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Protection of Human rights of De-notified Tribes of India

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Abstract: *The National Human Rights Commission organized an important Open House Discussion on 19 January 2024 for the protection of human rights of the communities rebelling against British rule, called 'Denotified Tribes'. In this important discussion, honorable members of NHRC, Dr D M Mulay, Shri Rajiv Jain, Smt. Vijaya Bharti Syani, Joint Secretaries Smt, Anita Sinha and Shri Devendra Kumar expressed their views.*

In addition to the senior officers of the NHRC, the participants, among others, included senior officers of the Union Ministry of Social Justice and Empowerment, Anthropological Survey of India, Niti Aayog, National Commission for ST, academicians, experts and representatives of NGOs also participated.

While the Author, Dr B K Lodhi former Deputy Secretary, National Commission for DNTs as a guest Speaker delivered his speech and submitted the same in writing as given below.

Key Words: National Human Rights Commission, Denotified Tribes, participants, Empowerment, Anthropological.

Discussion by the DNT Activists / Experts on the protection of rights of DNTs and forward Trajectory, before Hon'ble members, Dr. Dnyaneshwar Manohar Mulay, NHRC alongwith J.S. and other officers of NHRC. The issues regarding DNTs are also discussed with the CEO- DWBDNC, MSJ&E, GoI.

Idate Commission has prepared a state-wise list of Denotified, Nomadic and Semi-Nomadic Tribes of 36 States / Union Territories as per the Letter of Resolution (TOR) submitted by the Government of India. The Commission has identified a total of 425 Denotified Tribes, 810 Nomadic Tribes and 22 Semi-nomadic Tribes across all the states. Thus, the total number of DNTs (Denotified, Nomadic and Semi-nomadic Tribes) is 1257. Out of these, 269 Communities are not in any category of reservation and 89 DNTs either converted their caste or hidden their caste identity due to not getting the benefit of reservation and social stigma was still adhered to them. DNTs are the most backward and marginalized people of the society. During colonial rule, these communities were notified as hereditary Criminal Tribes under the series of CTA, 1971-1924 After independence, the Government of India repealed the CTA, 1924 on 31 August 1952. Since then these stigmatized communities were called Denotified Tribes.

Entire DNTs may be divided in 03 sections.

- 1- Settled Denotified Tribes and -
- 2- Nomadic Denotified Tribes. (These both are stigmatized communities).
- 3- Non-stigmatized Nomadic tribes are also in India who have adopted a nomadic lifestyle due to culture and tradition.

We discussed the following points of agendas. As prescribed by the NHRC

* **Technical Session 1:** To identify challenges faced by the DNTs (Denotified, Nomadic and Semi-nomadic Tribes) owing the stigma imposed by the enactment of Criminal Tribes Act, 1871 and later by Habitual offenders Act, 1952 and figure out a way to modify discriminatory provisions of later

* **Technical Session 2:** To discern hurdles endured by the communities in availing basic facilities such as education, employment, health care, legal documents, among others.

* **Technical Session 3:** To suggest measures to mitigate all the challenges so uncovered, ensure representation of de-notified tribes in parliament, government institutions and higher education, and determine a way to proceed, especially for women and children.

Though after repeal of CTA, 1924 the legal stigma of criminals has been removed from Ex-Criminal Tribes but the social stigma still adheres to them. Because in place of CTA, Habitual offenders Act was imposed on the so-called Ex-Criminal Tribes in the same year, when CTA was repealed i.e. in 1952. Though many states also repealed the Habitual offenders Act, but there is no change in the behaviour of society and administration. Due to the prejudices of society and bureaucrats towards these communities, neither effective positive policies are made in their favour, even if policies are made, they are not followed.

Even today, these people are an additional source of income for the police administration and an easy way to arrest



these innocent people and send them to jail instead of catching the real criminals. Most of DNTs are in the SC, ST & OBC but being extremely backward they could not compete with other SC, ST and OBC. DNTs' shares are exhausted by others. So it is the need of the hour that the Justice Rohini Commission was constituted to sub-classify the OBC quota and the commission has also submitted its report to the Hon'ble President of India. Similarly, for the DNTs; SC, ST and OBC quota should either be sub-classified in proportion to DNT's population or a third 'Schedule for DNTs' should be created. Such a recommendation has already been made by the Idate Commission.

Government of India and State Governments are running various schemes for upliftment of DNTs. To avail benefits meant for them they need first Denotified Tribe Caste Certificates / Domicile or residence Certificates / Identity Cards / Voter ID / BPL card e.t.c. . We experienced the government of the U.P. and M.P. does not issue a Vimukta Jati Certificate to the DNTs.

In the case of U.P., NCDNT / DWBDNC- MSJ&E Govt of India and even NHRC issued directions to the state government for issuance of Caste certificates to all the DNTs, throughout the state without area restriction. But the government of U.P. neither follow their own G.Os. nor follow the directions of the central government.

The DNTs are facing social discrimination / atrocity by the police and denial of legal documents by the administration. Most of them are voiceless, landless and homeless. Representation of Nomadic and Semi- nomadic Tribes in the parliament and in the state's legislative assemblies even in the local panchayats is almost zero.

Amalgamation of Denotified (both settled and nomadic) Tribes and non-stigmatized Nomadic Tribes in one class is impractical and against the will of each other. The Non-stigmatized Nomadic Tribes sadly say that their ancestors were innocent; they never committed crimes, so we should not be included amongst the Denotified Tribes; they raise the objection to being called Denotified Tribes. On the other hand, stigmatized Nomadic Tribes and settled Denotified Tribes do not like to be included in the same category.

They were fighting against British rule and not ordinary suspected criminals like the nomadic tribes. Amidst these doubts and contradictions, people of approximately 18 to 20 crore population can't organize themselves, whereas in democratic politics, pressure groups are more successful. In view of all these situations, there is a demand of all the Denotified, Nomadic and Semi-nomadic Tribes that a separate reservation quota should be set for them on the pattern of Maharashtra Government.

The biggest challenge faced by DNTs is that there is no constitutional commission at the national level to hear their complaints and problems. Technical Advisory Group-2006, Renke Commission-2008, Idate Commission-2018 and NITI Aayog have recommended to the Government of India in June 2018 for the formation of a permanent and constitutional National Commission for DNTs. Since the Chairperson of NITI Aayog is the Hon'ble Prime Minister himself, DNTs hope that a National Commission will be constituted for them likewise NCSC, NCST, National Commission for Minorities, NCBC. At present, Denotified, Nomadic and Semi-Nomadic Community Development and Welfare Board (DWBDNC) has been constituted under the Society Registration Act 1861 under the Ministry / Department of Social Justice and Empowerment.

Suggestions and Demands- Apart from the above agenda of discussion, our suggestions and demands for providing the rights to Denotified and Nomadic Tribes are as follows.

1. The report / recommendations of the Idate Commission should be implemented immediately.
2. Permanent National Commission for DNTs should be formed.
3. Till the formation of the National Commission is pending, a separate powerful wing should be formed in the National Human Rights Commission to hear their cases on priority basis.
4. DWBDNC should be empowered itself so that the Board can empower the DNTs. For this, like other commissions and boards, a research wing should be created in it, posts of researchers / consultants should be created and the already vacant posts of chairman / members and personnel / consultants should be filled soon.
5. Pending Grievances Redressal Cell for the DNTs should be formed under the chairmanship of District Magistrate / District Collector in the districts of every state. As it was already initiated by the MSJ&E, GoI in 2016.

At the end of the discussion, Hon'ble Member Dr. D.M. Muly assured all the participants that based on the output of this discussion, another meeting will be called for discussion and the recommendations will be prepared for the Government of India for restoration of rights of DNTs.
