

THE KAL ODDARS HIDDEN AND IGNORED FROM THE DEVELOPMENT AGENDA

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Abstract

The Kal Oddar is a Denotified Criminal Tribe which is still feeling the impact of the Criminal Tribes Act, 1871. This paper highlights the context of the Criminal Tribes Act and the continued legacy of discrimination against denotified tribes in India. This paper uses a sample of 324 households of Kal Oddar families in South Tamil Nadu to reiterate the social exclusion and lack of development faced by this particular denotified community. The study uses data to bring to the fore issues relating to the development and non-accessibility of social development for the Kal Oddars. Continued criminality and an identity crisis have been identified and discussed in the paper.

Keywords: De-notified communities, Kal Oddars, social exclusion, police, stereotyping

Introduction

Today, nomadic communities in India are up against barriers of discrimination and exclusion that can be traced to colonial laws that related them with criminal propensities. Despite the repeal of the laws in question and constitutional guarantees of equality, hierarchical social norms and historical prejudice continue to color the treatment of these communities today.

Criminal Tribes Act The Beginning

The Criminal Tribes Act (CTA) came into force on October 12, 1871. Under the Act, certain Indian communities, considered to be prone to the systematic commission of non-bailable offenses such as thefts, were methodically registered by the government. Since they were

described as 'habitually criminal', restrictions on their movements were also imposed; and adult male members of such groups were forced to report weekly to the local police station (Bates, 1995).

During pre-British times, the history of the Denotified Criminal Tribes shows that their ancestors were either forest inhabitants or wandering tribes with distinct cultural identities. Their way of life was relatively self-sustaining, and the major centres of ancient Indian civilization impacted them little. This scenario changed with the advent of the East India Company. Large tracts of natural forest were ought under the control of the British for commercial exploitation. With their lives thus threatened, many from these communities took to rebelling against the foreigners (Abraham, 1999).

More specifically, the Denotified Criminal Tribes are groups “notified” or classified by the British colonial government as born criminals in a series of Acts and regulations leading to the Criminal Tribes Act, 1871. The British colonial administration viewed their itinerant and nomadic lifestyle with deep suspicion, especially after the Indian Mutiny in 1857, when the British Raj equated their lifestyle with that of wandering 'criminals' and viewed it as antithetic to a modern, civilized existence. They viewed criminality through the lens of the pervasive caste system in India and thus interpreted crime as caste-based or as an inheritable occupation. This was not new to the British, especially in the context of the gypsy population in England being viewed similarly. with the objective of establishing greater control over rebel rural regions and nomadic groups resisting the British Indian authorities, the CTA ostensibly labelled almost 200 tribal groups as 'born criminals'. The provisions of the Act were extremely oppressive and discriminatory.

Thus, criminality in British India was seen not only as an individual act, but also as a community- or caste-based phenomenon where certain groups were 'addicted to the systematic commission of non-bailable offences'.

Eventually, the Act was repealed in August 1949 and former 'criminal tribes' denotified in 1952, but it was replaced with the Habitual Offenders Act, 1952. According to the Act, a habitual offender is one who has been a victim of subjective and objective influences and has

manifested a set practice in crime, and so presents a danger to the society in which she/he lives. The discretionary nature of the laws means that they can be applied unevenly, and this is, consequently, viewed by many as a revised version of the CTA.

Rathod (2000) states that there are 313 Nomadic Tribes and 198 Denotified Tribes in India today. The legacy of the Act continues to haunt a majority of the 60 million people belonging to these tribes, especially as their notification over a century ago has meant not just alienation and stereotyping by the police and the media, but also economic hardships.

Kal Oddars Origins

The Kal Oddar community, a denotified criminal tribe settles in various parts of Tamil Nadu has been subject to the stigma attached to the label 'denotified criminal tribes'.

Based on etymological evidence as well as on accounts by ethnographers Thurstone (1909) and Singh (1994), the Oddars refer to people hailing from Odisha. According to Winslow (2002), **Oddalar refers to 'a** forgotten community, guild or caste that undertook the digging of wells, tanks, rivers, canals, ditches, etc. The *Oddar* or *Oddalar* were professionals in hydraulics, hired to dig wells, tanks, and canals; and construct earthen and stone bunds or dams. There were two categories of *Oddar*. specialists in earth works were called *Man-oddar* and the stone workers were *Kal-oddar*.

Background

The study is intended to describe the socio-economic conditions of the community. Highlighting crucial social and economic indicators, the study reveals the extent of the backwardness and marginalization the Kal Oddars face today. The objectives of the study were as follows:

- To understand the Kal Oddars as a denotified community and establish their historical background;
- To determine the position of the community in social and economic spheres, and
- To discern the perceptions of the Kal Oddars about the continued notion of being regarded as 'criminal tribes'.

This study was carried out over a span of three years, from 2012 to 2015. It focused on South Tamil Nadu, identifying ten Kal Oddar settlements in the five southern districts of Madurai, Sivagangai, Ramanathapuram, Theni and Virudhunagar. The study identified 324 households and an interview schedule was administered to members of the households focusing on social background, education, employment, assets, housing conditions, settlement details and links to the criminal justice system. The initial interview schedule was followed by Focussed Group Discussions (FGDs) with women of varied age groups, alongside detailed interviews with diverse sections of the sample population. The findings have been strengthened by non-participant observations by the researcher. This paper summarizes and describes the findings of this study, thereby throwing light on the life of the Kal Oddars a hitherto hidden and neglected community.

Kal Oddars Location and Population

The Kal Oddars are scattered as small settlements all over Tamil Nadu in South India with a concentration in the southern districts. Each settlement has around fifty families. Families move from one settlement to another in search of employment, evading the police or, in more recent times, for the purpose of education. These settlements are primarily on the fringes of the town, city or village, because of the stigma of being 'Denotified Tribes' or 'ex-criminal' tribes.

Living on the outskirts entails that this community has limited access to facilities and institutions. The average distance, for instance, from a settlement to the main village, school, or place of worship is about one to two kms, while the Government hospital is about six to eight kms. away, and the nearest bank and police station are about three to four kms away. The study focussed on 439 women and 398 men with significant numbers of children 335 girls and 304 boys.

Language

The Kal Oddars speak Tamil fluently, as also a distinctive dialect amongst themselves. "Thai Bashai" is how they refer to their mother tongue, which has no name or script. It is a dialect that seems to be a

combination of Tamil, Telugu and Oriya. This may perhaps have to do with their Odisha origins, but is an area to be delved into by linguistic experts. Identifying language origins, and learning how language has influenced and been influenced by culture, will tell us a lot more about the community.

Around 33% of the sample speak only Tamil, and eight per cent only Telugu, but a vast majority of 59% speak a combination of their own mother tongue along with Tamil and Telugu. Around six per cent also know Malayalam. This is because many Kal Oddars migrate to Kerala for work and to elude law enforcement: therefore, Malayalam figures as a language known.

Housing and Facilities

The study reveals that a majority of the community have no access to minimal housing facilities. Respondents still live in huts or thatched houses (12%), or homes with tin or asbestos roofing (24.4%). Around 14.2 % have no access to electricity. A majority (54.9%) live in single-room accommodations and 22.8% of the households have no fans at home. A startling 59.9% do not have kitchens and 95% lack toilet facilities at home. All these figures point to a life of abject poverty, compounded by social stigma. These statistics reveal dismal living conditions at a time when the Government is talking of universal toilet coverage and complete electrification.

Livelihood

Thurston (1909) describes the livelihood options of the community in the past as being related to tank-digging, well-sinking, road-making, and generally gainful employment in stone work. Today, some are still engaged in stone work but as mere labourers in stone-cutting and sculpting enterprises. Others have diversified into occupations like driving autos and carrying headloads, but mostly subsist as daily wage earners. Their livelihood options are largely marred by their frequent encounters with the criminal justice system.

The Kal Oddars generally live in conditions of abysmal poverty. Women also work, either as labourers in construction work or as street vendors selling fancy items.

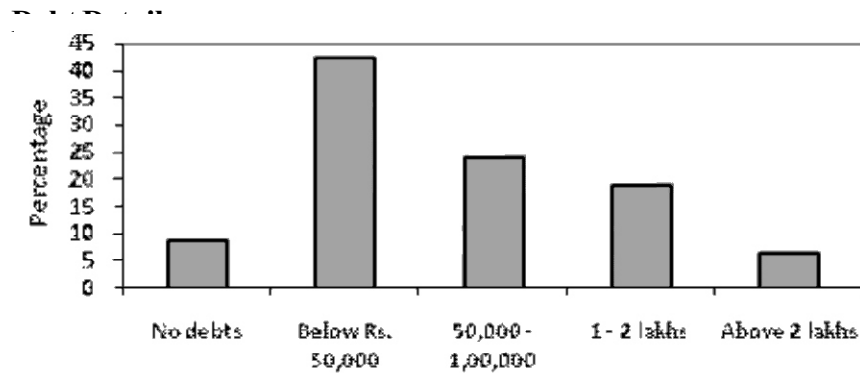


Figure 1: Debt details

Over 50% of the community have debts to the tune of more than a lakh of rupees. Moneylenders figure as the most common source of debts. This, again, is a crucial aspect leading to their marginalization.

Proof of Identification

The majority of the Kal Oddars have no proof of identification and are, consequently, more of a hidden or 'forgotten' people with no access to Government schemes and policies. The Kal Oddars do not come under any process of enumeration as they have absolutely no identification or proof of being Indian citizens and are, as a result, excluded from all development activities.

Many families have no access to the Public Distribution System, given that 48.5% of the sample do not possess a Family Ration Card. The study reveals that 47.3% of male and 52.6% of female respondents have no Voter IDs. It is pertinent to note that almost half of the sample studied refers to households with no family cards or voter IDs and, therefore, no tangible form of documentation to prove their Indian citizenship. This has had serious consequences on their socio-economic development.

The Kal Oddars are an example of a hidden community without an Indian identity to help in their development.

Education

Education is also an elusive right that many in this community have

had no access to. Most Kal Oddar children study in Government or government-aided schools, while some are in private schools. There are also considerable numbers (27%) of dropouts. The reasons for discontinuing schooling are dual: the financial circumstances of the family and problems with the criminal justice system.

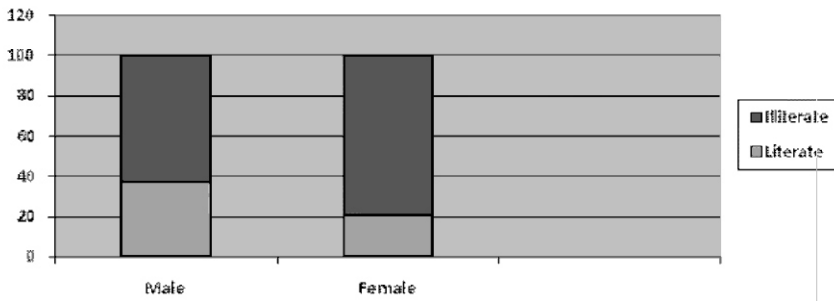


Figure 2: Literacy status

A stark revelation the data makes is that the adults (62.34% of males and 79.32% of females) are largely illiterate. Education is only now being accessed by this community. Many of the younger adults have been schooled, though only 21 (0.03%) respondents have had access to higher education. It is sad to note that many of the children in primary school are first-generation learners.

Social Support

A noticeable aspect of the social life of the Kal Oddars is the lack of a strong social support system. Only 19.1% are members of political parties, 13.9% are members of SHGs and only 7.7% are members of specific associations, demonstrating that the community has limited access to social and political support groups.

Identity Crisis

The study has revealed that respondents use nomenclature differently. Out of the 324 households interviewed, 39.2% claim to be Kal Oddars, 54% claim to be Koravas, and the rest claim community tags like Odda Nayakas, Kal Nayakas, Kal Koravars or Odda Koravars. 2.1% also claim that they are SCs. This underscores the severe identity crisis prevailing in the community. The researcher has witnessed, firsthand, the peculiar instance of a family where the brother claims to be a

Koravar while his sister, quite inexplicably, claims to be a Kal Oddar.. Further, certain respondents call themselves Kal Koravas or Odda Koravars community names that have no legal validity.

The reasons for these discrepancies in identity are social, historical and developmental. The Koravas and Kal Oddars have had similar histories and have been located in similar geographical locations over time. The two communities have intermarried, resulting in mixed identities. This has also happened in congruence with the fact that the Government has recognized the Koravas as a Scheduled Caste, but the Kal Oddars continue to remain within the nondescript DNT and MBC categories. Also, recurrent issues with the criminal justice system faced by the Kal Oddars and the concomitant legal hassles have come together to push members of this community to willingly “hide” their community identity and “mask” it with a safer, and more beneficial, identity. This can be viewed as a process of Sanskritization, where the Kal Oddars have found that associating with the identity of the Koravars has helped them move up the social ladder.

This is a significant finding, bringing to the forefront diverse issues linked to development, and mirrors the problems confronted by other DNTs. These are to be addressed in Tamil Nadu with seriousness and caution.

Stigma as 'Ex-Criminals'

The Kal Oddars say that they are still targeted by law enforcement officials in Tamil Nadu, and it is commonplace for the police to frequently pick up Kal Oddar males from a settlement and take them in for questioning. The respondents claim that false cases of theft or burglary are foisted on them. Carrying the tag of once having been 'criminal tribes', they are still looked at as people with a 'high propensity to crime'.

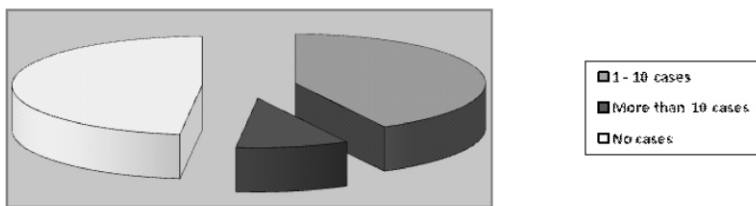
In the past, the community was an easy target for the police. The women state that in their ignorance and illiteracy, the very sight of a police uniform instilled fear in the community. The police frequent settlements at night or dawn and take male members into custody as a matter of course. The harassment of the women of the community, and

the use of women as targets to force a person to confess to a crime, are common. This is mostly done without a relevant warrant and the custody is usually illegal. The police generally descend on the settlements in plainclothes and with no arrest warrants. There have been instances of police officers from a different district visiting a Kal Oddar settlement and randomly naming a person supposedly connected with a theft in the respective district.

Years after the repeal of the Criminal Tribes Act, these communities still face the stigma of the notional criminal tribes and continue to be targeted. In the words of Devi (2002), 'Between 1871 and 1952, certain communities came to be known as criminals, and the local people and the police killed them, tortured them and hounded them like beasts of prey. And, after independence, the police, the political and non-political power wielders engaged them in criminal activities. They were forced to rob and steal. The police and the stolen goods receivers took it all, and often had them killed. Their stigma is the curse of their life. All over India, the denotified communities are jailed, mob-lynched, and tortured to death in police lock-ups'.

Figure 3: The magnitude of pending criminal cases

Criminal cases pending against adult Kal Oddar men



From the sample studied, 51.9% of the men have police cases against them, most of which are claimed to be false or foisted on them by law enforcement. Only a negligible number of women (1.2%) have cases against them.

This is a significant aspect of the current situation the Kal Oddars find themselves in, and has severely impacted their lives.

With the men under the police scanner, hiding from the police, in

custody in jail or at varying stages of facing criminal charges in jail or under trial, the families face distressing financial pressures, the education of children takes a back seat, migration occurs, the women are pushed to the forefront of household affairs, and debts mount. Also, the legal expenses and the hassle of being illiterate and ignorant of the law compounds their misery and already marginalised lives.

According to the respondents, the Kal Oddars are booked simultaneously in three or more cases and physically tortured to confess to the crimes concerned. Most of the cases are claimed to be false, but the Kal Oddars have no legal recourse and have been unable to walk away from these cases. Inevitably, many go into hiding or move away to avoid further police action.

Field work by the researcher has documented this practice to be quite frequent. With most of the Kal Oddar being illiterate and economically dependent, legal assistance has been elusive. The respondents state that it is easier to accept the charges foisted on them rather than experience the relentless physical abuse and torture. This has set in motion a vicious cycle, with many Kal Oddar men having an average of three cases against them at varying levels of the judicial process.

These frequent clashes with the criminal justice system have put the family in complete disarray. With the head of the family in police custody or in jail, the wife has little choice but to carry the burden of the family while simultaneously taking legal recourse to remedy the situation. Children generally drop out of school, or have high levels of long absenteeism, which is most detrimental to first-generation learners. These further worsen the poverty-stricken state of affairs, only to be compounded by debts taken to bribe the police for letting the men off the hook, or to settle for a reduced sentence.

The respondents state that the police function with the notion that these communities are “hereditary” criminals a stigma that has stuck on, despite the fact that sixty-odd years have passed since the denotification of the CTA.

Kal Oddars are one of the many 'criminal tribes' communities of supposedly hereditary criminals targeted till date by law enforcement.

There is also the element of the disturbing socio-economic circumstances of the group. This is a vicious cycle with caste discrimination, overreaching poverty, and a low social standing rendering them all the more vulnerable to discrimination.

Communities like the Kal Oddars who are stereotypically targeted by society bear the brunt of our tacit acceptance of the social conditioning we are raised in. It is time to apply scientific reasoning and learn from our shared experiences as we try to beat the system. It is time that society wakes up to the call of these marginalised communities. The need of the hour is a multipronged approach to handle the developmental issues relating to the DNTs.

The Technical Advisory Group (2006) describes, in their recommendations, a set of measures to be taken by the Government urgently. They advocate that the DNTs be integrated into the development programmes of the SCs and STs in the country. It is also suggested that programmes intended for these communities be group-oriented, addressed to the problems identified for specific groups, with centrally-sponsored schemes for their development in tandem with mapping priority areas such as education, vocational training, and livelihood.

It is imperative that there is a focus on the development issues mentioned above, particularly on education, documentation, and access to welfare schemes, and, most importantly, in a changed attitude on the part of law enforcement: these measures are the way forward for the DNTs to be enabled to become equal players in the development arena. Implementing the recommendations of the TAG committee, initiating research, and undertaking a statistical enumeration of the DNTs are the first steps needed. A revisiting of the criminal justice administration system will help break the cycle of continued stereotyping of the Kal Oddar by the system in question.

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