

# Refferances/Ganeshdevi/Act.

## REPORT

### THE CRIMINAL TRIBES ACT ENQUIRY COMMITTEE

(1949-50)



सत्यमेव जयते

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REPORT OF THE CRIMINAL TRIBES ACT ENQUIRY COMMITTEE, 1949-50.

CHAIRMAN

1. Shri Ananthasayanam Ayyangar, M. P.

MEMBERS

2. Shri A. V. Thakkar, M. P.
3. Shri K. Chaliha, M. P.
4. Shri V. N. Tivary, M. L. A. (Uttar Pradesh).
5. Sardar Gurbachan Singh, M. L. A. (Punjab).
6. Shri J. K. Biswas, Retired Additional Chief Presidency Magistrate,  
Calcutta.)

SECRETARY

7. Shri P. C. Dave.

- (g) Children whose parents are hardened criminals and are found to be exercising bad influence on their children;
- (h) Children who are quite uncontrollable by their parents.

407. In States, where special laws for the treatment of children are in force, action against the children of habitual offenders may be taken under such laws only as far as possible.

408. We would like to specify one more point in the matter of treatment of children of the habitual offenders. When any children of the habitual offenders have to be committed to the residential schools, it should be seen that they are sent to such schools for a sufficiently long time so that they can be properly educated and trained in some industry or craft so that when they come out of the institution, they may be in a position to stand on their own legs and become useful members of the society.

409. No provision similar to section 23 of the Criminal Tribes Act should be included in the new Act, nor provisions similar to sections 24, 26, and 27 of the Criminal Tribes Act are necessary, as in our opinion, sections 109, 44 and 45 of the Criminal Procedure Code are quite adequate. Incidental provisions that may be considered necessary and provisions for making rules for the administration of the Act and punishments for the breach of the rules will have also to be included in the Act but we would like to point out that, unless such breach of rules is for the purpose of committing or aiding in the commission of an offence under the ordinary penal law, the punishment should be light.

#### (C) Social and economic uplift of the Criminal Tribes after the repeal of the Criminal Tribes Act.

410. As stated above, the members of Criminal Tribes have been labouring under manifold disabilities over a long period. As a class, they are socially backward and economically depressed. It is, therefore, essential to help them to improve their conditions and also to see that those who had criminal propensities in the past but are reformed now, do not revert to crime on the repeal of the Criminal Tribes Act. Steps for rehabilitating these people should, therefore, be taken immediately after the repeal of the Criminal Tribes Act. The welfare and reformatory work at present done in some of the States is not at all adequate and requires to be intensified. With this object in view, we would recommend, as the first step, a complete

411. As regards the finances required for implementing the various welfare recommendations that we have made above, we are not unaware of the limited resources at the disposal of the State Governments. The need for reclaiming and upraising these unfortunate sections of our community is even more pressing today more insistent than ever before. So deeply impressed are we with the urgency of the problem that we cannot contemplate with equanimity the possibility of nothing or very little being done in this direction for lack of adequate funds. It appears to us an inescapable obligation of the Central Government to make itself responsible for ensuring that work on the lines indicated above does not languish because the States out of their limited resources are unable to shoulder responsibility for carrying it out on a scale commensurate with the requirements of the situation. Accordingly, we are of the opinion, that the Union Government should make a liberal contribution not exceeding 50% to the State Governments for the initiation and execution

against same tribes. But the experience about some of these tribes which have been dealt with under the Criminal Tribes Act, apart from the exceptions as pointed by Dr. Patabhi, shows that crime follows in the wake of the travels of some nomadic tribes whenever and wherever they go, and crimes suddenly spring up and it has been found difficult to cope with their criminal activities. They inherit from heredity some criminal tendencies. I should therefore suggest that a very careful inquiry should be made to find out the propensities of some of

come in regard to the beneficent acts of the Central Government as well as those of the State Governments. Take the instance, for example of the educational facilities and other welfare work that must be done among them. Are the so-called criminal tribes going to come within the purview of the other backward classes or are they going to be scheduled with the Scheduled Castes or the Scheduled Tribes? What is going to happen? Under what category is it proposed that these people should, after the repeal of this Act, be brought, because



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## Foreword

### 1.1 Formation of Technical Advisory Group

The Ministry of Social Justice and Empowerment, Government of India, vide its notification dated 8<sup>th</sup> September 2006 constituted the Technical Advisory Group with the following terms of reference:

- a) To review the existing schemes and programmes and to suggest suitable modifications therein for the development of Denotified, Nomadic and Semi-nomadic Tribes.
- b) To suggest action plan for the development of Denotified, Nomadic and Semi-nomadic Tribes,
- c) To examine the representations received from various organizations representing Denotified, Nomadic and Semi-nomadic Tribes; and
- d) To examine and make recommendations on any other matter referred to it by the Government of India.

It was provided in the Notification constituting the Technical Advisory Group that the TAG may obtain such information as the TAG considers necessary or relevant for the purpose from the Central Government, State Governments, Union Territories and any other agency, organization or individual.

**TECHNICAL ADVISORY GROUP**

Dr. Meena Radhakrishna, Sociologist and author of *Dishonoured by History* (Orient Longman, 2001);

Dr. Anil Kumar Pandey, Editor, *Budhan* (Hindi), activist and Prof. of Information technology

Shri Mohd. Aslam, Retired I. A. S., Jammu and Kashmir Cadre

Names of two more distinguished activist-scholars had been included in the Government's order dated 29.8.2006, No. 12016/3/2006-SCD (RL Cell). Since their acceptance had not been received by the Ministry of Social Justice and Empowerment till the date of issue of the Notification on 8<sup>th</sup> September 2006, their names were not included in the Notification.

Subsequently, on receiving their acceptance they were included as Members in the Technical Advisory Group. These two scholars were :



Towards the end of the meeting, Shri Balakrishna Renke, Chairman, National Commission on Denotified, Nomadic and Semi-nomadic Tribes, visited the TAG and expressed his concerns and views about the Terms of Reference set for the TAG.

There was a difference of opinion between the Technical Advisory Group and the Chairman of the NCDNSTs regarding the procedure to be followed for ensuring that the Schemes recommended by the TAG get incorporated in the Eleventh Five Year Plan Allocations.

## FOREWORD

for the Denotified, Nomadic and Semi-Nomadic Tribes will have to be firmed up latest by October 2006. If we miss the opportunity, I am afraid we may have to wait for another five years for preparing another proposal.

Under these circumstances, I would like to know if the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes has already prepared a proposal, and in that case, if it would like to seek any inputs from the TAG. On the other hand, if the Commission has not initiated the process, would the Commission be willing to take up the issue with the two concerned Ministries and fix a date for presentation of a proposal? The TAG has agreed to hold its second meeting on 12th October 2006 in Delhi and the Group will be ready with a proposal of Schemes and Programmes for the XIth Five Year Plan which the Commission can use for a presentation to the two Ministries on its own, or together with the TAG if it so desires.

I will appreciate your response at the earliest. I will be grateful if you could copy your response through email to the members of TAG to save time, since time at our disposal is very short.

The email ids/addresses of the TAG Members are :

Dr G N Devy : ganesh\_devy@yahoo.com / brpc\_baroda@sify.com

Dr Rudolf Heredia : rudiheredia@gmail.com

Dr Ajay Dandekar : ajayd16@gmail.com

Dr K M Metry : metrykm@yahoo.com

Dr Meena Radhakrishna : meena.rkna@gmail.com

Dr Anil Pandey : rmrindia@gmail.com

Prof Kanji Patel, 12 Gayatri Society, Lunawada, Dist Godhra, Panchmahals

Tel : 02674 - 250788 \* 250048 (O)

Shri Modh Aslam, IAS (Retd), C/O BMC Bank Limited, M A Road, Near Broad Hotel, Srinagar,

Contact nos : 09419136909 / 09419421458 / 09419181794 / 0191 - 2662144

## TECHNICAL ADVISORY GROUP

With warm regards,

Yours sincerely,

G N Devy

Copy to : Members, Technical Advisory Group

Shri T C Joshi, Assistant Director, Ministry of Social Justice and Empowerment, Govt of India

1.5 The Commission informed the TAG that a proposal for the Eleventh Five Year Plan has already been sent to the Ministry of Social Justice and Empowerment, and that a Position Paper on Comprehensive development of DNTs was at the final stages of its preparation, and would be shared with the Technical Advisory Group in its next meeting scheduled for 12<sup>th</sup> October 2006.

Date: Thursday, 28 Sep 2006 14:48:45 +0100 (BST)

From: "ncdnt Tribes" <ncdnt2006@yahoo.co.in>

Subject : Re: Commission AND TAG

To: "Ganesh Devy" <ganesh\_devy@yahoo.com>

Dear Devyji

I am very happy that the differences between the Commission and TAG have been resolved amicably. I also appreciate this spirit of co-operation and collaboration with the commission in making adequate budget provisions for the welfare and development of Denotified, Nomadic and Semi-Nomadic Tribes. I fully agree with you that we should not miss this opportunity of making adequate finance provisions in the 11th five year plan and we should work together to achieve this.

The Commission has submitted a proposition to the Ministry of Social Welfare and Empowerment for making budgetary provisions in the 11th Five Year Plan. However, we feel that apart from the ministry of social welfare and empowerment we also need to involve other ministries such as Tribal Development, Ministry of Agro and Rural Industries, Ministry of Health and Family Welfare,



Ministry of Housing and Urban Poverty Alleviation, Ministry of Labour and Employment, Ministry of Rural Development and Ministry of HRD in making adequate provisions for the benefit of DNT and NTs.

We are in a process of preparing a position paper on how these Ministries can contribute and be involved in the integrated scheme of development and welfare of the DNT and NTs. The commission would finalise this position paper before 12th Oct and would share it with the TAG on its 12th October meeting. Then we can discuss and decide how to convince these ministries and the planning commission to make adequate budget provision in the 11th five year plan.

Looking forward to work with the TAG for the larger interest of the Denotified, Nomadic and Semi-Nomadic Tribes,

Yours,

Balkrishna Renake

#### 1.6 Interim Consultation with Members of Technical Advisory Group

In anticipation of receiving the Position Paper and copy of the proposal submitted by the DNT Commission to the Ministry of Social Justice and Empowerment, Members of the Technical Advisory Group decided to carry forward their consultations through e-mails and bring up the emerging points for discussion during the meeting scheduled for 12<sup>th</sup> October.

#### 1.7 Second Meeting of Technical Advisory Group:

In order to facilitate a serious discussion leading towards fulfilling the obligations placed on the TAG by the Government of India, each member was requested to make a presentation for 15 to 20 minutes responding to the following:

#### TECHNICAL ADVISORY GROUP

- d) Issues arising out of the Position Paper that the DNT Commission had hoped to get ready before the TAG meeting.

The sequence of presentations was planned as follows:

Dr. Meena Radhakrishna

Dr. K M Metry

Prof. Kanji Patel

Shri Mohd Aslam

Prof. Ajay Dandekar

Dr. Anil Pandey

Dr. Rudolf Heredia

Following the presentations, the Group was expected to prepare a list of concerns and priorities. Considering that the TAG has a short and fixed tenure, it was requested to suggest names of volunteers for formation of a sub-group to flesh out the short-listed concerns and issues for inclusion in the final Report of TAG.

#### 1.8 Third Meeting of Technical Advisory Group :

The suggestions made by Members of the Technical advisory Group during the meeting held on 12<sup>th</sup> October 2006 were properly recorded, and, together with other suggestions made in the past by the following Government Bodies and Commissions, they were circulated among the Members for discussion leading to the formulation of the Report and Recommendations of the Technical Advisory Group:



- c) The Criminal Tribes Act, 1911
- d) The Criminal Tribes Act, 1823
- e) The Criminal tribes Act, 1924
- f) The Bombay Habitual Offenders Act, 1959
- g) The Listing of Communities Notified as 'Criminal Tribes' up to 1952
- h) The listing of Communities as SC or ST in some states as samples
- i) The description of some of the Denotified Tribes in official Anthropological sources

The Third Meeting of the Technical Advisory Group was held at the ICSSR, New Delhi , on 2<sup>nd</sup> November 2006, during which the above materials were discussed and suggestions and recommendations to be offered to the Ministry of Social Justice and Empowerment, Government of India, were formulated with a view to finalizing them. Further, various categories were conceptualized for distributing the suggestions according to their thematic importance.

#### 1.10 Final Meeting of Technical Advisory Group :



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