

Identity Struggle of the Sabar Tribe

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Abstract

Due to excessive social ostracization, the Sabar tribe, like various other tribes in the country, has a daily struggle of asserting their identity. Due to the stigma of inherent criminality of the tribe, the communication with the non-indigenous population or anyone else apart from their tribe is limited to being only transactional. This paper attempts to study the relation between crime in the society and criminality on one hand and the socio-economic factors that promote it on the other hand with regard to the identity struggle of the Sabar tribe in West Bengal.

Keywords: criminal tribes, Sabar, indigenous, identity struggle

Introduction

In the year of 1871, the Britishers enacted the Criminal Tribes Act. Through this Act, the government could declare, by notification, any tribe as addicted to systematic commission of non-bailable offences as a criminal tribe. Gradually a list of criminal tribes was prepared who were the victims of this cruel colonial policy. They were denotified in 1952, but they became habitual offenders in 1959 (The Bombay Habitual Offenders Act 1959), and this stigma still continues.

The misery of the denotified tribes did not end as the attitude of the people and the law enforcement agencies remained the same and it persists even today. The land possessed by these tribes were alienated during the British rule. After independence, the state governments have done little to restore their land to them. Schemes for economic upliftment have not been very beneficial for them. Malnutrition is rampant and education and healthcare facilities available to them are next to negligent. Illiteracy and ignorance of law of the land lands them in difficult situations as well. Mob lynching, starvation, deprivation of basic amenities, fear of police persecution - this is their reality as freedom is yet to reach this tribe.

With imposed inherent criminality, the members of the tribe face such social ostracization which strips them of their identity as a member of the human society. Buddhan, a man born in the Kheria Sabar community of West Bengal's Purulia district, died in police custody in February 1998. The atrocities inflicted on him resulting in his death ignited the movement for protection of human rights of the Denotified Tribes in India. There is an immense

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requirement of sensitization and awareness campaign to be conducted across the country with regard to the current situation of such indigenous tribes in India.

Background of the Sabar tribe in West Bengal

Hunting and gathering have been the means of livelihood for various communities. However, in the present times, subsistence on the basis of such means of livelihood is difficult. Starvation and lack of basic needs has become the reality of such societies - including that of the Sabar tribe from West Bengal. The Sabar tribe is largely concentrated in the district of Purulia, West Bengal. With the dwindling forest cover, soil erosion, cattle grazing and extensive commercialization, this tribe's dependency on the forests for livelihood as well as food for survival has reduced drastically. Agriculture is not so suitable in this part of the country due to its topography and with their lands being alienated, it is unfeasible. The traditional livelihoods of the Sabar tribe which include hunting, gathering, agricultural labourers, basket making seems to be disappearing in today's world. This puts a great deal of pressure on the tribe to feed themselves and survive on almost negligent basic amenities.

When in the year of 1871, the Britishers enacted the Criminal Tribes Act, the government could declare, by notification, any tribe as a criminal tribe without any proper basis for such classification. As a list of criminal tribes was prepared, the Sabar tribe of West Bengal was also included in the list. Even though they were denotified in 1952, but they had become habitual offenders in 1959 and there was no change in their status-quo in reality. Because of the so-called 'criminality' of the tribe, it has been assumed that certain petty offences are committed by this tribe in the particular district, irrespective of whether there is any proof/evidence to sustain it. This perpetuates the belief that the people from these tribes are hostile in nature.

With this imposed criminality on the tribe and the rampant poverty that prevailed, things were very bleak for this tribe. The past predatory habit of the tribe due to their traditional food-gathering activities and the economic displacement from the forest are the reasons for their participation in criminal activities.¹ Poverty and crime do have a certain link, though only poverty can never be attributed as the cause of crime. Poverty was not the only setback in this tribe. Years of social exclusion and lack of any proper redressal mechanism gave way to various other issues for the survival and struggle of the tribe. Illiteracy contributed to further unemployment and infringement of their rights which they were unaware of.

The Bias of Inherent Criminality

Crime is considered to be a part of a fully functioning society. Without crime, the development of a society is not whole in its nature. There is an evident relationship between crime and criminality on one hand and the socio-economic factors that promote it on the other. These two go hand and hand and facilitate each other in an equal manner. The criminal behaviour of a person in a society can be attributed to the socio-economic conditions of that person and the society they are a part of. The inter-relationship between these two has to be recognized in totality. As we will observe, the social identity plays a crucial role in determining the criminal character.

¹ DIKSHIT SINHA, THE HILL KHARIA OF PURULIA: A STUDY ON THE IMPACT OF POVERTY ON A HUNTING AND GATHERING TRIBE (1984).

Crime is a form of deviated behaviour from what we call the socially accepted norms at a particular point of time. Crime is usually defined as “act or omission punished by law”. With change in society over a period of time, the definition of crime as well as its nature has changed considerably. Certain new crimes have been recognized and various others have been decriminalized. This reflects the development and growth of a society. Law, as a matter of fact, is vague in certain respects. There are various inadequacies in the legal field that act as loopholes in diminishing the crime rate of the country.

“A recent study of crime in nineteenth century France and Germany shows that violent crimes increased in both countries during the early stages of urbanization and industrialization. No such rising trend is observed in Bengal even during the initial phase of industrial and urban growth.”² This has been attributed to the fact that the migrant population of Bengal has been in touch with their roots and culture in the rural areas and the values of the joint family system hold strong.

With the British colonizing India, any person or group which opposed their policies or the government or was even a slight threat for them was considered to be a criminal. This was done to suppress any kind of revolt and oppress the voice of dissent and all the forms of expression. With Criminal Tribes Act, 1871, the Britishers culminated a law which declared criminals on the basis of membership to a particular group/tribe. Even though after Independence the tribes were denotified, the amount of bias that this legislation created in the minds of the general population as well as the law enforcement agencies- it continues to reek the system even today. The damage was already done and no proper steps were taken to rectify the huge blunder made by the British government.

Bias is fixable if one works towards correcting it. Bias over a prolonged period of time with no checks can be dangerous for the entire society. This is because oppression of a group of people rendering them voiceless can disintegrate the fabric of the society. This can further lead to restlessness and chaos in the society. To maintain peace and tranquility in a certain society, freedom of speech, expression, dissent and non-discrimination are the vital elements. Biases on the part of the government agencies should be curtailed for the better functioning and growth of a country.

The Criminal Tribes Act 1871

On 31st August 1952, five years after Indian Independence, the Criminal Tribes Act 1871 was repealed. This draconian law was meant to control the so-called criminal tribes or communities in India. When the Indian Constitution came into force on 26th January 1950, it provided certain fundamental rights for the citizens of the country. One of them was the right to equality as given in Article 14 and it dealt with non-discrimination. The Criminal Tribes Act, 1871 which spoke about registration of individuals who belonged to certain tribes/communities - it conflicted with the Article 14 of the Constitution of India. The British colonial rule ended in 1947. India had become a free nation and its citizens ought to be treated in such a manner which guarantees that freedom.

The Criminal Tribes Act talks about establishing settlements that were reformatory in nature. This subjected the communities to confinement and low wages. A constant check was

² Arun Mukherjee, *Crime and criminals in nineteenth century Bengal (1861-1904)*, 21(2) Indian Econ. Soc. Hist. Rev. 153, 153-183(1984).

kept on them, asking them to report every now and then so that they could not run away from such establishments.

In the post-colonial legal structure, the 'criminal tribe' was replaced with being the 'habitual offender'. There was no respite available to them - despite their country being an independent one. After denotification of the tribes post-Independence, there were various Acts formulated as the "Habitual Offenders Acts". These Acts did not explicitly call the members of a tribe as being inherently 'criminal'. The Bombay Habitual Offenders Act 1959 was an extremely half-hearted attempt to provide the constitutional safeguards to the tribes suffering due to the harsh legislation from 1871. It authorized the police to keep a track of activities having criminal inclination and whether their jobs were in line with a settled lifestyle.

The repeal of the Criminal Tribes Act 1871 was brought about after a lot of debate and deliberation in the country. When this Act was formulated, criminality was associated with tribes that were nomadic in nature. The Britishers were cynical of the wandering nature of the tribes. The Act was repealed for its legal inadequacy. The idea of criminal tribes was a colonial construct. This Act led to further marginalization of the communities who already had a weak social status.

Socio-economic and cultural deprivation of the Sabar tribe

Police personnel, law enforcement agencies and people in general - look upto certain tribes as 'criminal' even after the denotification in 1952. This is due to the deeply ingrained idea from the colonial era that continues to haunt our country even today. They still end up on the close radar of the police for crimes in a particular locality. They bear the brunt of harassment and various kinds of atrocities inflicted by the police.

Economic growth/progress seems to be a distant dream. The land alienated from these tribes during the British era has not been successfully restored to them. Illiteracy is the reality of such weak and disadvantaged sections of society. Education and healthcare facilities are almost negligent. There is an unending cycle of suffering for such denotified tribes. Mob lynching, starvation, fear of persecution by the police - freedom is far from reaching these people.

When the denotified tribes are denied opportunities for education and employment, they turn to petty theft and illicit brewing of alcohol to sustain themselves, instead of passing judgment on them we should reflect on the values and sensibilities of the rest of the society.³ Before a society labels them as a 'criminal', they accept to create an identity for themselves over which they have their own assertion. Breaking the vicious cycle of such exclusion in society requires serious work both ways. The society - at - large should shed its prejudice and work towards inclusion with equality and liberty whereas the denotified tribes should break away this cycle and appreciate the mediums of inclusion while asserting their identity as free individuals. Constructive and useful work along with positive leadership can go a long way.

The denotified tribes do not attract the attention of political parties as they do not appear to be a major vote bank. This is due to the fact that they are mostly scattered and are not enrolled in the voter lists usually. Usually, they do not register the births and deaths in their community. Hence, they do not have the necessary documents required for school admissions or for government schemes and facilities. It is difficult to find them on the voter lists. Their entire existence is questioned on this basis.

³ HENRY SCHWARZ, THE CRIMINAL TRIBE IN COLONIAL INDIA: ACTING LIKE A THIEF (2010).

Buddhan is a common name for a child who is born on a Wednesday. One such Buddhan from the Sabar tribe of Purulia district in West Bengal died in police custody in 1998. His death ignited the movement for protection of rights of denotified tribes in India. Mahashweta Devi was the pioneer of this movement. This case highlighted the reality of how in police custody denotified tribes suffer great amount of torture and humiliation.

On 24th June 1998, in the *Paschim Banga Kheria Sabar Kalyan Samiti v. State of West Bengal* (W.P No. 3715 of 1998) at the High Court of Calcutta, Justice Ruma Pal observed that there were no plausible arguments given by the respondents for the death of Buddhan in their custody. Further investigation of the matter was required. As the police were the accused it was not advised that the investigation be conducted by them. It was directed that the Central Bureau of Investigation would take up the investigation. Departmental proceedings were to be conducted and compensation was to be provided to Buddhan's family. This judgement in favour of the petitioners who were involved in the upliftment of the Sabar tribe proved to be a morale booster for the entire community.

However, the above-mentioned case reflects the reality of the Sabar community. If the law enforcement agencies inflict such inhumane treatment on members of the tribe, it is unimaginable how the general public would treat them as. Police is meant for the protection of the people, but the kind of attitude on part of the police in this case was gruesome.

Not just the police and the law enforcement officials, the general population needs greater sensitization for the Sabar tribe to grow in all the sectors -economic, social and political. For better resolution of the issues of the tribe, representation from the tribe should be encouraged. Without the assertion of the identity of the Sabar tribe, the survival is questionable.

Empowerment of the Sabar tribe

Denotified and Nomadic Tribes Rights Action Group (DNT RAG) was created to champion the cause of human rights and dignity of the denotified tribes. This group has gone through different stages of development and fully developed into a campaign. In 1998, when Mahashweta Devi and G.N. Devy from DNT RAG wanted to visit the tribals in Chharanagar, Ahmedabad - nobody was ready to take them inside the village. When they finally could enter, they witnessed young people performing plays about the living conditions of their society and required social reform. Along with them, DNT RAG established a library for creating sensitivity and generating awareness. Also, with them, the script of *Buddhan* was conceptualized which dealt with the death of Buddhan Sabar in police custody in 1998. It was performed during the first national conference of DNT RAG. After great appreciation was received, the group was named as Buddhan Theatre Group. Buddhan Theatre Group has ignited self-confidence and motivation among people to overcome the shackles of discrimination.

“The historical judgement of Justice Ruma Pal (that reinstated the fact that Buddhan Sabar, a member of the Kheria community in Purulia did not commit suicide but succumbed to inhuman conduct while in police custody) was published in the *Buddhan* magazine published by Bhasha, and members of the Chhara community immediately identified with the plight of the denotified, nomadic and semi-nomadic in other parts of India. The product was a cultural intervention known as Buddhan theatre which is still fighting for the cause of Denotified Tribes in India since 1998.”⁴

⁴ Dheeman Bhattacharyya, *Remembering “Amma”: A Tribute to Mahasweta Devi(1926-2016)*, 10(2) Asiatic: IIUM Journal of English Language and Literature 315, 315-318(2016).

The Paschim Banga Kheria Sabar Kalyan Samiti (PBKSKS) is a non-governmental organization, working for the welfare and development of the Sabar community, in the district of Purulia, West Bengal. Poverty has been a matter of national importance that is persistently affecting the overall growth of our country in a negative fashion. For development in the rural sector, decentralization and public empowerment is the need of the hour. Local leadership plays a crucial role in achieving this goal.

“Non-governmental organizations are such that focus on policy decisions and their implementation, social welfare services such as helping those in need, and those devoted to long-range development and self-help. They generally aim at focusing on community-level development, developing local participation and leadership, and fostering self-reliance by encouraging the maximum use of local resources and technology.”⁵

The PBKSKS is a community-based organization and it emphasizes that leadership should come from within the community itself. The community is involved in the participation, decision-making and implementation process. Healthcare, education, hygiene, socio-economic development programs to promote self-reliance have been the areas of focus/work for the organization. This is done with the aim of enhancing self-respect and dignity among the people who have been subjected to years of marginalization.

Lack of information prevents the community from availing various government schemes/benefits. The PBKSKS works towards educating and creating awareness regarding these schemes/benefits which are meant for their upliftment. Legal aid is also made available. Work is being done to preserve the indigenous Sabar language of the tribe. The Sabar community has been known for its art of weaving and this is efficiently used by the PBKSKS for generating employment and means of livelihood.

“Perhaps the most significant work of the PBKSKS has been the joint enterprise that it carried out with the United Nations Development Programme (UNDP) under its community based Pro-poor Initiatives Programme, and the Ministry of Rural Development (MORD), Government of India during the period 2000–03. The objective was to ensure the right to development of primitive tribes through improving their socio-economic conditions (UNDP 1996), and the strategy was to strengthen the livelihood base of the Kheria Sabars (in 20 villages) through bringing large tracts of wastelands under cultivation.”⁶ UNDP prioritised capacity building, social mobilization, people-centered development and asset creation. After the completion of the programme at the end of three years, unfortunately it was discontinued, even though it was beneficial. The UNDP identified the problem of lack of cooperation between the organization and the government administration.

The National Human Rights Commission established a Working Group under the chairmanship of Justice Venkatachaliah to analyze the condition/status of the denotified tribes. The report presented by them spoke about appointing retired senior police officials in each state to keep a check on the atrocities committed against the denotified tribes and reorienting the syllabus at police academies, to work towards repealing the Habitual Offenders Act, launching an information campaign to increase sensitivity among people, work out action plans for economic, educational and infrastructural facilities for the denotified tribes.

⁵ Susmita Gupta, 'Paschim Banga Kheria Sabar Kalyan Samiti', *Puruliya, West Bengal, India: Case Study of an NGO's role in Poverty Alleviation*, 7(1&2) Int. J. Rural Manag. 149, 149-158(2011).

⁶ *Ibid*

Conclusion

One of the most neglected and suppressed communities in India are the denotified tribes. They have always been pushed to the extremes of marginalization in every sphere. There has been spatial marginalization where they live in resource-poor areas which are usually hard to reach. There is very low or no visibility with regard to the socio-economic sector. Alienation of land led to increased dependence on meagre wages provided in exchange for manual labour. There is such stigma associated with these tribes that leads to widespread harassment. Ignorance of the law and facilities that can be availed by them along with illiteracy and lack of awareness increase their troubles.

To break the existing cycle of exclusion and poverty, intervention is required at each level by the government, non-government voluntary organisations and the community as a whole. There are various challenges like the rampant illiteracy, non-availability of resources, widespread stigma, distinct culture, prejudice in society, etc. There should be increased representation from the community to raise attention towards the issues faced by them. To bring about significant change, it requires constant effort collectively. The need of the hour is calling out the popular perception about the community and bringing an end to the bias of inherent criminality associated with them.

The historic judgement of Justice Ruma Pal of Calcutta High Court in the case of death of Buddhan in police custody reinstated the belief in the judicial system of the country to protect the rights of the denotified tribes and recognize them as members of the society. Torture in police custody is a grave violation of the fundamental rights given in the Constitution of India. In a country which follows the rule of law, such an act disintegrates the essence of democracy.

Due to the excessive ostracization of the tribe, their identity as individual beings is diminished leading to infringement of their basic fundamental rights. Their interactions in society are limited to transactions that are unavoidable for survival. With little/no representation in the social and political sphere, there is no discussion on their basic rights being violated and other issues of the community. The living conditions of the tribe is quite poor. They require a constant and sustainable source of income for dealing with the family debts. The bare access to civic amenities makes it difficult to lead a decent life and the police action faced by the members of the tribe is dehumanizing in nature.

Isolated attempts will not bring about the required change. What is required is collective action and a significant shift in public perception. State should take responsibility for its vulnerable and weaker sections in society. Educational and health standards should be improved with strengthening of constitutional safeguards and the legal framework. Law enforcement officials should be sensitized. Mass awareness campaigns should be carried out to change the common consciousness of the people. There should be increased data collection and statistical monitoring along with increased participation in governance. A country which respects all its citizens and guarantees liberty, equality and justice to each one of them is indeed a true democracy.