Denotified and Nomadic Tribes: The Challenge of Free and Equal Citizenship

By
Rudolf C. Heredia

Department of Sociology
University of Pune
Pune – 411 007

PREFACE

The Department of Sociology, University of Pune started in 1939 at the Deccan College and is one of oldest departments in the country. Since its inception, faculty members have been at the forefront of developments in the social sciences, be it physical anthropology in the 1940s or structure functionalism in the 1950s. In the 1970s and 80s, faculty research at the Department focused on agrarian protest, political sociology, women's studies and Canadian Studies. The Department now has a Canadian Studies Programme under which international seminars are organized annually and proceedings published.

In January 1988 the UGC granted a DSA Programme in the area of 'Sociology of Development' to the Department of Sociology. In the first two phases of the programme, research and teaching programmes at the Department have explored the various dimensions of development as a state project and as a process which structured inequalities in India. These efforts have interrogated the cultural political and social implications of the concept and practices of development. Moreover critical interrogation of development as intimately linked to the processes of globalization has been an area of group research at the Department. The following themes have emerged from this group research:

- Consumption, Culture and Inequalities
- Urban Studies: Cities and Urban imaginary
- Violence, Sexuality and Health
- State, Society and Changing Patterns of Social mobilization

- Dalit Studies
- Sociology in India: Knowledge, Institutions and Practices

The Masters/M.Phil. curricula are revised every two years to integrate ongoing research concerns and inter disciplinary developments into the teaching programme (visit website: www.unipune.ernet.in/dept/sociology/ for details).

The Department seeks to build a university – community dialogue, through a monthly seminar series, annual public memorial lectures and contact programmes with social activists and NGO personnel.

Under the DSA programme, the Department invites scholars to be in residence for a week, organizes annual seminars and publishes an occasional paper series. Since 1997, ten occasional papers have been published. As a state university for many of the faculty members critical translations is an engagement. This series, therefore also seeks to build reading resources in Marathi.

The present paper in the occasional series brings a brief report of the proceedings of the seminar on "Denotified – Nomadic Tribes in India: Issues and Perspectives" organized by Sanjay Kolekar on January 5-6, 2007.

We look forward to your response, critical comments and suggestions on the occasional series at offsocio@unipune.ernet.in

Pune   Sharmila Rege
March 2007   Head

Introduction

This is a monograph in the series launched under the UGC special Assistance Programme Phase II in the Department of Sociology. Professor Father Rudolf Heredia was invited to deliver the inaugural address at the national seminar on the theme 'Denotified – Nomadic Communities in India: Issues and Perspectives' which was organized by the Department on January 5 & 6, 2007. This monograph is a revised version of this address.

In colonial India, some nomadic communities came to be branded as criminal tribes in 1871. Through the Criminal Tribes Act of 1871, the government assumed that all the people born in particular tribes were criminals and were incorrigible. With this Act the discrimination and social and economic marginalization of these nomadic 'criminal' tribes started. After Independence the criminal tribes were denotified by repealing the Criminal Tribes Act, 1871. This law has brought about little change whether in their living conditions or enforced wondering. These communities continue to carry the stigma of criminality with them. The attitude of society & bureaucrats still remain prejudiced & the inhuman treatment continues.

After independence both central and state government have adopted many welfare schemes for the upliftment of denotified tribes. The upliftment of denotified tribes aims at their complete rehabilitation, eradication of all stigma and discrimination. Since the late 1970s, several movements have been launched by denotified tribes. Along with the efforts of the state and social activists, some NGOs have entered the arena of settlement of denotified tribes. These efforts

have had implications for the occupational structure of denotified tribes. Some of the community members perform occupations as peddlers herbalists, watchman etc. rather than criminal activities. This type of change in livelihood and survival raises the issue of sedentary life, because they are expected to become a part of the mainstream, but they are also to be segregated from the main society. They get marginalized from the main sphere of society because of transformative processes, the become suspect from the point of view of the sedentary society. Their increasing marginality simply compounds the already existing prejudices against them so they are seen to be perennially disloyal.

In this context the Department of Sociology organized a national seminar on 'Denotified – Nomadic Communities in India: Issues & Perspectives'. Several issues concerning with denotified – Nomadic tribes were discussed in the seminar. The issues discussed in the seminar were Criminal Tribes Act (1871) and colonial construction of 'Criminality', state policies & programmes for denotified tribes, prejudices and stigma regarding denotified tribes, livelihood and survival issues, social mobility and change among denotified tribes and livelihood issues of pastoral nomadic tribes. Several scholars, activists and NGOs participated and presented papers in the seminar.

Against this background, the publication of Professor Father Rudolf Heredia's paper is significant. The paper essentially attempts to open up perspectives on the desired journey from criminal to equal citizenship and social affirmation in a free and democratic society. It analyses, historical background and the relationship between denotified nomadic tribes and sedentary communities. It underlines the issue of

identity and integration of nomadic tribes with society.

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Sanjay Kolekar
University of Pune,

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February 2007

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Rudolf C. Heredia

Introduction

I must begin with a word of congratulations to the University of Pune and the Department of Sociology, and especially to Sanjay Kolekar and Sharmila Rege and their enthusiastic team of students, for organising this seminar, the first by a university on "Denotified-Nomadic Communities in India: Issues and Perspectives". Moreover, bringing academics and activists together in a formal university setting like this one will lends credibility and relevance to the seminar and the participants beyond the confines of academia. both sides in the encounter with each other. Hopefully, this address will begin such an enduring and fruitful engagement.

Developmental Hegemony

Modernisation and development have everywhere been a very real threat to the cultural identity and human dignity of indigenous peoples, even where in countries like ours there is an official policy of protection and promotion. Obviously, we need to restructure our economic development and political participation if it is to reach and include the people who need it most. But the structural violence that such 'development' and 'progress' inflicts on these people is but part of the indignity to which they are subjected. For there is also an accompanying cultural hegemony that subverts their identity, and in doing so undermines the very cultural resources they would have collectively found in their

tribal identity, and which they could have mobilised to resist this dominance, affirm their dignity and struggle for their place in the sun. The issues of social prejudice and cultural hegemony, of economic oppression and political exclusion are so interwoven that they must be confronted together. However, it is often the cultural factors of this complex that are all too easily set aside or taken for granted and not suitably dealt with. We hope this seminar will be a small contribution towards this.

Among these tribal peoples it is the nomadic tribes in particular, who are the most vulnerable to the changes overtaking them. More than other tribals they are under threat from the dominant communities, of being assimilated into the bottom of the social strata, as even now they are being displaced from their traditional lands in the name of a "development" too alien for them to understand or accept, because they are still so alienated from its benefits. Among the nomads the most adversely affected by this cultural hegemony and prejudice, economic marginalisation and political exclusion that goes with it, are the denotified tribes. This raises fundamental questions for our society: of social equality and economic equity; of ecological sustainability and peoples' participation; of cultural autonomy and democratic integration, for "the tribal problem cannot be isolated from the broader national problems. Its solution will have to form part of the overall strategy for the regeneration of Indian society and polity". (Dube 1972: 32)

Historical Background

The rule of law has often been considered one of the great gifts, or benefits of the colonial government to this subcontinent, the corner stone of British policy in India. Already in 1881, W.W. Hunter surveying *England's Work in India*, envisioned

"a more secure more prosperous India, where roads, railways, bridges, canals, schools and hospitals had been built; famines tackled; thugi, dakaiti and predatory castes suppressed; trade developed; barbaric social practices like widow-burning and infanticides abolished." (Hunter, 1881: 2)

But the real test of any rule of law cannot be in the good intentions of the legislator or such visionary ideals, it has to be sought in the way a law is operationalised and implemented, and finally in the effect it has on those it impacts. Often the good intentions of the legislator have only paved the way to hell for victims of their laws! For a law must be ethically legitimated not by intentions or due process, but by what it actually achieves in a society, whether this be unintended consequences or anticipated effects.

The Criminal Tribes Act (CTA) was meant to suppress the "predatory castes" for this vision of a secure and prosperous country. And yet ironically it was precisely these hapless nomads, stigmatised and stereotyped by this act, who became its most helpless victims, while those for whose protection this law was enacted become the cynical 'predators'. The law was first enacted in North India in 1871, in Bengal in 1876, and then spread to the rest of the county until finally it was made applicable to the Madras presidency in 1911. This act was to apply to 150 notified castes of 'hereditary criminals' within the Hindu system. Later other communities were added to the list. However, in India this was not based on the notion of genetically transmitted crime but rather as a community profession passed on from one generation to the next.

Precisely because the notion of hereditary criminal was grounded in social rather than genetic transmission, the reform and rehabilitation of these groups was sought through a policy of social engineering that was rather quaintly called "criminocurology" by the Salvation Army that was placed in charge of many of the settlements for these so called "Criminal Tribes". The official intention then of the legislation was not so much punitive and retributive as preventative and remedial. It was all part of the civilising mission of the colonial raj. (**Fischer–Tiné, 2005**) The Criminal Tribes Act provides a window through which we can examine how such good intentions of the government work themselves out into an oppressive hell for those it was supposed to benefit.

Nomads and Settlers

For the relationship between itinerant and sedentary communities has always been not just problematic but bound together in a kind of mutual antagonism. The way the gypsies were dealt with in England provides an insight into the colonial government's approach to nomads in this subcontinent. "Vagrancy wanderlust, lack of stability and general purpose in life, restlessness and aimlessness — these are the accusations that plague all itinerant communities." (Radhakrishna 2001: 10) Nomadic communities are notoriously difficult to control and govern, to administer or tax. In fact in England "all laws relating to the gypsies were to protect the settled communities from itinerant ones and never the other ways around." (Radhakrishna 2001:.11) Yet as David Mayall in his *Gypsy Travellers in the Nineteenth Century* (Cambridge 1988) has pointed out, they were also romanticised in imagination, and valued for some of the services

and skills they provided.

We find the same sort of ambiguity in colonial fiction and poetry with regard to Indian Banhjaras and others, who were feared and shunned as ferocious criminals, and yet eulogised for their supposedly healthy outdoor life and independent spirit. Some of the stylised pictorial representations are eloquent evidence of this. Myth-making of this kind only underlines the discomforting suspicion with which such people are viewed, and how it served to legitimate the way they were treated.

An important player in this sordid drama was not just the government, but the Salvation Army that served more as a self-conscious imperial agency rather than the evangelical sect it portrayed itself to be. It had a significant role to play in criminal legislation in Britain and all over the empire. The various schemes visualised by William Booth, its founder, in his rather pompous proposal *In Darkest England and the Way out: A Study of Poverty and Vice in England and a Scheme by the Salvation Army for Reclamation of Criminals and Prevention of Crime* laid out a regime in 1890 for "the starving, the criminal, the lunatics, the paupers, the hopeless, the drunkards and the harlots", which became models that influenced British administration elsewhere as well. (Cited Radhakrishna 2001: 17)

One can see from this background that the category of criminal tribe was not a sudden development though there are, as Sandria Freitag (1991) emphasises, certain "leaps of legal logic ... whereby the crimes of a few were could be cited to establish the guilt of many." This served vested interests that were never quite officially articulated.

Sympathetic anthropologists, like Stephen Fuchs in *The Aboriginal Tribes of India*, have shown that with loss of their traditional professions and the enclosure of the commons off which they lived, the nomads were in fact left with no other alternative. However, what is too easily left out and forgotten is that these nomads were traders and suppliers of grain and salt in remote areas even when the railways displaced them from the major trading routes. In the Madras Presidency as long as their services were needed their notification was resisted by the government itself. (Radhakrishna 2001: 30) It was the privatisation of this trade that finally deprived them of their livelihood. Thus they were first marginalized and later notified by the same government, who then sort to reform and rehabilitate them. Notification by the 1871 Criminal Tribes Act required that settlement precede the notification of these communities. Needless to say this was followed more in the breach than in reality.

Thus the historical compulsion behind the act was dictated less by the need to contain crime than by the demand for labour to reclaim agricultural land and later to supply textile mills and industrial establishments. In fact the eagerness of various landed communities and castes not to mention industrial employers, to have such nomadic tribes declared notified under the act, and then with the help of the government and the police to exploit their labour for private gain, exposes some of the most sinister implications of this act.

Even in the Salvation Army settlements, the economic profit from such labour kept the settlement going with its programme to market this 'damaged labour'. That the settlements were in fact sites for forced labour was at times contested in the courts but unsuccessfully. Radhakrishna's

"close study of some city settlements run by the government shows that any low caste, vulnerable section of the people could be declared a CT [criminal tribe] and forced to work in an enterprise; any person including a manager of an enterprise could be made responsible for their control; and any site including an enterprise itself could be declare a CT settlement" (Radhakrishna 2001: 167)

In 1949 the Criminal Tribes were denotified and their rehabiliation recommended. Between 1950 and 1952 the Criminal Tribes Act has been finally abolished. But this was a change in name only, the provisions of the act are still in force, and have actually now been legalised under a new Habitual Offenders Prevention Act in various states and the Probation of Offenders Act, 1958, at the Centre. The harshness of such legislation is appalling and yet it is not repealed. We need to recall that only till recently the Terrorist and Disruptive Activities Act (TADA) which had lapsed is now being revived with a new Prevention of Terrorism Act (POTA) which was dropped by the United Progressive Alliance (UPA) only to be revived as War of Terrorism Act (WOTA). The terrorist is of course only the latest 'criminal tribe' that we are trying to deal with by penal measures rather than by addressing the root of the problem.

It is precisely this continuity between the pre- and post-colonial state that needs to be exposed. The plight of the denotified tribes (DNTs) today in the country is stark testimony to this. Hence turning the spotlight on our colonial past should be but the first step in the long haul of breaking with it. A DNT Rights Action Group (DNTRAG) had been formed to agitate for their rights, which was dissolved and replaced by network of groups under the umbrella of Lokdhara. The Government of India has now appointed a "Commission for Denotified and Nomadic and Semi-nomadic Tribes". This seminar will surely be

a crucial step in providing critical intellectual inputs to this cause that is now coming into the public domain and mobilising people for action.

It certainly will not be an easy task as we are not unfamiliar with the case of first victimising a community and then blaming the victim while the victimisers plead not guilty. But the truth of the matter is otherwise. For 'we have seen the enemy, and the enemy is us!' This must be a concern not just of these marignalised and criminalised communities, but a matter of conscience for all of us, for the way we reach out these communites will define the way we dealt with ourselves. Thus Ashish Nandy paraphrases "the ancient wisdom implied in the New Testament and also perhaps in the Sauptik Parva of the Mahabharata: 'Do not do unto others what you would that they do not unto you, lest you do into yourself what you do unto others'."(Nandy 1983: 31)

Selective Incorporation

Now in the clash of cultures involved when differing modes of resource use come into competitive contact, one resolution to the conflict has been "*the path of extermination*, ... In this scenario, the earlier modes are more or less wiped out".(Gadgil and Guha 1992:109) This has generally been the path of Europe, and its encounter with the non-European peoples. However,

"the alternative pattern, which we call the *path of selective incorporation*, better fits the history of the Indian sub-continent prior to its colonization by the British. In so far as the history of India exhibits the far greater overlap and

coexistence of different modes of resource use, one can qualitatively distinguish the Indian experience from the European and the New World paradigm of eco-cultural change". (ibid)

Thus in the Indian experience,

"two complementary strategies, of leaving some ecological niches (hills, malarial forests) outside the purview of the peasant mode, and reserving certain niches within it for hunter-gatherers and pastorals, helped track a distinctive path of inter-modal cooperation and coexistence". (ibid)

Here the less resilient modes survived but were subordinated to the more dominant ones. In traditional Indian society such institutionalised hierarchy was acceptable to all groups. During the colonial period this tradition hierarchy did undergo changes, from the interventions of the colonial government as well as from the Indian response to the colonial challenge. But the large sections of people still experienced a further deterioration in their life circumstances as the colonial encounter depressed their situation to the point of unsustainability. The postcolonial Indian state has not adequately delivered on its promise to these marginalised among our peoples, who are now beginning to find their voice. The denotified and nomadic tribes have only more recently begun to claim their place in the sun in the new India in the making.

The traditional stability of caste, which once was premised on "homo hierarchicus" is no longer viable. Today as we try to find an egalitarian and democratic basis for cooperation and coexistence the clash of settler and nomadic cultures, of denotified tribes and other

citizens in our country is harsher and deeper because the changes our people are undergoing are more rapid and comprehensive than ever before.

In premodern societies confronting modernisation
> "major and rapid social changes are associated with:
> a. loss of self-esteem;
> b. increase in actual and perceived role conflict and ambiguity;
> c. increase in the perceived gap between aspiration and achievement."(Goodland 1982: 25)

The resulting anomie has precipitated reactionary and revivalist responses in many sections of these societies. The aggressive fundamentalist religious movements sweeping our land today are evidence of this.

Efforts to mitigate and buffer the negative consequence of developmental change have certainly been made. "India is one of the few countries in the world with elaborate systems of preferential treatment for ascriptively defined groups," (Pathy 1984: 163) especially for the scheduled castes and tribes. But after more than half a century of independence, they still have a long way, to go to catch up with the mainstream, especially the smaller weaker tribes. And the denotified and nomadic tribes, as a category are still by and large excluded from such preferential treatment.

Tribal Integration

Tribal minorities are distinctive ethnic groups in a subordinate class position. The issue to be addressed in their regard is one of overcoming their minority status and affirming their tribal identity, or

rather remedying the first by mobilizing the second. In other words, integrating tribal people into a culturally pluralist, economically egalitarian society, and not assimilating them into an ethnically uniform, class-stratified state. But integration has not always been the official policy with regard to our tribals nor has it been understood in the same way by all concerned or at different times.

Among the Indian anthropologists, who urged the tribals' entry into the national mainstream, many have advocated their assimilation into non-tribal society, much the same way as the 'Hindu mode of absorption' did earlier. Thus Ghurye would want an "integrative assimilation", that would make the tribals "part and parcel of the Hindu Indian polity that is slowly but surely arising," (Ghurye 1963: 211) and he would want tribal languages, which tend "to counter-balance to some extent the speeding up of the process of assimilation," replaced by the Indo-Aryan languages (ibid). There are others, who would not go along with such a 'Hinduisation' of the tribals, but would still want to "give up the idea of integration altogether and think of helping the tribals to detribalize themselves" so as to be indistinguishable from other people in the region. (Chattopadhya 1972: 491)

What the assimilationists seem to suggest, then, is overcoming tribal minority status by sacrificing their ethnic identity. But our experience in the field is contrary to this. For one thing the potential of a positive identity to mobilise the group is lost, and the process of assimilation leaves the tribals with a negative self-image and a deteriorating socio-economic status. Moreover, with nomads assimilation would mean being settled, 'sedenerisation'. This would change their culture

if not destroy it. The forcible settlement of notified tribes in colonial times is evidence enough of this destruction.

Integration and Identity

Since Independence the Government of India's tribal policy has not been assimilationist but it has tried to follow the 'panchsheel' proposed by Nehru in 1959. However, the development it has pursued has been more dangerously disintegrative for the tribals than genuinely integrative, with internal autonomy and economic equity. For, as a group of eminent scholars at a seminar on *The Tribal Situation in India* asserted in their concluding statement:

> "integration must be sharply distinguished from assimilation which means complete loss of cultural identity for the weaker groups.... integration is a dynamic process which necessarily involves mutual give-and-take by the various sections of the national community." (Singh 1972: 631-32)

Integration, then, depends very much on what kind of society our tribals are being integrated into. Is it the caste hierarchy of our traditional culture, or the class stratification precipitated by our present political economy, or the pluralist-secular, democratic-socialist ideal sketched in our Constitution? It is only this last that can accommodate the kind of tribal integration we envisage, one which will salvage both their identity and dignity. For in the caste hierarchy, integration must mean a loss of their tribal identity; in a class system, they are confirmed in their minority status. And yet, since caste is very much a factor to be reckoned with in our culture, just as class is in our economy, any realistic approach to integration must take cognizance of both these aspects of their situation.

The notified tribes were criminalised by the colonial state and the consequent social prejudice survives their denotification. Integration then becomes extremely problematic and eventually results in their being assimilated at the very bottom of the social hierarchy. Nomads are under suspicion too and hardly fair any better. And yet these peoples do have cultural resources that can effectively affirm a positively identity as a prelude to their finding their place in society.

Inferiorised Identities

However, for any real mobilisation of cultural resources we need a cultural pedagogy that will help counter the cultural violence to which the agencies of socialisation subject such people, whether these be the formal education system or the informal encounters of everyday living, whether in the mass media or the market place.

It is in these very areas of social life and living encounters that we need to resist the hegemonic "pedagogy of violence" (Lele 1995) perpetrated by dominant groups, with a pedagogy of affirmation for struggling subaltern peoples. We need to break the "pedagogy of silence" (Heredia:1996) which allows such cultural violence to be internalised by a pretended neutrality that cannot but perpetuate the status quo. We need instead a pedagogic creativity and relevance that will shatter the "culture of silence" (Freire 1972) in which they are imprisoned and isolated, rather than a misguided attempt merely to preserve a cultural inheritance, as one would an endangered species in a protected environment. The endeavour, then, must not be directed towards such a preservation or "'museumification' of their culture, for the real concern is not about the mere survival of this culture. Rather the project must be one of empowerment, of enabling these people to grow as subjects of their own history, not mere

objects in an alienating process of the other's development.

As I have argued elsewhere (Heredia 1997) collective identities must be located within the social context and material history of a group, and problematised as a dynamic process in which a social unit produces and reproduces itself. It is precisely because such identities are constructed within the dynamic historical context, that they can be challenged and reconstructed once again. To assume otherwise is to adopt an ahistorical and static perspective. Yet we must not be naive about the very real odds stacked against such reconstruction and empowerment in the contemporary circumstances of our marginalised tribals. It is even possible that this seminar could be misread and misused. Yet we believe the goal we have set is both possible and even feasible.

For we believe that the kind of inferiorisation to which these people are subjected can only be reversed by a collective movement affirming their ethnic identity. But first the ground work for such a movement must be put in place. We hope this seminar will be a contribution in this direction. Obviously that will depend on how the studies presented here are used and by whom, both of which are not quite within our control. Hence we want our efforts to add up to not just a rediscovery of their traditional identity, but also a reconstruction of it in creative and relevant ways to enable them adequately and actively to engage with their changing situation and not be merely passive victims of their declining circumstances.

Local Voices, Global Forces

In colonial times anthropology was very much a part of the colonial enterprise, and while it was often sympathetic towards the peoples

it studied, it was still an attempt to know and understand the peoples of the empire in order to administer and control them. Indeed, most colonial anthropology "dichotomies and essentialises its portrayal of others and .... functions in a complex but systematic way as an element of colonial domination." (Clifford 1988:268)

It was all part of the 'white man's burden' that made them feel a noblesse oblige for 'lesser breeds without the law', and as such it could not but be an expression of an unequal relationship. It inevitably was paternalistic even when benevolent, but all too often it was exploitative and degrading, even if unintentionally so at times. This was the tradition that the colonies inherited, and they have not put it to bed even after their independence. "Interpretative anthropology", has still remained awkwardly "colonial" even when it is done by non-colonials. (Rainbow 1990: 245)

However, besides being "a process of empire" anthropology also began to emerge as a serious discipline. But no social discipline can be politically neutral, and indeed power relations are rife in anthropology. (Manganaro 1990: 26) After the end of the colonial period, its earlier 'civilising mission', offering recipes for what Malinowski called successful cultural change, began to give way to a concern with empowering the powerless to state their case. Anthropologists now began to speak for those who could not do so for themselves.

This new subaltern perspective brought into sharper focus the questioning search that had earlier begun to contest some of the key concept of Western civilisation. But too easily it stood the older anthropology on its head and romanticised subordinate peoples while demonising superordinate ones, thus falling again into an essentialist

and integrationist view of culture.

But what is needed is to study a culture in its historical "processes of resistance and accommodation ...not without its own internal contradictions ... a product of struggle." (Marcus 1990: 178) Indeed, "there is a constant battle over relations of meaning, one which points to a more fundamental conflict over the relations of power". (Giroux 1984: 307)

This politics of anthropology underscores the "contradictory consciousness" that finally does make change possible. (Gramsci 1996: 333) For if all knowledge must be situated in the society that produces them, then they must change with the changing social relationships there. It is this dialectic that sets the context for the politics of anthropology. Our endeavour here is not to deviate into a discussion on the sociology of knowledge, but to situate ethnographic texts in our contemporary context.

Two common modes of positioning ethnography in an historical context prescind from such an endeavour. These are the "salvage" mode and the "redemption" mode. (Marcus 1990: 165 nt.1) Both seem to assume a pure ethnographic subject that has to be either 'saved' before the deluge from the outside world, or 'redeemed' after its impact. But such an assumed subject is both ahistorical and apolitical.

Yet the theme of the "vanishing primitive", still so pervasive in ethnographic writing, implies a rupture in an unchanging tradition overwhelmed by rapid social change. This adds up to "a rhetorical construct legitimating a representational practice: 'salvage' ethnology in its widest sense. The other is lost in disintegrating time and space,

but saved in the text." (Clifford 1990a:112) Any 'redemption by textualisation' cannot be a liberating endeavour.

Moreover, in a globalising world with economic and political systems penetrating the remotest areas of local societies, such isolationism can only be more a pious wish than a social reality. There are no longer any untouched islands of cultural forms found in a world where "human ways of life increasingly influence, dominate, parody, translate, and subvert one another." (Clifford 1990: 22) For the inevitable linkages and interdependencies in a rapidly integrating world system only accentuate the tension between 'local voices' and 'global forces'.

We need to give a place to these increasingly lost 'voices' before they are silenced by other forces. Our presentations, then, should not romanticise the tribal past of these peoples but critique this for a new future. They must be situated historically and politically in their relevant contemporary context. Hopefully this can help to deconstruct a people's self understanding and worldview, and reconstruct their identity and dignity in their present situation. This cannot to be a detached exercise. It must be one that begins with commitment and leads eventually to engagement. For we believe, that real knowledge is not possible without true involvement.

Hence we must take responsibility for the presentations made at this seminar and the political options on which they are premised, even as we are well aware that these studies will be inclined more to some reconstructions of identity rather than others, just as some presentations allow certain interpretations more easily than others. Yet we do hope that the various initiatives will coalesce into a campaign that will articulate the voices of these voiceless people.

Text and Textualisation

Now while we can be clear about the need for a historical and political contextualising of these texts, we must be more tentative about any claim to their representativeness. We do of course realise that the political options we have implicitly exercised and the contextual choices we have explicitly made may well not to be acceptable to, and affirmed by all. We are also aware that "recent anthropological writing has called into question the legitimacy with which we represent the 'other' in cultural accounts." (Manganaro 1990a: 3) Moreover, even as we exercise an empathy for the 'other', we must allow ourselves to be challenged by, and enter into a dialogue with them. We must be sensitive not to impose a monologue, but rather to evoke a two-way give and take, in a continuous reconstruction of the cultural heritage of these marginalised cultures, and that of our own as well.

For we realise that reconstructing others inevitably involves reconstructing ourselves. For indeed "every version of an 'other' wherever found is also the construction of a 'self', and the making of ethnographic texts... has always involved a process of self-fashioning." (Clifford 1990a: 23) Furthermore we cannot efface or eliminate ourselves from the texts. But hopefully the real living people will not be excluded or marginal to our presentations, but rather their concerns made central in them. Hence our presentations are not meant to add up to a detached representation of these people so much as a participative discourse with, and among them.

But such a conceptual shift in the presentation needs must be carried over to the discussions as well in a continuous discourse within the enlightened limits of a "communicative rationality." (Habermus 1983:

8) Conceptually such a changed perspective amounts to a "tectonic" shift that destabilises the *terra firma* on which we felt so much more secure and settled. There is no mountain top overview "from which to map human ways of life, no Archimedean point from which to represent the world." (Clifford 1990a: 22) This now calls us to look "at as well as through" the text, as Geertz has urged. (Geertz:1988: 138)

It is not ethnography as representation that is the operative understanding here, appropriating to itself the legitimacy of representing the other. Rather what we present must be an evocative ethnography, that being sensitive to this question of legitimacy, is dialogic and participative, as also committed and concerned. This challenge can be meet not by doing away with tropes, (which is not possible) but by appropriating and inventing new ones". (Pratt 1990: 50) And hence in thus breaking with everyday speech, an ethnographic text becomes essentially 'poetic'.

Furthermore, ethnography is necessarily about translation. However, if poetry is that what is lost translation, this will effect ethnographic texts even more so. For it has long been suggested that all ethnography is translation across cultures, (Lienhardt:1954) and this is surely more basic and more hazardous than merely a translation across languages.

But at an even more fundamental level, ethnography "translates experience into text". (Clifford 1990: 115) Such textualisation of experience already takes place in the oral articulation of a cultures, (ibid: 117) as Derrida's 'ecriture' has called attention to. As such all textualisation is implicitly alienation, the more so when it is across cultures and especially so when there are inequalities in the power relationships between these; and even more so again when this

textualisation in non-participatory and monologic.

Hence in the final analysis the task of the ethnographer is not just to 'carry across' a message and leave the point of departure and the one of arrival unchanged, but to enrich and enhance the cultural capacities on both sides of the divide. The compilation of texts in the tribal dialect with a translation in the state language was done for several of the denotified tribes of Maharashtra by the Social Science Centre, St. Xavier's College, Mumbai and the Lok Parishad, Pune. These texts were meant for neo-literates and school children but the overall effect on community is terms of cultural affirmation and identity construction have been most heartening. This venture needs some support to be continued and extended.

Identity and Dignity

Besides the political and the ethnographic dimensions, a contextualisation within the ethical one of cultural rights is called for. One can make a legal claim for these and perhaps even more convincingly a political one as well. But such claims must be ethically grounded, if these rights are to be more than a matter of legal expediency and/or political pragmatism. Here we make no pretence to spell out such a grounding at any length, but more limitedly we want to foreground the ethical dimension to the dialogic exchange, which our presentations here ought to facilitate.

Foucault has indeed, made us aware of the complex ways in which power permeates social relations and 'produces truth' within a given discourse. (Foucault 1980) But to hold that a 'will to power' must irredeemably subvert the 'will to truth', is to fall into a dangerous irrationalism that can have disastrous political consequences, which

Habermus rightly denounces. (Habermus 1983) We need to distance ourselves from such ethical relativism here, as we have earlier from an uninvolved political neutrality. For such non-commitment only, reinforces the status quo, while we must stand for an ethical humanism, which will affirm marginalised people.

Individual rights are founded on the human person's inviolable dignity whereas cultural rights are grounded in the ethnic community's distinctive identity. What is experienced as a person-community tension in a society is carried over into the area of individual and community rights. Indeed, it could be argued by some that anthropology has been more sensitive to the group rather than the individual, whereas it is vice versa for the law, where rights are premised on the individual rather than the collective.

However, our purpose here in focusing on the community group is not to undervalue the human person. Rather we would premise a complementarily of person and community in a more inclusive resolution of the tension in terms of persons-in-community and/or a community of persons. What seems to us critical is that both human dignity and community identity are affirmed together and not against each other. This is the understanding that must foreground our presentations here.

Thus it is of crucial importance when group identities are being reconstructed that the human dignity of sub-groups and persons is not violated. The obvious example of this is that of the male identity in patriarchal groups that is so oppressive of women, collectively and individually. The violence of tribals towards 'bhutalis', witches, is illustrative of one such cultural pathology. There are of course many other oppressions and pathologies no less dehumanising that must be

resisted, and our reconstruction of cultural identity must be alert to them all. For only when cultural rights are an extension not a curtailment of human rights can they claim legitimacy in the larger civil and political society. For the "right to culture" can only be validly claimed in a "culture of rights." (Bhargava 1991: 165-172)

Besides the individual-group tension, another level of tension for cultural rights is between groups. For there are no impermeable 'cultural boundaries' in a plural society, no "neatly bounded and mutually exclusive bodies of thought and customs, perfectly shared by all who subscribe to them, and in which their lives and works are fully encapsulated." (Ingold 1994:330) This gives rise to 'fuzzy communities', (Kaviraj 1992: 26) and allows for multiple or layered identities for group members. For communities subjected to rapid social change, this can be an especially problematic area.

Moreover, it is important that this encounter between groups, between the self and the other, ego and alter, be mediated by a third. Hence the need to extend the dyad to a triad. Whether this third party be a more specific agency, like "the nation-state, or simply the government", (Gupta 1996: 11) or a more general frame of reference, like "Chomsky's grammar, Levi-Strauss's 'structure' Marx's 'mode of production', and Lacan's 'Other' (the big 'O').", ([ibid 183) it is this triadic approach that makes for "contextualising human agency and culture in a dynamic holistic framework." (ibid.139)

For us, in the Indian scenario the most significant third in the triad is of course the state for the Constitution of India recognises "the principle of equality between groups *qua* group." (Sheth 1987: 8) This is the foundation for collective rights with special consideration for the more vulnerable sections of our society, such as linguistic and

religious minorities and socially and economically backward classes. And yet today there are powerful movements for homogenisation within the same body-politic.

This then brings in still a third level of tension: between the group or groups and the state. Our insistence is that identity and dignity must both prevail at all these levels to resolve the inevitable tension in a more pluralist and tolerant whole: the individual in the community, both cultural and religious without loss of individuality/ dignity and the community in society, both civil and political, without a diminution of its identity/ ethnicity. For this we need a 'culture of rights' that will "neither propagate an ideology of enforced homogenisation nor seek violent methods of resolving conflicts of interest." (Bhargava 1991: 171)

It is in the interstices of these three levels of tension, between the individual and the group, between groups, and between groups and the state, that we must reconstruct and affirm the identity and dignity of the individual and the collectivity. It is towards this ethical purpose that we hope this seminar will make a significantly useful contribution.

Now an individual's identity is never formed in a walled-in consciousness. Such solipsism can only be dangerously pathological and asocial. So too a group's identity is never constructed entirely from within the group but always in an engagement/ relationship with its environment, both natural and social. Thus the importance of dialogue with other groups and communities that makes group identity a dynamic rather than a static process. Indeed, because group identity is always in process, it can be reinvented and reshaped and reconstructed anew by each generation. (Fischer 1990: 195)

Yet there is always the danger, the possibility, and depending on the power relationship involved, the probability of a group being engulfed and assimilated into its social environment to the point that it loses its distinctiveness, its identity. Only when difference becomes a positive value in a society is there a defence against such encompassment, especially for the weaker, more vulnerable groups, such as tribals, and more so for denotified and nomadic ones are in our society. Only a sustained commitment to tolerance guarantees equal treatment and dignity for groups, very much as it does for individuals. This is the Gandhian insight and he effectively based his praxis of ahimsa and satyagraha on such an ethics.

As individual rights protect individuals so too must cultural rights protect and promote group identity and dignity. "Cultural rights" argues Veena Das, "express the concern of groups to be given a sign of their radical acceptance in the world." (Das 1994: 156) This is why they are contested with such political passion. However, conceding these de jure is not as yet affirming them de facto. The need for affirmative action is often conceded but negated in the name of a formal justice that has lost its substance.

Thus a unitary mode of constructing a society's past may pretend to equal treatment of all diverse groups, but the very unitary mode leaves smaller non-dominant and subordinate groups excluded and alienated. (ibid.155) Their historical experience and memories often constitute a very different discourse, as expressed in their myths and fables of origin and identity. But it would be most unfortunate if these and other ethnic memories are eventually oriented to romanticising the past rather than to a struggle for their future.

Hopefully the discourse of this seminar will substantively affirm tribal identity and dignity and also open a dialogue between the presenters and their audiences, between academics and activists, as also between the multiple and diverse interpretations of the presentations themselves.

The Tribal Challenge

The tribal 'other', denotified, nomadic or semi-nomadic, represents a moral challenge we cannot afford to ignore, for the tribal interrogates us in more ways than we are willing to admit. More often than not, intentionally or otherwise we end up ignoring the question they pose, or worse, suppressing the counter-cultural 'other' in the vain hope that the questioning will then cease!

Redfield and Singer have explained how the development of urbanization homogenizes society by coordinating and systematizing "the norms provided by the Great Traditions", together with "the weakening or suppression of the local and traditional cultures." (Redfield and Singer 1971: 349) When, social crises demand change, it is the 'little tradition', which has not become inert, that in fact "may retain a greater vitality and disposition to change than the systematized Great Tradition that gets 'located' in special classes and urban centers." (ibid: 359)

Often enough it is these marginal groups that have offered a substantial challenge for a revitalization and regeneration of the larger society. Here it may well be the distinctive cultural traits of a tribal group rather than its relative size and influence that may pose the more incisive question, the moral challenge to the 'other' in us, in the search for an alternative way of life. For in spite of the

apparent difference and distance between these two worlds, there is the real possibility of creative communication. For "in every tribal settlement there is civilization; in every city is the folk society." (ibid: 343) Indeed, at a deeper level, the tribal nomad in the forest-hills may have more relevance to George Simmel's 'Stranger' in the metropolitan cities than may appear superficially at first; (Levine 1971: 143) their non-consumerist solidarity provides an alternative to the competitive consumerism of the non-tribal world.

With regard to the denotified tribes, many of whom are nomadic, they challenge us to question the way we have come to understand 'crime' and used it to criminalised large sections of our society. Most of the poor in our cities and increasingly elsewhere are is violation of some legal requirement of other, whether it be the slums in our cities or the school dropouts in our villages, even when people are compelled to beg for survival or hawk goods for a living, they are on the wrong side of some law the state can choose to enforce and/or use to blackmail and oppress them. The very paternalism of the state becomes oppressive rather than protective and hardly ever liberating.

And so when the state "denotifies" these tribals, it once again traps them with "The Habitual Offenders Act"! Thus the way we as a society have and continue to dealt with the "ex-criminal tribes" exposes how in practice some 'crimes' are seen to be more 'criminal' than others, and so makes the voiceless and vulnerable scapegoats for what we are seem unwilling to confront in ourselves, our own corruption and illegalities.

If the unequal exchange that marginalises these communities is to be reversed, then they must not be left in isolation, not even in the mistaken notion of preserving their collective identity. This only

marginalises them still further. For ethnic identity is dynamic, not static, and precisely because of this, can be mobilised to create a people's movement. Once we accept this, then the real issue is not preserving a static culture, but rather one of promoting a cultural autonomy, that will allow them to redefine their identity without in anyway further compromising their dignity. It is their human dignity that must become the focal point of constituting a dynamic community identity and the integrating axis of their response to redressing their minority status.

Moreover, if the downward spiral in which they are caught, is to be reversed, then the very developmental model that we are pursuing and into which we want to integrate them, needs to be challenged. Our unwillingness to do this, adds up to a refusal to face the question of the marginalised in our society in any depth. It is precisely such a refusal that will not only compromise ourselves, but marginalise all disadvantaged group, as well, and eventually negate our vision of a just and equitable society itself. And yet this very commitment to integrate such diverse but disadvantaged groups into our society can force us to question and reorient our development process sooner rather than later.

For tribals this implies integration in the larger society, but not necessarily with a loss of their distinctiveness. Precisely in keeping their identity will they make their special contribution to the mainstream society, and challenge it to a deeper human authenticity. But by isolating the tribals we stymie both, their contribution and their challenge to our society. Perhaps this is not entirely an indeliberate way of coping with the unsettling 'other', the outsider, the stranger, whose 'design for living', is in so many ways contrapuntal to our mainstream way of life.

What we must struggle for together with our tribals, then, is to achieve an integration that will address the fundamental issues affecting these tribals, issues that concern all ethnic minorities in our country as well: social equality, economic equity, ecological sustainability, people's participation, cultural autonomy and democratic inte-gration. If we are pointing to a utopia which is many giant leaps out of our reach just yet, then we can at least begin to grasp, what small steps we must take already now to make a more integrative response to this larger tribal dilemma.

Framework for Action

As a keynote address this essay sketches issues and presents perspectives that should help contextualise and facilitate more concrete strategies of action that hopefully will come from the more specific papers of the seminar, and thus make for a more fruitful exchange within an intelligible framework of reference. For we are here dealing with a complex and sensitive challenge.

However any effective action strategy to mobilise ethnic identity, must be careful not to negate or fight shy of class consciousness. This will make the tribal response broader based by bringing it into alliance with similarly placed disadvantaged groups in our society. It will also prevent a people's movements from fragmenting itself into their different component ethnic groups or getting stratified into classes across and/or within these communities themselves. This is indeed a very real danger. We already have seen an intimation of something similar in other ethnic and/or caste-based movements that have time and again in specific instances been divided and ruled from the outside, or dominated and coopted from within. The inability of their leaders to put together a sustained and unified movement is also

evidence of stronger sub-identities being manipulated against the larger interest of the movement, whether intentionally or otherwise.

What exactly the contours of such a movement of denotified and nomadic tribals will be, it is not clear now, and certainly it is not for an outsider, or non-tribal to attempt to put this together prematurely. However, if the general direction of a viable movement is to be chartered, then our conclusions would seem to point to the need for mobilising a dynamic and adaptive ethnic identity, with a class consciousness that will redress their minority status, and forge linkages with similarly disadvantaged groups.

For this they must demand a cultural autonomy, which has for so long been effectively denied, as well as a reversal of the unequal exchange relationships, which have till now marginalised and exploited them. Together this will have the potential of questioning our models of growth and contributing to a new paradigm of development. In fact the response our society gives to the such questions, will be a touchstone of the authenticity of its own democratic integration.

Moreover, it serves little purpose to romanticize the tribal way of life. Rather we believe that like every human identity, tribal ethnic identity too, must be dynamic and actualise the human potential that is present in every human group. The danger however, in romanticizing pre-modern and marginalised people is to condemn them to a primitiv-ism and exclusion, that we ourselves are only too reluctant to embrace, except in the security of our academic fantasies!

From 'Crimdom' to Citizenship

The denotified and nomadic tribes are one of the most subjugated sections of Indian society who have been the victims of the historical

dislocations of a colonial legacy, and the social stigma of their unconventional occupations. There may not be any other case in social history where cultural singularity of a set of communities has proven to be such a bane to their existence. The emergence of modern, secular institutions including democracy and judiciary has not been beneficial to these people either. This is a classic case of mismatch between tradition and modernity, which has proven very costly in terms of social justice and equality. The modern process of development has also failed to include them in its orbit. As a result the denotified and nomadic tribes continue to remain poor, marginalized and powerless communities. Unfortunately, their case has not been sufficiently attended to by our democratic polity and civil society. Their vulnerable and marginalised cultures have also found to be an obstacle to the kind of change that our development imposes.

Following their strategy in England, the Salvation Army in India sought to accompany the notified tribals on a journey from "crimdom" to curedom" under the notorious 'crimnocurolgy' to which they were subjected as documented by Tucker F. Booth in his *Criminology*. The false assumptions and paternalism involved in such an approach now stand discredited, even though they have found refuge in the unspoken prejudices that still plague these unfortunate people in our society. It is all too deeply embedded in our caste ridden and hierarchical society. Such an ascriptive society is unable to accept that birth need not, and indeed must not, be destiny. What we need rather is a society premised on achieved, not ascribed status, founded on free not imposed choices, and we are a very long way from that.

There are of course exceptional success stories of heroic individuals that have transcended their situation and escaped their circumstances. But these exceptions leave the real tragedy of these people untouched,

if anything it sets their situation in even more stark relief. We are all vulnerable to prejudice, either guilty of, or victims it. Such prejudice undermines democratic citizenship. If we can but see our own future in the present of these people, we might find the resources we need for change. For all these very reasons and more, there is a need to make concerted efforts towards establishing among them as individuals and groups an equal citizenship, that will affirm both their identity and dignity.

Conclusion

This keynote address attempts to open perspectives that will begin this journey from 'criminal' and 'habitual offender' to equal citizen and social affirmation in a free and democratic society, a journey that needs to be accompanied with research, action and advocacy. Hopefully this seminar will presage such a beginning, for which much gratitude is due to the organisers and their supportive team.

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About the Author :

Father Rudolf Heredia is at the Indian Social Institute, New Delhi. He is the founder member of the Social Science Centre, St. Xavier's College, Mumbai. He has published extensively contributing towards developing an Action Sociology in India. His work marks a shift from Sociology of the Marginalized to Sociology for the Marginalised.

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