

HARIBHAU RATHOD

MEMBER OF PARLIAMENT (LOK SABHA)
150, NORTH AVENUE, NEW DELHI-110001
PH.: 011- 23092411 MOBILE : 9868180458
Member : Railway Consultative Committee
Standing Committee Commerce

**हरिभाऊ राठोड**

खासदार, सोसद
'लोटस' तंत्रप्रेरणा नगर, वडगांव, यवतमाल (महाराष्ट्र)
फोन : 07232-256333, 256010
मुम्बई : 022-25686699

HR/DEL/PC/2006

22nd August, 2006

To

His Excellency Dr A P J Abdul Kalam
President of India
Rashtrapati Bhawan
New Delhi

MEMORANDUM

Sub : Request for introduction of Mother tongue (Banjara Language) in Primary Education in Tanda's (Village) School under Sarvashiksha Abhiyan for Banjaras, under Article 29(1) and 350(A) of the Constitution of India and inclusion of Tribal Banjara Language in 8th Schedule of the Constitution – Regarding.

Respected Sir,

It is well know from the history of India that the Tribal Banjara community has been involved in the service of the nation by way of Ladeni, i.e. Transportation and trading through animals – on cows, bullocks, horses, camels etc. till India attained its freedom. Even after, to the best of their ability this community engaged in nation building activities and economic upliftment of the country through efficient farming, animal husbandry and other occupational work.

2. Till independence, this community was devoid of education. As a result, the literacy percentage in this community was Nil. In the service of mankind, this community participates in the marketing and supply of grains in the villages and towns. In this process, this community has become nomadic in nature. With the entry of British East India Company and beginning of machine age, the traditional nomadic trading business (Ladeni) had come to an end. In search of livelihood this community was forced to migrate into deep forest areas and difficult mountain terrains. Today, the population of Tribal Banjaras is around 6 (six) per cent of the total population of the country, which is more that 60 millions.

3. After independence, this Community has permanently settled in many of the States and accepted states language as their mother tongue. However, it is important to note that this community has its own language and distinct culture base. This community at present is a linguistic minority in almost all the states of India. Hence, it is pertinent to protect their culture base and language. They have adopted Devnagri Script for "Banjara Language".

4. In this regard, the Tribal Banjara Community earnestly request the Government of India to introduce from primary level, our widely spoken Banjara Language through Devnagri script, especially in all the villages in the country with "Tandas" the tribal Banjaras, under Sarvashiksha Abhiyan. In pursuance of Fundamental Rights in Indian Constitution, under Article 29(1) and 350(A) the preservation of Banjara language, culture and heritage is the responsibility of the State.

5. We, therefore, request that in the interest of large population of Tribal Banjaras in the country, the tribal Banjara Language be included in the 8th Schedule of the Indian Constitution at par with other National Language.

6. We shall be obliged if our case is recommended to the Government for consideration.

With kind regards,

Yours sincerely,

Sd/-

(Haribhau Rathod)

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HR/DEL/HRD/2006**22nd August, 2006****Respected Smt. Meira Kumar ji,**

In the meeting of Forum of Scheduled Caste and Scheduled Tribe Members of Parliament, of which I am a Member, held on 22.5.2006 in Planning Commission under the Chairmanship of Deputy Chairman, Planning Commission besides discussion on various issues related to Scheduled Castes and Scheduled Tribe the issues of De-notified Tribes (DNTs) have been discussed and a need for upliftment of the DNTs was felt. In the minutes of the meeting, vide Point No. 18, it has been recorded that DNTs have been neglected for a long time and there used to be special budget for their development earlier. Mid-Term Appraisal of the Tenth Plan of Planning Commission has also highlighted the problems being faced by DNTs and there is a need for special budget/ scheme for their overall development. It was felt necessary that urgent care should be taken on the status of vulnerable Matto, a nomadic tribe.

I have been working for the cause of about 15 crores DNTs for last 15 years. I would like to give you a brief summary of the present status of DNTs in the country.

Though we have just celebrated the 59th independence, but unfortunately, DNTs are still much backward. Although, DNTs also got freedom but could not get benefits of any kind of development as Scheduled Castes, Scheduled Tribes and other communities are getting, as a result of which, still, they are living on the pattern of 18th century. Before independence they were very much neglected, they were devoid of education, social, political, economic, medical facilities, personal development, skill development, etc. As a result the

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5. **Health Awareness and Medical Facilities:** As DNTs are not connected with the mainstream of social life they are totally unaware about health awareness and medical facilities. They are so poor that they cannot afford/go to the qualified Doctors or Specialists. They even depend on the quacks as a result of which most of them are sick and have been suffering from TB, AIDS, Cancer and other deadly disease. Their women and children are most vulnerable to contamination of various diseases due to malnutrition. In every Nangla Dera there should a Primary Health Centre for them. Provision of Mobile dispensaries to their bastis should be made. So special provision and budget allocation be made in Sub Plan for DNTs for Health/AIDS Awareness, family planning and Medical Facilities.
6. **Welfare Schemes:** On the line of various SC/ST Welfare Schemes, various Welfare schemes for the welfare of child, women, old aged exclusively for DNTs be formulated and sanctioned. A special provision and budget allocation be made in Sub Plan for DNTs in this regard.
7. **Preservation of DNTs cultural heritage/handicrafts:** Some communities of DNTs are very expert in handicrafts. Various handicrafts items made by them are very popular in the country and there is a great demand of these items in international market too. But due to their poor financial condition, they cannot improve their production capacity. Government should come forward and encourage them giving them assistance for their handicraft work. Special measures/package should be sanctioned by Government for purchasing their items through government channels and exporting them to international markets. Incentives should be given to them for exporting their item.

The DNT Communities are very hopeful that this Government will do something for them, and after the meeting of the Planning Commission on 14th July, 2006 they are counting days that they will get special packages and Separate Plan and Budget Allocation from Government for their upliftment and development.

I, therefore, request you to take this important matter with the Planning Commission and keeping in view my above-suggestions coordinate with different Ministries for sanctioning a Special Sub-Plan for DNTs covering all the above points.

With kind regards,

Yours sincerely,

Sd/

(Haribhau Rathod)

Smt. Meira Kumar
Minister of Social Justice & Empowerment
Shastri Bhawan, New Delhi

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HR/DEL/HRD/2006

8th September, 2006

To,

The Chairman

National Commission for Denotified Tribes & Semi Nomadic Tribes
Ministry of Social Justice & Empowerment
Jawaharlal Lal Nehru Stadium
2nd Floor, Gate No. 30, New Delhi – 110003

Sub : To provide full equality and opportunity, particular in education and employment to Denotified, Nomadic and Semi-Nomadic 'Tribes' which are spread amongst the OBCs – Suggestions thereof.

Sir,

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- ii) Tanda/Wadi/Nagala Development Schemes.
- iii) Basic amenities Schemes.
- iv) Residential school Schemes.
- v) Health Schemes
- vi) To earmark some fund of Central Government Scholarship exclusive for DNT students at Primary, Basic and higher Education level.
- vii) To earmark some fund of Central Government exclusively for providing financial support to girl students for studies.

I hope that you will get my above suggestions examined in proper perspective and consider for implementation as early as possible.

With kind regards,

Yours sincerely

Sd/-

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HR/DEL/HRD/2006

21st March, 2007**Respected Prime Minister,**

I along with a delegation from Banjara, Nomadic and Semi-Nomadic Tribes, met you last year and discussed in detail the problem of these most backward tribes. You gave a patient hearing to the demands of these tribes and was kind enough to constitute a Technical Advisory Group (TAG) under the Chairmanship of Shri Ganesh Devy. The TAG after going through the various aspects of Banjara, DNTs has submitted a report to Ministry of Social Justice and Empowerment for further consideration and forwarding the same to your Office. It is quite some time now that the report is pending with the Ministry of Social Justice & Empowerment for consideration and forwarding to your office.

I, on behalf of the Banjara Community of the country, request you to kindly issue instructions to the Ministry of Social Justice and Empowerment to forward the report to Prime Minister's Office through Denotified Nomadic and Semi Nomadic Tribes Commission for further necessary action and kind approval so that this mostly backward community of the country gets justice from your kindness.

With kind regards,

Yours sincerely,

Sd/-

(Haribhau Rathod)

Dr. Manmohan Singh
Hon'ble Prime Minister
South Block
New Delhi

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HR/DEL/HRD/2007**24th May, 2007****Respected Dr. Ahluwalia ji,**

You may be aware that in the Common Minimum Programme of UPA Government there was a provision for betterment and upliftment of Denotified and Nomadic Tribes. I would like to bring to your kind notice

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HR/DEL/HS/2007

13th September, 2007

Respected Shri Mungekar ji,

Sub : Constitution of a Sub-Working Group for Denotified Nomadic and Semi Nomadic Tribes of India.

Today I along with a delegation from Denotified Nomadic and Semi Nomadic Tribes (DNTs) met Shri Montek Singh Ahluwalia, Hon'ble Deputy Chairman, Planning Commission and apprised him about the present socio-economic condition of DNTs. We have a detailed point to point discussion with him. He gave us a patient hearing and somehow agreed with the points which we raised during the discussion. He advised us to bring the facts to your kind notice to take further favourable action by the Government towards welfare of DNTs. So, I am writing this letter to you for your kind perusal and favourable consideration.

You are aware that I have been working for the cause of Denotified Nomadic and Semi Nomadic Tribes (DNTs) for last so many years. Since last few years I have been writing to you and various concerned departments regarding the issues of DNTs. You might have gone through all those letters and, I hope, those are under consideration of your Department. I, as a Member of Parliament and various other Agencies/Associations/Organizations have requested several times to make special provisions for about 400 castes and communities who have been categorized as Denotified Nomadic and Semi-Nomadic Tribes. Before Independence these castes and communities were classified as criminal tribes and some of them were constantly moving from place to place and because of this reason they have remained socially, economically, administratively, politically and legally most neglected and disadvantageous group of the weaker section of our country. As surveyed by various Social-Logical Study Groups, several Government Agencies, Government Departments; and recently the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, appointed by Government of India and the Technical Advisory Group constituted by the Hon'ble Prime Minister have ascertained the population of these castes and communities from all the States and Union Territories, which comes between 12 to 15 crores. This can be ascertained from the interim report submitted by the National Commission for Denotified Nomadic and Semi-Nomadic Tribes. Therefore, a special strategy, action plan and focussed activities are required to be taken up by the Central Government as well as State Government. So, to achieve this goal a special Sub-Working Group under your Chairmanship should be formed in the Planning Commission and historical facts and figures and issues of development of this castes and communities should be identified and culled out so that special budgetary allocation on line of the Sachhar Committee Report can be decided.

In view of the above situation, I earnestly request you that within the Working Group of the Backward Classes and SC/ST a Sub-Working Group of Denotified Nomadic and Semi Nomadic Tribes should immediately be formed for these castes and communities and a time limit of one month for submission of its report should be fixed so that the strategy and action plan can be chalked out for this vulnerable group without wasting any time.

I hope immediate action would be taken on the matter. I may be called, if needed, to discuss any issues pertaining to DNTs. I can personally explain you the problems of DNTs and throw some light to the issues which are to be considered by Planning Commission/Government for upliftment of this most backward group of the country.

With regards,

Yours sincerely,

Sd/-

(Haribhau Rathod)

Dr. Bhalechandra Mungekar

Member

Planning Commission

Yojana Bhawan, New Delhi

1. After the submission of the Mandal Commission and Indra Sahney v/s Government of India Judgment of Supreme Court now other Backward Classes (O.B.C) have come into existence in every state of India and at the Central Level. We propose that in every State, there are lists of Nomadic Tribes and Denotified Tribes. Wherever these NT/DNTs are neither in the list of S.C nor S.T., they are in the list of O.B.Cs. of the respective States. Nomadic Tribes and Denotified Tribes are poorer and weaker sections among the other Backward Classes. Therefore they need more protection in comparison with other Castes and Communities of the O.B.Cs. In this regard Hon. Supreme Court, in the case of Indra Sahney have very clearly directed the Central Government and State Governments that there should be categorization among the G.B.C so that poor and weaker section can be given separate quota out of total quota of 27% for the OBCs.

So far as the categories of backward classes are concerned, it is true that Hon'ble Supreme Court, in its Judgment of Indira Salmey and others V / s Union of India and others, has very clearly suggested to the Government of India and State Governments that a large number of Castes, Communities and Groups enlisted under the OBC list are not having the same Socia, Economic and Political level of development. Hon'ble Supreme Court has observed and directed that there is a vast gap between one Caste and the other one. The relevant portion of the Hon'ble Supreme Court's verdict will be relevant to be quoted here as:-

" 92A", we are of the opinion that there is no Constitutional or legal bar to State categorizing the Backward Classes as Backward and more Backward. We are not saying that it ought to be done. We are concerned with the question if a State makes such a categorization, whether it would be invalid? we think not. Let us take the criteria involved by the Mandal Commission. Any Caste, Group or Class which scored eleven or more points was treated as a Backward Class. Now it is not as if all the several thousands of Castes/Groups/Classes scored identical points. There may be some Castes / Groups/ Classes which have scored points between 20 to 22 and there may be some who have scored points between eleven and thirteen. It can not reasonably be denied that there is no difference between these two sets of Castes/Groups/ Classes. To give an illustration, take nvo occupational Groups viz. Goldsmiths and Vaddes (traditional stone cutters in Andhra Pradesh) both included within other Backward Classes. None can deny that Goldsmiths are far less backward than Vaddes. If both of them are ground together and reservation provided, the inevitable result would be that Goldsmiths would take away all the reserved points leaving none for Vaddes. In such a situation, a State may think it advisable to make a reservation even among other backward classes so as to ensure that the more backward among the Backward Classes obtain the benefits intended for them. Where to draw the line and how to effect the subclassification is, however, is matter for the Commission and the State is so long as it is reasonably done, the Court may not intervene, In this connection, reference may be made to the categorization obtaining in Andhra Pradesh. The Backward Classes have been divided into four Categories. Group "A" comprises of Aboriginal Tribes, Vimukta Jaties, Nomadic and Semi Nomadic Tribes etc. Group "B" comprises professional group like Tappers, Weavers, Carpenters, Ironsmiths, Goldsmiths, and Kamsalines etc. Group "C" pertains to "Scheduled Castes converts to Christianity and their progeny", while Group "D" comprises of all other Classes /Communities/ Groups, which are not included in Group A, B, and C. the 25% vacancies reserved for Backward Classes are sub-divided between them in proportion to their respective population. This categorization was justified in Bal Ram (1972 (3) SCR 247 at 286): (AIR 1972 SC 1375). This is merely to show that even among

provided in their favour. It is a well accepted phenomenon through out the Country, what is the logic behind it? It is that if scheduled Tribes, Scheduled Castes and other Backward Classes are lumped together. OBC will take away all the Vacancies leaving Scheduled Caste and Scheduled Tribes high and dry. The same logic also warrants categorization as between more backward and backward. We do not mean to say we may reiterate- that this should be done. We are only saying that if a state chooses to do it, it is not impermissible in law".

In view of above observations, Central and the State Governments should categorise NT /DNT among the OBCs as separate Category and they should be given separate quota of 7% in proportion to their population.

2. What have been directed by the Hon'ble Court was already suggested in the Mandal Commission Report itself, of course by the way of a dissent note by Shri L.R.Nayak, Member of the Commission and Ex. M.P. from Karnataka. Shri Nayak even prepared separate lists of more Backward Classes with respect to every State of the India. In this Dissent note, Mr. Nayak categorized into two Groups i.e. "Intermediate Backward Classes" and the "Depressed Backward Classes". He suggested that the Depressed Backward Classes should be given protection and priority and separate quota so that they cannot be exploited by more developed groups from the OBC themselves. He has observed as under in his dissent note:-

"The ancient adage that if a big fish and a small fish are put together, the former will swallow the latter, it still very apt in the context of the Caste hierarchical Society of India. Care should, therefore, be taken with all emphasis at our command that the benefits of safeguards are dispersed equitably and rationally, as far as possible, among all sections of the Backward Classes. This, I consider, can happen by avoiding competition for benefits among the un equals or by bringing about competition among equals. I therefore propose that the common list should be categorized into two parts, "A" and "B". "A" consisting of those Classes whom I have described as "Depressed Backward Classes" and "B" the rest of the Communities in the list to be described as 'Intermediate Backward Classes'. The list of 'Depressed Backward Classes' in relation to States and Union Territories is given in Annexure.

A percentage distribution of India population by Castes and Religious groups has been indicated in the body of the main Report. It is seen there from that the percentage population of other Backward Classes including non- Hindu Communities is derived at 52. it is further seen that the population percentage of Hindu Backward 'Castes/Groups' is 43.70, whereas that of non Hindu Communities is 8.40. Now on categorization of other Backward Classes into

the matters of Backwardness to those of the Scheduled Castes and Scheduled Tribes, I
Tribes/Communities who are in Backward Class list.

"243" The Commission also considered the representations made on behalf of the De-notified and Nomadic Tribal Rights Action Group and decided to forward them to the Ministry of Social Justice & Empowerment with the suggestion that they may examine the same preferably through a Commission."

In view of this, the observations and suggestions of the Supreme Court/Recommendation of Mandal Commission/Recommendation of Venkatchalleiah Commission that it is high time that at the Central level categorise most Backward Classes and other Classes and accordingly the 27% quota marked against the total OBC population should be divided among the different categories so that justice can be done to most deprived sections among the OBCs themselves.

It is therefore, establishment that Denotified and Nomadic Tribes is a different group which has a Constitutional right to get the benefits of Socio-economic reservations as has been done in the case of other Communities i.e. SC/ST. If we are not able to provide them this constitutionally justified right, then they would remain backward indefinitely. It is therefore, high time that the needs of these people are high lighted at national level so that a separate chapter is added for them in the Third Schedule of the Constitution of India i.e. "Scheduled Denotified and Nomadic Tribes". As mentioned above there is an approx. 15 crore populations of these people in the Country and one group or the groups must be living in each and every part, State or District of the Country.

In view of the above, the previous NDA Govt. was taken a landmark decision and declared National Commission for Denotified and Nomadic Tribes. The UPA Govt. given a Social Justice to the weaker section peoples including the Minorities as mentioned in their Govt. Achievement book brought in completion of one year term of Govt. However, there is no mention about helpless peoples called Denotified Nomadic Tribes & Nomadic Tribes peoples of India.

It is therefore, humbly requested that the needs of those peoples are high lighted as National level so that a separate chapter is added for them as **Third Schedule in Constitution of India.**

With Kind Regards,

Yours sincerely


Sd/(Haribhau Rathod)

Copy to: Shri Mukul Wasnik, General Secretary, AICC, New Delhi - for kind necessary action.