

Honourable Chief Minister,

We write to you with this letter/petition in respect of the announcements you have made on 5 October 2021. In the Tribal convention organised in Jhabua on the above date, you had declared that tribal people would be granted permission to make and sell liquor from mahua under the new excise policy. While we welcome this announcement we would like to share our concerns and demands with you.

As you know, there are 51 Vimukta, nomadic and semi-nomadic communities in Madhya Pradesh. The lifestyle and culture of some of these communities is quite similar to that of the tribal communities. In Kanjar and Kuchbandiya communities, liquor made from mahua is traditionally used in all festivals, from birth to death. The people of these communities also make their living by selling small quantities of this liquor for their livelihood. Despite such similarities, the benefit of the August 2021 amendment to the MP Excise Act related to heritage liquor will not be available to our communities as we are not included in the Scheduled Tribes. **We ask that in this new excise policy Vimukta communities are also allowed to make and sell Mahua liquor.** With this step not only will our livelihood and culture be protected but our community will also be shielded from false cases and police repression.

In the second part of your announcement, you had said that petty criminal cases against tribals would also be withdrawn. We commend this move, however we would like to place some of our concerns before you. It has been observed that our community is targeted by the police through Excise-related and other minor offences. A study shows that that between 2018-2020, 56% of the arrests made under the MP Excise Act were against members of Adivasi, Dalit, Other Backward Classes and Vimukta communities. In particular, it noted that

the proportion of Vimukta arrested persons was more than their general population. And that in most cases, they were arrested for possessing very small quantities of liquor, that too from their homes and private places.

Through this research it has come to light that the guidelines of the Supreme Court in *Arnesh Kumar vs State of Bihar (2014)* are not being complied with. In this case, the Hon'ble Court had said that arrests are not mandatory for offences punishable with imprisonment upto 7 years. The above research found that most cases were actually registered under section 34(1) of the Act under which the term of imprisonment is less than 7 years, and therefore those arrests were unnecessary. **Hence, we demand that you withdraw such minor cases against the Vimukta communities as well.**

Finally, the provision of capital punishment introduced through the amendment this year under Section 49A is also worrisome for our community. On the basis of the concerns of disproportionate criminalisation as outlined above, it is not an exaggeration to expect that this provision would be misused against our community. **Hence, we demand that the death penalty amendment be removed in connection to excise offences.**

In conclusion, we hope that the government will accept these long-standing legitimate demands of our community by taking concrete steps to ensure that:

1. Vimukta communities are also allowed to make and sell Mahua liquor under this new excise policy.
2. Minor cases against the Vimukta communities are withdrawn as well.
3. The death penalty amendment in connection to excise offences is removed.

Yours faithfully,

and in support of these demands,