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LIVING WITH STIGMA AND EXCLUSION: REVISITING THE DE-NOTIFIED TRIBES OF INDIA

Dattatreya Bhandalkar

Assistant Professor

Amity Institute of Liberal Arts (AILA), Amity University

Mumbai Maharashtra

Abstract

The Criminal Tribes Act of 1871 was used to notify the tribal communities that have since been de-notified. The act was overturned after independence, but the tribes that were classified as "criminals" still bear the stigma and live with it. The De-notified tribes in India are still one of the most marginalized and disenfranchised groups there, without access to resources and opportunities. In India, there are 198 de-notified tribes, and the state of Maharashtra is home to 14 of these people. Some of the declared tribal communities were incorporated among the Scheduled tribe's population in various states after the legislation was repealed post-independence, while others are still designated as "De-notified" tribes in India. In Maharashtra, the De-notified tribes make up a sizeable portion of the population and are grouped together as Vimukta-Jatis (VJ/DNTs). Despite being "de-notified," many ethnic communities nonetheless encounter persecution daily. These tribes are discriminated against by the police in addition to being denied access to basic resources and possibilities for employment. They are also treated differently by members of other castes. Their stigmatized identity because of ancestor labelling has a significant impact on the present. They are victims of crimes committed against them by the police and influential villagers' groups. Under the prevention of atrocities act, the state does not acknowledge the crimes committed against the De-notified tribes. Their complaints go unheard, and they are the target of unfounded suspicion. The tribe's circumstances have not altered; they continue to live in poverty and face discrimination and exclusion.

Keywords: Stigma, Exclusion, De-Notified Tribes.

Introduction

The De-notified Tribes of India

Our country's indigenous people are renowned for their varied and sophisticated cultural customs. However, over time, the reality of the tribes in our nation has steadily evolved. With the passage of the Criminal Tribes Act in 1871, a sizeable number of marginalized tribal communities in India were previously designated as "Criminal Tribes" and given that label. These tribesmen were recorded and labelled as "Criminals" in society after the Act was passed. The British government placed restrictions on their movements and actions; detailed plans were developed for their surveillance; and settlements were established in various parts of the nation to keep them apart from other societal groups. The majority of this tribe still displays its ethnic and primitive characteristics. Many of them continue to live in tribal groups, move around in search of work, and do not have a permanent residence of their own. They have distinctive rituals, religious practices, and beliefs that are particular to them.

They were unable to significantly improve their circumstances by liberalization, globalization, or any other social progress. Even though these tribes were officially "De-notified" by the government of independent India in 1952, no plans were made to improve their circumstances. The CTA granted the police arbitrary authority to even execute members of the tribes that were labelled as "criminal." Despite being "denotified," the notified criminal tribes are not included in the constitutional schedules alongside scheduled castes and scheduled tribes. The corresponding state lists of SCs and STs now include a few denotified and migratory groups. The status of various tribes varies widely across the nation, though. The same laws that protect the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989) that protects the SCs and STs. The DNTs do not possess traditional land rights or house titles. do not apply to the human rights violations committed against DNTs.

Since the tribal population is still primarily nomadic, it is not counted in the national census. They continue to be denied citizenship privileges, including the opportunity to vote. They primarily rely on illegitimate ways of support. India now has 198 Denotified tribes, with 14 of these communities located in Maharashtra (Rathod, 2000). These villages are dispersed over the countryside and are usually found in drought-prone regions. These tribesmen make up a complicated and forgotten segment of our culture.

Their issues are not just based in the present but also have a strong historical foundation. Both society and the political system have treated them unfairly, and their problems have not received enough attention. They continue to be regarded as criminals from birth and are harassed and persecuted by the police and the government apparatus. A sizeable demographic group has experienced oppression against the backdrop of ongoing strife within the setting of India's caste system; they are subject to stigma and



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prejudice, and their social, economic, and political rights have been flagrantly violated. To secure justice for these ethnic groups, there is a great need to investigate, comprehend, and address the problems facing India's de-notified population.

Criminal stigma and de-notified tribes

According to definition, a stigma is a severely repugnant quality. It is a quality, action, or reputation that socially discredits someone in a certain way: it makes people associate them with an unfavorable, rejected stereotype rather than a typical, accepted one. Stigma is a specific form of disconnect between one's imagined and actual social identities. It is described as a phenomenon in which a person experiences extreme social rejection as a result of the attribute to which they have been attached. It is a process by which one's regular identity is ruined by the responses of others (Goffman, 1963). Another way to think of stigma is as a label that links a person to a group of undesirable traits that together make up a stereotype. It's also attached (Jacoby, 2005). Once disparities are recognized and labelled, others will assume that is how things are, which will perpetuate stigmatization of the individual until the stigmatizing characteristic is no longer present. Depending on the period and place, different traits are chosen by society. What is abnormal in one society is commonplace in another. When society labels people as belonging to groups, they face status loss, stigma, and discrimination (Jacoby, 2005).

Once the cultural stereotype is well established, society will begin to develop expectations about those groups. Stigma can have an impact on all facets of life, restricting access to jobs and housing, destroying social connections, and lowering self-esteem. The cause of stigma is "differences." It is described as a quality that worked to diminish a person in other people's eyes (Franzoi, 1996). Over time, opinions on the disparaging attribute change. Stigma is also culturally determined; specific characteristics associated with it change depending on the diversity of the community. The nature and extent of stigma's effects on the stigmatized person vary.

The treatment of stigmatized people places a strong emphasis on "differences," and as a result, encounters between the "normal" and the "discredited" result in various forms of prejudice and discrimination (Goffman, 1990). Any type of prejudice or discrimination serves to divide and exclude people from society and prevents them from taking use of its advantages, including fair access to social supports like housing, education, and healthcare. Social exclusion takes the form of discrimination. At a personal level, the effects of stigma and social exclusion can be devastating, resulting in low self-esteem, loneliness, depression, self-harm, and strained social connections. Based on colour, sexual orientation, culture, and religious beliefs, stigma and prejudice can be experienced at both the individual and collective level (Mason et al., 2001). With the passage of the Habitual Offenders Act in 1959, a sizable number of marginalized tribal communities in India that had previously been labelled as "Criminal Tribes" with the passage of the Criminal Tribes Act in 1871 were now categorized as habitual offenders. The British government made the following two assertions: (1) All members of a given caste or tribe are criminals by virtue of their birth; and (2) Criminals are criminals forever (Kapadia: 2005).

The classification of a number of Indian tribal communities as criminals' dates back to the CTA 1871, which was passed into law. After the country's independence, things changed, and the government decriminalized criminal tribes and deemed their behavior inhumane. The tribal organizations were then categorized as habitual offenders and labelled as the De-notified tribes. With the CTA's declaration, the criminal stigma was established and is still in place today. Ancestral labelling had a significant impact on the tribe throughout time, even if the tribal groupings had been decriminalized, and it became a part of their social identity.

Other dominant groups in the villages label them as criminal communities, and they have carried the stigma of being connected to illicit activities for centuries. In certain Indian states, these tribal clans have been designated as scheduled tribes, while in Maharashtra, they are categorized as a distinct group of Vimukta Jatis. Tribal people carry a heavy stigma linked with criminality; they face prejudice, stigma, and daily horrors as a result. They continue to be regarded as criminals from birth and are harassed and persecuted by the police and the government apparatus. A sizeable demographic group has experienced oppression against the backdrop of ongoing strife within the setting of India's caste system; they are subject to stigma and prejudice, and their social, economic, and political rights have been flagrantly violated. Stigma associated with a group as opposed to an individual is referred to as "tribal stigma" and is also known as "collective stigma." Tribal stigma, as defined by Goffman, refers to belonging to devalued racial, ethnic, or religious groups. A necessary component of tribal stigma is lineage. He meant by this that tribal stigma was a condition that was thought to be passed genetically from the stigmatizer to the stigmatized (Goffman 1963).

The history of the denotified tribes is intertwined with that of colonial India. The marginalization of the tribes in society, politics, and the economy dates back to British colonialism in the 19th century, when the British declared them to be intrinsically "criminal." This historical description of the denotified populace as "inherent criminals" has been attached as a quality that has



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damaged their reputation in society. Even though the Criminal Tribes Act was abolished in 1952, certain tribes continue to carry the stigma of criminality for many generations. They endure persecution and torture at the hands of the state apparatus because of this stigma.

When a theft or robbery occurs in a hamlet, people from the nearby members of these denotified tribes are apprehended and subjected to different sorts of torture. They remain criminals in the eyes of society, and there is a significant gap between them and the rest of society. DNT groups are still plagued by the stigma of criminality as a result of the CTA and various variants of the same Act's implementation (Rathod, 2000). Over the years, these tribes have gone by several names, including Criminal Tribes, Ex-Criminal Tribes, Denotified Tribes, and Habitual Offenders, but the stigma created by the CTA continues to accompany these tribes. These tribes are powerless to set themselves free (Shimadri, 1991). The Denotified tribes are an indigenous group that can be identified by their lineage, way of life, nomadic lifestyle, and a variety of other distinctive characteristics. Before these tribal societies were labelled as criminal tribes during the colonial period, they were primarily nomadic artisans or traders, or villages established in the forest. Many of these tribal people lost their customary vocations as a result of numerous colonial policies and regulations, rising urbanization and economic modernization, and especially as a result of the CTA, 1871, a legal document. Due to the significant advancements in transportation technology and improved road systems, the Banjaras, for example, have lost their historic position as long-distance traders (Dandekar, 2009). Most of these tribal tribes experienced an occupational crisis because of having no alternative means of generating income. Their economic conditions deteriorated because of the struggle for a living and the employment crisis. Despite the CTA's repeal, no measures or efforts were taken to improve the situation of the denotified tribes. The socioeconomic growth and defense against any forms of exploitation are not covered by the constitution. Due to the lack of fertile soil in these tribal settlements, agricultural agriculture was out of the question as a source of income. Given their designation by the government, they found it challenging to get work anyplace. Their family also suffered because this had an impact on their livelihood. These tribal communities' lack of specialized skills and nomadic lifestyle limited their ability to earn a living. They must either continue their ancestors' work or move around from city to city in pursuit of a living. Such populations become involved in criminal activity to survive due to a lack of traditional occupation and specialized skills.

Discrimination and exclusion

In academic literature, numerous scholars have defined and described the idea of social exclusion. The concept has primarily been defined and discussed in the context of combined processes of exclusion, including denial of access to basic resources, exclusion from participation in economic, social, and cultural systems and processes, participation in decision-making and political processes, access to employment and material resources, and denial of access to rights, resources, goods, and services, among other things. Others have described it as a multifaceted process that involves excluding people or groups based on various social characteristics or aspects of social identity, as well as putting people, groups, or communities far away from centers of authority or wealth.

A fundamental result of poverty and low income has been identified as social exclusion, with additional variables including prejudice, a lack of educational achievement, and others playing a significant impact. The process is often referred to as one that forbids individuals and groups from taking part in the predominate economic ties. Social exclusion is thought to be dynamic in that it has an effect on people's lives to varying degrees across time. It is claimed that it is relational because it is the end result of social interactions, which are defined by unequal power relations and lead to rifts in the bonds between individuals and society. Due to this, the excluded in society experience a lack of involvement, social protection, and social integration (Khan 2009). The Scheduled Castes and Scheduled Tribes list does not contain the de-notified tribal communities; hence they are not eligible for any of the SC and ST welfare programs. The government does not also offer any unique welfare benefits to safeguard the rights of the denotified tribes. Due to their natural tendency to wander and disperse, these tribes have not been able to come together as cohesive organizations to advocate for their causes. Since these tribes are frequently denied the chance to participate in Village Panchayats, they are not represented in local self-government.

A lack of representation in politics, both at the local level and in larger political systems, has prevented people from fully realising their rights. Due to their exclusion from the list of SCs and STs outlined in the constitution, the denotified tribes are also not eligible for the particular protections offered to SCs and STs in the areas of employment, education, and protection against atrocities, among other things. Their economic opportunities are also constrained by this. The Denotified tribes are excluded from political involvement and are also at a disadvantage in terms of social and economic chances, as Thorat (2007) correctly notes concerning "living mode exclusion".

These tribes are compelled to live in inhumane conditions as a result of their roaming traditions that have persisted for hundreds of years without any reliable source of income and under the control of the caste system. The denotified tribes have



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experienced geographic isolation, according to Rathod (2000), and their nomadic customs have been passed down from generation to generation. Due to the stigma of lawlessness associated with these tribes, society has viewed them with distrust and suspicion. They had been leading an isolated existence from the rest of society. They are unable to support themselves, are experiencing a labour shortage, and are constantly moving from one community to another. They live in extreme poverty and deny their children access to education. They have remained socially and economically underdeveloped and are still ruled by superstition and ignorance. They won't ever be able to enjoy their fundamental rights until their concerns, which are unique to their unresolved character, are addressed and they are given possibilities for education and employment (Rathod, 2000).

The history of these tribal societies ultimately resulted in the criminalization of the tribe and the compromise of their vocational patterns. The caste system, which was based on occupation, had a big influence on how the tribes worked. Some of these tribes operate illicit booze businesses and are themselves victims of substance misuse. They frequently work as inexpensive agricultural labour in the fields of other dominating castes in the communities. These tribes frequently endure land expropriation and are compelled to live outside the boundaries of their respective villages. They are compelled to remain beyond the boundaries of the village, which prevents them from taking part in meetings, activities, etc., and from having a voice in the village council. The participation in local affairs and the representation in Panchayat gatherings or bodies merely exist. These tribal communities are just present at village meetings and thus do not participate in local decision-making. The tribe is either underrepresented or not present at the Panchayat level. Even now, their voices go unheard. Their issues cannot be raised and debated in society at large due to underrepresentation in village meetings and at Panchayat levels. Even though the days have gone and the world has changed, the community is still stigmatised as criminals, which has an impact on their daily life. The fact that they are 'unregistered' as citizens because they lack identification leaves them exposed to the police and other state apparatus. Due to their lack of or inadequate representation in the political system, they lack a voice in democracies. They are a dispersed group that frequently moves between villages in pursuit of work. They must be organised as groups in order to speak for their people and represent them. However, because they are dispersed and less mobilised, they are unable to participate in democratic processes. They are still unable to be heard.

There is also a difference between "active and passive exclusion" in the concept of social exclusion (Sen, 2000). Sen claimed that it's crucial to make the distinction between aggressive and passive exclusion. He defined active exclusion as the promotion of exclusion through the intentional policy interventions by the government, or by any other willful agents (to exclude some people from some opportunities); on the other hand, passive exclusion operates through the social process in which there are no intentional attempts to exclude, but which may still result in exclusion from a set of circumstances.

Similar forms of exclusion apply to the populations of the denotified tribes. In India, the tribal community does not actively participate in any policy actions. Despite being long since decriminalised, the denotified tribes are not included in the constitution's list of scheduled castes and scheduled tribes. Additionally, the Prevention of Atrocities Act does not provide any protection against atrocities for the denotified tribes. Although a DNT Commission has been established to better understand the plight of DNTs in India, no effective policy or advocacy work has yet been done to significantly improve the lot of the tribes. They also endure suffering at the hands of government entities like the court system and police officers. As a result, they nevertheless experience active exclusion. Through harsh treatment from their peers and the powerful villagers from other castes, the tribes also experience passive isolation. As long as criminality is stigmatized, the tribes will continue to endure marginalization. The state and the populace treat the denotified tribal groupings differently. The tribe being constantly seen with suspicion by the local police officials affects how they are perceived as 'others' in society (Bhandalkar 2014).

Conclusion

Even though the CTA, 1871, was repealed after India gained its independence and the Denotified tribes were no longer considered criminals, the population still experiences shame and discrimination. The community's history from the time of British colonization had a significant impact on the populace. The shifting law and order during the British era had an impact on not only the lives of the populace at the time, but also the current generation of denotified tribes in terms of their access to education, employment, and other sources of support as well as their acceptance in society and denial of their fundamental rights. Although decriminalization of the population occurred after independence, no steps were done to enhance the position of the tribes by amending the constitution to include protections for them as distinct people. After the CTA was declared, the practice of ancestral labelling continued, influencing the population across many generations. The comments of the participants go into detail about the mistreatment of these tribes by the village's dominant castes and local police officers. However, no measures have yet been taken to safeguard the populace from the horrors. The population, which has a history of dispersal, nevertheless shifts from one place to another. People who have slowly moved into villages tend to live in hilly or drought-prone locations. Participants' replies also include land alienation, leading them to either work as cheap workers on their own fields or continue to be nomadic to support themselves. They are not included in the census



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and their homes are not listed. They are denied the ability to vote and barely have their voices heard in democratic processes. Even at the Panchayat level, the populace is not well represented. They don't participate much in village life or Panchayat meetings because they reside outside of villages in temporary homes or sheds. Even at the village level, their underrepresentation in government prevents their ideas from being taken into account in a democratic process. The populace is still having difficulties for making a living and having access to the rights of the de-notified populace is still a distant goal.

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