Considering Repeal of Habitual Offenders Act - Denotified Tribes

What is the issue?

\n\n

The continuing stigmatisation of the Denotified Tribes (DNT) in India calls for the repeal of the Habitual Offenders Act.

\n\n

Who are the Denotified Tribes?

\n\n

\n
- The term, 'De-notified and Nomadic Tribes', can be traced to the Criminal Tribes Act (CTA) of 1871.
\n
- The colonial government notified nearly 200 tribal communities to be hereditary criminals.
\n
- This fixed their societal identity as outcasts and subjected them to constant harassment by the administration.
\n
- After Independence, these tribes were 'de-notified' from the list of Criminal Tribes, and, hence, the term Denotified Tribes (DNT).
\n

\n\n

How were they dealt?

\n\n

\n
- The state-sanctioned stigmatisation of the DNTs in India under British rule was very evident.
\n
- The CTA allowed for close supervision and control over the mobility of the tribes notified by the provincial governments.
\n

\n\n

\n
- The Act was amended in 1897, 1908 and 1911 to give sweeping powers to the authorities.
\n
- This included some draconian powers as allowing the state to remove any child of age six and above from its ‘criminal’ parents.
\n
- By 1924, certain provisions were amended, and the Act was finally applicable to the whole of British India.
\n
- Along with the introduction of laws such as Forest Acts and Salt Tax Act, the British placed stringent regulations on the DNTs.
\n

\n\n

What is the Habitual Offenders Act?

\n\n

\n
- In independent India, the need was felt to shift the collective burden of criminality to the individual.
\n
- This led to the CTA being repealed and the Habitual Offenders Act (HOA) being enacted in various States.
\n
- Currently, a variant of the HOA Model Bill as proposed by the Union Government, stands enforced in 10 States.
\n

\n\n

How are the DNTs at present?

\n\n

\n
- The Habitual Offenders Act (HOA) functioned as a mere extension of the Criminal Tribes Act (CTA).
\n
- Fifteen crore individuals, better known as the Denotified Tribes (DNT) of India, continue to be considered ‘criminal by birth’.
\n
- Certainly, the mere repeal of the CTA could not change the mindset of government officials or members of society.

\n
- Nomadic and semi-nomadic communities continued to face harassment at the hands of law enforcement agencies and ostracisation by society at large.
\n
- Given their centuries-old tradition of constant movement, they often do not possess any residential proof.
\n
- This leaves them out of the majority of the government’s developmental schemes.
\n
- Those deemed eligible for such schemes were randomly grouped under the Scheduled Castes, Scheduled Tribes or Other Backward Classes categories.
\n
- As a result, most members of the DNTs continue to be out of the orbit of steps being taken to end discrimination.
\n

\n\n

What were the measures taken?

\n\n

\n
- The first National Commission for Denotified, Nomadic and Semi-nomadic Tribes (NCDNT) was constituted in 2003.
\n
- It was reconstituted two years later under the chairpersonship of Balkrishna Renke, which submitted its report in 2008.
\n
- The NCDNT report clearly recommends repealing the various HOAs.
\n
- The recommendations found an echo in the Idate Commission, constituted with the similar mandate in 2015.
\n
- However, the Idate Commission Report lacks the scientific data necessary to introduce reforms to address the plight of DNTs.
\n

\n\n

What lies ahead?

\n\n

\n
- There is a need for establishing society-wide changes for DNTs to gain access to political-social-economic welfare.

\n
- Their unique lifestyle requires positive affirmation and development policies that cater to their specific needs.
\n
- So the repeal of the law has to be accompanied by a slew of legal reforms, addressing the multitude of issues that DNTs face.
\n

\n\n

\n\n

Source: The Hindu

\n