that great resist of some communist leaders the number of tribals listed under “Criminal Tribe Act were reduced”. Soon after the committee was appointed by central government to study the importance of this law and it is reported in 1950 that the system infringes spirit of the Constitution of India.

The massive crime wave after the criminal tribes were de-notified led to a public outcry and the Habitual Offenders Act, (1952) was enacted in the place of CTA; it states that a habitual offender is one who has been a victim of subjective and objective influences and has manifested a set practice in crime, and also presents a danger to society. The Habitual Offenders Act effectively re-stigmatized the already marginalised "criminal tribes". The previously criminalized tribes still suffer a stigma, because of the ineffective nature of the new Act, which in effect meant relisting of the supposed de-notified tribes. Today the social category generally known as the de-notified and nomadic tribes includes approximately 60 million people in India.

On 9 March, 2007, the UN Committee on the Elimination of Racial Discrimination (CERD) issued a concluding observation in which it said, “The so-called de-notified and nomadic

which are listed for their alleged ‘criminal tendencies’ under the former Criminal Tribes Act (1871), continue to be stigmatized under the Habitual Offenders Act (1952).”

A report by the Resist Initiative International, a south Asian human rights and democracy organization, in February of that year, said the listing of de-notified nomadic tribes under the Habitual Offenders Act continues to “negate the universally proclaimed principle that” all human beings are born free and equal.

The report further said India’s National Human Rights Commission (NHRC) had previously devised a special panel in 1998 to look into the condition and treatment of the country’s tribal people. Subsequently, the panel’s report in 2000 recommended that the Habitual Offenders Act be repealed.

In 2008, the National Commission for De-notified, Nomadic and Semi-Nomadic Tribes (NCDNSNT) of Minister of Social Justice and empowerment recommended that same reservations as available to Scheduled Castes and Scheduled Tribes be extended to around 110 million people of de-notified, nomadic or semi-nomadic tribes in India; the commission further recommended that the provisions of the Schedule caste and schedule Tribes (Prevention of Atrocities) act, 1989 be applicable to these tribes also. Today, many governmental and non-governmental bodies are involved in the betterment of these de-notified tribes through various schemes and educational programs.

2.4 Role of Law and Judiciary: -

The Indian constitution have several provisions to maintain equality and security of unequal of society, as well enacted various policies to uplift them in 2013, Indian government constituted a high-level committee headed by Virginius Xaxa to examine the socio-economic, health and

educational status of Schedule Tribes (STs) and suggest policy initiatives as well as effective outcome-oriented measures to improve development indicators and strengthen public service delivery to STs”. The committee made several major recommendations in its report in 2014. One of its recommendations was that delivery of social justice to STs must be monitored by the National Commission for Scheduled Tribes, both at the national and state levels. Following a transparent policy with regard to employment opportunities for STs in the public sector, with special attention to particularly vulnerable tribal groups; strict implementation of Free and Compulsory Education Act, 2009 in tribal areas; adoption and implementation of annual “Tribal Health Plans” at all levels; and generation of segregated data on STs such as tribe-specific health indicators at all levels and composite tribal development index were other recommendations for welfare of the STs.

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Chapter –III

Living Conditions of De-Notified Tribes in Jalgaon District

This chapter describes the life of the community in rural part of Maharashtra. It further explains changes in the community in the context of their identity and livelihood. Livelihood dependency and its connection with the landlessness, absence of traditional occupation were narrated. The responses of the participants about their life at the village give the understanding of the situation of the DNTs and NTs in the Maharashtra. The narratives of the participants have been put forth under various themes and subthemes. This chapter gives an overview of the challenges faced by the community in earning the livelihood, achieving education, and adjusting with various shifts in their identity as well as their occupational changes.

3.1 Status of Tribes in Jalgaon District: -

Tribals in Jalgaon district are mostly surviving in forest areas, they do not have settled houses very few only have houses. Basically Tadvi, Pawri, Bhill, Pardhi and Banjaras are communities which are continuously wondering and migrating for their survival. Most of these communities are following Hindu rituals, but Specially Tadvi community in this region is following Islam. Maximum tribals in this district either serving in the fields of other or depend on things obtain from forest.

The Nomadic and De-notified tribes have a rich heritage of culture that is distinctly different from other social groups. The Ramoshi tribes are victims of social stigma and discriminations. Most of these people are deprived of the fundamental rights of respect and dignity in society even today. Their conditions of living in the context of social, economic and education remains a question. At present, they are mostly settled in the rural area as cultivators, farmers or shepherds. Though Criminal Tribes Act was repealed in 1952, the stigma of criminality is still attached to them. The stigma of criminality became the reason for their victimization, persecution, and torture by the

British. Anywhere an act of theft or robbery takes place persons belonging to these tribes in the nearby area were arrested and tortured even today. Mostly the offence of robbery, dacoity or theft is presumed to be done by these tribals.

Vanjari and Dhangar tribes in their primitive state, led a roving unsettled life, like many of the nomadic tribes. They used to settle on at some distance from habitation of the more civilized order of society, and occasionally when opportunity offered, plundering travelers; they also attracted at night the houses of the residents of various houses in town and village where they halted during their travel; to protect the residents and their property from these troublesome and dexterous robbers various measures and precautions were taken; the inhabitants of various places deemed it most advisable, to employ some of these people in the capacity of preventing police; and it may be observed, that it has become frequently necessary in many parts of the country, to continue a system perfectly analogous in modern times (Morris, 1834).

This section explores the history of the community and the causes in history due to which the tribe suffers. It uncovers the historical situation which impacts the lives of the tribals in Maharashtra. Further, it aims to explain how the historical background of the community impacts the lives of the tribes. Pardhi, Padwi, Bhill and Tadvi are presumed to be the ex-criminal tribes in India. They were known predominantly in Maharashtra.

3.2 Rituals and Customs of Tribals in Jalgaon District: -

Marriages--The tribals follow certain specific rituals and customs. They have specific religious beliefs too. They generally marry in their community only, but inter community is also followed. Especially in Tadvi community they follow Islam and they solemnize Nikah as per direction of Islam. In Tadvi community they got marry in cousins as in Islam. Rest all are following rituals of Hindu custom. But in all these community early marriage and number of marriages is in practice. Today also child marriages are in practiced, except Vanjaras and Dhangar all are following child

Marriage. Divorce is allowed and can be initiated by either party. Divorce cases are heard in the caste council where the decision is granted. A husband can seek a divorce for adultery and if the wife cannot bear a child. A woman can also obtain divorce if the husband is not capable of supporting her, inflicts physical injury or suffers from an incurable disease. Remarriage is allowed and in practice for women to.

- *Barase* and *pachavi*--(naming ceremony of the new-born) -- Child is named on 12th day and the day is celebrated by distributing sweets. On 5th day '*pachava chipuja*' (fifth day worship) is performed. This time '*satwai*'(goddess) is worshiped. Child is generally named on twelfth or twenty-first days.
- *Funeral rites* -- Tadvis follow Burial because they follow Islam and as per Islam they do. All other do cremation as they settled near the villages. On 3rd or 7th or 12th day they do ritual "Ant Vidhi" '*uttarkaryavidhi*' (rituals after the funeral) is performed that time generally on tenth and twelve day.

3.3 Language and Literature: -

Some of tribal communities in Jalgaon district they speak Tadvi, Pawari, Padawi dialect, which appears to be a mixture of Marathi, and some speaks Marathi or Iaiharani dialects. Banjaras speak banjari which is mixture of Hindi and Marwari, Vanjara, Bhamta Rajput and Dhangars speaks Marathi or Ihirani. Those who migrate for search of livelihood they are speak local or regional language where they are staying. In terms of literature, they write the Marathi language by using the Devanagari script in Maharashtra.

3.4 Food and drinking habits: -

Generally, all are non-vegetarians but all do not eat beef and pork except Tadvi. Their staple cereal is *Bhakri* (*Jawar or bajara roti*) and *Thecha* (*Green Chilli Chatni*) pulses and in rare case rice to use by them. They use groundnut and oil as the main cooking medium. The consumption of seasonal vegetables is moderated. They consume milk and milk products. Alcohol is produced or purchased from the market and drunk by males only in maximum

but in some male and female both consume liquor. Tobacco chewing is common among all these tribals.

3.5 Inter Community Relation: -

In earlier period these tribal were quite rigid about inter community relations but now due to education and advancement of communication they maintain a cordial interpersonal relation with other communities' they exchange food and water with communities parallel to their social rank. The modern intercommunity linkage is maintained through members in the defense services, a few primary teachers and petty traders. Their intercommunity relations also getting change time by time. Slowly some of these are becoming the part of the villages such as Banjaras, Vanjari, Bhamta Rajput and Dhangars.

3.6 Modernization: -

The attitude of the all tribes towards education is not equal specially Pardhi, Tadvi, Pawara, and Bhills they do not focus on education of girl still. Those who settled in villages they started to favor among the boys and girls. The reason for dropping out is mainly due to their poor economic status. Their attitude is also favourable towards modern Medicare. Some of them have all the modern amenities like drinking water through pipelines, electricity, roads, transportation services, middle and high school, rationing and loan facilities for farming through banks. In farming, they use organic as well as chemical fertilizers and insecticides. They are adopting new things regarding cultural and developmental patterns. But still, few of them are residing in forest they are lacking from all these facilities even basic thing are rare and hard to get, particularly those who residing in Yawal and Pal area they do not have proper roads, schools and medical facilities nearby. They face difficulties and due to this lacking from education.

3.7 Economical life and resources: -

Generally male and female both work in all the triable communities, same is found in this region too. But females are not allowed to go out of village or talukas for earn, usually female should work with family members or in local area. But due to poor economic condition creates the pressure on the youths so they started working at an early age. If needed, they choose to migrate to cities and *taluka* places. Such places are full of opportunities with higher wages. One of the respondents **Bhika** says:

Only when our children went out of village *gavabaheer* (outside the village) to work and started earning well then our economic *paristhiti* (condition) improved comparatively. (Interviewed: 13/06/17) Children from the community start working with their parents. Youth generally leave the village in search of better wages. Earning and supporting a family is the economic need of the family. There will be economic stability in the family when maximum members of the family start working. Other than the classification of the community there are other problems which community faces such as landlessness and educational backwardness. Today Tribals are primarily involved in the unskilled labor and the agricultural laborer's jobs. One of the respondents **Rupsing** says:

The absence of education in the community leads to alcoholism and other addiction. The community is landless if atoll somebody owns the land that land is gifted land which is *malran* (barren) and unproductive in nature. As compared to other communities we are lagging behind economically and educationally too '*sheti kiva majuri kelyashivay paryay nahi*'. (Other than farming and wage laborer there are no any other options available to community members). (Interview: 24/06/18)

Landless and lack of education have kept the community in the web of backwardness. Few families in the community own their ancestral *inami* land in Bidal and Mahimangad which is unable to cultivate owing to its bad quality. In such situation, Tribals are left with two options farming or wage earning. Actually, the villages are divided into two groups, resourceful and resource less communities.

One group will be wealthy, resourceful and the other one will be backward. One of the respondents **Dadakh** says: Landless and lack of education has kept the community in the web of backwardness. Few families in the community own their ancestral *inami* land in Bidal and Mahimangad which is unable to cultivate owing to its bad quality. In such situation, Tadvis are left with two options farming or wage earning (29/07/2018).

3.8 Status of Women in these Communities:-

After independence there is transformation seen in the status of Indian women but it is not seen in the status of tribal women. Still tribal women are lack behind the education, vulnerable health and exploited life. During this project work when I went for interview DNT women it came in picture that still these women do not know the value of rights, even many of them were not able to know rights. Still child marriages, pre pregnancies, breach deliveries and unhygienic health they suffer from lot many problems.

Customarily, the tribal women were not wearing the blouse, but due to modernization they have changed their traditional attire. The tribal women in Jalgaon district do not cover their face with cloth as per the Hindu Culture except *Tanda wale Banjara* women. They go out to undertake agricultural activities such as tradition to plucking up cotton, weeding, harvesting and other agriculture work. Tribal women in Jalgaon district are equally working as men and contributing in economic growth. These women are double vulnerable, first as a woman and secondly being a tribe women, still in tribal untouchability, sexual exploitation, abuse and cruelty is high as compare to other women. Due to lack of education less awareness more exploitation and resident in rural and tribal areas is reason of their plight. As her work equal to men, even more than men because she handles all house hold core as well kids but still no dignity of her status. In maximum families' men are addicted and after consummation of licker men use to do cruelty,

frequent quarrels and mental torments are regular part of their life. So, we can't say the status of tribal women is transformed much. Only few families those settled in urban areas and educated status of tribal women is satisfactory, rests all are vulnerable.

3.9 Problems of De-Notified Tribes in Jalgaon District:-

De-notified Tribes of Jalgaon district are facing many problems since beginning. New more problems have been added gradually rather of their solutions. During household survey, following problems have been identified:

- a) **Poor wage** rate of farm laborer's and **labour-owner relationship** causes mismanagement of the daily life of tribal people.
- b) **Unemployment** problem is very prominent in farms and forest area. Many people forced to go outside for jobs but many times they are cheated by the middlemen.
- c) Frequent **closing of employment under different rojgar yojana** for days after day even years after year creates evil effects on tribal people. Starvation, mal-nutrition and death in closed employment at villages.
- d) **Health and sanitation problem** is very acute in most of the tribal areas. Family planning programmed is mostly ignored. Child health care facilities are not up to the standard level.
- e) Tribal people are mostly **addicted of different toxic components and** alcoholic beverage substitute to alcohol is available in every rural local market during afternoon. After intoxication or consumption of liquor they behave like mad, unable to do work for a while. Their earning money mostly goes for intoxication and in liquor.
- f) **Illiteracy and lack of awareness** prevails among the tribes in most of the DNTs. Due to lack of awareness many people cannot able to afford government facilities that were introduced for the tribal and poor people.

g) High **dropout** in school is also found among the tribes of Banjaras, Pawari and Tadvis. As a consequence, higher education remains out of reach for these DNTs people.

h) The **age old rich tribal culture has been assimilated** due to close and long association of one tribe to another and tribal with non-tribal people.

i) A section of young tribal boys and girls are gradually unintendedly following **evil things** e.g., stealing and uprooting the trees, cutting trees, committing petty offences and similar activities.

j) Modernization has squeezed their **value systems**. New generations are reluctant to follow the traditions.

3.10 Attitude towards the Development:-

In Maharashtra the Rajput Bhamta, Banjara, Pardhi is listed under De-notified Tribe which is economically and educationally backward list of castes. Hence, they get all educational facilities provided by the government such as free books, fee concession and free hostel facilities. They also get seats in professional courses such as medicine and engineering under the reservation category. Formal education up to secondary level is available for both boys and girls. As a result, today in the city and Tahsil places there is more number of literates in the Tribble community than compared to older generation. A few women who are educated are occupying class three posts in government agencies as teachers and clerks. Today tribbles are also becoming health conscious and are taking instructions and other help from the government health and medical department. Village level health workers visit villages under their jurisdiction once in a month to offer the services to the needy.

They also avail the indigenous or traditional Medicare facilities available in their individual community. They take treatment from them to cure themselves from evil spirits ('Dakin'), fit and paralysis.

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Chapter-IV

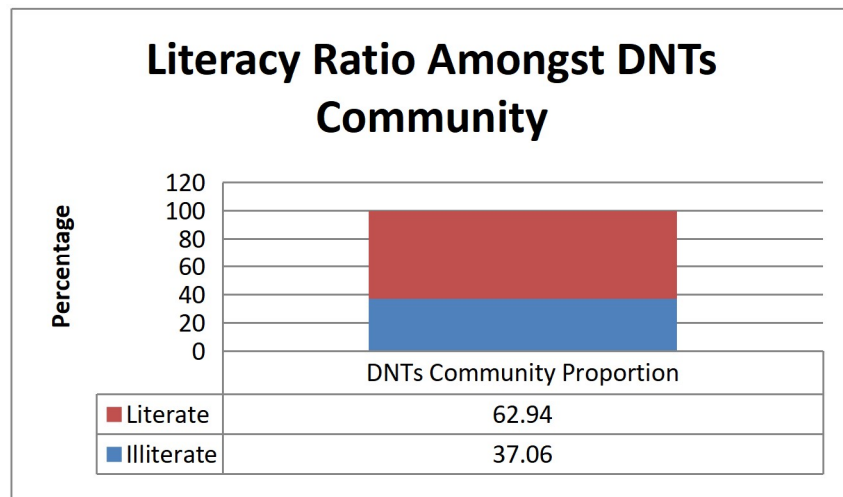
Conclusion and Recommendations

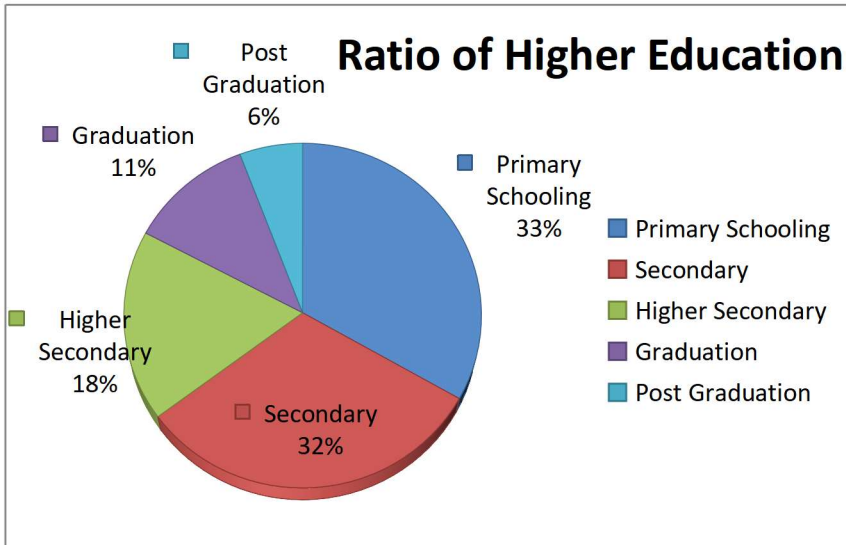
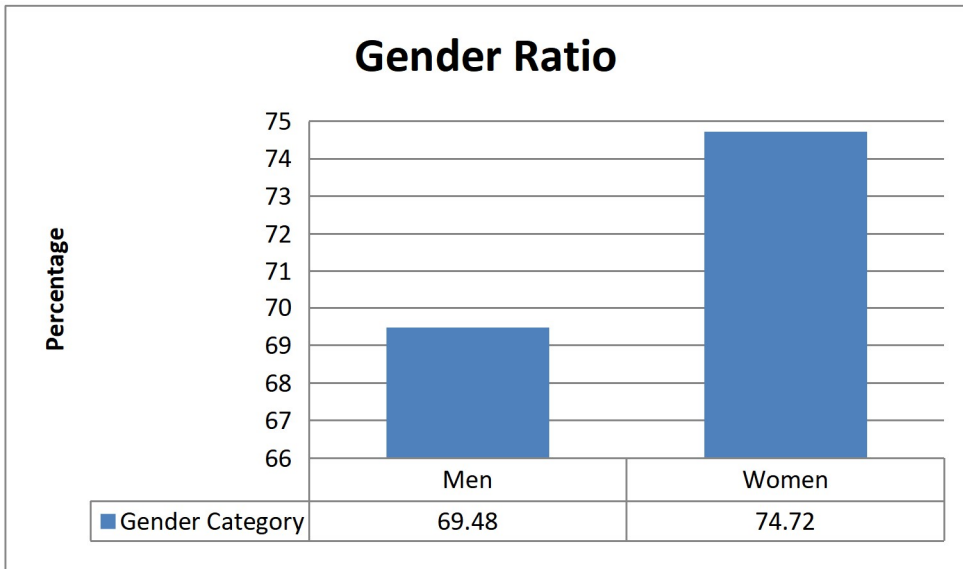
4.1 Conclusion:-

The life had evergreen the same and stable since inclination of human race. Human had always neglected excessive forces and there by the availability of human life is determined. On the basis of knowledge, awareness, human behaviors, due to backwardness and their inventions. Due to this De-notified tribe's attitude continuous with guilty acts. This automatically could be eradicated by improving creating awareness about their basic rights under which DNTs could be betterment of their rights.

This last chapter includes conclusions drawn after studying the primary and secondary data related to De-notified and Nomadic tribes. After that accordingly effective recommendations are put forth as per follows.

1. Even today, the illiteracy ratio remains highest among De-Notified Tribes and Notified Tribes. Out of that selected ten communities, the Pawari/Pawara occupies the highest ratio 67.91% of illiterate members. In all 37.06 % De-Notified community members are far from education and 62.94 % were found to be literate. Amongst around 71.87% men and 51.65 women are literate. It has been observed that some of the communities are reluctant about education for girl child, and hence they hesitate to send girls to schools.



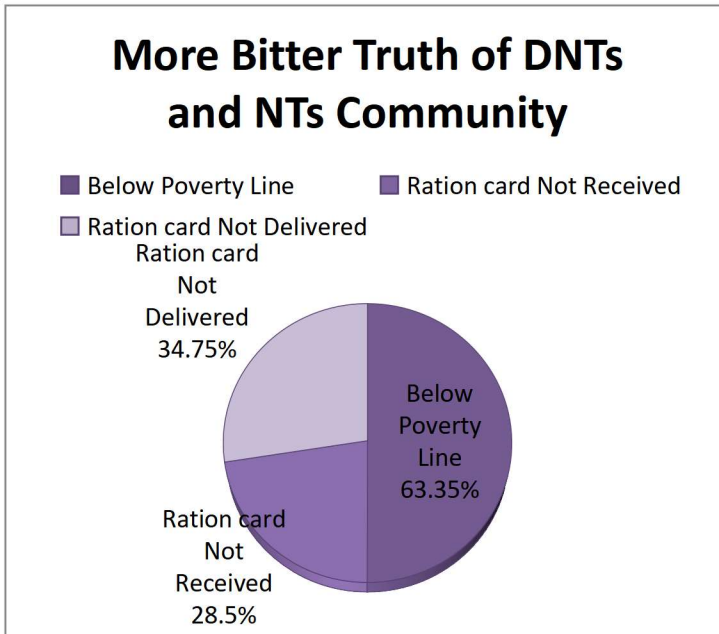


2. The ratio of enrolment in higher education is extremely low among De-Notified Tribes and Notified Tribes. 16.75 % people completed primary schooling, 15.92% could

Complete secondary, 9.03 % managed to go to higher secondary, 5.79% appeared for graduation and just 2.92% persons found to be educated up to post-graduation.

Shockingly enough, out of ten communities, among the Pawari, Banjara and Tadvi Bhill communities none of the members have been able to enroll for post-graduation.

3. Bitter truth is that 63.35% families in De-Notified Tribes and Notified Tribes survive



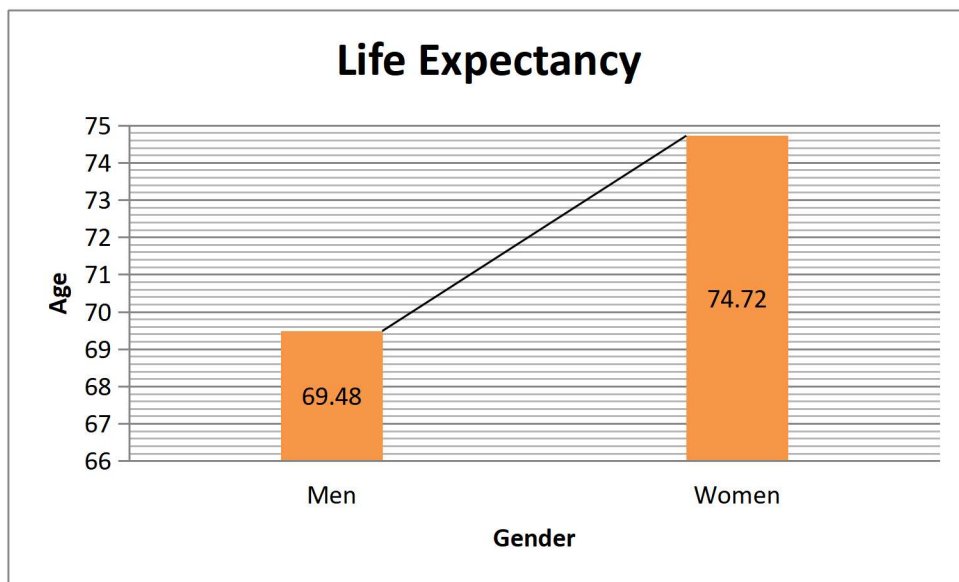
below the Poverty line. To the dismay of a sensitive person, 28.5% families are yet to receive Ration Card, 34.75% families complain about no deliverance of the Ration Card and Aadhar card in want of permanent rehabilitation. The reason behind is non-submission of required

documents, such as proof of identity, which is again not issued by government agency. Even many Banjara families reported that they don't have election card and they don't have birth certificate of their children due to this their kids can't go to school. This all culminates into absolute deprivation of De-Notified Tribes and Notified Tribes. from all of the welfare schemes, for instance Public Distribution System.

4. In Jalgaon district, about 20% De-Notified Tribes and Notified Tribes reside in detached, inaccessible and remote areas, wherein none of the basic medical facility is provided. Their dwelling place has made it difficult to reach out necessary health care facilities. 44.25% families informed lack of clean drinking water resources that placed them into

unhygienic, vulnerable, epidemic conditions. During the survey it has been found that 23% families had to lose their young ones at a tender age or infancy. The De-Notified Tribes and Notified Tribes approached cities in search of employment had to dwell in temporary tents, slum areas where 60.75% persons are addicted to drinking, smoking etc. harmful activities.

5. Majority of the De-Notified Tribes and Notified Tribes communities even today follow superstitious practices and age-old customs and rituals. According to the survey 51.5 % families offered religious vows. Still if any one got ill they feel due to some wizard or bad spirit. Instead of going to doctor they go to Baba or Peer.
6. De-Notified Tribes and Notified Tribes have been conferred with different set of reservations across the country. Despite identified as one community but they enjoy different constitutional reservations in each of the states and territories. In Maharashtra the DNTs and NTs have been provided with just 11% reservation which is incompatible with the exact population ratio of the communities.
7. Life expectancy among the De-Notified Tribes and Notified Tribes was found comparatively normal. In some of the communities, who mostly are involved in hard physical labors, life expectancy is lower. In all the survey concluded 72.10% life expectancy among De-Notified Tribes and Notified Tribes. 69.48% and 74.72% is the life expectancy of men and women in the said communities respectively.



8. Tadvi, Pardhi, Pawri and Banjara communities are engaged in rearing live stock. Being mostly ignored communities their livestock is always vulnerable to natural calamities without any type of vaccination. Moreover, due to lack of any pasture land the problem of availability of enough fodder had been the constant issue in front of the families.

9. Most of the De-Notified Tribes and Notified Tribes haven't been able to settle down permanently. At present near about 46.75% DNT and NT families had to migrate in search of employment, labour. Therefore, they possess none of the permanently earning sources.

10. In Jalgaon region still families from De-Notified Tribes and Notified Tribes borrow money and have never tried to draw loan from banks. To draw loan from bank one needs advance money; but in absence of permanent source of livelihood how one can demand for loan. However, if any one of them tries for the loan facility, it is hardly utilized for productive affairs such as business, or agriculture. Conversely, the money is spent on unproductive things like marriage, festivities, and religious vows.

11. Women in De-Notified Tribe and Notified Tribe communities share an important contribution towards family income. Vanjari, Banjara, Rajput Bhamata community women are engaged in agricultural or household work. In other community the women contribute in physical labour supporting the family in earnings. Paradoxically, even in current liberal situations women are not included in financial decision making of the family. In number of families earning of woman is only means of survival.

4.2 Recommendations:-

1. The Ministry of Social Justice, Empowerment and State and central Governments are implementing various schemes for the development of Scheduled Caste, Scheduled Tribes and Other Backward Classes. These schemes, inter alia, relate to grant of various kinds of coaching centers, education 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 De-Notified Tribes 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 De-Notified Tribes.

2. De-notified Tribes, particularly Nomadic Tribes found largely BPL population. It is, therefore, necessary that the States/UTs undertake the exercise of issuing Ration Cards/Aadhar Card/Election Cards and Birth Certificates to De-Notified Tribes families by organizing a special campaign both for urban and rural areas.

3. The Union and the State Governments may launch a scheme to develop Special Socio-Economic Settlement Zones (SSESZ) for De-notified Tribes and Nomadic Tribes at suitable locations on. The line of the Special Economic Zones for Industrial Units will help to get job and might increase financial status. Locations of such SSESZ shall be in

the neighborhood of either SEZs of the other industrial areas or trade or business centers to enable the residents to get an opportunity for employment. Such SSESZs can be developed for at least 1000 families at one place with minimum infrastructure, like electricity, drinking water and schools, etc.

4. The women belonging to De-Notified Tribes are particularly prone to harassment not only by society but also by anti-social elements. To save DNTs women from such harassment and enquiry and to create a feeling of goodwill in society, it is desirable that a Member of the National Human Right Commission at the National level for Women and of the State Human Right Commission at state level should be appointed from the De-Notified Tribes.

5. Since education is the cornerstone for the upliftment of De-Notified Tribes, the Ministry of HRD may put separate outlay for the DNTs for next Five-year Plan and monitor its utilization accordingly. This will ensure focused attention of the Government on the education of De-Notified Tribes and there needs of funds there for.

6. SCs, STs and OBCs are enjoying the benefit of reservation in Government jobs presently. In order to enable the Scheduled Tribes (De-notified 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 cores.

7. 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 De-Notified Tribes on lease basis to enable them to grow crops, vegetables, plants and flowers and herbs etc.

8. It is also suggested that Mobile Dispensaries for veterinary care be provided on the migratory routes of the Pastoral Tribes for their cattle as also for their families. Arrangements should also be made to deliver technical guidance on continuous basis to the past or a list to upgrade the quality of their livestock and Government compensates these tribes for the adverse effect of such calamities. Considering the population of De-notified and Nomadic Tribes in the country and their non-participation in the democratic process, it is suggested that seat in every Gram Panchayat, Block/Tehsil (Taluka) Panchayats and Zila Parishads may be reserved for Scheduled communities (De-notified 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.

9. Social stigma on De-Notified Tribes and discrimination created by other communities to define De-Notified Tribes over a period of time. These titles shall be transformed into normal community due to that person would not become the victim of discrimination in the society. DNTs are an example where they were labelled as criminals and later society started identifying their behaviour and culture as a deviant one.

10. Improvement of literacy rate is essential but language for communication between teachers and students becomes barrier because tribal language is different and in Jalgaon region Marathi language being used due this barrier drop out from school is found.

11. Maintenance of Tribal Culture Imposition or assimilation of non-tribal people with the tribal people will surely erode identity of tribal culture. But for ecological point of view and for sustainability of tribal people it required special attention to take

developmental efforts not to harm their social structure but to cope with this. Government and administration should encourage the tribal people to nourish their cultures.

12. Continuous circulation about Government Schemes Most of the tribal people owing to the low level of literacy and general ignorance most tribal people are not aware of the various schemes launched for their benefit. No doubt that there are wonderful schemes of the Government of India for the benefit for the progress of the tribal people. Most unfortunately these do not reach to them but are siphoned away by miscreants. So, there shall be proper mechanism to avail the mschemes timely.



TITLE
PLIGHT OF DE-NOTIFIED TRIBES IN JALGAON DISTRICT – A HUMAN
RIGHTS PERSPECTIVE

SUBJECT
LAW
PRINCIPAL INVESTIGATOR
ASST. PROF. DR. VIJETA S.SINGH
S.S.MANIYAR LAW COLLEGE, JALGAON.

SUBMITTED TO
UNIVERSITY GRANT COMMISSION
(WRO PUNE)
THROUGH

BCUD
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BAHADUR SHAH ZAFAR MARG
NEW DELHI-110 002

UNIVERSITY GRANTS COMMISSION
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**Annual Report of the work done on the Minor Research Project
Entitled
Plight of De-Notified Tribes in Jalgaon District- A Humans Right perspective**

**First Report For
(XIIth PLAN)**

1. UGC Reference No: F-23-1173/14(General/176(WRO) XII Plan
2. Period of report : From 01.04.2017 to 31.03.2018

3. Title of research project: Plight of De-Notified Tribes in Jalgaon District – A human Rights Perspective
 - (b) (a) Name of the Principal Investigator: Prof. Dr. Vijeta S. Singh
 - (c) Deptt: Law
 - (d) College where work has progressed S.S.Maniyar law College, Jalgaon
3. Effective date of starting of the project 01. 04. 2017
4. Grant approved and expenditure incurred during the period of the report:
 - a. Total amount approved Rs. 1,85,000
 - b. Amount Received in first installment Rs. 1,35,000
 - c. Total expenditure incurred Rs. 1,50, 000
 - d. Report of the work done: 01.04.2017 to 31.03.2018

Project report No. 1st

Brief Objectives of the Project:-

1. To describe the meaning and definition of De-notified Tribes
2. To discuss about the problems of De-notified Tribes
3. To examine the legal provisions and the Role of Judiciary
4. To study the concept of human Rights of Tribes
5. To study about the special provisions under central legislation and state legislation
6. To create the awareness about the Rights of Tribes among the De-Notifies Tribes
7. To Study and pursue the role played by Indian Judiciary in promotion of tribes' human rights and other rights.
8. To conclude with effective recommendations.

I. Work done so far and results achieved and publications, if any, resulting from the work (Give details of the papers and names of the journals in which it has been published or accepted for publication)

After the 70 years of Independence, it is a matter of great pity to have certain vulnerable groups like De-notified Tribes still in their own primitive condition even after a quite long period of commencement of the Indian Constitution. No benefit of socialist, secular, democratic, republic could reach up to those neglected people.

It is , therefore proposed to know as to who are De-notified and Nomadic Tribes , what is their main problem and how could it be solved and how could they be brought into the main stream of Indian society .

Who are De-notified Tribes? The DNT'S or Vimukta Jatis are the former criminal tribes. Previously under The Criminal Tribes Act, 1871 a small section of our society was degraded and segregated as 'criminal tribes'. They are constrained to live on criminal avocation. They were subjected "to constant vigilant watch by the administrators and their movements were closely observed" and markedly restricted. After Independence a committee was constituted under the Chairmanship of Shri. Ananthsayanam Ayyangar was formed in 1949 to study and report on their socio-economic condition. After detailed study, it submitted its report in 1950, in which it made several recommendations including the repealing of the Act of 1871 and undertaking poverty amelioration programme.

The word 'Tribe' denotes a group of people living in fixed territory. These Tribes are a social group of living in a fixed territory having no such specialization of functions and the people living in these social groups are known as tribal people. Tribes also have several sub groups and collectively they are known primitive and ruthless conditions. As 'Tribal Society' Tribes are the inhabitants of forest since pre-history and even in this modern world this trend is followed by many people.

The whole population of India includes nearly one hundred million tribal populations; these numbers are matched only by remarkable diversity of Indian tribes. The two regions of India are widely crowded by tribes' North-East states bordering China and Burma, the central plain and southern regions. The 80 percent of the tribes are having inhabitation in central plains and southern part of India, which differ from the north – East tribes in ethnicity.

In India, 705 ethnic groups are notified as Scheduled Tribes (STs) spread across 30 States or Union Territories. These are considered to be India's indigenous peoples.¹As per 2011 census, with a population of 104.3 million, they comprise 8.6% of the total population of India – almost 90% of them living in rural areas. There are, however, many more ethnic groups that would qualify for Scheduled Tribe status but which are not officially recognized. The largest concentrations of tribal peoples are found in the seven northeastern states India, and the so-called “central tribal belt” stretching from Rajasthan to West Bengal, where the STs are usually referred to as Adivasis, which literally means indigenous peoples.

In India, Tribes are treated very low, are execrated and are even treated as untouchables by the prevailing adherence to social norms and caste system. The tribal people were compelled to perform duties which were considered inferior because of their economic backwardness and illiteracy. Since, these people were ill-treated and were not enjoying equal status with other people are guaranteed to all the citizen of India by Article-14 of the Constitution of India.

A survey through questionnaire method in this regard was conducted in Most of the talukas of Jalgaon District. The tools of interview are effective in this research. During last year Researcher has attended one international Conference and presented paper on the topic of *Human Rights Perspective of De-Notified Tribes in India* organized by Dy Patil College of law Pune, and Paper presented and published in National seminar Organized by NTVS College of Law Nandurbar on the topic of *De-Notified tribes in India & Their Human Rights*.

II. Has the progress been according to original plan of work and towards achieving the objectives?

The research work is being carried on as per plan only. The researcher has started conducting survey from legal experts including lawyers and teachers in order to have much

clarity as toward rights of De-notified Tribes as well as conducted survey conducted interviews. The response as were expected from Tribal people is appropriate and researcher is trying to find root causes of their problem. Research is going on proper way and researcher is achieving the objectives of the research project.

SIGNATURE OF

THE PRINCIPAL INVESTIGATOR

PRINCIPAL

(Seal)

change the present socio- economic structure of this society and believe that all the present day problems plaguing them would be solved in the new society as that society endeavors to bestow political power on them.

Conclusion –

In spite of various constitutional provision and policies for the tribal, it is hard relating that the tribal emphasized need for the tribal development in India .Their low level of economic activities, health conditions makes its is vital for a systematic process of tribal development . They work hard and contribute significantly towards the economic condition of family, but they are still in poverty mostly because no proper efforts are oriented towards them. During the plan periods, various programs are taken up for the development of scheduled Tribe population and a lot of betterment has been done, but still a lot more require to be done. The families need to enable them to cross the poverty levels, since the economic levels, aspects of life and living conditions, it is of utmost importance. Education will enable them to take up the jobs so that they can improve their situation. Thus increasing the literacy rate and providing opportunities for gainful employment for the tribal women will be instrumental in bringing about a change in the status of tribal women in India and to handle to challenge successfully

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PLIGHT OF TRIBELE WOMEN IN INDIA

- A HUMAN RIGHTS PERSPETIVE

Dr. Vijeta S. Singh

Asst. Prof. S. S. Maniyar Law College,
Jalgaon

Abstract :- India has the second largest tribal concentration in the world spread across various parts of the country mainly in forests and hilly regions. The tribal people were considered unclean by most of the people of Indian society and they were socially distanced and often used to face violence from the society. In the past, there were several human rights violations and brutality, particularly on tribal women. Women from weaker sections of society have suffered long due to repression. They are considered as a weaker sex and are given a subordinate status in the society. The factors of sufferings of women particularly tribal women are deeply rooted in the socio-cultural beliefs in India. The main problems of Tribal women in India are Child marriage, pregnancy in Tender age, infanticide, homicide, declaration of Dakin, exchange of wives, black magic, illiteracy, unemployment, Health, Sanitation Problems and other detrimental practices like domestic violence are still prevailing among them. Education, employment and empowerment are the three 'E's for the advancement and progress of tribal women.

Key Words:- Tribal women, Plight, Human Rights & Empowerment.....

Introduction:-

It is a matter of great pity to have certain vulnerable groups like Tribes still in their own primitive condition even after a quite long period



of commencement of the Indian Constitution. No benefit of socialist, secular, democratic, republic could reach up to those neglected people.

It is, therefore proposed to know as to who are Tribes, what is their main problem and how could it be solved and how could they be brought into the main stream of Indian society. The word 'Tribe' denotes a group of people living in primitive and ruthless conditions. These tribes are a social group living in a fixed territory having no such specialization of functions and the people living in these social groups are known as tribes or tribal people. Tribes also have several sub groups and collectively they are known as 'Tribal Society'. Tribes are the inhabitants of forests since pre-history and even in this modern world this trend is followed by many people. India has the second largest tribal population in the world. In India, Scheduled Tribes are mainly spread across the forests and hilly regions of India. Tribes in India are mainly characterized by their geographical location and distinct culture. In India, tribes are treated very low, are execrated and are even treated as untouchables by the prevailing adherence to social norms and caste system. The tribal people were compelled to perform duties which were considered inferior because of their economic backwardness and illiteracy. Among the tribal, tribal women are most vulnerable group of society.

Historical Background:-

Back in history, the tribal people were in fact self-governing first nations. These subjugated tribal groups were forced by the people belonging to upper castes to perform menial jobs like small household works, sweeping, cleaning of excreta, leather works, removal of dead bodies etc. The tribal people were considered untouchables and they were not even allowed to sit along with the people of upper caste. Their sovereign existence outside the mainstream led to the preservation of their

socio-religious and cultural practices as there were no interference by the mainstream society. The tribal people were considered unclean by most of the people of Indian society and they were socially distanced and often used to face violence from the society. Apart from the encounter of the tribes with the various civilizations, there was also the influence of the foreign missionaries in the past and of the dominant society through the fundamentalist forces in the recent past. In the past, there were several human rights violations and brutality, particularly on tribal women. Tribal communities also used to face isolation and social discrimination from the mainstream society which always used to oppress them.

Problems of tribal women in India:-

The most common problems relate to the tribal people living in peninsular India and the north-eastern tribes. The separate systems were approved by the Constituent Assembly formed at the time of independence after receiving recommendations that the distinct 'community structures' and 'attitudes' of the tribes in the two regions could be treated in a common law. The tribes have their own social problems. They are traditional and bound by customs. Due to lack of education and development they are superstitious and believe in outmoded and meaningless practices which can be harmful at times. Women from weaker sections of society have suffered long due to repression. They are considered as a weaker sex and are given a subordinate status in the society. She is protected by the father in her childhood, by the husband in her adulthood and by the son in her old age. The factors of sufferings of women particularly tribal women are deeply rooted in the socio-cultural beliefs in India. Country like India women is already suppressed, discriminated and facing so many challenges daily and these are multiplied for tribal women because first of all she is women and secondly she is tribal women.

The main problems of Tribal women in India are Child marriage, pregnancy in Tender age, infanticide, homicide, declaration of Dakin, exchange of wives, black magic, illiteracy, unemployment, Health, Sanitation Problems and other detrimental practices like domestic violence are still prevalent among them. They believe in supernatural powers and have a keen desire to maintain these practices. They don't want to change their significant tribal character and hence it's said that "tribes are the tribesmen first and their women are grater women in tolerance and sacrifices".

Though the Government of India ensures equal land rights to the tribal women as tribal men have. In the Case of Madhu Kishwar & Ors. Etc v. State of Bihar & Ors but after 73 years of Independence tribal women still no right in actual practice.

Human Rights of Tribal Women:-

On 10th December, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. That opening lines of the preamble to the Universal Declaration of Human Rights read the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world'. The preamble also reflects that 'the peoples of the United Nations have in the charter reaffirmed their faith in Fundamental Human Rights, in the dignity and worth of the human person, and in the equal rights of men and women and have determined to promote social, progress and better standards of life in larger freedom. There are two basic meanings of human rights. One is that the inherent and inalienable rights are due to man (the human being), because he or she is man (the human being). These are the moral rights that flows from the humanness of every man, women and child, and these rights go to ensure the dignity of human being. The other meaning of human rights is contained in the legal rights, formulated and established

according to the law-creating processes of societies, both national and international. The rights proclaimed in the Declaration can be broadly divided into two kinds - one dealing with civil and political rights and the other governing economic, social and cultural rights. The civil and political rights are 'the right to life, liberty, security of person, freedom from torture and slavery, political participation, right to property, marriage and the fundamental freedom of opinion, expression, thought, conscience and religion, freedom of association and assembly. The economic, social and cultural rights relate to work, a reasonable standard of living, education and freedom of cultural life. The Declaration has thirty articles, and its first twenty one articles correspond, for the most part to what are called civil and political rights, as mentioned above, relating to the individual's freedom and physical security.

Let us have a look at the first article of the Declaration which proclaims - "All human beings (man and woman) are born free and equal in dignity and rights. They are endowed with reason and conscience and should, act towards one another in a spirit of brotherhood. It expresses the universality of rights in terms of the equality of human dignity. But in the developing countries like India, women in general and tribal women in particular are being denied their human right of gender equality, Gender equality is one of the most important social rights of an individual. The tribal women are relatively powerless, with little or no control over resources and little decision-making power. The first effort on the global level was made in 1975, the year which was observed as the International Women's year and it had its motto-Equality, Development and Peace. As a part of the IYW programmes an International conference on women was held at Mexico in 1975. As a follow-up of the conference that United Nations declared 1976-1985 as the International Decade of women. A mid-decade conference was held at Copanhagen in 1980 to



revise the programmes undertaken by different countries during the preceding five year period (1976-1980).

The mid-1980's saw the term empowerment, has become popular in the field of development especially in reference to women. As Srilatha Baltiwala observed, 'In grass roots programmes and policy debates alike, empowerment has virtually replaced terms such as welfare upliftment, community participation and poverty alleviation to describe the goal of development and intervention.' Empowerment has become the key solutions to many social problems like high population growth rates, environment degradation and low status of women. The concept of women's empowerment appears to be the end result of a number of important critical discussions, dialogues and debates generated by the women's movement throughout the world and particularly by third world Feminists.

In nut-shell, education, employment and empowerment are the three 'E's for the advancement and progress of tribal women.

Conclusion:- The tribes in India constitute about eight percentage of the total India population. This means that about four percentage of the total Indian population is tribal women. The material state in which poor tribal women live are- low wages, poor nutrition and lack of access to health care, education and training. The normal tribal women are active part of our workforce. They bear the burden of 'paid' work as a part of the workforce and unpaid work in the house. It is said to see that besides constitutional protection, development has not benefitted tribal women. They are still at the lowest rung of development.

Empowerment of tribal women not only refers to economic liberalization but also to access to opportunity, right to decision making and access to education, health services and information. When we talk to empowerment of tribal women, it requires to deal with some of the complex issues that are central to women's

empowerment and gender equality and to adopt a holistic approach Literacy is the first step towards tribal women empowerment. Literacy among tribal women is very low. This Literacy deprives them from all opportunities and prospects of leading a meaningful life and enjoying a good standard of living. Besides, it is of immense importance that tribal women should also have access to economic and labour opportunities through work and carrier choices so that they will become self-dependent and economically secured.

Education, employment and empowerment are the three 'E's for the advancement and progress of the tribal women.

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DE-NOTIFIED TRIBES IN INDIA & THEIR HUMAN RIGHTS

Dr. Vijeta S. Singh
Assit. Prof. SSMC, Jalgaon

Abstract:

After the 70 years of Independence it is a matter of great pity to have certain vulnerable groups like De-notified Tribes still in their own primitive condition even after a quite long period of commencement of the Indian Constitution. No benefit of socialist, secular, democratic, republic could reach up to those neglected people.

It is, therefore proposed to know as to who are De-notified and Nomadic Tribes, what is their main problem and how could it be solved and how could they be brought into the main stream of Indian society.

Who are De-notified Tribes? The DNT'S or VimuktaJatis are the former criminal tribes. Previously under The Criminal Tribes Act, 1871 a small section of our society was degraded and segregated as 'criminal tribes'. They are constrained to live on criminal avocation. They were subjected "to constant vigilant watch by the administrators and their movements were closely observed" and markedly restricted. After Independence a committee was constituted under the Chairmanship of Shri. Ananthasayanam Ayyangar was formed in 1949 to study and report on their socio-economic condition. After detailed study, it submitted its report in 1950, in which it made several recommendations including the repealing of the Act of 1871 and undertaking poverty amelioration programme.

Objectives:-

1. To describe the meaning and definition of De-notified Tribes
2. To discuss about the problems of De-notified Tribes
3. To examine the legal provisions and the Role of Judiciary

Introduction:-

The world 'Tribe' denotes a group of people living in fixed territory. These Tribes are a social group of living in a fixed territory having no such specialization of functions and the people living in these social groups are known as tribal people. Tribes also have several sub groups and collectively they are known primitive and ruthless conditions. As 'Tribal Society' Tribes are the inhabitants of forest since pre-history and even in this modern world this trend is followed by many people.

The whole population of India includes nearly one hundred million tribal populations; these numbers are matched only by remarkable diversity of Indian tribes. The two regions of India are widely crowded by tribes North-East states bordering China and Burma, the central plain and southern regions. The 80 percent of the tribes are having inhabitation in central plains and southern part of India, which differ from the north – East tribes in ethnicity.

In India, 705 ethnic groups are notified as Scheduled Tribes (STs) spread across 30 States or Union Territories. These are considered to be India's indigenous peoples. As per 2011 census, with a population of 104.3 million, they comprise 8.6% of the total population of India – almost 90% of them living in rural areas. There are, however, many more ethnic groups that would qualify for Scheduled Tribe status but which are not officially recognized. The largest concentrations of tribal peoples are found in the seven northeastern states India, and the so-called "central tribal belt" stretching from Rajasthan to West Bengal, where the STs are usually referred to as Adivasis, which literally

means indigenous peoples.

In India, Tribes are treated very low, are execrated and are even treated as untouchables by the prevailing adherence to social norms and caste system. The tribal people were compelled to perform duties which were considered inferior because of their economic backwardness and illiteracy. Since, these people were ill-treated and were not enjoying equal status with other people are guaranteed to all the citizen of India by Article-14 of the Constitution of India.

History:-

Back in history, the tribal people were in fact self-governing first nations. These subjugated tribal groups were forced by the people belonging to upper castes to perform menial jobs like small household works, sweeping, cleaning of excreta, leather works, removal of dead bodies etc. The tribal people were considered untouchables and they were not even allowed to sit along with the people of upper caste. Their sovereign existence outside the mainstream led to the preservation of their socio-religious and cultural practices as there were no interference by the mainstream society.

Nobody is a born criminal; Criminals are the product of the society. The history of denotified tribes dates back to the early years of colonial rule. The tribes represent all those communities which were listed as 'criminal' under several versions of the Criminal Tribes Acts between 1871 and 1947. These communities were 'denotified' when the Acts were repealed after India's independence, this classification of an entire community as criminal by the British, as Dilip D'Souza has noted, was part of a colonial model of law and order whereby those communities that resisted British rule were targeted in various ways. "A criminal tribe was a gang, tribe or class of people addicted to the systematic commission of non-bailable offenses and with reason to believe a local government could notify using the local gazette that an entire tribe, gang or classes of

people were criminals.

Intentions of the British:-

These tribes were labeled as criminal because they acted against the will of the British Government, the British who were unaware of the nomadic culture in India considered the tribal practices as barbaric and uncivilized. The tribes did not acquiesce to the unjust forest laws framed by the English. They continued to derive their livelihood from the woods and were thus named as "robbers and thief's" by the state.

The English believed that criminal characteristics could be inherited from one generation to other. Hence, the penalty was imposed in perpetuity. The commission of crime was no longer a criterion for punishment; birth in particular community is sufficient to be declared as a criminal.

Problems of Tribes:-Poverty, illiteracy, ignorance, etc.. are the the key issues of Tribal. They are "Have Nots".The most common problems relate to the tribal people living in peninsular India and the north-eastern tribes. The separate systems were approved by the Constituent Assembly formed at the time of independence after receiving recommendations that the distinct 'community structures' and 'attitudes' of the tribes in the two regions could be treated in a common law Under the 2006 Forest Rights Act, providing land rights to forest-dwelling communities of the country, only 15lakh complainants out of the 39,56,262 cases filed; were given the legal recognition to their property. The tribes have their own social problems. They are traditional and bound by customs. Due to lack of education and development they are superstitious and believe in outmoded and meaningless practices which can be harmful at times.

Child marriage, infanticide, homicide, animal sacrifice, exchange of wives, black magic and other detrimental practices are still prevalent among them. They believe in supernatural powers and have a keen desire to

maintain these practices. They don't want to change their significant tribal character and hence it's said that "tribes are the tribesmen first, the tribesmen last, and the tribesmen all the time.

"De-notified tribes are having the biggest problem of arbitrary arrest of police. The Denotified Tribes are communities that were listed or notified as 'born criminal' by the British under a number of laws. This process began with the Criminal Tribes Act of 1871, which gave the police wide powers to arrest members of such communities and to control and monitor their movements. The Act was repealed post-independence and the communities were 'denotified'.

There were various reasons as to why these communities were labelled 'criminal'. The National Commission for Denotified, Nomadic and Semi-Nomadic Tribes (NCDNST), constituted in 2005, notes in its 2008 report that the forest laws that came into force from the 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 new laws, of which these communities were unaware, criminalised their very source of livelihood and they "frequently found themselves on the wrong side of the law." When the forests were cleared by the British for commercial use and forest communities asked to contribute to labour, some communities resisted and were declared 'criminal'. There are some instances like Balak Ram Sansi from Patiala in Punjab, who belongs to the Sansi community, which is one such denotified tribe, says that he has had to live a life in hiding for decades.

The Law and Judiciary:

The Indian constitution have several provisions to maintain equality and security of unequals of society, as well enacted various policies to uplift them in 2013, Indian government constituted a high-level committee

headed by Virginius Xaxa to examine the socio-economic, health and educational status of STs and suggest policy initiatives as well as effective outcome-oriented measures to improve development indicators and strengthen public service delivery to STs". The committee made several major recommendations in its report in 2014. One of its recommendations was that delivery of social justice to STs must be monitored by the National Commission for Scheduled Tribes, both at the national and state levels. Following a transparent policy with regard to employment opportunities for STs in the public sector, with special attention to particularly vulnerable tribal groups; strict implementation of Free and Compulsory Education Act, 2009 in tribal areas; adoption and implementation of annual "Tribal Health Plans" at all levels; and generation of segregated data on STs such as tribe-specific health indicators at all levels and composite tribal development index were other recommendations for welfare of STs. India has scheduled caste and scheduled Tribes Commission. It is pertinent to note that the Indian constitution has not defined the term "Scheduled Tribes". Art. 366 refer to scheduled Tribes as those communities who are scheduled in accordance with Art.342 of the Constitution.

The Rights of Indigenous people in are listed items recognized by the UN High commissioner of Human Rights. In its 2005 Report, as one of the rights which would be affected by the business activities.

- There is UN Draft Declaration on the Right of Indigenous peoples (1993).
- The Rights of Indigenous people recognized in ILO Conventions 107 and 169.
- The year 1993 was marked by the UN as the International year of the world's Indigenous people during the year 1995-2004
- There is UN Declaration on the Rights of Indigenous peoples, 2007 having many provisions for these Tribal communities

come under Indigenous.

The Constitution of India has provided special provisions to the tribal people to safeguard their interests under schedule V & VI the Tribal people in India located in what is called as the Tribal Areas.

- Article 15 of the Indian Constitution states that the state shall not discriminate any citizen on grounds of religion, race, caste, sex, place of birth or any of them. This explains that every citizen of India is provided equal rights and opportunities without any discrimination.
- Government of India has made reservation for the tribes in employment under Article 16(4) of the Constitution of India.
- The Government of India has reserved seats in The House of People (Lok Sabha) and The State Legislative Assemblies under Article 330 and 332 of The Constitution of India.
- Article 19(5) of the Constitution of India guarantees the tribal people right to own property and enjoy it in any part of the country.
- Article 338 of The Constitution of India grants the right to appoint a Commissioner to look after welfare activities of tribes.
- Article 46 of the Constitution of India states that, The State shall promote with special care the educational and economic interests of the weaker sections of the people and in particular, the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.
- Under Article 275(i) of the Constitution of India the Centre Government is required to give grants-in-aid to the State Government for approved Tribal Welfare Schemes.

Human Rights of De- Notified Tribes Summarized:-

- Right against racial discrimination.
- Right to self-determination.
- Right to forced Assimilation.

- Right to force relocation.
- Right to cultural Heritage.
- Freedom of Religion.
- Right to maintain cultural diversity.
- Right to land.
- Right to preserve Traditional Knowledge.
- Right to preserve language.
- Right to preserve cultural identity.
- Right to gender equality.etc

Conclusion:-

If there would be an analysis of the violations of the human rights of the DNTs will explain several issues in which the police and administrative authorities have the direct role. Their criminal behaviour is not hereditary; it is due to unfriendly attitudes of society at large and law enforcing people in particular. There are some provisions of law under Indian Penal Code and Criminal Procedure Code and forest laws due to that they have lost their livelihood and identity. India has several laws and constitutional provisions, such as the Fifth Schedule for mainland India and the Sixth Schedule for certain areas of north-east India which recognize the denotified peoples' rights to land and self-governance. The laws aimed at protecting denotified tribes have numerous shortcomings and their implementation is far from satisfactory. Legislations, policies and provisions are necessary to protect their legal rights but unless the society will not change its mind and won't remove ill feeling from mind DTN's won't be really benefited and it would take time to upliftment and maintain equality.

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Tribal Displacement and Resettlement: A Critical Analysis

Bharat G. Kaurani

Assistant Professor

N.B. Thakur Law College, Nashik – 5

Affiliated to Savitribai Phule Pune University,

Pune

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Abstract:

The object of this research paper is to study whether the law relating to displacements in India take proper care of human rights of displaced persons. The study shows that displacement for the sake of right to development results in violation of human security and internationally recognised human rights. The researcher contends that displacement not only results in physical dislocation but also reduces the quality and standard of life of human beings mostly indigenous people and ethnic minorities. Disorganised and piecemeal approach to development has resulted in depletion of environment and loss of ecological balance and results in violation of Article 21 of the Constitution of India. The paper focuses on various issues of displacement and rehabilitation of the tribal families, displaced by various development projects. It also reviews existing literature on the problem. The researcher suggests that proper laws should be made to carry out the evictions only in exceptional circumstances, and in full accordance with relevant provisions of international human rights and humanitarian law in order to benefit tribal communities.