Shri Tapan Kumar Sen: Sir, ...

Mr. Chairman: Please. Please. ... (Interjections) ... Question No. 182. ... (Interjections) ... Please. ... (Interjections) ... But there is no name. Otherwise, we would have gone for a Short Notice Discussion also. ... (Interjections) ... Please.

Repeal of Habitual Offenders Act

*182. Shri Tiruchi Siva: Will the Minister of Social Justice and Empowerment be pleased to state:

(a) whether Government is taking into consideration the recommendations made by the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes to repeal the Habitual Offenders Act; and
(b) the initiatives taken by Government for upliftment of Denotified Tribes?

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI KRISHAN PAL): (a) and (b) A Statement is laid on the Table of the House.

**Statement**


Government of India further constituted, in January, 2015, another National Commission for Denotified, Nomadic and Semi-Nomadic Tribes (NCDNT) for a period of three years. This Commission’s Terms of Reference are as follows:–

(a) To prepare a State-wise list of castes belonging to Denotified and Nomadic Tribes.

(b) To identify the castes belonging to Denotified and Nomadic Tribes in the Lists of Scheduled Castes, Scheduled Tribes and Central List/State List of Other Backward Classes.

(c) To identify the castes belonging to Denotified and Nomadic Tribes which have not been included in the Lists of Scheduled Castes, Scheduled Tribes and Central List of Other Backward Classes and to pursue their case for inclusion in these lists depending on the modalities laid down for the purpose.

(d) To identify the places where DNTs are densely populated.

(e) To evaluate the progress of the development of Denotified and Nomadic Tribes under the Union and the States.

(f) To suggest appropriate measures in respect of Denotified and Nomadic Tribes to be undertaken by the Central Government or the State Government.

(g) Any other related work as may be assigned by the Ministry of Social Justice and Empowerment.

In June, 2017, the Commission submitted its Interim Report, *inter alia*, recommending the need for review and if agreed repeal of the Habitual Offenders Act, 1952. The term of the Commission ends on 08-01-2018 and it is yet to submit its Final Report.

(b) The Government has launched two schemes since 2014-15 for welfare of DNTs:–
(i) Dr. Ambedkar Pre-Matric and Post-Matric Scholarship for DNTs: It is a centrally sponsored scheme launched from 2014-15 for the welfare of DNT students who are not covered under SC, ST or OBC. The income limit for eligibility is ₹ 2.00 lakh per annum and the scheme is implemented through State Government/UT Administration. The following releases have been made since its inception in 2014-15:

(₹ in crores)

<table>
<thead>
<tr>
<th>Year</th>
<th>Revised Estimates</th>
<th>Amount released</th>
<th>No. of beneficiaries*</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014-15</td>
<td>4.00</td>
<td>3.50</td>
<td>3.76 lakh</td>
</tr>
<tr>
<td>2015-16</td>
<td>4.50</td>
<td>4.50</td>
<td>2.59 lakh</td>
</tr>
<tr>
<td>2016-17</td>
<td>4.50</td>
<td>4.50</td>
<td>3.61 lakh</td>
</tr>
<tr>
<td>2017-18</td>
<td>6.00</td>
<td>3.07</td>
<td>Awaited</td>
</tr>
</tbody>
</table>

(Budget Estimates)

* Number of beneficiaries includes the beneficiaries from State Government fund also.

(ii) Nanaji Deshmukh scheme of Construction of Hostels for DNT Boys and Girls: It is also a centrally sponsored scheme launched in 2014-15 implemented through State Government/UT Administration/Central Universities. The scheme aims at providing hostel facilities to students belonging to those DNT students who are not covered under SC, ST or OBC, to enable them to pursue secondary and higher education. The income limit for eligibility is ₹ 2.00 lakh per annum.

The Government would provide for a maximum of 500 seats per annum at ₹ 3.00 lakh per seat in the hostel. This is to be shared in the ratio of 75:25 between Centre and States.

Additionally ₹ 5,000/- per seat for furniture is provided. Thus for 100 seats, the cost comes to ₹ 3.05 crore (₹ 3.00 crore per 100 seats hostel construction and ₹ 5.00 lakh for furniture for 100 seats).

So far, no complete proposal has been received from any of the States.

In addition, from the year 2017-18, the scheme “Assistance to Voluntary Organisations working for the Welfare of Other Backward Classes (OBCs)” has been extended to DNTs and EBCs as “Central Sector Scheme of Assistance for Skill Development of Backward Classes (OBCs)/Denotified, Nomadic and Semi-Nomadic Tribes (DNTs)/Economic Backward Classes (EBCs)”. 
SHRI TIRUCHI SIVA: Sir, the Renu Commission appointed by the Government of India has not recommended for the repeal of the Habitual Offenders Act. Sir, because of this Act, these subjected tribes are stigmatized as criminals, and whatever activities they are undertaking are considered as crimes after various enactments. Sir, their livelihood is totally deprived. Sir, performing acrobatics on the road and juggling has now been declared a criminal offence as per the anti-begging law in some States.

MR. CHAIRMAN: So, what is your question?

SHRI TIRUCHI SIVA: Sir, I am coming to the question. It is a very important question.

Most of the people earn their livelihood by training animals. The Wildlife Protection Act prevents them from doing that too. In such a situation, they are left with no livelihood. I would like to know from the hon. Minister whether, through the Make-in-India campaign, these people, who are rich in culture and are also skilled artisans, are given some livelihood by the Government. What are the initiatives that the Government has taken to provide alternative livelihood to these people when all other means have been prohibited?

SHRI KURAN PAUL: आदर्शीय समावरं जी, माननीय सांसद जी ने सही कहा है कि आज भी उनको अनुशासन अपराधी माना जाता है। माननीय सदस्यों को मैं बताना चाहूंगा कि 2005 में एक आयोग बना था, जिसे एक अभियंता की भुमिका कहा जाता है, उसने साल 2008 में अपनी रिपोर्ट दी थी, लेकिन उस रिपोर्ट में इस विषय पर कोई संस्तुति नहीं की गई थी। फिर उनकी समस्या को देखते हुए जो अब 2015 में आयोग बना है, उसने अभी तक दिन बाद 5 जनवरी को अपनी रिपोर्ट देना है। उन्होंने केंद्रीय अतिरिक्त रिपोर्ट, जो पहले भी थी, उसमें उन्होंने संस्तुति की थी कि इसके बारे में विचार कर रहे हैं। अब इसकी अंतिम रिपोर्ट दो दिन बाद आनी है और मैं समझता हूं कि उस रिपोर्ट के आने के बाद उस पर निश्चित तौर पर सरकार कार्रवाई करेगी।

MR. CHAIRMAN: Second supplementary.

SHRI TIRUCHI SIVA: Sir, the narikuruva community in Tamil Nadu, who are actually qualified to be a Scheduled Tribe, are not so. A Bill in this regard was moved earlier, but that was suspended. Now, it seems that the Cabinet has approved the Bill, but it has not been brought yet. Because of this, those people are not able to avail the benefits that are extended by the Government. When does the Government propose to table that Bill and declare them as Scheduled Tribes?

SHRI KURAN PAUL: माननीय समावरं जी, सदस्य जी ने जो सवाल उठाया है, उसकी जानकारी किला हाल मेरे पास नहीं है। जल्दी ही सिखित मे इसकी जानकारी उनको पहुंचा दी जाएगी।

MR. CHAIRMAN: Shri V. Vijayasai Reddy.

SHRI TIRUCHI SIVA: Sir, the Cabinet has already approved the Bill. I request the
Minister to kindly take appropriate initiatives. Sir, you are aware of the narikkuruva community. It would prove a boon to them.

MR. CHAIRMAN: If the Cabinet has approved it, then we should move things forward. Take note of the same.

SHRI A. NAVANEETHAKRISHNAN: Sir, hon. Amma had written several letters. Let that be on record. ... (Interruptions)...

MR. CHAIRMAN: Please, please; we are not discussing it now.

SHRI A. NAVANEETHAKRISHNAN: Sir, hon. Amma had written several letters. ... (Interruptions)...

MR. CHAIRMAN: I agree. Please, Mr. Navaneethakrishnan. ...(Interruptions)... The Minister may take note of this and we will discuss it in the future. The decision has been taken and it is on record.

SHRI V. VIJAYASAI REDDY: Sir, the National Commission for Denotified Nomadic and Semi-nomadic Tribes had recommended in its Interim Report in July, 2017, that the Government should chart out a roadmap to improve the lives of these communities. I would like to know from the Government whether the Government of India has accepted those recommendations. If so, what steps are being taken by the Government in order to achieve this goal?

श्री कृष्ण पाल: माननीय समापति जी, माननीय सद्यस्य ने जो सवाल उठाया है, जैसा उन्होंने योजनाएं बनाने के काम का कहा, तो पहले ही कुछ योजनाएं उनके कल्याण के लिए बनाई गई हैं। अब जब आयोग की रिपोर्ट आएगी, उसमें वे क्या-क्या रिकमेंडेशंस करेंगे, किन-किन योजनाओं के लिए मजबूत तौर पर आयोग की रिपोर्ट आने के बाद उन पर अमल किया जाएगा।

श्री समापति: नंदी जी, वे कह रहे हैं कि रिकमेंडेशन आई है। ... (यहाँ) ... Please, I am here to take care. Please, don’t worry. वे कह रहे हैं कि ऑलरेडी रिपोर्ट आई है और उसमें सिफारिश की है, उस पर क्या एवंश लिया है? ऐसा वे पूछ रहे हैं।

श्री कृष्ण पाल: सर, मैं माननीय सद्यस्य को बताता चाहता हूं कि उस रिपोर्ट का परिश्लेषण किया जा रहा है और फाइल रिपोर्ट आने के बाद उस पर विचार किया जाएगा।

SHRI K. T. S. TULSI: Sir, apart from the National Commission, there is the United Nations’ Committee on Elimination of Racial Discrimination, which has requested India that classifying nomadic people as having criminal tendencies is against the rule of law and has asked that the Habitual Offenders Act must be repealed because you can’t classify people. For example, a child born in that tribe will automatically be known as a criminal. This kind of a thing is completely out of sync with the rule of law and justice.

MR. CHAIRMAN: Please put the question.
SHRI K. T. S. TULSI: Are we thinking of repealing the Habitual Offenders Act, and if so, when?

SHRI KRUSHNA PATEL: In the case of the Habitual Offenders Act, we are thinking of repealing it. However, the Bill has not been introduced in the current session of the Parliament. Nevertheless, it is our intention to bring it back in the next session.

SHRI K. T. S. TULSI: Are we thinking of repealing the Habitual Offenders Act, and if so, when?

SHRI KRUSHNA PATEL: We are not thinking of repealing the Habitual Offenders Act. The Act has been effective in ensuring the rehabilitation of repeat offenders. However, we recognize the need for continuous improvement and are working on amendments to strengthen the Act.

*183. [The questioner was absent]

Panel for sub-categorisation of OBCs

*183. SHRI DEVENDER GOUD T.: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether it is a fact that Government has constituted a panel headed by Justice Rohini to look into sub-categorisation of OBCs and if so, the details thereof along with the composition of the panel; and

(b) if so, the details of the terms of reference of the panel and by when it has been asked to submit its report?

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI KRISHAN PAL): (a) and (b) A Statement is laid on the Table of the House.