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SPECIAL ARTICLE

Born Criminals: The making of Criminal Tribes during the Colonial period in India

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Abstract

This article seeks to understand the idea of criminal tribes, which was based on British belief about crime in their own country, England and later adapted and imposed upon Indian nomads. An analysis of biological criminals in England and hereditary criminal tribes in India is presented in the later part. The article discourses the idea of ‘caste’, ‘class’ and ‘tribe’ which British officials used interchangeably in the context of Indian social structure. The discussion concludes by looking at the different debates on the making of the criminal tribes, the forces of change, which transformed certain nomadic communities of India as Criminal Tribes.

Keywords: Criminal tribes, Colonialism, Criminal Tribes Act, Labelling, Habitual offenders.

Introduction

This article investigates the making of Criminal tribes in India under the yoke of British colonialism. In the nineteenth century, the British labelled the nomads, itinerant traders and other unsettled communities of India as criminals. Indian rulers had taken the help from these nomadic communities to fight against the British; often they infiltrated the British Army and households of prominent British sympathizers. According to Colonisers, these wandering communities could not be placed within the accepted norms of administrative, economic or social rubrics. They were seen as deviants who disrupted the ‘social order’ and needed to be ‘controlled’ through the legal code for the maintenance of ‘law and order’. Through the Criminal Tribes Act of 1871 (CTA), the British administrators in India tried to control certain nomadic groups and classified them as ‘criminal’. People born into these tribes – notified as criminal tribes by the colonial

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government – became ‘criminals by birth’. Therefore, people born in these particular communities were called ‘hereditary criminals’, meaning their livelihood totally depends on ‘crime’. Criminal Tribes Act segregated the ‘more notorious groups’ in special settlements. The Act made it mandatory for all the members born in these notified tribes to register at the age of 14, whether or not they had been held personally guilty of a crime. They faced special penalties, much more severe than those for ordinary offenders even when accused of the same crime. The police were given absolute freedom to enforce the Criminal Tribes Act, they could arrest any member of these criminal tribes at any point in time and commit gross invasions of their privacy all under the guise of keeping an eye on ‘unsocial and disruptive’ elements. The British administration in India felt that by branding these nomadic communities as ‘criminals’ they could ensure ‘peace’ in India.

The British idea behind labelling Indian nomadic communities as criminal tribes was mainly based on two beliefs. First, their own understanding of Indian caste system. For British, caste was one of the most dominant modes of representation of Indian society. According to British understanding, people from a particular caste carry similar colour, features, habits and occupations, etc. Another belief regarding criminal tribes was also based on the British understanding of crime in their own country, England (Yang, 1985). The Victorian thought construed the idea of the ‘*dangerous class*’ to comprise vagrants, the unemployed, the poor, the criminals, drunkards, and prostitutes. They were identified on the basis of physical characteristics, habits, and locale. According to the Victorian thought, certain people, namely those belonging to the ‘*dangerous class*’ had an innate propensity for crime (Tolen, 1991). It was implied that only overt subjugation could prevent them from acting upon such inclinations. This similar conceptualization was adapted and imposed upon the Indians.

“Members of these nomadic groups are treated first by the British government and then – as the idea took roots – by the people as born criminals. People try to avoid them; the government always keeps a vigilant watch over their movements. These people constitute a category distinct from the rest of the population in the eyes of government is borne out by the fact that in the Census Reports from 1911 onwards they have been shown separately from the Hindus” (Kapadia, 1952, p. 99).

History played an important role in making of criminal tribes. A historical overview is imperative to appreciate how the specific nature of the state power at distinct points of history had a defining role in the making and unmaking of the denotified tribes. This article first focuses on social construction of crime and further it unravels the complex nature of making of criminal tribes in India. Later, it moves on to exploring the status of denotified tribes in post-independent India.

1. Social Construction of Crime

When social constructionist scholarship arrived, it brought with it an entirely novel way of looking at reality. In fact, the earlier trends like positivism gave the impression that there is a social reality out there, as a researcher you need to search for it. While constructivism was all about unmasking those created social realities, built by different social groups. The major breakthrough in constructivism came with Berger and Luckmann's (1966) ideas. Social Constructivism as a school of thought gave way to interpretive approach stating that social reality is constructed by the members of society. Besides, Hacking provided a typology of constructivism. His views on *ironic*

constructivism would be relevant, which talks about the “harmful consequences of reified constructions” (Maines, 2000, p. 578).

One such construction was the idea of criminals rather than crime in colonial India. An attempt was made to understand: who is a criminal? It requires one to delve into the context and values of the society as such. In legal terms, there is a huge difference between the convicted and the criminal, but it takes a constructivist lens to understand that socially there has been a blurring of boundaries between these two categories. As Tappan puts it, “To a large extent it reveals the feeling among social scientists that not all antisocial conduct is proscribed by law (which is probably true), that not all conduct violative of the criminal code is truly anti-social” (Tappan, 1947, p. 96). Thus, he reiterates that crime is legally defined. The outcomes of being a criminal in terms of social stigmatization, are no doubt, socially manifested. Once a criminal, so defined by law, ceases to be one when she/he has undergone the provision of penalty for the act; however socially she/he would never cease to be one.

When it comes to the media construction of a white-collar crime (Tappan, 1947) hardly the definition of a criminal is attributed to the offender. Here our attention is drawn to the fact that we tend to designate such offences as ‘scams and scandals’ rather than putting it under the umbrella term of crime. Though legally such an offence would be tagged as a crime, social construction of a criminal pertains to a certain class of convicts with a moral orientation different from the upper middle-class section who lead a life of depravity. Besides, every community has its own idea of making a distinction between good and bad crime. The idea of Robinhood being a contentious personality, perhaps a criminal for the upper sections of the society and a messiah for the lower classes. Can all forms of crime be categorized into good and bad? According to Emile Durkheim, crime is not a social pathology but an act against the *collective conscience*. But again, it is quite a debatable issue as to who makes the collective conscience in a plural society. One such idea became prevalent with the concept of “dangerous class” (Kumar, 2004).

2. The Criminalisation of the Working Class

Towards the end of the 19th century, the term ‘dangerous class’ was introduced. It referred to a category of individuals who were nefarious in their activities. This term emerged in England in the context of the economic depression between 1815 and 1820. The terms ‘dangerous class’ and ‘habitual offenders’ were used interchangeably. The “dangerous classes were seen on the threshold of committing crime or being occasional offenders, while criminal classes consisted of groups that had become habitual offenders” (Kumar, 2004, p.1081).

In fact, these categories came up in the context of a rapid urbanisation process as a consequence of the Industrial revolution. As modernity was paving its way into the European society, amidst massive structural transformations, one could witness an emerging inter-class hostility on the part of the upper class towards the working class. Soon, the urban spaces came to be perceived as hubs of criminal activity owing to the anonymity of huge working-class masses streaming from various geographical locations of the country. It was a fear for the ‘vulgar’ working class culture that capitalists would take up the task of disciplining them by having patrolling trips in the middle of the night to bring drunkenness under control. In fact, the idea of the construction of the dangerous class can be seen to be streaming from the fear psychosis towards the working-class

culture, on the part of the upper and middle-class capitalist groups. Thus, the working class was divided between criminal and hardworking men.

In England, the habitual criminal act was passed in 1869. The term Habitual Offender got popularised in the year 1920s and 1930s with the passage of a number of laws on habitual offenders in America (Kramer, 1982). Severe penalties were fixed for persons who have been previously convicted, the logic being that certain personalities have a criminal way of life. According to the Gladstone Committee Report:

When an offender has been convicted a fourth time or more he or she is pretty sure to have taken crime as a profession and sooner or later to return to prison. We are therefore of the opinion that further corrective measures are desirable for these persons. When under sentence they complicate prison management and are considered an overall nuisance to the community. To punish them for the particular offence is almost useless, the real offense is the wilful persistence in the deliberately acquired habit of crime (Kramer, 1982, p. 277).

On the basis of Gladstone Report, the habitual offender law was formulated in 1908 in America. Thus, by late 18th century and early 19th century, the United States of America had adopted the habitual offender law. These laws were based on the premises that a particular category of people was more committed to criminal ways (Kramer, 1982).

3. The Colonial Construction of Criminals

By the 19th century, scholarship in criminology took recourse in the biological explanation in crime. Italian school of Criminology, specially the theories of Lombroso and Ferri's on racial nature of the origin of crime could be cited as such examples with biological explanations (Kumar, 2004). According to their theories criminality is inherited. 'Born criminals' can be identified on the basis of their physical characteristics. The second-generation theorists on criminology focused more on the sociological explanation to crime. It was during this period of time when the concept of dangerous class came in vogue. With colonialism making its way into India, certain caste tribal groups were taken to be oriental prototypes to the concept of dangerous class. One can easily make out that caste and tribe provided an enormous platform to where both the racial and social approaches to crime could be established. Thus, the colonial state could formulate laws in similar lines to the Habitual offender law against the so-called criminal tribes and criminal castes in India. It was seen that if any tribe or caste was notified as criminal Tribe or caste, they could find "no recourse in the Indian judicial system" (Kumar, 2004, p. 1082). Thus, any member of the tribe or caste became easy targets of the State as they got entangled in non-bailable offences.

As mentioned earlier, the idea of dangerous class was a product of modernity in the European society. Similarly, in the Indian context, the colonially mediated modernity brought with it an alliance between class and caste, a fusion of colonialism and feudalism, with the local intermediary class (the *zamindars*) joining hands with the British authority. It so happened that they identified three criteria for fixing the onus of criminality on a particular group. Firstly residentially, second profession and third blood relationship (Kumar, 2004) Thus, the nomadic tribes or the wanderers who never had a permanent residence became vulnerable as criminal tribes/castes. When it came to profession, any group that so single defined means of livelihood was again branded as a criminal category.

In fact, it hints at a particular lower-class identity fused with lower caste properties that made the proposition of criminalization more conspicuous. The coming together of local landlords who mostly belonged to the upper caste and upper-class groups with the local police officials, targeted the so-called criminal groups who mostly belonged to the lower caste sections. According to Radhakrishnan (1989), they would try to create a work force with these lower caste groups to work in their fields and in order to control them, they would use the threat of prosecution. In fact, it created a scenario where the lower castes in some region, especially North Western Province and Punjab would be in position to submit before the landlords or have to bear the brunt of being a criminal caste.

4. The Making of 'Criminal Tribes' during the Colonial Period

During the colonial period, the British classified several castes and tribes of India as 'Criminal Tribes', on the basis of their indulgence in criminal activities including theft, prostitution, and loot. Under colonial rule, hundreds of "castes" and "tribes" in India came to be legally defined as "criminal", and recent studies have begun to critically analyse notions of caste and criminality in colonial India. '*Criminal tribes*' means a tribe, gang or class of persons declared to be a criminal tribe by a notification under section 3 of Criminal Tribes Act 1871 Section 2 states that:

“If his Highness” government has reason to believe that any tribe, gang or class of persons, or any part of a tribe, gang or class, is addicted to the systematic commission of non-bail-able offence, it may, by notification in the State Gazette, declare that such tribes, gang or class or, as the case may be, that such part of the tribe, gang or class is a criminal tribe for the purposes of this Act.

“David Arnold has examined the twin concepts of “martial races” and “criminal tribes” and their relation to British perceptions of Indian society, while Sandria Freitag (1989) has emphasized the importance of space and place in shaping relations between criminal tribes and the colonial state” (cited in Tolen, 1991, p. 107). The label 'ex-criminal tribes' has also been used for certain nomadic criminal castes and tribes who were earlier notified officially as the criminal tribes under the Criminal Tribes Act-1871. Later they were denotified from the Criminal tribes list and are called denotified tribes or *Vimukata Jatis*.

Colonisers identified these criminals on the basis of physical characteristics, habits, and locale. "This theory says that certain people in society had an inborn tendency for crime. It implied that nothing, other than overt control, could prevent them from acting on such propensities" (Mayhew & Binny, 1862). A similar conceptualisation was imposed by British upon the Indians.

The discussions of the committee that was constituted to draft the Criminal Tribes Act document the racist attitude of the committee members. One member of the Viceroy's executive council commented that caste system is unique feature of India. People follow occupation according to their caste. If a family's traditional occupation is carpentry it is followed by the generations till, they survive. Likewise, if ancestors of a tribe were criminals than the descendants of them will also follow the same and become criminal in front of the law. Therefore, if a person says he is an offender against law it means he was born offender and he will die as an offender. His ancestors and descendent both are

obviously offenders. Even no reform will work as crime is not only their occupation or caste but it's their religion (Raghavaiah, 1969; Nigam, 1990; D'Souza, 2001).

Such prejudiced viewpoints were often held by British administrators, historians, and ethnographers as evidenced by their writings. These studies have not taken into the account subjectivity of the people, role of social structure and agency in following any occupation. It rather believed that people are habitual of doing crime (Dirks, 2001). "In many ethnographic and administrative accounts of such groups, castes, and tribes, the authors were quite unsure of the identity of the groups. Without probing the history of the groups sufficiently, the judgments related to their criminal antecedence seem to have been made" (Kumar, 2004, p. 1084).

British officials generally used the word 'caste', 'class' and 'tribe' interchangeably. Some of the later gazetteers also used the terms "criminal class", "criminal tribes" and "criminal caste" interchangeably (Mullaly, 1892). They even assigned several identification marks to a 'criminal' caste or tribe. According to the British officials, 'criminal' tribes often took up legitimate occupations in order to hide their real occupations i.e. criminal activities. For example, *Kollars'* primary source of income is derived from crime and blackmail but they also practiced cultivation in order to hide their participation in illicit activities (Hemingway, 1907). "They were consumers of hard liquor and eaters of frogs, rats, lizards, and jackals, and criminal castes partook of forms of subsistence that not only offended the standards of British administrators but also were undoubtedly considered defiling by the elites from whom the administrators obtained much of their information" (Tolen, 1991, p. 112). The nomadic habits of certain communities were particularly associated with criminality. Many criminal castes appear to have been nomadic, and the association of these nomadic communities with crime was influenced by the association of vagrancy with crime in Britain (Yang, 1985, p. 111).

It has been observed that the members of these groups were treated by both the government and the people as criminals (Sher Singh, p. 1965). These tribes were known as criminal tribes because supposedly "the men and women born within these groups took to crime just as a duck takes to water because it is a duck" (Haikerwal, 1934, p. 144).

Members of these groups are treated by both the Government and the people as born criminals. People try to avoid them; the government always keeps a vigilant watch over their movements. That these people constitute a category distinct from the rest of the population in the eyes of the government is borne out by the fact that in the Census Reports from 1911 onwards they have been shown separately from the Hindus. This intentional segregation must have been inspired by the belief that they formed a group whose special profession was crime and who consequently required a special treatment which the Criminal Tribes Act of 1871, modified in 1897 and 1911, purported to provide (Kapadia, 1952, p. 99).

This segregation of mainstream society and these 'criminal tribes' was done to keep these groups under constant vigilance. The Regulation of 1773 was the first piece of legislation that addressed these communities as a separate category. Then came the Criminal Tribes Act of 1871 which, treated these groups as a distinct category with a predisposition towards illicit and criminal activities. The Act was based largely on the following assumptions:

- All people born in a particular caste or group become criminal since birth, as they take up their father's profession.
- Once the people learn criminal activities, they continue to act as criminals because they believe it to be a legitimate profession.
- They continue to be criminals; as a result of continuous criminal practice, they become hardened criminals.

The Act made it compulsory for all the members of 'criminal' tribes to register their names and place of current and intended residence at a police station. Attempts were made to restrict their movements in certain areas by disallowing movement on certain days and during certain hours. They also had to provide their fingerprints and failure to do so was punishable as a crime. This registry characterised all members of these so called 'criminal' tribes as potential criminals, whether they had previously been held guilty of any criminal activity or not. As a result of this, people belonging to these particular tribes were socially stigmatized as 'born criminals'.

The British included prostitutes and eunuchs under the rubric of Criminal Tribes Act as they were supposed to be the primary vectors of venereal diseases from which more than half the total strength of English and European soldiers suffered. Later on, in the twentieth century, prostitution came to be seen as a caste-based occupation and prostitutes were treated as criminals.

The British were looking for criminals with more scientific reason to commit the crime rather than the hereditary criminals. The term 'hereditary criminal' was not able to justify the reasoning behind labeling such a large number of people as criminals. To resolve the problem, an actual or authentic social cause needed to be identified and dealt with effectively. The British found a perfect explanation in the Indian caste system which is traditionally based on occupation.

From the discussion on the Criminal Tribes Act 1871, it is evident that the British labelled several castes and tribes of India as criminal. It was assumed by the British officials that individuals belonged to certain classified groups followed crime as hereditary profession and were linked with the crime. These people need to be in constant monitoring and control. This continuous surveillance restricted the movement of nomadic communities and many of them lost their traditional occupation.

When it came to identification and notification of any caste group, as criminal, the colonial state tried to look for the groups that a particular notified caste seeks matrimonial alliance with, and the same caste groups would be brought into the loop of notification. The grounds on which certain caste groups have been notified is flimsy, for e.g., the case of Mevs, who were notified as criminal tribes and Meena, the genealogical trace between these two groups was traced from a local legend, and on that basis Meenas were looped into criminal tribes rather than any scientific investigation being taken up (Kumar, 2004).

Besides, the arrival of the British made the upper caste ways of life the standard hegemonic with practices like bride price and polyandry leading to criminalisation of castes and tribes. In other words, the idea of caste as an institution got strengthened because of colonialism. In certain cases, the criminal behavior of a single member of the caste or tribe was attributed to the entire group.

Here, it would be interesting to see that how crime on the part of certain members of the group affects the *collective conscience* in a different way by *labelling* them as a criminal group, and how these criminal groups learn to live with passage of time.

5. As Denotified Tribes in Post-Colonial India

The Criminal Tribes Act, 1871 was amended a number of times. After India achieved Independence in 1947, the leaders and social reformers paid notice to the highly unfair and prejudiced nature of the Criminal Tribes Act which labelled certain communities as 'criminal' just on the basis of their peripatetic nature. In the year 1949, the national government appointed a committee to study the utility of this law. The committee found that this act was against the spirit of the Indian Constitution. It recommended suitable steps to be taken for amelioration of the pitiable conditions of the 'criminal tribes' rather than stigmatizing them as criminals (Mamoria, 1965). As a result, the Criminal Tribes Act of 1871 was repealed in 1952. Around 200 tribes or castes, which were notified as criminal tribes during colonial rule became free from the stigma and attained the same legal status enjoyed by other citizens of India. Therefore, they came to be known as ex-criminal tribes, denotified tribes or *Vimukta Jati*.

The classification and enumeration of denotified and nomadic tribes are very problematic. Denotified tribes are present in various regions of India and some are also known by different names in different parts of the country. The status and privileges of a particular denotified tribe are different in different states of India varying between denotified tribe, scheduled tribe (ST), and schedule caste (SC) etc. Owing to this the schemes and benefits for them are not uniform all over India and it makes their status ambiguous for themselves and society. "For example, in Maharashtra 'Phanse Pardhis' are included in the STs but their counterparts, the Haran Shikaris or Gaon Pardhis are categorized under the VJNTs (Vimukta Jatis and Nomadic Tribes, as they are called in Maharashtra)" (Bokil, 2002, p. 148). This example clearly indicates that a particular denotified tribe is classified in different categories in different states, therefore, the benefits they get also varies according to their place of residence. As a result, members of denotified tribes are not able to unite and fight for the equal rights.

The Habitual Offenders Act was enacted in the place of the Criminal Tribes Act post-independence in 1952. According to the Habitual Offenders Act, a habitual offender is one who has been a victim of subjective and objective influences and has manifested a set practice in crime, and also presents a danger to society in which she/he lives. The Habitual Offenders are usually hardened criminals whose major part of life has been spent in prison. Habitual offenders commit offences at frequent intervals and therefore goes to prisons frequently. *Habitual Offender* means any person who, since attaining the age of eighteen year,- (i) during any continuous period of five years (whether before or after the commencement of this *Act*, or partly before and partly after such commencement) of five years, has been sentenced on conviction on not less than three occasions, to a substantive term of imprisonment for one or more of the scheduled offences committed on separate occasions, being offences which are not so connected together as to form parts of the same transaction, and (ii) such sentence has not been reversed in appeal or revision: provided that in computing the consecutive period of five years aforesaid, any period spent in jail either under a sentence of imprisonment or under detention shall not be taken into account (Bombay Habitual Offenders Act, 1959).

The status of criminal tribes thus changed around 1950s when the communities notified under the Act of 1871 were denotified from the list of criminal tribes. In some way, the Habitual Offender Act was significant as not listing certain groups as inherently criminal, but it still used the same registration and notification procedures as outlined in the Criminal Tribes Act, 1871 (Human Right Features, 2004).

Habitual Offenders Act, 1952 also made provision for registration and restriction on the movements of denotified tribes. Under this habitual offender's act state government may direct district magistrate to maintain a register of habitual offenders in his district that shall be kept at the office of Superintendent of the police of the district giving them power to take finger and palm expressions, foot prints and photographs of habitual offenders at any time. Additionally, it required habitual offender to register and reregister if the earlier registration got cancelled, notify change in his/her residence. Corrective settlements and training programs were established. The habitual offender's act also authorized officers to transfer or discharge habitual offender from corrective settlement and bestowed the magistrate with power to restrict movement of registered offender in interest of the general public district. A penalty for failure to comply with certain provisions of the Act was also applied (Bombay Habitual Offenders Act, 1959).

For the rehabilitation of ex-criminal tribes, various state governments have taken several measures. The measures were taken to provide them land for cultivation, to open upper primary schools, to start handloom industry, to set up cooperatives, and to open vocational training program centres. They have set up some agricultural and industrial settlements for habitual offenders. Some of the most important ones are Bijapur in Maharashtra, Chauterwa in Bihar, Bitragunta in Andhra Pradesh. Rajasthan has seven settlements and nine colonies and Uttar Pradesh at Kanpur, Moradabad, Gorakhpur, and Lucknow (Mamoria, 1965).

At present, there are around 200 denotified tribes in India though there is a continuous debate over the exact number. Despite the repealing of the Criminal Tribe Act, 1871 after independence, the label of being 'criminal' once still remains with the members of denotified tribes. Monitoring the activities of members of denotified tribes under the Habitual Offenders Act makes them vulnerable to ill treatment and subject to harassment and persecution at the hands of the police and general administration. Some of these groups have been deprived of the status of Scheduled Tribes even though they exhibit the traits of a 'primitive' tribe and have distinct cultural identities. They have been fighting to achieve Scheduled Tribe status that would afford them greater benefits and privileges.

Mahashweta Devi, an activist, and author filed a petition in 1998 against the Habitual Offenders Act. Later, the National Human Rights Commission constituted a committee to re-examine the status of denotified tribes in India in context to the Habitual Offenders Act. The committee reported that the very existence of Habitual Offenders Act is not aligned with the Constitution and had given several recommendations.

The recommendations included that a retired senior police officer of high reputation should be appointed in every state to watch the cases of atrocities against DNTs. The National Police Academy and other institutions imparting training to police officers should be advised to reorient their syllabi and Habitual Offenders Act be repealed. The States were asked to report the action taken on the recommendations made. These recommendations included proper enumeration

providing education, employment and other infrastructural facilities, and work out action plans for DNTs (National Human Rights Commission).

The social status of denotified tribes is very low as they are still carrying the stigma of criminality. Once they were labelled as criminals, they are criminals forever for the society at large. Society looks down upon them and discriminates between the members of denotified tribes and other members of societies. Even after seventy years of the independence, being a Kanjar automatically stipulates that the person is a criminal or at least capable of committing a crime and his ancestors were also criminals. Society at large looks at them with suspicion and discriminate them. Regardless of qualification, a person from larger society always gets preference over a candidate from Kanjar community (Dayal, 2013). There are various government schemes going on to bring denotified tribes into the mainstream of society but society at large still treats them differently. A study done by Dayal (2012) in Rajasthan states that school enrolment rate as well as dropout rate both are high among the children of denotified tribes. The reason of high enrolment is the universalisation of education in India, in which government is trying to enrol every child in school. There are multiple reasons behind the high dropout rate. The main reason behind this is the discrimination practiced by peer groups, teachers and larger society. Another reason of high dropout is that most of the children of denotified tribes are first generation learners and they don't understand the need of education. They get disinterested in the current pattern of education as India still follows the classical curriculum, which does not include creativity. Therefore, the current system is unable to ignite the interest of pupil coming from denotified tribes in classroom activities. To educate denotified tribes measures should be taken at a broader level. Teachers need to be trained to understand the cultural background of denotified tribes and treat them equal to children of mainstream society. They should develop the capability to understand the level of learning of various people. Larger society should be sensitized towards denotified tribes and to help them to mix together. The administration should implement policies effectively and the law should decriminalise denotified tribes (Dayal, 2013).

In Indian Society, whole family is labelled as criminals by society if a member from the family is found guilty of some crime. The same goes with the denotified tribes. In the case of denotified tribes, not only the family but also the community as a whole is labelled criminal due to the illegal activities of some members. The treatment received by the members of denotified tribes from the society especially in rural areas makes them more isolated from the mainstream and works as a push factor for them to earn their livelihood by indulging in unethical and at times illegal activities.

Conclusion

A historical review of denotified tribes in colonial and post-colonial periods reveals the variant social cultural dimension of their existence, and international, national and state levels, and also exhibits social cultural differences. British have a different way of looking at the hereditary criminal Syndrome in India and England. In India, it was based on the idea of crime as a profession practiced by 'hereditary criminal caste' and not on the belief that crime is genetically transmitted as it's in their native, England. As a result, Criminal Tribes Act 1871 enacted in India and thousands of people labelled as criminals and lost their traditional occupation. Though Criminal Tribes Act was replaced by Habitual

Offenders Act after independence but the stigma of being criminal once still haunts the members of these communities. History played an important role in making and remaking of criminal tribes. People who were considered an integral part of society once upon a time and provided goods and services across the regions became born criminal by British. Post-independence society at large viewed them from the goggles of colonisers and discriminated them from being their fellow citizens and made them denotified tribes. The stigma of being criminal once still follows denotified tribe. Majority of them are not having access to basic education and employment. The society, government, law-makers and social activists all need to work together to bring denotified tribes into the mainstream of larger society. Members of denotified tribes don't need any sympathy or labeling, they just need encouragement and support from society to get back their place in society. Rather than making them as a category of rehabilitation one needs to work thoroughly and make them aware of the options, they have available in life. Criminals are not born by birth, at times people do some crimes and become criminal but most of the times its society, which label people and makes them Tribes.

References

- Arnold, D. (1979). Dacoity and Rural Crime in Madras, 1860-1940. *Journal of Peasant Studies*, 6(2), 140-167.
- (1984). Criminal Tribes and Martial Races: Crime and Social Control in Colonial India. Paper presented at a seminar entitled "Comparative Commonwealth Social History: Crime, Deviance and Social Control," 4 December, University of London Institute of Commonwealth Studies, London.
- Berger L. P., & Luckmann, T. (1966). *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, Garden City, New York: Doubleday.
- Bokil, M. (2002). De-notified and Nomadic Tribes: A Perspective. *Economic and Political Weekly*, 37(2), 148-154.
- Dayal, S. (2012). Creating Learning Space for the Children of Sex-Workers and Denotified Tribes. In E. Xeni (ed.), *Creative Engagements with Children: Inside and Outside School Contexts* (pp 134-144). Oxford: Inter-Disciplinary Press.
- Dayal, S. (2013). A Study of Prostitution/*Dhandha* among the *Kanjars*: Family, Kinship and Economy. Unpublished PhD thesis, (New Delhi: CSSS, JNU).
- Dirks, B. N. (2001). *Castes of Mind: Colonialism and the Making of Modern India*, Princeton and Oxford: Princeton University Press.
- D' Souza, D. (2001). Declared Criminal at Birth. *Manushi*, 123, 22-26.
- Freitag B. S. (1989). Community and Space: The Case of the "Criminal Tribes. Paper presented at a conference entitled "Culture, Consciousness and the State," 23-27 July, Isle of Thorns, United Kingdom.
- Haikerwal, B. S. (1934). *Economic and Social Aspects of Crime in India*, London: George Allen and Unwind Ltd.
- Hemingway, F. R. (1907). *Madras District Gazetteers*, Madras: Government Press.
- Human rights feature Newsletter, (2004).
- Kapadia, K. M. (1952). The Criminal Tribes in India. *Sociological Bulletin*, 1(2), 99-125.
- Kramer, C. R. (1982). Habitual Offenders to Career Criminals: The Historical Construction and Criminal Categories, *Law and Human Behaviour*, 6(3/4), 273-293.
- Kumar, M. (2004). Relationship of Caste and Crime in Colonial India: A Discourse Analysis. *Economic and Political Weekly*, 39(10), 1078-1087.

- Law and Judiciary Department (2013). “The Bombay Habitual Offenders Act, 1959,” Government of Maharashtra, Government printing, stationery and Publications.
- Maines, R. D. (2000). The Social Construction of Meaning. *Contemporary Sociology*, 29(4), 577-584.
- Mamoria, C. B. (1965). *Social Problems and Social Disorganisation in India*. Allahabad: Kitab Mahal.
- Mayhew, H., & John B. (1862). *The Criminal Prisons of London and Scenes of Prison Life*, London: Frank Cass & Co., Ltd.
- Mullaly, S. F. (1892). *Notes on Criminal Class in Madras Presidency*, Madras: Government Press.
- National Human Rights commission, New Delhi. <http://nhrc.nic.in>.
- Nigam, S. (1990). Disciplining and Policing the Criminals by Birth, Part I: The Making of a Colonial Stereotype – The Criminal Tribe and Castes of North India. *Indian Economic and Social History Review*, 27(2), 131-164.
- Radhakrishna, M. (1989). The Criminal Tribes Act in Madras Presidency: Implications for Itinerant Communities. *Indian Economic and Social History Review*, 26(3), 269-296.
- Raghavaiah (1966). *Nomads*. Akhil Bharatiya Adimjati Sevak Sangh newsletter.
- Singh, S. (1965). *The Sansis of Punjab: A Gypsy and De-notified Tribe of Rajput Origin*, New Delhi: Munshiram Manoharlal Publishers.
- Tappan, W. P. (1947). Who is the Criminal? *American Sociological Review*, 12(1), 96-102.
- The Criminal Tribes Act, (1871).
- Tolen, J. R. (1991). Colonization and Transforming the Criminal Tribesman: The Salvation Army in British India. *American Ethnologist*, 18(1), 106-125.
- Yang, A. A. (1985). *Crime and Criminality in British India*, Tuscon: University of Arizona Press.