

## National Advisory Council

### Recommendations regarding Denotified, Nomadic and Semi-Nomadic Tribes

#### Background

1.1 The Denotified, Nomadic and Semi-Nomadic Tribes (DNTs) are amongst the most disadvantaged communities in the society today. About 200 communities, mostly Nomadic, were notified by the British Government as ‘Criminal Tribes’ through a notorious piece of legislation called the Criminal Tribes Act, 1871. The Criminal Tribes Act, 1871 was amended in 1911 and again in 1924. After Independence, the Criminal Tribes Act, 1924, was repealed by the Criminal Tribes Laws (Repeal) Act, 1952.

1.2. The Criminal Tribes Act, 1871 had identified the following six categories as belonging to ‘criminal tribes’:

- i. Petty traders who used to carry their merchandise on the back of animals and supplied villages with varied items like salt, forest produce, etc.
- ii. Communities that entertained the public through performing arts. Among these were musicians, dancers, singers, storytellers, acrobats, gymnasts, puppeteers and tightrope walkers.
- iii. Communities that entertained the public with the help of performing animals such as bears, monkeys, snakes, owls, birds, etc.
- iv. Pastoral groups and the hunting, gathering, shifting cultivator communities within forests that traded not just in forest produce, but in animals as well. They were also herders, and traded in meat or milk products.
- v. Artisan communities that worked with bamboo, iron, clay etc. and made and repaired a variety of useful articles, implements and artifacts. They traded or sold them to settled villagers.
- vi. Nomadic individuals who subsisted on charity, or were paid in kind for ‘spiritual’ services rendered to traditional Indian society. Such *sadhus*, *fakirs*, religious mendicants, fortune tellers, genealogists and traditional faith healers had a low but legitimate place in the social hierarchy of settled people. Some carried medicinal herbs and provided healing services as well.

1.3 Describing the Criminal Tribes Act, 1871 as “*a blot on the law book of free India*,” Pandit Jawaharlal Nehru annulled it after Independence. As a consequence, these communities were ‘de-notified’ and hence are now referred to as ‘De-notified, Nomadic and Semi-Nomadic Tribes’ (DNTs).

1.4 There has been no census of the Denotified, Nomadic and Semi-Nomadic Tribes (DNTs) of India though it is estimated that their numbers run into millions. They are found in almost all the States. They are spread across the SC, ST and OBC categories. Some communities are not covered in either the SC, ST and OBC categories. As such, they do not get any of the benefits provided for SC/ST or OBCs. Even those covered under the categories of SC/ST or OBCs are

often not able to avail of the benefits because of either not having caste certificates, or because the relevant allocations are exhausted by the non-nomadic/ non-de-notified communities in the reserved categories. Moreover, a number of States have not prepared lists of either the De-notified or Nomadic communities, and the status of such people is unknown. As a result, DNTs are among the most underprivileged and destitute communities in India today.

## **2. The Recommendations**

2.1 The recommendations are based on the recognition of several basic vulnerabilities of the DNTs besides the development deficits and discrimination which they share with other marginalized communities. These include the following:

- i. Criminalization persists *de facto*, despite their formal ‘de-criminalization’, *de jure*.
- ii. Nomadic communities are denied a range of entitlements which are available to settled communities, from PDS, MGNREGA job cards, pensions, schooling, ICDS, health care, etc.
- iii. Special nature of their traditional occupations which are gravely threatened in the modern socio-economy milieu, whereas they lack the skills and capital to enter new occupations, aggravated by the ‘criminalization’ stigma.
- iv. Element of ‘Bondage’ which is still continuing, despite stringent measures under the Bonded Labour (Abolition) Act, 1976.

2.2 In the light of these vulnerabilities of DNTs, the recommendations are organized into six broad categories:

1. Administrative Actions
2. De-criminalization of DNTs
3. Legislative Actions
4. Policy Inputs
5. Program Strengthening and Targeting
6. Institutional Arrangements

These recommendations would need to be implemented by various Ministries of the Government of India and the State Governments.

## **3. Administrative Actions**

3.1. **Enumeration and Notification** of list of Denotified, Nomadic and Semi-Nomadic Tribes (DNTs) is required. Enumeration and classification of DNTs is a first step towards identification of persons belonging to the DNT communities. DNTs should be given special focus in the Socio-Economic Caste Census (SECC) currently underway as well as priority in the issuing of UID cards. Special directions in this regard need to be issued by the Ministry of Housing and Urban Poverty Alleviation (MoHUPA) for urban areas and by the Ministry of Rural Development (MoRD) for rural areas. These include:

- a Enumeration and Orientation of Enumerators: A full enumeration of Denotified, Nomadic and Semi-Nomadic communities under the on-going socio-economic

and caste census needs to be ensured. Officials conducting the SECC should be specifically instructed to look for, and visit, the temporary habitations of these communities *outside* villages and towns. Census officers require suitable orientation and briefing so as not to be influenced by any local prejudices. Enumerators should seek help of local bodies and community leaders from the DNT communities to ensure collection of information. The Ministry of Information and Broadcasting, in consultation and co-ordination with MHA, should ensure effective dissemination of information on enumeration of DNTs.

- b Ensuring Inclusion: States should update their list of DNTs, if any, with the list prepared by the Ministry of Social Justice and Empowerment. Definition of 'residence' and 'address' should be made non-conventional and flexible to include everyone who is physically living in a given area, Pastoral and ex-hunter gatherer communities should receive special attention with due regard to their geographical isolation. Ministry of Social Justice and Empowerment needs to coordinate with the State Governments and compile State-wise list of DNTs.
- c Issuing Caste Certificates and other Identity Cards: The district administration must pro-actively issue Caste Certificates, Birth and Death Certificates to DNTs in the district. A Caste Certificate is a pre-requisite if DNTs are to receive the benefits that SCs, STs or OBCs are entitled to get. Special drive should be conducted to provide DNTs with Voter Identity Cards, BPL Cards, Ration Cards, MGNREGS Job Cards etc., in a campaign mode. During this process, Pastoral and ex-hunter forest communities should be given special attention due to their geographical isolation.
- d Notification of the List of DNTs: On completion of the enumeration, the States should notify the list of De-notified, Nomadic and Semi-Nomadic communities district-wise. Notification Lists should be widely publicized in the Government, media and wider society.

**3.2 Police Sensitization and Training.** Ministry of Home Affairs (MHA) should issue a Special Advisory to all State Governments to develop a Code of Conduct in dealing with DNTs with special reference to the following:

- i. Special training of the subordinate staff since the interface of the DNTs is generally with Head Constables and Sub-inspectors.
- ii. Visible and exemplary disciplinary action should be taken against police officials who violate due process of law by detaining members of DNT communities in police custody.
- iii. Orientation and sensitization for the officers and staff of the Special Women Cells in Police stations to enable women of the DNTs to come forward and complain in case of sexual violence. Strict procedures (like in juvenile courts, presence of a lady constable, etc.) should be followed by the police while dealing with women and children of these communities in police custody.
- iv. Sensitization Training Modules need to be developed. Workshops should be organised at the National Police Academy and Lal Bahadur Shastri Academy and State Level training institutions.

#### 4. **De-criminalization of DNTs**

Enabling de-criminalization is one of the key mechanisms in addressing the development deficits of the DNT communities. While the communities were de-notified from the list of criminal tribes several decades ago, DNT communities continue to face deep-seated discrimination in the societal attitudes. A vigorous campaign needs to be carried out in pockets with significant DNT population, by the concerned State Governments. This should be augmented and reinforced by a centrally funded campaign also in such areas. The campaign should aim at informing DNTs their rights as SC/ST/OBC and disseminate information about a helpline dedicated for DNTs, to address complaints of harassment, discrimination or violence. The campaign could also inform the public that violence/discrimination against these communities and violations of their human rights are punishable under law.

#### 5. **Legislative action**

There is an urgent need to review the implementation of the following existing legislations so as to provide built-in safeguards for DNTs from harassment by the officials, as well as to enable protection against discrimination in application of the laws and to ensure that the safety, livelihoods and the nomadic life style of DNT communities are protected.

- a. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- b. Criminal Procedure Code (Section 110: Security for good behaviour from habitual offenders)
- c. The Bombay Prevention of Begging Act, 1959
- d. The Forest (Conservation) Act, 1980
- e. Excise Laws
- f. The Bonded Labour (Abolition) Act, 1976 etc.

#### 6. **Policy Inputs**

**Scheduled Caste Sub Plan (SCSP) and Tribal Sub Plan (TSP) Earmarking for DNTs with a Special Umbrella Scheme for DNTs**

- For those **DNTs classified as Scheduled Castes**, a proportion of allocation could be earmarked in the Scheduled Caste Sub-Plan (SCSP) commensurate with their share in Scheduled Caste population;
- For those **DNTs classified as Scheduled Tribes**, a proportion of allocation could be earmarked in the Tribal Sub-Plan (TSP) commensurate with their share in Scheduled Tribe population;
- In addition, an **Umbrella Scheme** for Socio-economic Empowerment of DNTs should be introduced for all DNTs with a special focus on those DNTs who are classified as OBCs and those who are not classified either as SCs or STs or OBCs.

## 7. Program Strengthening and Targeting:

7.1 Considering the specific vulnerabilities that DNTs suffer, a set of new programmes need to be designed and implemented for DNTs under the Umbrella Scheme, especially in respect of the following:

- a. **Education.** Universal coverage of all DNT school/college students with Scholarships and other educational support, along with adult education.
- b. **Housing.** Conduct of a nation-wide survey of DNT settlements whether temporary or permanent. This could form the basis for introducing a suitable shelter programme for houseless DNTs. Free or subsidized housing may be provided to eligible DNT households in a phased manner. Given the high incidence of homelessness among DNTs, a proportion of the current outlay for Indira Awaas Yojana (IAY) could be earmarked for DNTs. DNTs could be assisted financially to construct dwelling units by receiving priority under the on-going housing programmes of the Central Government. Homeless nomadic fishing communities could be resettled, as far as possible, close to the dams and reservoirs, so that they can continue their traditional occupation.
- c. **Livelihood and Skill Development.** The traditional livelihoods of the DNTs are getting eroded. The DNTs need to be rehabilitated with livelihoods that are sustainable, particularly in agriculture and allied sector, by securing to them access to land, credit and extension services. The skill development initiatives of the States and Central Government need to give priority to cover the unemployed youth among the DNTs with a view to provide them employable skills.
- d. **Community Organization and Leadership building with special focus on Women Empowerment.:** Members of the DNT communities do not have a robust, visible presence among civil society groups, because of the nomadic lifestyle of some DNT groups, the stigma of criminalization, the element of bondage that has forced them to exist on the margins of society, and very low levels of literacy. Bottom up, democratic, responsive and people-centered planning cannot succeed without capacity building and empowerment of DNT communities themselves. There is a need for large scale capacity building and leadership development for members of DNT communities with special focus on youth and women. States with significant numbers of DNTs could initiate pilot schemes with youth and women, including capacity building to initiate social audits from the perspective of DNTs. These pilot schemes may be implemented through grant-in-aid mechanism through credible nodal NGOs in each State.
- e. **Infrastructure development.** An Integrated Infrastructural Development Programme could be specially designed to provide basic amenities such as roads, anganwadis, schools, electricity, drinking water, community centres, etc. in the existing settlements of Nomadic and Denotified tribes.
- f. **Entitlements.** After enumeration, once specific data related to the DNTs are available certain concrete entitlements like IAY, cash transfers, Public Distribution System (PDS), Anganwadi and non-formal education can be considered as per the notified list of DNTs in the State and Districts.

7.2 Going beyond these essential ingredients of the Umbrella Scheme, there are several other specific interventions as detailed in the **Annexure**.

## **8 Institutional Arrangements**

- a An empowered Inter-Ministerial Standing Task Force (STF) for DNTs be created to be chaired by the Union Home Minister.
- b A senior officer not below the rank of Director in the Ministry of Home Affairs be entrusted with the responsibility to coordinate with the State Police agencies to ensure the DNTs are protected from atrocities.
- c A senior officer not below the rank of Director in the Ministry of Social Justice and Empowerment be entrusted with the responsibility to coordinate with the State Welfare Departments to ensure effective implementation of Special programmes designed for DNTs and also to ensure effective coverage of DNTs in the on-going developmental programmes.
- d At State level an exclusive Department should be established for DNTs to monitor and coordinate with various departments for ensuring effective coverage of DNTs in all the developmental programmes. The Department should also be responsible for effective grievance redressal mechanisms.
- e At least one member in the National Human Rights Commission and the State Human Rights Commission should especially look after the issues relating to the DNTs.

### **Suggested List of Interventions**

Following is the suggested list of interventions recommended so as to ensure that the DNTs are effectively covered under the on-going Government programmes.

**1      Design and Marketing Support for Crafts**

- The KVIC promoted cluster development programmes should deliberately include and promote the crafts of the nomadic and denotified communities.
- Government agencies that promote cottage and small scale industries be encouraged to design special schemes for DNTs so that the traditional skills of DNTs get further sharpened and expanded to manufacture products for which market demand exists.

**2      Traditional Performers:**

Central and State governments, through the Ministry of Tourism, could promote communities engaged in performing arts such as singing, dancing, theatre, playing musical instruments, puppetry etc. The community members can also be employed as guides for tourists inside the forests.

**3      Forest Dependent DNTs**

The traditional knowledge of DNTs on flora and plant life in forests can be used for conservation of species. This knowledge can also be used for conservation of forests and collection of minor forest produce by the Government.

**4      Rehabilitation**

- Alternative viable livelihood options need to be promoted with suitable skill development and training of the younger members of the community. A special programme for rehabilitation of DNTs forced into crimes like brewing illicit liquor could be considered.
- Steps should be taken to rehabilitate traditional forest based DNTs, 19 of whom were named by the Ministry of Environment and Forests in *Revised Guidelines for the Ongoing Centrally Sponsored Scheme Of Project Tiger* (dated February, 2008, section 4.6). These are communities involved in traditional hunting, and living around tiger reserves and tiger corridors. Apart from these 19, many more similar communities exist in forests which should be immediately identified for rehabilitation.

**5      Administrative Vigilance**

Strict administrative vigilance should be established to prevent women and girls of these communities falling prey to trafficking, bonded labour and child labour after eviction or displacement from the forests.

**6      Rehabilitation of displaced DNTs**

Pastoral DNTs who are evicted on account of preservation of forest or establishment of protected areas and sanctuaries face severe problems of livelihoods. Apart from the

rehabilitation provided for hunter-gatherers and shifting cultivator communities, the following special needs should be addressed for pastoral DNTs:

- Forest rights of pastoralists like grazing rights and rights concerning water for the animals should be recognized.
- Sheep, goat and camel should be included in the government's "useful animal" list so that the community can draw the benefits attached to husbanding useful animals.
- Pastoral DNTs should be encouraged to form their own cooperatives and provided with financial assistance, animal insurance, animal breeding technology, veterinary services, medicines and marketing of animal produce.

**7     Education and Livelihood Support**

Special efforts should be made to impart education to children of nomadic DNTs through residential schools. Special drive is needed to enroll and retain girl children in schools and hostels. Concessional loans and skill development programmes should be provided for DNTs, through National Scheduled Castes Finance and Development Corporation and National Backward Classes Finance and Development Corporation. NGOs running awareness campaign and vocational training centres for DNTs should be provided with financial assistance.

**8     Health Services**

State governments should consider introduction of mobile dispensaries to provide health services to nomadic communities.

**9     ICDS**

Balwadis, Anganwadis and creches should be provided on a priority basis for DNT communities.

**10    Child labour**

National Commission for Protection of Child Rights (NCPCR) should have a special focus on the children of DNTs who are more prone to child labour.

**11    Trafficking of Women and Children**

State Commissions on Women should focus on women and girl children of DNTs who are victims of large scale trafficking due to loss of livelihoods. Alternative employment should be provided for such women to make them less vulnerable to trafficking.

**12    Women and Girls**

DNT women should be given priority while providing loans, training, asset building, land distribution, etc. Women among DNT communities are economically active and are frequently the only breadwinners for the entire family. Special attention should be paid by the Ministry of Women and Child Development (MoWCD) to health, education and protection of the girl child.



**13     MGNREGA**

Concerned Panchayats must be made responsible for implementing MGNREGA such that the DNT communities can benefit from the programme. The requirement for permanent address should be made flexible. Wage employment under MGNREGA should be provided to the homeless. Opening of a bank account or a post office account for disbursement of MGNREGA wages should be made possible even for those with temporary habitations, or for homeless DNTs.

**14     National Rural livelihood Mission**

Self-employment for DNTs must be encouraged under the National Rural Livelihoods Mission.

**15     MPLADS**

It is recommended that 10% of MPLAD/MLA/MCCLAD funds should be earmarked separately for DNT inhabited areas.

**16     Old Age Pension**

The State Governments should take measures to identify DNTs for assistance under Indira Gandhi National Old Age Pension Scheme.

**17     Banking Services**

Banks and Post Offices should be advised to evolve simple guidelines for opening of DNT bank accounts so as to ensure their financial inclusion. Banks need to be advised to earmark an appropriate percentage of priority sector lending for DNTs. The Department of Financial Services should add 'DNTs as notified by the State Governments' as a distinct category in the list of weaker sections eligible for priority sector lending.

**18     Forest Rights**

Forest officials should be sensitized to the unique history, culture and livelihood patterns of the DNTs. The law and order machinery should be instructed not to brand DNTs as naxals in the Leftwing Extremist districts (especially in Orissa) because of their earlier 'criminal tribe' status. Strict disciplinary actions be taken against forest officials who harass the ex-hunting communities whenever an endangered animal is poached or found dead. Women and girls of DNTs be given special protection from sexual harassment as they work in remote and isolated parts of forests. Action be taken against forest guards and officials who indulge in sexual harassment.