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 अश्विनी टावर्स  
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 फोन : 07232-256333, 256010  
 मुम्बई : 022-25686699  
 1st Feb. 2011

To,  
 Hon'ble Dr. Manmohansing ji,  
 Prime Minister of India  
 New Delhi.

**Subject : Charter of demand for consideration of providing Social Justice to Denotified & Nomadic Tribe.**

Hon'ble Sir,

It is common knowledge that the Criminal Tribe Act was introduced by British Regime in the year 1871. By this act if the new born child in a family, born in such community was a criminal as per this Act. This Criminal Tribe Act is like the atrocities committed upon Jew community by atrocious dictator Hitler in Germany During the Second World War.

The great leader of Congress, Late Shri Pandit Jawahar Lalji Nehru The Prime Minister of India ended the Stigma and plight of These Tribe by repealing the Criminal Tribe Act on 31st August, 1952 ending the torturous era spreading across almost 81 years.

Needless to say that, though India gained independence on 15th August, 1947. This communities covered under Criminal Tribe Act continued to be branded criminals even after coming into force of the constitution of India. Therefore, irreparable loss which can not be made good has occurred in the case of De-notified Tribes and certain Nomadic Tribes-also.

Though the constitution of India has provide a mechanism of extending constitutional rights for upliftment of let out marginalized and most depressed communities since independence, these provisions remained in the book of constitution for lack of implementation. Social Justice therefore, remained elusive for these left out communities.

The Mandal Commission Report has for the first time implemented 27% for O.B.C. including the left out communities.

**Note of Dissent by Hon'ble Shri L. R. Naik.**

Late Hon'ble Shri. L. R. Naik who was member of Mandal Commission had given a Dissent Note. As per the Dissent Note, he pleaded that there are most depressed and backward communities who are worse than the other O.B.C. community by way of clarity. They would be hereafter called Depressed backward classes, as distinct from the intermediate Backward classes. Mr. L. R. Naik had provided the list of D.T/N.T. in the note of Dissent. It was the great injustice inflicted by the commission. He stated that the SocioEconomic and Political situation of the De-notified and Nomadic Tribes included in the list of O.B.C. by Mandal Commission. Special reservation should be specially carved out for De-notified and Nomadic Tribes.

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**Cognizance of problem of Social Justice of D.T. & N.T. Communities by Hon'ble Madam  
 Smt. Soniyaji Gandhi.**

It gives us immense pleasure to note with pride that the great leader of our contry Hon'ble Madam Smt. Soniyaji Gandhi has taken cognizance of the problems of social justice and reservation for D.T. & N.T. communities. She has formed advisory committee headed by one man committee by appointing Dr. Narendra Jadhav to enquire into the problems of Social Justice and reservation to the D.T. & N.T. Community which are most depressed and most backward.

**Charter of Demand :-**

1) States be asked to prepare State wise list of Denotified and Nomadic Tribes, by Appointing National commission for deciding the State wise list D.T. & N.T.

2) Making separate Provision of at least 7% for D.T. & N.T. Community in the existing 27% meant for O.B.C. :-

In the peculiar facts and circumstances, the De-notified Tribe and Nomadic Tribe Communities

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**National Leaders of India given an assurance from time to time to Demotified and Nomedic Tribes.**

1) **Dr Babasaheb Ambedkarji:**

In the Constitution Article 15(4) and 16(4) and also by article 46 & 47 given a protection to these community. Also taken the subject in concernance list of state and central. However any state Govt has not or Cental Govt given Social Justice to DNT Communities exopt Maharashtra State.

2) **Pandit Jawaharlal Neharuji:-**

Pandit Jawaharlal Neharuji oppointed a Criminal Tribes Act Enquiry Committee under the chairperson of Mr. Anantha Sayanam Ayyangar, M.P. and Member Shri Thakar Bappa (1949-50) Committee recommended that crimal Tribes Act should be Repeal and another important recommendation is that

- 1) The members of the tribes should be eligible for concession similar to those granted to Harijan Adivasis.

2) **Budget Provision for economic development.**

Accordingly to the recommendation crimal Tribes Act was repeals on 31st Aug 1953. But another important Recommendation is not consideration by the Central Govt till now.

Only the Maharsashtra Govt implimented the recommendation of Ayyangar Committee.

3) **Shri Lal Bahadur Shastriji.**

Attended Banjara Conference at Digars Dist Yavatmal (Maharashtra) on 31st Dec 1953 and declaire Educational Facility to these community as Exemption of Tution fee and Govt of India Scholarship to Standard After matric for education.

4) **Smt Indira Gandhiji**

5) **Rajeev Gandhiji**

Attended meeting with Sharad Pawar on 31st March 1989 at Solapur in Maharashtra and given Assurance to the Denotified Nomadic Tribes to give them Central Govt Reservation in Service

8) **Dr Manmohan Singh**

Honble P.M.has given assurance to SHRI HARIBHAU RATHOD Ex M.P Statng that the matter will be take in cabinet meeting shortly but not materialised.

9) **Mrs Mira Kumar**

The their in social Welfare minister given assurance on the floor of House at the time of Resolution of Haribhav Rathod on 12.12.2008 the recommendation of the National Ccommission of Denotified and Nomadic Tribes are under Consideration of the Government and Decision will be taken shortly.

10. **Mr Mukul Wasanikji**

Social Justice and Empowerment Minister Govt of India is now Seriously thinking about the issue and the issue under consideration in the said welfare ministry.

**Enclosed herewith relevant papers and referances**

- 1) Recommendation of reports of the criminal Tribes Act Enquiry committee 1949-50 under Chairperson of SHRI ANANTHASAYAM AYYANGAR, M.P.
- 2) Extract of Speech delivered by Hon'ble Jaypal Singh M.P.(Bihar) in the House on 28th Feb 1952 on Criminal Tribes Laws Repair Bill. He was properally raise the question; I am not worried so much about the repeat as I am worried about the prospective aspect of the repeal. What is the next step? Further he spoke about Reservation, Commission and Budget Provision. It may please be noted that after 58 years we are also demanding the same.
3. National Commission for OBC Mandal Commission one of the Member SHRI L.R. NAYAK has given separate Decent Note with

- 5) Copy of report of the Technical Advisory Group on Denotified, Nomadic and Semi Nomadic Tribes, Govt of India, 2006 under the Chairperson of Prof- Ganesh Devy.

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18.08.2005

To,

Hon'ble Dr. Man Mohan Singh Ji,  
Prime Minister of India  
Govt. of India  
New Delhi

**Sub: Request to giving Constitutional Protection and Privileges to Denotified & Nomadic Tribes of India, on similar lines as given to Scheduled Castes and Scheduled Tribes (i.e. either by creating a separate Third Schedule or to create a supplementary list "B" to the existing list of S.T.), in the Constitution of India, by suitable notification of the Article 341 & 342 of the Constitution.**

Most respected Sir,

I am introducing before your goodself a very important issue that is of Denotified and Nomadic Tribes including Banjara in India. As you must know there are about 150 communities of Vimukta jaties (Ex criminal Tribes) having their population of approx. 10 cores (100 million) in the Country. They have been branded as born criminals by a draconian law of British colonial Regime, in the form of Criminal Tribes Act in 1971. Since then these communities have been hounded, persecuted and hunted as criminals. No Government, so far come in power, at the centre, made any deep and comprehensive study about their Socio/Economic and Educational system and given them any solid rehabilitation Programme. Now that we have been enjoying the fruits of democracy for the last more than 58 years, it is high time that some thought is also given towards these helpless people. Though much has been done for the SC/ST Communities nothing has been done for these poor Tribes men and their condition has become from bad to worst.

To fortify their logical (main demand) we refer and reply upon enclosed following relevant important documents, reports, experts, opinions, different Acts and papers for your kind cursory glance. On behalf of the Community it is our request to your goodself to get the same thoroughly examined by the Competent Authorities of Government of India, specialized Institutions, other Organizations and Experts on the subject matter. These poor people of denotified and Nomadic Tribes only desire that long period of 58 years having already passed since Independence, they should be provided Constitutional protection and special privileges, similar to that of SCs and STs which have been denied to them all along. However, nothing concrete could be done in this direction and the Denotified and Nomadic Tribes in India have still not been brought in the National main stream. This community as Denotified and Nomadic Tribes should be categorized as a Third Scheduled in the Constitution of the India. In this regard we submit the following proposals and materials:-

1. After the submission of the Mandal Commission and Indra Sahney Vs 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 O.B.C. so that

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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 Sahney 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 Socio, 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 two 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 sub- classification 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 Backward



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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 in proportion to their population in the respective State.

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:-



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referred to at Para 10.12 contains the approach. So deal in a practical way with the Vimukti Jaties and Nomadic and Semi Nomadic 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 Venkatechalleiah 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 Nomedic Tribes"**. As mentioned above there is an approx. 10 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 Nomedic Tribes. However, we learn that the Commission is not working at present. 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 mentioned about helpless peoples called Denotified Nomedic Tribes & Nomedic 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.**

Thanking you,

Wish best wishes.

Yours sincerely

Sd/-  
(HARISING RATHOD)  
MP (LS)

Sd/-  
(R.S. GAWAI)  
MP (RS)

Sd/-  
(RAM DAS ATHAWALE)  
MP (LS)

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