



End this long trauma

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End this long trauma-It is time to repeal the Habitual Offenders Act, which has only ended up re-stigmatising marginalised communities

- Fifteen crore individuals, better known as the Denotified Tribes (DNT) of India, continue to be considered 'criminal by birth'.
- The term, 'De-notified and Nomadic Tribes', can be traced to the Criminal Tribes Act (CTA) of 1871.
- The colonial government notified nearly 200 tribal communities to be hereditary criminals, cementing their societal identity as outcasts and subjecting them to constant harassment by the administration.
- After India gained Independence, these tribes were 'de-notified' from the list of Criminal Tribes, and, hence, the term.

Many reasons

- Several reasons can be ascribed to state-sanctioned stigmatisation of the DNTs in India under British rule, including the strategy to identify their allies and at the same time, subdue and monitor activities of rebellious tribal communities in India.
- The CTA allowed for close supervision and control over the mobility of the tribes which were notified by the provincial governments.
- The Act was amended in 1897, 1908 and 1911 to give sweeping powers to the authorities, some as draconian as allowing the state to remove any child of the age of six and above from its 'criminal' parents.
- By 1924, certain provisions were amended, and the Act was finally applicable to the whole of British India.
- Along with the introduction of laws such as the Forest Acts and the Salt Tax Act, the British threw a noose around the lives of DNTs using stringent regulations.
- It is only in independent India that the need was felt to shift the collective burden of criminality to the individual, which led to the CTA being repealed and the Habitual Offenders Act (HOA) being enacted in various States.

- However, the HOA functioned as a mere extension of the CTA.
- As a result, most members of the DNTs continue to be out of the orbit of steps being taken to end discrimination.

Addressing the issue-Commissions & Reports

- To address these issues, the first National Commission for Denotified, Nomadic and Semi-nomadic Tribes (NCDNT) was constituted in 2003, and reconstituted two years later under the chairpersonship of Balkrishna Renke, which submitted its report in 2008.
- The recommendations found an echo in the Idate Commission, constituted with the similar mandate in 2015, and currently withholding public release of its report.
- However, denied funding by the Ministry of Social Justice and Empowerment in fulfilling its mandate of carrying out survey and field validation work, the Idate Commission Report lacks the scientific data necessary to introduce reforms to address the plight of DNTs.
- The NCDNT report clearly recommends repealing the various HOAs.

A chance to make amends

- A mere repeal of the law will not address their need for establishing society-wide changes to gain access to political-social-economic welfare.
- Thus, the repeal of the HOA has to be accompanied by a slew of legal reforms to address the multitude of issues DNT communities face.
- As the sun sets on the 16th Lok Sabha, let us ensure that it also marks an end to the oppression of the nomadic and semi-nomadic tribes of India.

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