

# The Consequences of De-Notification of (Criminal) Tribes in India: The Case of Bawariya Community

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## Introduction

The Criminal Tribes Act, 1871 (CTA) enacted for registration, control and surveillance of 198 tribes, in India. This law freed the authorities and the so called mainstream society to treat them as 'born criminals'. Their children were taken away without the consent of parents and put into reformatory settlements.

The CTA has been repealed and tribes listed were de-notified after independence, but the discriminatory treatment continued, with little change in their legal status under the Habitual Offenders Act, 1952 (HOA).

The project looks at Bawariya Community who were compelled by the British Officials in 1870s, to leave hunting, and shifting cultivation, i.e. their traditional way of livelihood and were either left with things such as to steal, smuggle, or put into settlement jails to work as free labor, otherwise tortured physically and mentally.

They are Indigenous people with a rich culture of preservation of natural resources who are bound to live under constant fear and injustice due to continuation of pathological labelling of the Bawariya Community, as a menace to 'established social order'

This project endeavors to find out consequences of de-notification and the ways this community wants to lead its life in future.

## Aim and objective

This research aims to study the consequences of de-notification, with assistance of cases of gross violence against Bawariya tribe and analyse the impact of welfare laws or policies, implications of de-notification and re-criminalisation. And find out the options for their future.

## Research Questions

- What are the consequences of De-notification, are they really being re-criminalised?
- What are the critical limits of post-denotification status?
- How can we understand the Indian state's continued exclusion and treatment of the Bawariya community?
- What are the forms of exclusion, how it effects their citizenship rights?
- Whether it can be treated as a form of state violence?

## About the Bawariya Tribe

- Bawariya is the largest hunter community in Rajasthan (home for 65,000 out of total 2,35,000 Bawariya), India.
- The instrument they used to hunt wild animals was named Bawar.
- One of the most targeted people as DNTs (de-notified tribes) by police, under the provisions of HOA, Wildlife Protection Act and Land Acquisition Act.
- The situation is so harsh that the United Nations' Anti-discrimination body Committee on the Elimination of Racial Discrimination recommended India, on 9 March 2007, to repeal the HOA and effectually naturalise the DNTs (p. 36)..

## Methodology

The main method of the study will be through the desk based study. more than a hundred primary and secondary sources will be used to find out the solution to the research questions.

If needed, people may be interviewed through the telephone contact.

A range of journal articles, newspaper columns, and video footage will be used to prove achieve the research goals.

This research will analyse the readings in the light of post colonial theories, David Garland's culture of control and Michel Foucault's Disciplinary Society, concepts.

## Why this study is important?

- This is important because it will highlight the gross negligence of the state for their welfare.
- This study will help the community to get platforms to have their say, demand their citizenship rights, highlight the fact being victims of austerity since long.
- It is also important because it touches 12 out of 17 sustainable development goals.
- This study will seek the scholarly attention to help the governments to bring adequate policy changes and bridge the gap between the communities and their constitutional rights.
- It will let the young researchers know about the hidden circumstances of the communities and will open further opportunities of research in this field. Because the larger chunk of study in this area is yet to be done.

## Source of Information/ further readings

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