

'Born' Criminals

Goldy M George

In 1871 the British Government passed an act commonly known as the Criminal Tribes Act [CTA]. It was first enforced in the northern part of India, and later was extended to Bengal (1876) and other areas, with the Madras Presidency being the last to enact it in 1911. Under the Act 150 notified castes of 'hereditary criminals' within the Hindu system were to be kept under police surveillance. More castes were added to the list. The branding of these communities, as 'criminal', was not based on the notion of heredity but rather as a community profession passed on from one generation to the next. The Act, therefore, provided for establishing reformatory schools and settlements for the reclamation of these people. Movements of members of the communities were restricted to specific areas and the Act provided for their arrest without warrant if there was any violation. The crimes covered included counterfeiting of coins and currency, murder, theft, robbery, dacoity and housebreaking. Children in the age group of 6 to 18 were separated from their parents and put in reformatory schools. In due course the Indian society mutely witnessed the emergence of a new class of people who were branded as *born criminals*.

These Criminal Tribes of yesteryears is today a new social category generally known as the Denotified and Nomadic tribes of India, covering a population approximately of 60 million. Some of them are included in the list of Scheduled Castes, some in Scheduled Tribes, and quite a few in the different formats of Backward Classes. Many of these tribes, do not find place in any of the aforesaid ones. What is common to all these Denotified and Nomadic Tribes (DNTs) is the fate of being branded as 'born' criminals.

The story of the DNTs goes back to the early years of the colonial rule. In those times, whoever opposed the British colonial expansion was perceived as a potential criminal. Particularly, if any attempts were made to oppose the government by the use of the arms, the charge of criminality was a certainty. Many of the wandering minstrels, fakirs, petty traders, rustic transporters and disbanded groups of soldiers were included in the list of criminal groups. It was also the context under which the Brahminical caste hegemony manipulated the British power to stamp many of the lower caste communities who opposed the caste and Brahminical suppression. Thus the British imperialism and Brahminical Casteist Fascism came together to disband the sons and daughters of the soil.

Much before the enactment of the CTA, during the first half of the nineteenth century, the tribes in the North West frontier had been declared 'criminal tribes'. This category became increasingly open ended and by 1871 the British had prepared an official list of Criminal Tribes. For instance, Bhils who had fought the British rule in Kandesh and on the banks of Narmada and were convicted under section 110 of the IPC were to be recognized as criminal tribes. Similarly Satnamis of Chhattisgarh who formed the new sect of Satnam pant were also listed within the category due to their anti-Brahminical movement. In many of the north Indian states the Chamars of different clan and family were categories

in this list. The Konds and Sabors of Orissa, who fought several armed battles in Kondhomal also found place in this list. The Gonds, Marias and Murias of Bastar had the same fate as they too fought militant revolts using clandestine and guerilla warfare tactics. Tribes of Chottanagpur areas like the Mundas, Oraons, Ho and the Santhals of Santhal Pargana also found their names in this list as they fought a series of battles against British invasion into their land, and also due to the fact that British lost many of these battles so badly. Unfortunately many of these brave struggles have not found space in the history books.

Due to these specific character as discovered by the British the Act made provisions for establishing reformatory settlements where the criminal tribes could be kept in confinement and subjected to low paid work. They were required to report to the guardrooms several times every day, so that they did not escape the oppressive settlements.

Soon after Independence, the communities notified as criminal tribes were denotified by the Government of India. This notification was followed by substitution of a series of Acts, of which the 'Habitual Offenders Act' was the prime one. As a matter of fact the HOA preserved most of the provisions of the former CTA, except the premise implicit in it that an entire community can be 'born' criminal. Apparently, the denotification and the passing of the HOA should have ended the misery of the CTA communities, but it never happened. The police, as well as the people in general, advanced with the continued attitude of look upon the 'Criminal Tribes' as *born criminals*. The result is that every time there is a petty theft in a locality, the erstwhile CTs are the first suspects. Thus they are victimized.

The ratio between the arrests and the convictions of the DNTs needs detailed analysis and research to see the extent of physical harassment and mental torture caused by the police to these most vulnerable and the weakest sections of the society. The land possessed by these tribes was already alienated during the colonial rule through unfamiliar legal promulgations of land and forest acts. After independence, various state governments have done little to restore their land to them. Schemes for economic uplift do not seem to have benefited them. The illiteracy rate among the DNTs is high, malnutrition's more frequent and provisions for education and health care is almost negligible. Above all, there is no end to the atrocities that the DNTs have to face.

Being illiterate and ignorant of the law, the DNTs know very little about the police procedures, and so often get into difficult situations. The onus of proving innocence rests with them. Many of these people are scared to wear new clothes for the fear of being arrested and therefore spoil them before using them. Mob-lynched, hounded from village to village, starved of all civic amenities, deprived of the means of livelihood and gripped by the fear of police persecution, the DNTs are on the run. Freedom has still not reached them.

The stated purpose of the Act was 'to ensure peace, law and order' by bringing under 'effective control the anti-social elements chronically addicted to criminal activities'. The District Magistrate notified the tribes. The Superintendent of Police main-tained a register, secured fingerprints of members of the tribes and issued identification passes to them and required them to report to the police at

regular intervals. In the settlements, work was extracted from them for nominal wages.

According to critics, various landed communities were behind the branding of the children of the soil or the subalterns as 'criminals' with a view to using them for land reclamation and agricultural operations. The compulsion behind the Act, they said, was more to provide cheap labour than to maintain law and order. There were several amendments to the Act from time to time and the Criminal Tribes (Consolidation) Act of 1924 incorporated all of them.

In the post-independent India, things initially felt to be changing with the scrapping of the CTA and denotification exercise, thus giving an illusion of wiping off the scars of notification. It is not only that this status never changed in reality, but also new formats of exploitation and suppression emerged in the present context. With the emergence of globalization as a global market theory, there is a wholesome change in the dynamics of relationship as well as outlook on the different aspects. Globalization is nothing but the spread of capitalistic regimes all over the world through economic control, forced political capitulation, creating the culture of consumption, and a social system dominated by market values. Even the little breathing space one could attain through the reservation policy is also shrinking day after day.

As globalization continues with its devil-dance, with supportive structures of privatization and liberalization, it further attains social and cultural potency with a conservative religious fascism. Hence in India it is to be noted that the communal forces easily aligned with the corporate capital in its anti-reservation movement under the pretext of 'merit'. In the last couple of decades there is a strong anti-reservation policy propped up by this combine. Today all efforts are there to wipe-off the reservation policy from the surface, which to certain extent has helped the CTs to gain some amount of social and economic dignity.

Several studies, both community-wise and statewide, had come out with ample data to stratify the fact that the living standards of the DNTs are far below the national average. It is also a fact that the last precipitate of land holding was also taken off by the British, which the independent India never tried to restore. Even the remnants of their property are also being taken off under the guise of various development projects. For example Bhils are the first ones to be uprooted by the Narmada dam in Madhya Pradesh. Similarly the Mundas and Oroans are the first casualty of the Koel Karo dam in Jharkhand. This also raises the question of the right to property and resources; ownership and possession.

Violence against DNTs has its distinctiveness of being embedded in the social structure of domination by upper caste. In many cases they also manipulate the local authorities to nab the DNTs. It is the caste-based hierarchical structure that lays down the norm of conduct for human relationship between its more privileged groups and the subdued and subordinate ones. The ground has thus been made more fertile for tension and unrest to grow. The situation has also turned ripe for communal and casteist forces to sow the seeds of division and discord and indulge in violence. Dalits, being the most vulnerable of the poor are the worst hit, with atrocities against them continuing in a number of states. The violence takes brutal forms and turns into acts of atrocities against the whole group of people, such as massacre, rape, burning of houses and through more

subtle methods like social boycott, which intended to block their access to basic necessities and services.

How long the CTs or DNTs are supposed to face the brute inhuman demeanour of the state and society? Do they have any rights of claiming to be citizens of this free nation? It is time to find answers to these persisting questions; or one has to turn to be a fatalist and keep dreaming of the day when everything would be fine automatically... ooo

References :

1. Dandekar, Ajay "Forgotten by present, Denotified Tribes awaits Justice", *The Economic Times*, 16th October 2007.
2. Devi, N G "The Branded Tribes of India", in *PUCL Bulletin*, September 1998.
3. Dube, Saurabh "Untouchable Pasts: Religion, Identity and Power among the Central Indian Community", Vistaar Publications, New Delhi, 2001.
4. Krishnakumar, Asha "A Primitive Perspective", in *Frontline*, Volume 21, Issue 22, Oct. 23-Nov. 05, 2004
5. Radhakrishnan, Meena "Dish-onoured by History: Criminal Tribes & British Colonial History" Orient Longman, Hyderabad, India, 2001.
6. The Official Website of the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes.
7. Vishwanathan, N. "Suspects Forever", in *Frontline*, Volume 19, Issue 12, June 8-21 2002.