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Imperial Perception of Criminality in Colonial India: Understanding the conception of Criminal Tribes and Associated Stigma

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ABSTRACT

Criminality in colonial India was perceived through an interesting perception of imperial administration; and the British regulations had a skewed understanding of it. When the British amplified their understanding of Indian living and its caste attributes; it somehow intertwined with their views of criminality. Caste, having its basis in generational- occupations, became central to this notion. Soon, it was established through various administrative recommendations that criminality must be hereditary as well; and efforts were initiated to deal with it accordingly. Criminal Tribes Act (1871) was an outcome of this thought. Various communities- those having indigenous origins and those that possessed divergent ways of life in the eyes of British- Indian administration, were declared criminals by the virtue of their birth. This brought geographical, legal, socio-economic and socio- cultural repercussions for them. The stigma of criminality ensured that they remained at the receiving end of various atrocities; which is still relevant to these communities, much after the repeal of Criminal Tribes Act in 1949. This theoretical discusses the historical and sociological framework behind Criminal Tribes Act; and its lingering impact on present day Denotified Tribes; named after the denotification from their criminal status.

Keywords- Criminality, Criminal Tribes Act, Colonial, Stigma, Denotified Tribes

INTRODUCTION

India is renowned for its vibrant cultural diversity, encompassing a mosaic of caste, culture, religion, traditions, language, and racial identities. This pluralistic social fabric is safeguarded and empowered by the Indian Constitution, which fosters the growth and development of all citizens. Differences in caste, class, religion, and gender are not only acknowledged but also serve as identifiers for marginalized populations. Affirmative action measures, including positive discrimination, are implemented to protect constitutional rights and uplift historically disadvantaged groups. Following India's independence in 1947, categories such as Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC) were introduced to redress historical injustices. These designations aim to provide developmental benefits and constitutional protections for marginalized communities.

However, during the colonial period, the British administration employed the Criminal Tribes Act (CTA) of 1871 to label certain communities as "criminal" by birth. Approximately 200 communities were categorized under this act based on their perceived "deviant behavior" as judged by colonial standards (Radhakrishna, 2009)[i]. These groups often included nomadic and performing communities or those whose distinct social presence stood out. Although the CTA was repealed between 1950 and 1952, its impact lingered. The introduction of the Habitual Offenders Act in 1952 continued to stigmatize these communities by maintaining surveillance and control over them (Heredia, 2002)[ii]. Today, these groups are referred to as Denotified Tribes.

The Denotified Tribes are an integral part of India's cultural heritage. Communities such as the *Sapera* (snake charmers), *Kabelia* (performers), *Gadia Lohar* (blacksmiths), *Waghri* (traders), *Madari* (animal performers), and *Nat* (acrobats) have contributed to the nation's cultural mosaic. While some of these groups have been included in SC, ST, or OBC categories, others remain excluded, facing the enduring stigma of their enforced criminal past. This has perpetuated their marginalization in terms of education and socio-economic opportunities. To understand the current status of these communities, it is crucial to examine the historical and sociological constructs that shaped their identity.

HISTORICAL FRAMEWORK

The historical framework of denotified communities is deeply rooted in colonial policies, particularly the Criminal Tribes Act (CTA) of 1871, which classified certain nomadic and tribal communities as "criminals by birth." These communities, often engaged in traditional occupations like street performances, hunting, or metalworking, were stigmatized, surveilled, and subjected to legal restrictions under the CTA. The Act criminalized their way of life, leading to widespread social exclusion and discrimination. Despite the repeal of the CTA in 1952, the social and economic repercussions of this colonial policy persisted, as these communities continued to face marginalization and prejudice. The historical labelling of these groups as criminals has had long-lasting effects, influencing their access to education, employment, and social integration even in post-independence India.

Criminality and British Perception

The colonial understanding of criminality intertwined with caste-based occupational heredity, leading to the perception that criminal tendencies were inherited. British pseudo-science, such as eugenics, further justified this view, claiming that physiological features, like skull size, indicated criminal predisposition (Battaglini & Millar, 1914)[iii]. Influenced by such beliefs, the British administration classified nomadic and marginalized communities as "criminal tribes" through biased gazette notifications (Hutton, 1933)[iv]. These perceptions ignored historical evidence, such as mentions in Indian texts, where criminality was described as a skill-based occupation rather than a hereditary trait (Piliavsky, 2015)[v]. This skewed understanding underpinned the CTA's enactment, enabling systemic surveillance and repression of entire communities.

British administrators' reliance on pseudo-science also extended to the misinterpretation of Indian social structures. The caste system's emphasis on hereditary occupations became the basis for declaring entire communities as "born criminals." Such oversimplifications ignored the complexity of Indian society and the nuanced roles that nomadic and tribal groups played. By conflating nomadism with deviance, the colonial administration institutionalized the stigmatization of these groups, reinforcing stereotypes that persisted long after independence.

The Role of Thugs and the 1857 Mutiny

Thugs, notorious for their organized crimes involving strangulation and robbery, became a focal point for colonial administrators seeking to regulate criminality. The British formed the Thuggee and Dacoity Department in 1830, leading to the suppression of these groups and influencing broader colonial policies (Shah, 1993)[vi]. During the 1857 Mutiny, nomadic and tribal communities—familiar with local terrains—supported the rebellion as messengers and informants. This association reinforced British suspicion of these groups, contributing to their stigmatization under the CTA (Radhakrishna, 2009)[vii]. By equating nomadism with rebellion and criminality, the British further entrenched biases against these marginalized populations.

The involvement of these communities in the 1857 rebellion provided the British administration with a pretext to enforce stricter controls. Their participation was often exaggerated, and the narratives surrounding their involvement served to justify punitive measures. By framing them as inherently disloyal and criminal, the British extended their surveillance mechanisms, using the CTA to disrupt their social structures and restrict their mobility.

Criminal Tribes Act and Its Amendments

The CTA of 1871 formalized the criminalization of certain communities, mandating their registration, restricted movement, and forced settlement. Local magistrates were empowered to enforce harsh measures, including imprisonment for violations (Simhadri, 1991)[viii]. Subsequent amendments introduced reformatory settlements and separation of children from their families, reflecting the colonial belief in societal engineering (Ayyangar, 1951)[ix]. Despite criticisms of the Act's rigidity and oppression, provincial variations persisted, complicating its implementation.

Under the CTA, entire communities were forcibly settled in segregated areas, often under inhumane conditions. These settlements functioned as both surveillance centers and tools of forced labor. Children were often separated from their parents under the guise of "rehabilitation," but these measures stripped families of their autonomy and cultural identity. The Act's provisions reinforced the notion of criminality as a permanent attribute, further isolating these communities from mainstream society.

The CTA's repeal in 1952 marked a shift but did not eliminate the stigma, as the Habitual Offenders Act continued to target denotified communities unfairly. While denotification removed the legal classification of "criminal tribes," the socio-economic and cultural repercussions persisted. Denotified tribes faced challenges in accessing education, employment, and basic rights due to entrenched biases and systemic neglect.

Salvation Army and Criminal Tribe Settlements (CTS)

The Salvation Army, originally founded as the Christian Mission in 1865 by William Booth, sought to uplift marginalized populations through rehabilitation rather than punishment (The Salvation Army International, n.d.)[x]. Booth's plan, outlined in In Darkest England and the Way Out (1890), emphasized providing alternative livelihoods to the "deviant." The Salvation Army expanded to British colonies, including India, where it targeted areas inhabited by criminal tribes to establish rehabilitation settlements.

By 1922, 18 such settlements housed approximately 7,737 individuals across regions like Madras Presidency, United Provinces, Punjab, Bihar, Orissa, and Bengal (Tucker, 1923)[xi]. These settlements focused on agriculture, cottage industries, and crafts, with their produce contributing to both settlers' income and settlement operations. Strict discipline, including corporal punishments and constant surveillance, was employed to discourage deviance, while religious teachings promoted sedentary lifestyles and moral reform (Kumar, 2004)[xii].

Despite the repeal of the Criminal Tribes Act (CTA) in 1949, some settlements persisted. For instance, the *Bhantu* community in Kanpur continues to fight for land rights in areas originally designated for their rehabilitation. Residents recall that these settlements, like 'Habuda Basti,' once offered structured facilities such as schools, sanitation, and crèches, but were marked by strict enforcement practices (Ghosh, 2017)[xiii]. The efforts by the Salvation Army highlight a colonial strategy to "civilize" marginalized groups through paternalistic control, a legacy that continues to affect denotified communities today.

POLICY FRAMEWORK

The policy framework surrounding denotified communities has evolved over time, with significant milestones such as the enactment and subsequent repeal of the Criminal Tribes Act (CTA). Originally, the CTA criminalized certain nomadic and tribal communities, subjecting them to social stigma and legal persecution. The denotification process aimed to remove this label and address the historical injustices faced by these communities. However, despite the repeal, the absence of targeted policies for their upliftment has continued to hinder their social and economic progress. Recent efforts by the government to provide welfare

schemes and constitutional safeguards have been insufficient, and these communities still face systemic discrimination, lack of educational opportunities, and limited access to resources.

Towards CTA Abolition and Habitual Offenders Act (1952)

Efforts to repeal the Criminal Tribes Act (CTA) began in 1937 when K.M. Mushi chaired a committee to review its provisions, resulting in a 1938 manual that highlighted its harshness (Bokil, 2002)[xiv]. Protests against the CTA gained momentum, leading to its initial repeal in Madras in 1947 and later in Bombay in 1949. The landmark Criminal Tribes Act Enquiry Committee Report (1949-50), chaired by Ananthasayanam Ayyangar, laid the groundwork for the act's abolition. It criticized the CTA for perpetuating untouchability and its inhuman provisions, such as declaring individuals criminals by birth and separating children from their parents (Ayyangar & Government of India, 1951)[xv].

The CTA was officially repealed nationwide through the Criminal Tribe Laws (Repeal) Act XXIV of 1952, freeing around 20 lakh individuals (Legislative Department, Ministry of Law and Justice, n.d.; Gandhi, 1996)[xvi]. This day is now celebrated as Vimukti Divas by denotified communities. However, the repeal introduced new challenges, as the Habitual Offenders Act (1952) was enacted to replace it. Based on the earlier Madras Restriction of Habitual Offenders Act (1948), this legislation targeted individuals previously labeled as habitual offenders, restricting their movements and allowing arrests without warrants (Government of India, 1951).

While the new act aimed to address individual criminal behavior, it continued to marginalize entire communities under a different guise. Stigma persisted, as denotified tribes remained under suspicion, reinforcing their socio-economic exclusion. Although some settlements still exist, their current status is unclear due to limited research. This ongoing marginalization underscores the lingering impact of colonial policies on these communities.

Insights from Committees and Commissions

The Ayyangar Commission (1951) reported on Denotified communities, highlighting that the Habitual Offenders Act should target individuals, not entire communities. The Antrolikar Committee (1950) emphasized the stigma against these communities post-CTA repeal, recommending state intervention for rehabilitation, including education and vocational training. The 1953 report on SC/ST welfare suggested state-specific support, including land, education, and skill training. The Kalelkar Commission (1955) recommended the term "Denotified Communities," advocating for land allocation, educational reform, and the eradication of the criminality stigma. The Lokur Committee (1965) called for consistent categorization across states, while the Mandal Commission (1980) acknowledged DNT rehabilitation needs. The Venkatchaliah Commission (2002) advocated for economic and educational development, with the 2006 Technical Advisory Group and Renke Commission (2008) offering detailed welfare plans. The Idate Commission (2017) further analyzed DNT status but faced funding limitations. These reports laid the foundation for policy frameworks addressing Denotified community issues.

Constitutional Inclusion in Scheduled Castes and Schedules Tribes list-

Under Constitution (Scheduled Castes) Order, 1950 (Government of India, 1950)xvii,xviii and Constitution (Scheduled Tribes) Order, 1950 (Government of India, 1951a) xix majority of Denotified communities were added to the list of Scheduled Castes (SC) under central, union territories and various state lists; and some under Scheduled Tribe (ST) lists. These lists, since have been constantly altered with frequent requests of exclusion and inclusion from the states, based on population count from a particular community. Till now, states maintain different lists, list of SC, ST and Denotified Tribes (those DNTs who have not been included into any list) and these lists are frequently challenged by the community members (based on their representation) and the administrators (based on demographic data from Census surveys). Some communities are SC in one state, ST in another, while DNT in the third state (eg. *Pardhi* is ST in Madhya Pradesh and Maharashtra and SC in Rajasthan) (Department of Social Security, Government of India, 1965)xx.This has led to a lot of confusion, which has hampered the access to welfare schemes. So, there have been constant debates about whether DNTs should be separated from SC and ST and dealt with

separately; or should they be included. By the virtue of this inclusion, provisions applicable to SC, ST communities is applicable to the included denotified communities as well.

Educational Provisions for Denotified Communities

Various welfare schemes address the education of Denotified communities, with specific provisions for those in SC, ST, and OBC categories. Notably, the Dr. Ambedkar Pre-Matric and Post-Matric Scholarship Scheme (2016) provides financial aid to DNT students not classified as SC/ST/OBC. The Nanaji Deshmukh Hostel Construction Scheme offers hostel facilities for up to 500 DNT students. The Central Sector Scheme for Overseas Scholarships (2020) supports DNT students pursuing higher education abroad, along with SC and other marginalized groups. Several states, including Maharashtra, Gujarat, and Uttar Pradesh, have additional schemes for DNTs, covering education, skill development, health, and housing. Despite these provisions, challenges such as the criminal stigma and poverty hinder effective community development. A sociological understanding of these challenges is essential to improve interventions

SOCIOLOGICAL FRAMEWORK

Colonial policies significantly disrupted the socio-cultural fabric of denotified communities, many of which were originally pastoral, nomadic, or performing groups. Functionalist perspectives suggest that these communities fulfilled specific societal roles, such as entertainment or resource provision. However, urbanization, industrialization, and laws like the Wildlife Protection Act (1972) undermined their traditional livelihoods. Acculturation—the adoption of dominant cultural traits—has led to the erosion of their heritage, while enculturation—the assimilation of their practices into mainstream culture—remains limited (Merriam-Webster, n.d.). The loss of cultural identity, coupled with societal marginalization, has perpetuated their socio-economic deprivation.

The socio-cultural identity of these communities was further eroded as they were forced to integrate into urban settings. For instance, nomadic tribes like the *Gadia Lohar* were compelled to abandon their traditional crafts and adopt urban labor roles. This transition not only disrupted their economic stability but also diluted their cultural heritage. Acculturation processes often left these communities in a state of limbo, unable to fully assimilate into mainstream society while losing their original cultural practices.

The historical and policy framework behind the denotification of these communities shapes their present social construct. To understand their current social makeup, it is essential to explore the sociological framework of their interrelationships within society. Sociology, as defined by Merriam-Webster (n.d.), studies society, social institutions, and relationships. Understanding the cultural interactions between denotified and other communities within Indian society helps us comprehend the contemporary issues they face.

Society and Culture

Merriam-Webster (n.d.-a) defines society as a community with shared traditions, institutions, and interests. Society can be multicultural, with multiple ideologies and cultural beliefs. It forms a system where individuals are interconnected through shared culture and interactions (OCW MIT, n.d.). Over time, societies evolve, progressing through different phases such as hunting and gathering, pastoral, horticultural, agricultural, and industrial societies. India, with its blend of agricultural and industrial societies, still retains aspects of its pastoral and primitive traditions in certain areas.

Culture refers to the customs, beliefs, and material traits of a group, as per Merriam-Webster (n.d.) and the Cambridge Dictionary (2021)[xxi]. It enables individuals within a society to lead lives conforming to social norms and share a common value system. Culture affects both tangible and intangible aspects of life and remains central to societal cohesion.

Socio-cultural Makeup of Denotified Communities and Impact of Societal Changes
Many communities formerly labelled as criminals by the CTA had a nomadic, hunting-gathering, or pastoral heritage, passed down through generations. Communities like the *Sapera* (Snake Charmers), Nat (Acrobats), *Behrupiya* (Impressionists), and *Madari* (performers with monkeys) once entertained people with their

crafts. However, societal changes reduced their role as entertainment evolved. From a functionalist perspective, all societal elements play interdependent roles. The shift in modes of entertainment diminished the livelihood of these communities, while other changes, such as the Wildlife Protection Act (1972), urbanization, and education, further impacted their social identity.

As these communities moved to urban areas for survival, they experienced both a loss of traditional livelihood and an increase in social mobility. Many settled in slums or informal areas in cities, often alongside their traditional tools. For example, the *Gadia Lohar* community, traditionally nomadic ironsmiths, still keeps their carts, a cultural symbol, despite no longer needing them for daily life. These communities' interactions with other urban groups lead to significant cultural exchanges, shaping their current social structure.

Acculturation and Enculturation

Acculturation is the process by which a group adapts to another culture, while enculturation refers to learning one's own culture (Merriam-Webster, n.d.)[xxii]. The denotified communities, especially those who migrated to urban areas, underwent acculturation, absorbing aspects of the dominant culture, often losing their traditional customs and livelihoods. This has resulted in culture shock and identity crises, especially for nomadic and indigenous groups who now live among dominant cultures (Bank, 2003)[xxiii].

For instance, *Sapera* communities in Delhi, originally snake charmers, have shifted to roles like playing the *Dhol*, a popular musical instrument. In contrast, *Nat* communities, once known for circus acrobatics, are experiencing enculturation, with younger generations reviving acrobatics through modern dance forms and gymnastic performances. While acculturation is more dominant, there is also cultural exchange.

Sociological Impact of Criminal-Notification and Beyond
The criminal notification had profound sociological effects, leading to social, economic, and political marginalization. Despite the repeal of the Criminal Tribes Act (CTA), the stigma associated with these communities persists. They continue to face discrimination, lack of access to education, and violence, such as mob lynching and police brutality. These ongoing challenges exacerbate the marginalization, hindering their social and economic advancement.

Contemporary Challenges

Denotified communities face multifaceted challenges, including inconsistent classification across SC, ST, and OBC categories, resulting in limited access to welfare schemes (Bokil, 2002)[xxiv]. The absence of reliable demographic data further hampers policy formulation. Educational disparities remain stark, with low enrolment and retention rates exacerbated by poverty, migration, and societal stigma. Gender inequities are pronounced, with women facing patriarchal control, limited opportunities, and heightened vulnerability to violence and exploitation.

Police harassment, rooted in colonial biases, continues to affect these communities, as evidenced by reports of wrongful arrests and custodial violence (Dixit, 2020)[xxv]. Many denotified tribes remain under constant suspicion, with their movements monitored and restricted by local authorities. Incidents of mob violence and public discrimination further marginalize these groups, reinforcing the stigma of criminality.

The COVID-19 pandemic has worsened their plight, with loss of livelihoods, inadequate healthcare access, and rising child labor (Sinha, 2020)[xxvi]. Many denotified families, dependent on daily wages, faced starvation and homelessness during lockdowns. The lack of digital access also excluded their children from online education, deepening educational inequities. These compound challenges highlight the urgent need for targeted interventions to address their socio-economic vulnerabilities.

CONCLUSION AND WAY FORWARD

The legacy of the Criminal Tribes Act underscores the enduring impact of colonial policies on India's marginalized communities. Despite denotification, these groups remain stigmatized and excluded from socio-economic development. Addressing these challenges requires comprehensive measures, including the repeal of the Habitual Offenders Act, improved access to education and skill development programs, and targeted welfare schemes. Community participation in policymaking, coupled with awareness campaigns, can reduce societal biases.

To address these challenges, a multi-pronged approach is required. It should include:

- Policy Revisions: Repealing outdated legislation such as the Habitual Offenders Act, 1952, which perpetuates systemic biases.
- Focused Welfare Schemes: Expanding the scope of targeted schemes for education, employment, and housing. Ensuring these schemes are adequately funded and reach the most marginalized.
- Community Involvement: Encouraging community participation in policymaking and implementation processes to align initiatives with their unique socio-cultural needs.
- Awareness Campaigns: Reducing stigma through awareness campaigns and sensitization programs aimed at law enforcement, the judiciary, and the general public.
- Educational and Skill Development Programs: Enhancing access to education and vocational training to empower these communities economically and socially.
- Comprehensive Census and Data Collection: Conducting a nationwide census to obtain accurate data on denotified communities, ensuring their representation in policy decisions.

Accurate demographic surveys are essential for informed interventions, while efforts to preserve cultural heritage can restore dignity and identity. Policymakers must also focus on gender-sensitive programs to empower women within these communities, ensuring they have access to education, healthcare, and employment opportunities. Collaborative efforts between government, civil society, and local communities can create sustainable pathways for inclusion.

Through sustained and inclusive initiatives, the historical injustices faced by denotified communities can be redressed, paving the way for their integration into India's socio-economic fabric. Only by dismantling the systemic barriers rooted in colonial legacies can these communities achieve true empowerment and equality.

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