



CRIMINAL TRIBES ACT - GS II MAINS

Q. ‘Criminal’ branding of the Denotified tribal community should be removed from society for their empowerment. Discuss the measures to empower the Denotified Communities in India. (10 marks, 150 words)

News: *When Madras repealed Criminal Tribes Act in 1947 and showed the way for the country*

What's in the news?

- Under the British-era law, members of certain communities in different parts of the country, including Madras, were declared as belonging to the “criminal tribes”.

Key takeaways:

- In January 1947, a Bill to exclude the Province of Madras from the operation of the Act was introduced under provision 73 of the Madras Assembly Rules.

Criminal Tribes Act:

- The various pieces of legislation in India during the **rule of the British** since the 1870s were collectively known as the Criminal Tribes Act (CTA).
- They **criminalised entire communities by categorising them as criminals**. **Restriction on their movement** was imposed because of these labels.
- All the adult male members of such groups were forced to report weekly to the local police.

Issues of the Criminal Tribes Act:

- It **allowed close supervision and control over the mobility of the tribes** which were notified by the provincial governments.
- It **gave sweeping powers to the local administration and village elites** to decide on their discretion who should be subjected to the law and how to enforce punishments.
- It gave **wide powers to the police** also to arrest, control, and monitor the movements of such tribal communities.
- These communities had to undergo **compulsory registration and obtain passes for movement**.
- They were **arrested without any intimation or valid reason** and were mostly suspected of the crimes that took place in the vicinity.
- These communities were not allowed to use the judicial system and had no recourse to appeal.
- The **district administration maintained regular records of such communities**.



- They were given harsh punishments and their human rights were continuously being violated.

Government Reforms:

- After India attained independence from the British and the Indian constitution was adopted, this draconian law was repealed in 1952 and these communities were de-notified under the Criminal Tribes Act and thus came to be known as **De-notified Nomadic Tribes (DNTs)**.
- The Criminal Tribes Act of 1871 was repealed in August 1949 and the criminal tribes were de-notified in 1952.
- **The Habitual Offenders Act 1952 replaced the Criminal Tribes Act of 1871.**

Habitual Offenders Act, 1952:

- As per this act, a 'habitual offender' is one who has manifested a set practice in crime and poses a serious threat and danger to the society in which he lives.
- In short, these **communities were again brought back to the list they were initially included into though under a different name.**
- Facing criticism, this Habitual Offender's Act was **abolished in 1990**. Now, they come under the purview of the '**Prevention of Anti-Social Activity Act' (PASA)**.

United Nations Anti-Discrimination Body Committee:

- The Prevention of Anti-Social Activity Act' (PASA) also did not change their plight and in 2007, the United Nations Anti-Discrimination Body Committee on the Elimination of Racial Discrimination noted that the Habitual Offenders Act was a sophisticated replica of the Criminal Tribes Act and they are now branded under a new name called 'De-Notified' tribes and this did not change the stigma or the oppression faced by these communities.
- It also upheld some of the fundamentals of Civil liberties like "all human beings are born free and equal", and "under criminal justice system, a human being is innocent unless proven guilty".

Purview of SC/ST Act, 1989:

- Following the observation of United Nations Anti-Discrimination Body Committee, the National Commission for De-notified, Nomadic and Semi-Nomadic Tribes (Ministry of Social Justice and Empowerment) in 2008 recommended that the benefits of the reservation available to the Scheduled Castes (SCs) and Scheduled Tribes (STs) should be extended to these communities and laws such as the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 apply to such communities too.
- They are now covered under various categories of Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs). Some of them even fall under the general category.



Issues Faced by the Denotified Communities:

1. Politically 'quiet':

- They do not place their demands concretely before the government as they lack the leadership in their community.

2. Lack of Basic infrastructure facilities:

- They are still inaccessible to a number of basic facilities such as drinking water, shelter, and sanitation facilities, healthcare and education facilities, etc.

3. Vague caste categorization:

- In some states they are included under the SC category, in some under OBCs.
- Often, they do not have caste certificates and hence are not able to avail themselves of the benefits of welfare programs.

4. Criminalisation of the community:

- They are still treated as criminals and tortured by the local administration and police.
- Since they wander frequently, they do not have a permanent settlement.
- As a result, they lack social security cover and are not issued Ration Card, Aadhar Card, BPL Card etc.

5. Issues of Modernization:

- Modern technology and commercialization have eroded their traditional skills and livelihoods, forcing many to lead nomadic lives.

Welfare Measures Needed:

1. National Commission for De-Notified and Nomadic and Semi-Nomadic Tribes (2003):

- It provided "Scheme for Economic Empowerment of DNT Communities (SEED)" for good quality coaching to enable them to appear in competitive examinations, Health Insurance, livelihood initiative at community level and financial assistance for construction of houses.

2. Renke Commission:

- It recommends enumerating DNTs in the next census.
- State-wise list should be prepared for welfare schemes. Advisory Committees may be made at District and State level to assist the socio-economic condition of the DNTs. State Government may take steps to issue Caste Certificates and ration cards and BPL Certificates.
- The Union of India may take a special campaign for the issue of voter ID.

3. Bhiku Ramji Idate Commission:

- A permanent commission for DNTs should have a prominent community leader as its chairperson.
- Grant Constitutional protection under a separate third schedule for reservation and extend the protective cover of Prevention of Atrocities Act to them.
- Public Distribution System (PDS) cards, special housing schemes for the largely landless community, a separate academy to preserve their art and culture, special education and health schemes.



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WAY FORWARD:

- There is a need for establishing society-wide changes for DNTs to gain access to political-social-economic welfare.
- Their unique lifestyle requires positive affirmation and development policies that cater to their specific needs.
- So the repeal of the law has to be accompanied by a slew of legal reforms, addressing the multitude of issues that DNTs face.

For the upliftment of the DNTs, debate and sensitization programmes should be introduced in order to make the other communities in the society empathetic towards their suffering. 'Criminal' branding of the community should be removed from society for their empowerment.

