

ADIVASI CRIMES AND PENOLOGY (1983). By R.C. Bhatia and Alka Bhatia. Aarsi Publications, Opposite Sports Club, Moti Daman (Via Vapi W.R.)—396 220. Pp. 24. Price Rs. 3.

THE WORK¹ under review is a brief socio-legal study of some major tribal offences committed in the Union territory of Dadra and Nagar Haveli. It is primarily based on 103 court decisions involving culpable homicides, dacoities, robberies, arson, rapes and kidnappings. An inquiry has been attempted into the causes of their commission and some suggestions have been made to tackle the problem in an effective manner, keeping in view the socio-cultural ethos of the tribals.

A number of causes with illustrations have been pointed out. For example, in cases of culpable homicides, some of the causes are superstitious belief in witchcraft, petty quarrels, sexual indulgence and intoxication due to excessive consumption of liquor (especially in festive seasons). The study reveals that many a time the causes are petty and motives insignificant.

After discussing the tribal way of life, the authors disapprove the casual and crude presentation of *actus reus* and unreal inference of *mens rea*. They observe that on account of "superstitious mentality, liquor-induced behaviour and socio-cultural practices rooted in long-standing economic deterioration, the basic personality of an Adivasi [tribal] is marked by an interplay of raw sentiments. It does not at all reveal a criminal personality in the traditional sense of the term."² They, therefore, suggest redefinition of some offences in the Indian Penal Code 1860 in view of the characteristics of the peculiar type of *mens rea* in tribal cases, reconsideration of the propriety and adequacy of punishments in such cases, and individualisation of prisoners by ensuring their social participation through work-contacts and other programmes.³

The authors are of the opinion that the tribal problem of criminality is basically the problem posed by lack of education, orientation and economic development. They, therefore, plead for a special strategy for tribal development and spell it out in some measure. They suggest door-to-door (to begin with) education by committed teachers capable of making it interesting and attractive, medical facility and development of selected cottage industries. They feel that a mere restriction on the sale of the land of tribals which is qualitatively and quantitatively unproductive will not help them develop economically. The authors underline the role of voluntary organisations in the task of tribal reconstruction. They,

1. R.C. Bhatia and Alka Bhatia, *Adivasi Crimes and Penology* (1983).

2. *Id.* at 20.

3. *Id.* at 20-21, 24.

however, caution that the process of development should not interfere with the folklore of tribals unless they themselves perceive its rational implications.⁴

The work is interesting and thought-provoking and should stimulate research in tribal behaviour and development strategy in the Union territory.

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4. *Id.* at 22-23.

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