

Invited Article

Stratification among the Disadvantaged: Identifying the Rock-bottom Layers

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More and more evidence is coming up of the existence of communities which continue to lead a subhuman existence in spite of their eligibility for affirmative action. There is need for clarity about who the most deprived social groups are, and how they came to be so historically disadvantaged; the dregs or the bottom most layers which need urgent, multi-pronged attention of the state. Equally important is to debate whether some of the categories devised for affirmative action need refining and re-defining.

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The Disadvantaged

Before another discussion can take place on the subject of affirmative action, there is need for clarity about precisely who the most deprived social groups are, and how they came to be so historically disadvantaged that the negative aspects of their existence still need purposeful remedying by the state. It is equally important to debate whether some of the categories devised for affirmative action do not need refining and redefining. Let me state, at the outset, that this brief paper is a call not for identification of the much discussed creamy layer, but its opposite, i.e. the dregs or the bottom most layers which need urgent, multi-pronged attention of the state.

Putting into the public domain some of the details about such communities becomes critically important as more and more evidence is coming up of existence, right under the nose of the state, of communities which continue to lead a subhuman existence in spite of their eligibility for affirmative action. The most jailed and persecuted young men, the most unsafe girls and women, the

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perennially homeless, the beggars, the destitute, those caught in the worst forms of bonded labour, and the tiniest of labouring children are drawn from amongst these communities. Trafficking of adolescent girls and women from these social groups has become so normalized in the last half a century that prostitution is already seen to be a 'traditional' occupation of some of these communities, adding not only to the extreme stigma and social disadvantage suffered by these groups, but somewhat absolving the state from need for action.

The people in question are drawn from nomadic communities, many of whom were notified as 'criminal tribes' by the British from 1871 onwards, as the authorities were suspicious of their constant mobility (Radhakrishna 2001). When the Criminal Tribes Act - which unjustly notified them - was annulled in 1952, these communities came to be known as 'de-notified tribes'. Not all de-notified tribes are nomadic, and vice versa, but there is a large overlap between these two sets of people.

These groups, upon independence, though forming a discrete set of people, did not get differentiated from other untouchables, isolated forest communities and socially backward communities. Consequently, they were

arbitrarily distributed among the Scheduled Caste (SC), Scheduled Tribe (ST) and Other Backward Classes (OBC) categories, ending up constituting the bottom-most layer in all three.

Four Categories

Roughly, there are four sets of people who have been thus included in the SC/ST/OBC categories. First, there are those communities which used to be acrobats, dancers, singers, jugglers, fortune-tellers and street performers of various kinds; artisans/craftspeople; and traditional healers/medicine men and women. These communities are mostly listed as SCs and interestingly, where they were Muslims, as OBCs, though they do the same work as their SC counterparts. They have been banned from practicing their livelihood legitimately under anti-beggary laws.

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Then, there is a second set of communities which were/are dependent on wild performing animals for livelihood and which train bears, monkeys, owls/other birds, snakes and so on for street performance. The wild life conservation laws have destroyed their livelihood entirely and the communities lead a life of extreme distress (Radhakrishna 2007a). These communities are spread over SC and OBC lists.

A third set of communities which are still nomadic are pastoral communities, which breed and tend various kinds of cattle, including sheep, goats and camels, and who might be listed as OBC or STs but may not avail the advantage because of their constant movement. Under forest laws, prohibited entry into previous grazing grounds or severely restricted passage through earlier routes has led to a grim situation where many members are suffering from extreme penury and destitution.

And lastly, there are the communities among the STs who were/are nomadic, and who used to practice hunting, gathering and shifting cultivation for a livelihood. Hunting of wild animals has been completely banned under Wildlife (Protection) Act, 1972. In the absence of any other legitimate livelihood, hunting communities are sometimes forced to continue with hunting small game for their food requirements, or as a way of making a living through selling meat or hide or body parts of the hunted animals as in earlier days. They are now treated as serious criminals by the forest department officials and the police. Gathering of forest produce is severely restricted, and even where it is allowed by forest laws, these mobile groups have to compete with the sedentary forest communities who may not respect traditional rights of nomadic communities any more. Shifting cultivation continues to be practiced by a number of nomadic communities in the North-East, and in at least nine other states outside this region. Land for shifting cultivation has been declared as Reserve

Forests in many parts of the country, and the practice assiduously discouraged as it is considered an eco-unfriendly activity. The establishment of wild life sanctuaries and parks has meant that a large number of nomadic communities who used to use the resources of the forest are no longer able to do so. This has drastically affected their access to traditional sources of not just food but livelihood itself. These communities constitute the bottom most layers among the STs.

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The Identification Problem

Many of these communities are homeless as they have been moving from place to place for generations, and pitch their temporary habitations on government or private land, and then move on. Even when they are able to earn a meagre livelihood while they are mobile, forced constant movement means leading a life of extreme insecurity, including physical security for the girls and women. These groups have on paper all the advantages of affirmative action, but they never or seldom access them. This is partly because being nomadic till very recently, or being still nomadic, they do not have a permanent address, and so no way of identifying themselves to the authorities. The bureaucratic machinery of the government works in such a way that

even after they become sedentary in temporary habitations, they are not easily able to prove that they belong to an SC, ST or OBC category. To get a 'caste certificate' they must have already existing paper proof about their parents or grand parents belonging to the required community, which of course they do not possess. Or someone powerful must certify that they indeed belong to a particular community. Being low in the social hierarchy, they do not have the clout or even the knowledge as to how/whom to bribe efficiently and get the certificate which is the lifeline as far as getting the advantages of affirmative action is concerned.

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Because of the unfavourable (to them) caste composition of most village panchayats, and because even lower caste sedentary communities fear that these groups will lay claims to the meagre local resources, even death or birth certificates are not issued to them, nor cremation or burial allowed where other villagers perform these rituals. The apprehension is that these 'liberties' might somehow become reasons for nomadic communities claiming permanent domicile rights. Hence no direct or indirect proof can be produced of either belonging to a particular community or their place of residence by these communities which will enable them to avail of any welfare.

In other words, in spite of a community's name being enshrined in the well-meaning SC/ST/OBC lists carefully crafted by the states, its members may not be able to prove to the officials' satisfaction that they indeed belong to the community marked for affirmative action, or that they even belong to a particular state. In addition, because the police is perennially chasing them as a result of the stigma as 'criminal tribes', or the forest department after them on the assumption that their community likes to hunt down extinct animals, they can get shunted from one village to another, one town or state to another ad infinitum.

Predictably, this situation spawns touts who cynically take advantage of the ignorance and vulnerability of the concerned communities. Self-styled leaders who promise to deliver these coveted certificates may be extorting pawns serving murky political interests, or individual lifetime terrors in their own right. Acquiring 'caste certificates' can prove to be such a bane of their lives that these communities may prefer to never stake their claims to it, and prefer anonymity to provoking interest among unscrupulous sharks.

Abiding Suspicion

When questioned by this researcher, an overwhelming proportion of the communities in question did not even know that they were entitled to any special protection by the state. Equally sobering was that they did not show

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much emotion on being informed that they were entitled to reservations. Their experience with the state machinery, via the police administration, has been one of extraordinary brutality, and with the lower levels of the bureaucracy of blistering indifference. They have developed not only an abiding suspicion of the intentions of the state, but also a hopeless scepticism towards any government rhetoric about their welfare. Wearily, they avoid all government officials unless they are forced to encounter them. They also do not think in any terms other than those of fending for themselves, mostly by sticking together as a community, when for weeks they are without work, or seriously ill, hungry or rain-washed or cold, or under grave physical threat of any kind. They never go to the police for help when they are robbed or bullied or even when any of the kin killed – their experience is that they will be slammed into the jails as the offending party. They do not access hospitals or schools where they are mostly unwanted, and where they have to again show where they ‘come from’ to avail of any facilities. In short, the experience of the nomadic communities’ interaction with state agencies, where it exists, is far from pleasant or confidence-inspiring.

The Prejudiced View

The people concerned affirm that when they do try and claim their rights under affirmative action, they find that more often than not, the bureaucratic machinery itself is inhabited by individuals who are extremely hostile to the idea of affirmative action, especially if it benefits communities who are supposedly criminals walking free. The prejudice of the police towards the nomadic and de-notified tribes is quite stunning, and repeatedly the police officers have asserted on record that ‘even history tells us that these are born criminals’, referring to their grossly unjust declaration as ‘criminal tribes’ by the British. A similar view of these communities as incurable vagrants and wanderers prevails among the larger society, rather than people who have lost their livelihoods with advancing industrialization, urbanization and modern economic practices.

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The attitudes of the so called civil society, then, are less than civil. In fact, communities reveal that they try and make themselves as invisible as possible by choosing the outermost margins of a space for pitching their temporary tents, and by never visiting or going near ‘mainstream’ habitations unless they have to. They try to be as inconspicuous as possible when they do pass through

these islands of high caste, high class prosperity, if they have to. They know the price if they dare to do the opposite, and if they inadvertently defy the unspoken laws laid down by the keepers of hierarchy. They might get mobbed or lynched if they make a fatal error of judgment. Worse, such violence against them will get widely justified in the name of self defensive ‘vigilante justice’ (Radhakrishna 2008).

The most troubling part of the discussion for this researcher is evidence of extreme hostility to these groups not only from without, but from within the categories marked for affirmative action. There have been cases of such violence and viciousness against these communities by the more privileged among the SCs and STs that it takes ones breath away, and one despairs at the depth and tenacity of hierarchical practices that our society endorses. (Radhakrishna 2007b).

Defining Characteristics of the Lowest Rungs

Today we have a phenomenon in which nomadic and de-notified communities – numbering an unbelievable ten crores — have been assured reservations under the SC, ST and OBC categories, and in all three, with some rare exceptions, there are groups who form the lowest rungs. They are in fact much larger in numbers than the commonly recognized ‘untouchable’ SCs, the so called adivasi STs, and the socially backward OBCs. The fault would seem to lie with our concept-

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ualization of these categories, not recognizing that there is an active social hierarchy operating within. In effect, the policy makers have subsumed a number of heterogeneous groups under these three individual categories. In fact, a particular nomadic community could be relegated to the SC category in one state, ST in another, and OBC in yet another.

One explanation as to why the nomadic communities are so arbitrarily distributed is that these communities carried, and continue to carry, the characteristics and extreme disadvantages associated with all the three categories. This must have confused the policy makers while assigning a community a category for affirmative action. Most of these communities were and are still considered polluting even by the ‘untouchable castes’. They share the isolation and cultural distinctiveness marking the sedentary forest communities officially designated as STs. When the Mandal Commission re-defined social backwardness, a large number of nomads were accommodated here, especially if they were the Muslim counterparts of those already recognized as needing reservations decades ago.

In other words, the defining characteristics of all three categories can often be found in a single nomadic

community. Add to it the severe police persecution, paranoia among the sedentary communities that meagre resources will be claimed by these groups if they are tolerated in the vicinity, and the day to day brutalities of the larger, still feudal society – and one has a clear picture of the rate of success these communities will have in getting their due through affirmative action.

Need for a Permanent, Statutory National Commission

Recently, nomadic and de-notified communities have been accepted by the state as important constituencies requiring attention. This is evident from the fact that a National Commission for De-notified and Nomadic Communities was set up by two successive governments. However, all communities who constitute this large group have not been identified on a regional basis. Once they have been identified as per their *traditional occupations* – and this is critical so that we do not make the same mistakes as earlier – it will have to be ensured that individuals can prove a little less painfully that they are indeed members of these communities.

The two Commissions set up for these communities were temporary ones, and there is an indisputable, urgent need for a permanent, statutory one, on the same lines as the two Commissions for Scheduled Castes and Scheduled Tribes. The difficulties faced by the communities in accessing state welfare and the shameful atrocities perpetrated

on them need to be constantly monitored and addressed by special officers of such a Commission, after they have been trained and sensitised regarding each community's history, skills and potential for contribution to society. It will be the responsibility of a Commission such as this that crores of these fellow citizens are rehabilitated socially and culturally, and empowered economically and politically. There is virtually no research of any substance on the communities in question, especially their women, and there are enormous gaps in the database regarding their numbers, geographic spread, and the precise reasons for individual communities' miserable condition. A census of these communities needs to be done in 2011, and preparations for it started right away through the mechanism of state initiated surveys in the interregnum. Rising above rhetoric, the state must recognise its own culpability in having allowed this degree of degradation of such large numbers of its people, and begin to act now without any further nitpicking.

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These are the communities which once held their heads high, and their services and skills were much in demand by society. Among them are gifted artisans and craftspeople, people with exceptional talent in the performing arts,

and those with priceless knowledge of forests and wildlife. The slow and now almost complete destruction of their traditional livelihoods has brought them not just extreme poverty, but also disgraced them as people who 'do not work like everyone else'. Indeed, these communities do not, and cannot work like everyone else any more. They first need determined state intervention to be restored to the status of humans. It is time to identify not a creamy layer, but the rock-bottom layers amongst the SCs, STs and OBCs.

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