

# Relationship of Caste and Crime in Colonial India

## A Discourse Analysis

*The discourse of caste, in many instances, cannot be constituted in separation from discourses on several other aspects of the Indian social structure. This paper, however, seeks to understand a relationship of a different order, that between caste and crime which in colonial India came to be linked in socially significant ways. Administrative discourse in colonial India sought to classify castes lower in the hierarchy and aboriginal tribes as criminal tribes and castes. Colonial administrative and metropolitan ideas and practices were thus used to classify certain groups as 'criminal'. Even as the state specified due requirements in the classification of such groups, these were prompted by broader imperatives – the consolidation of the colonial administrative edifice.*

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Literature on relationship of caste and other features of Indian social structure is available in abundance. This is largely because the discourse of caste cannot be constituted in separation from the discourses on many other aspects of Indian social structure. They are substantively related. Therefore, many research studies on other aspects of Indian social structure inadvertently also become parts of the discourse on caste. We can take the instance of religion and kinship as illustrations of the point made above. The discourse of caste cannot be constituted in separation from the discourse of 'Hindu religion' [Dumont 1980] as well as from the discourse containing norms and rules of filiation and affinity that contribute to the functioning of castes as distinguishable and replenishable social groups in Indian society [Mayer 1966].

It is against this backdrop this paper aims to understand a relationship of a different order, i.e., relationship of caste and crime which have come to be seen as linked in some socially significant ways in colonial India. It aims to explore and demonstrate how absolutely unrelated phenomena (caste and crime), unlike caste and religion and kinship who are substantively related, can come to be seen and believed to be linked in such a manner that the discourse became a part of the larger discourse of caste itself in colonial India. It is precisely this cosmetic nature of relationship that arouses interest in this relationship. Yet the relationship developed as such that it looked real in both incidence and influence in colonial India.

This study tries to understand different forms of this relationship by both an analysis of discursive formations as well as by mapping out non-discursive formations which have made caste and crime to be linked in such a way that the topic deserves a sociological inquiry in its own right. In this essay I aim to describe and interpret the interrelation between caste and crime through a variety of sources. The attempt is to undertake a specific kind of sociological and historical analysis that would show how the discourse on caste and crime is formed, modified and thereby constituted. The method consists in mapping out discourses and finding out the interrelationship among them. As part of the method focus is on finding conditions of emergences of different objects and discourses around them.

As Foucault (1972) has so persuasively argued in his works, the process in the making of any discourse inheres in the systematic dispersion of the objects and the statements dealing with it. The discourse of caste and crime is similarly formed in the process of systematic dispersion of objects and statements.

### **Problem Stated**

The first problem one faces in defining the discourse of caste and crime is a definitional one, i.e., definition of crime as such. Any attempt to arrive at an objective definition of crime is fraught with many problems. While criminologists have no hesitation in equating crime with social pathology, sociologists have approached the problem with more caution and they do not consider every criminal act as pathological. In the words of Durkheim (1938:67), "crime consists of any act that offends certain very strong collective sentiments". Hence there are objective standards which one could apply to designate an act as criminal. It is society embodying moral conscience reserves with itself the power to judge and classify certain acts as criminal. When norms embodied in conscience collective are infringed or challenged society may designate such acts as crime. This challenge might be a reflection of the social creativity and a desire to bring about change in norms of society itself. In a Forster and Ranum (1978) edited book, Michelle Perrot says, "In fact, there are no facts of crime, as such, only a judgmental process that institutes crime by designating as criminal both certain acts and their perpetrators" [Yang 1985:1].

Durkheim says that it is not possible to conceive of a society without crime for conscience collective cannot be present in its entirety in all individuals so as to prevent any infringement of social norms, any dissent or dissenting act. Crime is bound up with the fundamental conditions of social life. It is a necessary and unavoidable phenomenon generated by the nature of functioning of society, and as Durkheim emphasised a society without any crime would have to be considered pathological.

Crime or, to be more precise, a certain rate of crime is then a normal phenomenon in Durkheim's conception since a society without crime is not possible. However, this does not mean

that Durkheim considered all forms and rates of crime to be normal. He argued that crime could be pathological when its rate is higher than the average rate for any social type. This, of course, raises the vexed issue of how we are to judge whether a particular rate of crime was normal or pathological for a particular social type. However, it means that crime is to be seen as rooted in the conditions of existence of the social organism and objective measures have to be sought, e.g., the rate of commission of crime for any social type. Durkheim dispenses with any notion of the absolute normativity of society in an effort to find ways of classifying crime as normal or pathological which took into account the nature of society and its stage of evolution.

While for Durkheim, the definition of crime could not be made in relation to the normativity of society, Canguilhem (1966) thought that normal and pathological could only be distinguished in these terms. Canguilhem's reflection on normal and pathological was formulated in the efforts to distinguish between health and disease. He believed that consciousness of disease arrives because a person begins to find it difficult to act according to the norms of the environment. What is interesting of this article is that Canguilhem opens a path for thinking about the normal as a mode of unifying diversities. In a society the processes and experiences of normalisation are specifically cultural. Hence the process of making distinctions between normality and pathology must take into account the norms, values and ideas of the society concerned. Seen from this point of view, the normal and the pathological are used as concepts that point to two types of facts, those that conform to given standards and those that do not. Durkheim (1938), while pursuing the natural science methodology, seeks the distinction between normal and pathological through statistical averages, e.g., the rate of crime, the rate of divorce, etc. In contrast, for Canguilhem statistical indexes are inconsequential; it is normativity of a society that provides the relevant criterion for this distinction.

Canguilhem's point of view may be illustrated with one example. Any act classified as illegal or criminal could be perfectly normal in face of society's normativity, e.g., social banditry with a Robin Hood type image may be considered normal within a peasant society since it conforms to the moral order in which rich peasants (who exploit poor) are robbed and there are norms to restrain such Robin Hood type bandits from undue killings. Thus while sanctifying the image, peasant society also insists on standard attributes of the morally approved behaviour. As Hobsbawm (1969) has shown, peasant societies make very clear distinctions between social bandits and robbers and several languages have different and separate words for different types of robbers. In eyes of juristic code of a modern society, social bandits and robbers stand on the same footing. These codes miss the major distinction that is anchored in the normativity of peasant society. He says,

The point about social bandits is that they are peasant outlaws whom the lord and state regarded as criminals, but who remain within peasant society, and are considered by their people as heroes, as champions, avengers, fighters for justice, perhaps even leaders of liberation, and in any case as men to be admired, helped and supported [Hobsbawm 1969: 1].

This makes the distinction between bad and good criminals come to the fore. If pushed to its logical limits, this opposition ends up as a new opposition of 'real crime' and 'no crime'. The issue involved thereby turns back upon the normativity of the society.

Marxist framework analyses see all legal categories as ways of maintaining and reinforcing existent class relations as against the emphasis on a system of classification through certain kinds

of crimes that may be seen a sign of social creativity. It would look upon law, state, media and religion all seeking to maintain status quo within the society, mystifying class relations and also ideologically providing legitimacy to it. It sees law as totally being subservient to the ruling class.

It would, however, be not appropriate to look upon legal categories and judgmental and evaluative processes of classifying crime as completely subordinated to the interests of the ruling class. Yang while discussing E P Thompson's understanding of law says that it has a certain degree of autonomy as well from existent class relations and it is this autonomy that gives juristic codes their own history, its own logic of evolution. It would be facile to understand law and legal categories as no more than instruments that mystify and mask class relations and only ideologically offer legitimacy to it. It can at best be seen as mediating as well as reinforcing existent class relations but it has its own independent existence and its own features [Yang 1975]. Thus, law is both ideology and actuality simultaneously. It is this double location of law which gives a direction to the social historians of the Warwick school engaged in the pursuit of social history of crime.

I hope it is clear that the sociological definition of crime must take into account theoretical ways of distinguishing between the normal and the pathological and treat crime as both, the result of a system of classification that consolidates class relations and power of the state and as societal classification through which society demonstrates its creativity.

In colonial India it was considered best to look at the way in which castes and tribes came to be classified as criminal during the colonial period so as to see how power of the colonial regime was consolidated through its administrative practices. This complex exercise will help in understanding an important aspect of administrative and political culture in colonial India. The discourse of the relationship of caste and crime assumed a new dimension in independent India when 'politics' provided the spectacle to capture the contexts in which crime may be treated as a sign of social creativity. This is, however, out of the scope of the present paper and will be addressed separately.

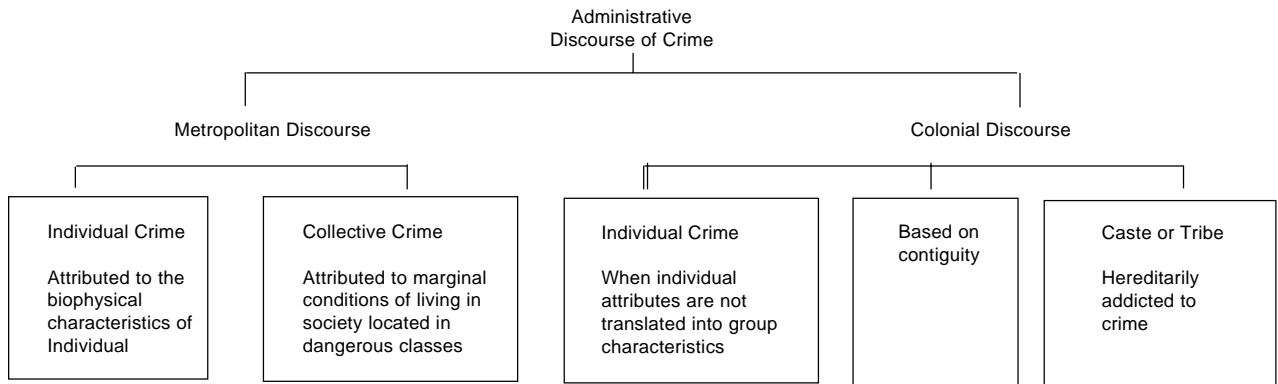
This essay seeks to discuss discourse on caste and crime in colonial India. In colonial times the administrative discourse sought to relate caste and crime. The lower castes in the caste hierarchy and the aboriginal tribes were classified as criminal tribes and castes. Section I deals with the colonial administrative and metropolitan ideas and practices used in the process of classification of certain groups as criminal. Section II reproduces some of the colonial administrative representations of criminal castes, tribes and groups. Section III, focuses on colonial requirements for classification of groups as criminals and shows how these were prompted by concerns of consolidating the edifice of colonial power.

## I Discourse of Caste and Crime in Colonial India

The problem of classification in delineating form and content of crime from what is not crime is a complex one. The problem gets all the more complicated when sociologists readily introduce their value-judgments in differentiating between 'bad' and 'good' criminals and thereby fall into the pitfalls of delineating between 'real' and 'social' crime. It should be left for the communities to make such a distinction.

The task of a sociologist studying crime is limited to treating crime as socially constructed category. Definition of crime is one

**Figure: Crime Discourse in Colonial India**



of the examples of social creativity for the criteria for sorting out criminal activities is provided by society. Within the framework of analysis, an interesting issue pertaining to the relation between the definitions of normal and pathological as constructed by society, or by different sections of society especially when power is exercised by those who are not organically linked to society as during the colonial regime, how does the definition of crime represent the interests and values of the rulers versus those of the ruled.

The issues of group criminality in India is fascinating for its implications for understanding the power relations in the colonial regime which were intertwined with the prominent notions of criminality in the modern west [Yang 1985].

### Discourse of Group Criminality

The discourse of caste and crime in colonial days could be said to have emerged in the sphere of interaction of both the administrative and scientific discourses of criminality in metropolitan west and administrative discourses on group criminality in colonial India. The administrative discourses, however, could be analytically carved out as shown in the figure.

### Metropolitan Discourse

In the modern west (in the first half of 19th century), criminals were considered biological degenerates. The earliest scientific explanations of criminality (within criminological discourse) were biological and physical [Mannheim 1965]. In the west, commonsensical and popular notions of criminality had certain common features with scientific discourses. Both agreed that criminals had typical physiological features, e.g., flattened nose, scanty beard and lopsided skull. These ideas also find expression in great pieces of European literature such as Shakespeare's *Richard III* and also in *Julius Caesar*. Although an effort was made to establish a correlation between criminal acts on the one hand and physical attributes on the other within a scientific framework (in the first half of the 19th century), number of 'occasional offenders' posed the most difficult problem to the theory for the facts could not be accounted for within this framework.

According to Lombroso,

...there exists a distinct anthropological type, the born criminal, *delinquente nato* (a name invented by Ferri), an individual likely, or even bound, to commit crime. This type is characterised by certain malformation of the skeleton and the skull, in particular cranial and facial asymmetry, as well as by other physical stigmata

of degeneration: an under- or over-sized brain, a receding forehead, high cheek-bones, squinting eyes, bushy and prominent eyebrows, a twisted nose, big ears, a projecting or receding jaw, scanty beard as contrasted with the general hairiness of the body and overdeveloped arms [Mannheim 1965: 215].

Till the middle of 19th century the relationship between skull, brain and social behaviour attracted great interest. The influence of positivism with its attendant features of scientific determinism and primacy being given to the criminal actor lead to search for identification of biological and physical correlates of criminality. The biological determinism of Lombroso and Ferri used a variety of factors including social, geographical and psychological along with a biological base to explain criminality. Social positivistic approaches-personality oriented and other socially oriented approaches were to emerge later.

Around the same time two approaches to study crime emerged in France. One saw crime as a product or expression of operative social forces while the second one saw crime as a product of individual constitution of the criminal actor. These two approaches were not exclusive but were seen by many as exclusive. France was also the first country to give birth to criminal statistics in the modern sense. In 1827 the first volume of the general account of the administration of criminal justice in France was published. Other countries were quick to follow.

Adolphe-Jacques Quetelet and Andre Michel Guerry were pioneers in the field of scientific study of the health and functioning of society in France. They were beginners in collection of moral statistical analyses (statistics related to crime). Their works enabled crime to be seen as a social fact primarily being moulded by the environment of which it is a part. The study of crime and criminality gradually got extricated of the etiologies based on bio-physical explanations.

Towards the end of the first half of 19th century biological explanations were mostly replaced by sociological explanations. The focus of enquiry shifted to the conditions of living of groups. It is around this time a new concept, i.e., of 'dangerous class' began to be used in administrative accounts to refer to groups of people who lived at the margins of society and led their lives in abject misery. They were the free-floating populations and always kept moving in search of livelihood.

In France at the beginning of 19th century the concept of dangerous class as the main source of disorder and crime was at the fore. Closely related to it were criminal classes. They were portrayed as a race apart, morally depraved and vicious, living by violating the fundamental law of orderly society, which was that a man should maintain himself by honest, steady hardwork.

In France they were commonly described as nomads, barbarians, savages, strangers to the customs of the country [Radzinowicz 1966: 38-39]. Around middle of the 19th century attempts were made to discover the existence of these classes or to give them their names and estimate more accurately their numbers, nature and composition in France.

Similarly in England contemporaries were convinced that there was a dangerous class in existence in 19th century England. This concept developed after 1815. By 1828 the idea was gaining acceptance in England. The Oxford English dictionary records the use of the phrase 'dangerous class' in 1859, but in fact it was in use 10 years earlier [Tobias 1967]. The economic depression between 1815 and 1820 caused widespread disorder. It was aggravated by the new Corn Laws, which banned foreign corn imports and thereby kept the price artificially expensive. Vagrancy increased rapidly around this time. The presence of disabled, demobilised and jobless Napoleonic war veterans; unemployment and astronomical bread prices sent many to beg and steal to survive.

The emergence of the concept of dangerous classes in many ways represented the bourgeoisie apprehensions of vagrancy, poverty, crime and political revolution. Requirements of capitalism, puritan evangelicalism and the tenets of Victorian morality had made the state suspicious of such groups of people. These groups of vagrants, or 'the idle disorderly persons' to quote the phraseology of J A Sharpe, were the people who were considered most vulnerable to the opportunities to be presented by crimes since they lacked any means of regular livelihood. The effort at classification of certain groups as dangerous classes and habitual offenders had, however, emanated from the imperative concern of protecting property and political order [Radzinowicz 1966]. These were the considerations in 1824 that led to the enactment of the Vagrancy Act in Britain for restraining vagabondage and freewheelery. As the nomads lacked any private property and as they were supposed to have no regard for others' property they were considered a threat to sedentary society.

The 1824 Act also did not aim at only vagrants, but also at a whole class of undesirable and shady characters. It applied initially only to England and Wales. Scotland adopted the 1824 Act in 1871 only. Till then it relied on some old laws and local borough statutes.

It embraced a whole gallimaufry of undesirables: beggars, fortune tellers and pedlars without licences; various street misdemeanants, notably 'riotous and indecent' prostitutes, and street sellers of obscene pictures; and those who offended against Poor Laws, for example, by throwing their dependents on poor relief by refusing to support them. [Rose 1988 :13]

The dangerous and criminal classes were related concepts and were often used interchangeably. There was, however, an important theoretical distinction in that members of 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.

Many historians have shown that the wandering populations had a significant role to play in food riots and other riots before and during the French revolution. During this period France was passing through a deep economic depression. The harvest had failed continually. The price of food was soaring. Unemployed workers, displaced by the crisis in industry, were everywhere in search of jobs. Villagers gathered in nearby towns, thousands of them moved to Paris to beg for charity or work. The number of vagrants, beggars and unemployed workers had increased in numbers. They roamed around in search of food. They attacked

breadshops, flour-mills and store-houses. Riots were generally directed against property rather than against persons. Fatal injuries amongst the victims were rare.

The crowd behaviour in attacking the breadshops was rational unlike the usual abstraction of crowd behaviour as irrational and spontaneous. It remained within a moral code. In most of the food or bread riots at Grenoble and Toulouse in June 1778, in Normandy in 1784 and 1785, and in the critical years of 1789, rioters aimed at getting the price of bread and grains lowered. Looting of grains and bread also accompanied the riots. Occasionally grain hoarders and bakers were also murdered. Yet the French revolution in Paris was not particularly marked by murderous violence on the part of crowds. Most importantly, the majority of the crowds were constituted of the wanderers or vagabonds [Lefebvre 1973]. Crowd action, before and during French Revolution, was motivated by the alternative notions of justice, ranging from the traditional ones to the modern concept of socialism.

While talking of food riots in 18th century England E P Thompson says that they were complex forms of direct popular action, were disciplined and had clear objectives. He says,

It is of course true that riots were triggered off by soaring prices, by malpractices among dealers, or by hunger. But these grievances operated within a popular consensus as to what were legitimate and what were illegitimate practices in marketing, milling, baking, etc. This in turn was grounded upon a consistent traditional view of social norms and obligations, of the proper economic functions of several parties within the community, which, taken together, can be said to constitute the moral economy of the poor. An outrage of moral assumptions, quite as much as, actual deprivation, was the usual occasion for direct action [Thompson 1971: 79].

In the west, the causes of the criminality of any kind, such as, individual crimes, group criminality or group violence of the kind having happened at the time of French Revolution or food riots were never looked for in the very structure of the kind of societies they were. Reasons seemed to flow out of the marginal conditions of living of individuals or groups of people or infringement of the moral economy of the poor who offended conscience collective by committing some crime in reaction to it.

By 1860, a distinction came to be made again between the criminal sections of the working populations and industrious and hardworking men on the other. Thus in England 'Habitual Criminal Act' was passed in the year 1869 which classified only a section of the population identified as dangerous under the Vagrancy Act of 1824, as constituting the criminal class.

To conclude, dangerous and criminal classes were marginal people living at social margins and had marginal role to play in the definition of the identity of the west. In the language of philosophy, it was an epiphenomena, an aberration, as far as questions of defining the western identity was concerned. However, it is interesting to observe how these notions were transformed in the colonial discourse through which the character of the colonies was sought to be defined.

## **Colonial Discourse and Administrative Practices**

The colonial administrative discourse of crime in India was preoccupied mostly with the attributes of group criminality. Certain primary and hereditary groups were classified as criminals. Crime was held as their profession or occupation. This view flowed from the British assumptions about Indian society that centred on the view that India was best seen as a collection of castes. Caste was considered a thing, an entity with concrete and

measurable traits, for example, endogamy, commensality rules, fixed occupation, common ritual practices, etc [Cohn 1968, Srinivas 1962]. Hence the Victorian notion of criminality and criminal classes found a suitable refuge in the caste group thereby endowing it with criminality.

Such groups have been differently referred as tribes or castes and on many occasions tribes and castes have been used interchangeably to refer to them. Even if they are termed as tribes, "for all practical purposes they were treated as castes in the traditional rural society. Restrictions on inter-dining and inter-marriages prevailed. They were not considered untouchables but occupied lowermost positions in social hierarchy" [Bokil01: 148].

It was only two years after the Habitual Criminal Act was passed in 1869 in Britain, that the Criminal Tribes Act (CTA), 1871 (Act No xxvii of 1871) was promulgated to provide for the registration, surveillance and control of certain criminal tribes and enuchs in India. The bill was passed by the legislature and then it received the assent of the then governor-general on 12th October 1871. It laid down the following:

If the local government has reason to believe that any tribe, gang or class of persons is addicted to the systematic commission of non-bailable offences, it may report the case to the governor-general-in council, and may request his permission to declare such tribe, gang or class to be a criminal tribe [Simhadri 1991, Tribes Act, 1871 see Appendix of the book].

This act was supposed to be enforced in stages, taking in first the North-West Provinces, Oudh and Punjab, and then the other parts of British India. The procedure followed for notifying criminal tribes was stated to be cautious and circumspect. After notification, the groups had no recourse to the judicial system. Individuals, however, had certain rights to protest against the inclusion of their names in the registers to be maintained with local authorities. The report regarding any such tribe, gang or class that led to their notification was supposed to state the reasons for considering any group to be addicted to the systematic commission of non-bailable offences. It was also expected to state the nature and circumstances of the offences in which the members of the tribe were said to have committed the crimes. This caution, however, looked more theoretical than actually being followed in practice.

A major modification in the act was introduced in 1897. It amended a section on the words 'tribe', gang and class to include any portion or the members of a tribe, gang or class. Further amendments were made in 1911, 1924 and 1944, which gradually toned down the provisions of the act. It was finally repealed in independent India. By the time this act was repealed altogether 153 communities were brought under its stranglehold.

### **Practice of Classification**

In practice, the processes and procedures of the identification of criminal tribes were arbitrary and were rarely based on sufficient evidences or facts. Administration depended upon village headmen and landlords' accounts in many cases for initial notification of suspected people as belonging to some fraternity of criminals. It used to be in favour of the landlords to have itinerant communities notified if local respected people of the likes of headmen and landlords were made responsible for reporting. The notified and the registered people could then form a settled and pliable workforce in their field and could always be held in check on the threat of prosecution [Radhakrishna 1989].

Criminal caste groups were mostly lower caste people. Since the task of reporting generally remained with upper caste landlords the instances of crime committed by members of their own

castes were assimilated into the idea of individual crime. However, converse was the case with the groups occupying low position in the caste hierarchy. In certain cases, landlords were not entrusted with the task of receiving attendance reports directly but the nexus between the landlords and junior police officials allowed ample opportunities for achieving more or less similar results.

The guiding principle for the classification of criminal castes were not clearly defined or laid out. However, three important principles based on residence, profession and contiguity was found in operation for the purpose of classifying criminal tribes. Itinerant and wandering peoples were classified as criminal tribes (CTS) for they did not had fixed place of stay. Those groups who had not any single profession as the sole means of livelihood were also endowed with criminality. The two categories of residence and profession could also be intertwined and then further reinforced by the overall criterion of blood relationship between a particular group and those already notified. This contiguity, based on blood, as assumed by the administration led to many more notifications based on a single notification (ibid 1989).

Through ties of intermarriage members of the itinerant community were found related over a large geographical expanse. This extensive network of kinship relations over regional areas have led to the confirmation of the theory based on contiguity of blood. This ultimately lead to the enlistment of many itinerant trading communities such as, Koravas in Tamil Nadu under provision of CTA, 1911. Koravas were known as a large network of groups constituted of the Koravars in Tamil districts, Yerukelas in Telugu speaking areas and Korachas in ceded districts as criminal castes. These groups had diverging cultural traits and social practices; still it was possible to designate all of them as criminal tribes since they had marriage networks.

In addition to these three important criteria, there were many rules of the thumb on which administration relied to prove the criminality of any group. These could include, for example, a traditional social practice, like, bride price or polygamous marriage or any other. These could be cited as evidences of criminality or the alleged insolence of the group. Radhakrishna (1989) has stated, "All these notifications were possible because section three (3) of the CTA itself only required, 'reason to believe' on the part of local governments that the community in question was criminal; the administration chose to ignore the second half of the requirement, viz, the notifiable community's addiction to the systematic commission of non-bailable offences. The CTA could now be employed by anyone who had both a vested interest in notifying a particular group, and had influences with the authorities" (ibid 1989: 178).

Official accounts of criminal tribes show a great ignorance in comprehending the history of the groups. To take one example of Bhandus (Bonington 1931, see Census of India part III, vol I), a tribe found in north and central India and known as Karawal Nat in eastern India, the judgment of the administration and ethnographer about their propensity to crime was based mainly on police records. Since the history of Bhandus was not recorded it was simply assumed that the present pattern of crime was a continuation of traditional criminal practices. So the government lumped both guilty and innocent alike.

Banjars are another instance of the way they were construed and classified as criminal caste without understanding their past. Research has shown that the most of the Banjars were not involved in criminal activities, and those individuals who engaged in crime did so owing to certain developments which had made their traditional source of livelihood redundant [Varady 1979].

Banjaras were transporters before coming of the British and used their bullocks in carrying goods all over India. They also served Mughal and other armies of regional and local chieftains as transporter of goods. The expansion of the British rule and the development of communication and transportation facilities in greater parts of India adversely affected their traditional occupation. Many of them adapted to the changed circumstances by settling down and taking to cultivation, others continued with their wandering lifestyle. Some of them, however, took to crime. Thus by virtue of certain members who were either criminals or considered criminals, the entire group was classified as criminal.

The classic case of arbitrariness is, however, revealed in the case of the mev population of Rajasthan. The mevs were inhabitants of the cultural region called Mewat located in south-west of Delhi. It covered the British district of Gurgaon in Punjab and the princely states of Alwar and Bharatpur. Mevs were classified as criminal tribe both due to regional contiguity with the meenas, who had already been classified, under the assumption that they were related by blood with meenas. The evidence of blood relationship of mevs and meenas was not provided through actual genealogical records in surveys of marriage practices but was provided by the story of 'Darya Khan', which was a popular narrative performed at all mevs' marriage feasts.

The story consisted of two parts. The first one seemed to unfold as romance between Darya Khan and Sasbadni Begum when the couple was separate and the beloved envisaged the final union with her lover. In the second part of the story mev-meena opposition came out more directly. When Darya Khan went to retrieve her beloved, a battle was rendered inevitable. In the battle meenas were defeated thoroughly. This narrative was skilfully interpreted by the administration to conclude that they had a similar past and were of the same racial stock. The marriage of Darya Khan, a mev, and Sasbadni Begum, a meena, was taken as one of the series of marriages occurring regularly across the two groups that got discontinued during the time of Akbar when mevs and meenas clashed with one another. The administrative interpretations of the narrative of 'Darya Khan' completely dispensed with mev-meenas opposition that came out nicely in the second part.

In an alternative reading of the narrative of 'Darya Khan' Mayaram (1991) envisages the marriage of Darya Khan with Sasbadni meena as an exceptional case rather than any regular phenomenon. In fact, there had been relationship of traditional feud between them. The temporary alliance between mevs and meenas came about when Bada Rao (chief of a meena clan) and Todar Mal (chief of Pahat clan of mevs) decided on the marriage of their respective yet unborn grandchild and child. But at the time of 'gauna' rites they reverted back to the traditional relationship of feud.

In colonial administrative literatures the narrative 'Darya Khan' was elevated to the status of a historical event rather than an imaginative narrative. These also ignored many other ground realities as well, like mevs' affinal relationship with other local groups, who had respected antecedence. It was only after the mutiny of 1857 when mevs led from the front at several places that they came to be figured as rogues, predators and savage [Mayaram 1991].

Similar reasons and rationales provided the British administration the much-needed legitimacy to launch crackdowns on wandering groups of peoples in India. For the whole of colonial discourse there was a point of consensus that group criminality had emerged out of the very structure of Indian society and was not the result of the marginal conditions of living, quite unlike of metropolitan discourse.

CTA endowed extraordinary powers to multiple agencies to both keep a watch on them as well as to tame them and use their labour-power as effectively as possible. Criminal tribes men were forced to work in mills, factories, mines, quarries and plantations by the police. This constituted an effective means of both keeping a vigil as well as utilising them. As part of keeping vigil, extraordinary powers were also handed over to the employers. In case, their work performance was not found satisfactory, even ordinary workers could be declared criminal tribes. "As far as this particular use of the Criminal Tribes Act was concerned, any low caste, vulnerable sections of population could be declared a criminal tribe and forced to work in an enterprise; any persons including a manager of an enterprise could be made responsible for their control, and any site, including an enterprise could be declared a criminal settlement" [Radhakrishna 2000: 2556]. On plantations CTA in crucial ways effectively replaced Workmen's Breach of Contract Act, a safeguard against arbitrariness of the employer.

The movement of the members of tribes designated as criminal was regulated through a system of passes. Local authorities were endowed with discretionary powers to enhance surveillance, control and also inspect the place of residence of the offender or of suspect. Village headman, watchman and the landholders of a locality inhabited by the offender were also authorised to keep surveillance.

Some section of the act contained references related to reform measures. It also contained devices and mechanisms to resettle criminal tribes and if necessary to ensure their gainful employment. As part of the provisions of the act those declared criminal could be interned into settlements. Radhakrishna described one such settlement located in Guntur district of Madras presidency. 'In 1910s, when the criminal tribe settlements were established in Madras presidency, itinerant communities were singled out for settling by policy. The official directive was that "worst characters, especially wandering gangs" must be settled' (ibid 2000: 2557). The Salvation Army, an organisation entrusted with the task of reforming criminal castes, was given this responsibility; while sedentary criminals were handed over to the police.

While referring to this settlement, Radhakrishna says, there used to be heavy police presence outside this settlement to prevent any escape. Strict discipline was enforced inside and even corporal punishments were given to discourage and prohibit disorderly behaviour. Inside the settlement Salvation Army used to take attendance five times a day including night. No outsiders were allowed to get inside the settlement. Even the enquiries committees were allowed to enter it as late as in 1940s. And that too was possible because nationalist leaders took up this issue in their hands. Sholapur settlement is another of this kind. The entire settlement was fenced by barbed wires. The settlers worked as indentured labour and were made to run the textile mill of Sholapur. There were over seventy such settlements in whole of India [Abraham 1999].

Management and containment of criminal castes and thuggee was a multi-pronged strategy. On the one hand, the British administration used force; on the other it used more subtle ways of reforming and evangelising the barbarians-the criminal castes. Interning them in settlements, helping them start sedentary lives, separation of children from their parents [Radhakrishna 2000], conversion to Christianity were different manifestations of the concern of both maintaining law and order as well as of meeting the requirements of the so-called civilising mission the British claimed to be in India for.

On the whole, ethnographic and administrative accounts of criminal tribes have ignored the temporal dimension and are ahistorical. Thus present is sometime assimilated into past through an assumption of timeless continuity of the traditions of a group. The social mores of one group are meshed into the other and hence criminality is imbued with a kind of timelessness. This representation of criminal tribes is based on certain assumptions of the British about Indian society, in general, and the relationship of caste and occupation, in particular. However, as Crooke noted:

...It could be well guarded ...against the supposition that this classification of caste in any way represents existing facts. It must not be forgotten that there are only a few of the caste group or tribe which invariably adhere to the original trade or handicrafts which may have caused their association in the past [Crooke 1974 XI iv].

This streak of self-doubt expressed above could not ever become strong enough to question the assumed self-evidence of the criminality of certain classified groups in colonial discourse. This discourse lacked in precision, accuracy and rigour leading to the classification of criminal tribes. The pattern of consistency in the identification and classification process was also rarely found.

## II Ethnographic Profiles of Some Criminal Tribes and Thugee

The colonial discourse on criminal castes and tribes has developed around the accounts of ethnographic accounts of administrator-historians. In certain ways, the colonial discourse on group criminality fitted within the overall paradigm of 'orientalism'. The identities of both west and east were pinned down as differences of essence of human nature within a broad ontological perspective [Said 1978, Inden 1990] since the attributes and nature of group criminality are approached in markedly different ways.

Ethnographic profiles of some of the primary groups alleged to have criminal antecedence is relevant for sake of getting a feel of the tone and tenor of such writings that passed as objective and scientific accounts of their lives and provided the rationale for suppression and persecution of these communities. Crime for these groups was alleged to have been the primary source of livelihood. The most notable feature of this discourse is that these groups were considered as groups of hereditary criminals, and crime was seen to be their hereditary profession. In the discussions before the enactment of Criminal Tribes Act (Act xxvii of 1871) a member of the Viceroy's executive council J H Stephens is quoted to have said the following,

The special feature of India is the caste system. As it is, traders go by caste; a family of carpenters will be carpenters a century or five century hence, if they last so long. Keeping this in mind, the meaning of professional criminals is clear. It means a tribe whose ancestors were criminals from the time immemorial, who are themselves destined by the usage of caste to commit crimes and whose descendants will be offenders against law, until the whole tribe is exterminated or accounted for in the manner of Thugs. When a man tells you that he is an offender against law he has been so from the beginning and will be so to the end. Reform is impossible, for it is his trade, his caste, I may almost say his religion is to commit crime [Raghavaiah 1968: 188-89].

Such a view was typical of administrator-historians and many of ethnographic writings. Their ethnography was mainly focused on colonised subject as a body without subjectivity, agency or will. Even the crime was considered to have been performed without any agency and just as a function of habit or usage [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.

Here are brief profiles of some of these groups given. The way following profiles describe lifestyles, sources of livelihoods and social customs of these groups, it is clear that they are acknowledging their links to the profession of systematic commission of crime. They, however, do not stand out as cases with adequate justification for being classified as criminal groups. It would require in-depth anthropological fieldworks with these communities and archival explorations to probe the issue further. These profiles, however, serve one important purpose, i e, a demonstration of the fact that criminality of these groups was never really in doubt for them. As if, it preceded them, they were merely representing it and had no role in its construction. The profiles are here as follows:

### Bhantus

This description of the Bhantus is based on the profile of this group by Bonington (1931) and is an example of the presuppositions on the relationship of caste and crime, on the one hand, and the suspicion regarding nomadic on the other. In the account Bhantus were described as a wandering tribe whose members were found in north and central India. In eastern parts of the country they are known as karawal nats. Bhantus considered Chittorgarh their mother city and claimed descent from chauhan thakurs of the city. In terms of racial classification current at that time, Bonington attributed to them a Dravidian origin. Most of the clans of Bhantus perished before the coming of East India Company under the onslaught of Muslim rulers on rajput principalities. The more fortunate amongst them took shelter in forests and began leading a wandering life.

In the ethnological accounts of that period Bhantus were also connected with sansis, haburas and kanjaras. The name of the tribe Bhantus was said to be derived from 'Bhag-tu' (to run away). According to Bonington (1931), when Bhantus used to see other people they used to cry 'Bhag-tu'... 'Bhag-tu' that led to the name Bhantus. According to another tradition the name Bhantus was derived from 'Bhante', i e, of mixed origin or broken. It referred to the mixed ancestry of Bhantus. They had 36 clans, names of 24 of them were known. Each one of them had their own distinctive customs and rituals.

Bhantus were alleged to have criminal antecedence. The role of crime in defining their everyday life as well as their rituals was emphasised. Accordingly, it was stated that they led a nomadic life, organised in gangs consisting of a dozen families that kept away from settled villages. In the event of any joint raid members from different gangs used to combine together. Bhantus covered long distances for committing crime. Generally, they were not violent people but in self-defence they could become violent as well.

They could kill either by beating with short and hard stick that they usually wielded while on any operation. Their panchayat usually did not take any serious action against the person who had committed homicide. He, however, was expected to distribute 'gur' in his brotherhood as part of expiation.

Children were initiated into the world of crime as soon as they were ready to walk and talk, women did not participate actively in raids. They used to take care of children, assist in disposal of stolen items. They used to shoplift items from shops and

thereby used to support the family in this small way. The internal composition of clan was described as communitarian. Disputes within tribe/caste were arbitrated by panchayat. In theory, a few persons within the tribe could be entrusted the task of administering justice. In practice, however, only those persons were given this responsibility who had a reasonable knowledge of customary laws.

Consistent with the suspicion of the nomadic, Bonington stated that before the British government initiated administrative actions, they lived entirely by crime. A few who were engaged in agricultural activities were considered as having been ostensibly doing it and only as a cover for their real operations.

## **Banjaras**

Banjaras were found all over India. In Bombay presidency they were known by different names, such as; vanjaris, brinjaris, lamans, lambanis and lambadis. The tribe is divided into a number of sections, some were considered more criminal than others. Mathurias, labhans, charans and dharees are four major sections of Banjaras as classified by major Gunthrope. Dharees are Mohammedan and are bhats of Banjaras. Dharees observe Mohammedan rite of circumcision, still they closely resemble Hindus in manners, customs and appearance. Many of their names also resemble Hindu names. Each section was again subdivided into clans and families. Banjaras were nomadic people and used to temporarily settle in encampments. Their criminal activities were, as a rule, confined to a radius of thirty to sixty miles from their encampments called 'Tanda,' but for cattle-lifting purpose journey to the most distant positions were also undertaken. They either removed sheep and cattle from sheds or drove away from flocks or herds in the open. They then used to modify horn or the shape of ears to avoid any identification. An expert Banjara cattle-lifter would drive off cattle cleverly during the daytime while owners were taking meal, or when they were dozing. They also committed highway robbery and dacoity in dwelling places. Regarding Bombay presidency Kennedy referred to them as not being nomadic anymore, but some still kept their love for wandering.

Banjaras also used to commit dacoity in the manner common to the most criminals. While operating on roads, three or four Banjaras would accost lonely cart men and rob them of their grains, valuables and cash. A volley of stones generally ushered the attack in. To the cries of Din! Din!, the main body of Banjaras used to come to close quarters and then used their sticks and weapons. They used swords and guns for intimidation if available. While getting back they try to mislead any pursuit by departing in opposite direction to destination, splitting and traveling by unguarded roads.

Each gang worked under the supervision and leadership of a 'Naik' or 'Salia'. He planned the expedition in consultation with other members of the gang. One gang was usually constituted of 20 members each. Before setting out on any expedition they consulted omens and propitiated deities. For the expedition they were usually armed with sticks, slings, stones and if possible, with swords and guns.

Their dialect resembled Marwadis and contained some Hindustani and Marathi words. They were mostly well-conversant in the language of the region they lived in. They were superstitious, easily excitable and quarrelled a lot amongst themselves. Occasionally, it used to lead to bloodshed. A council of elders whose decisions were mandatory for both parties generally did the arbitration of disputes.

Banjaras were the carriers of grains, salt and merchandise of all sorts and served in the transport department of Mughal armies. They also served British troops. The spread of civilisation and improvement in communications had deprived them of their hereditary callings. This representation of Banjaras is based on the accounts of the same tribe by Kennedy (1917) and Enthoven (1973).

## **Budhuk**

This brief representation of Budhuks is based on Hutton's (1981) description of Budhuks as a group of killers. The word Budhuk is derived from Badha, i.e., striking, killing or slaughter. They were supposed to have committed great havoc in the country in association with Thugs. Their main hunting areas were in the border country of Oudh, where they lived with impunity under the government of Oudh. They were low castemen and would eat anything but bullocks, cows and buffaloes. They did not like doing manual work and hence did not like cultivation. They considered themselves as sons of tigers and hence did not accept agriculture as their vocation. They rather lived on prowling, snatching and robbing others. A familiar saying amongst Budhuks says, 'Once a Budhuk, always a Budhuk – and all Budhuks are dacoits'.

They generally avoided violence while robbing. They took to violence only in case of self-defence or to secure success of attack. In that case they could wound or slay. According to Hutton, Shoojah-Dowlah, Nawab of Awadh recruited Budhuks into his army. It had no effect on traditional practices of Budhuks. In fact, this provided them new opportunities of engaging in traditional practices. The regiment, in which they were in majority later came to be known as 'Wolf regiment' due to its illegitimate practices. It was later disbanded.

Main deities of Budhuks were Devi Mata and Sooraj Devata. Before any expedition they propitiated deities as well as consulted omens. If omens were not found favourable they would suspend operations. Budhuks were a closed primary group as any other caste, it, however, adopted outsiders as well who were initiated in the profession of crime.

## **Sansis**

The profile of Sansi tribe is based upon accounts of the same group by Ibbetson (1981) and from Imperial Gazetteer of India: Provincial Series – Punjab (reprint 1984). The Sansis were one among nine vagrant groups of central Punjab mentioned in the same gazetteer. They are, however, to be met practically all over India. Their habits vary in different areas. They travel about in gangs of varying strengths with their families, bullocks, cows, male buffaloes, ponies, sheep, goats and dogs. Their population was highest in Lahore and Amritsar division and were also found in good numbers in Ludhiana, Karnal and Gujarat. In Gurdaspur they were considered notorious. They traced their origin from Marwar and Ajmer and are still found in good numbers in these regions. Sansis were fundamentally a nomadic tribe and used to seldom settle anywhere for long durations. In Bharatpur and Dholpur steps have been taken to settle them. They were expert in catching and eating all sorts of wild animals. They were great hunters. They kept along with them herds of sheep, goats, pigs and donkeys. Their women participated in all festivities of the group and danced and sang. It was believed that women also prostituted themselves.

About 11 per cent of Sansis were Muslim converts. Some of them were Sikhs and rest were Hindus. Sansis traced their present to one Sansmal of Bharatpur whom they still 'rever' as their 'Guru'.

Sansmal is also known as Malang Shah and is worshipped by Sansis. A peculiarity of the marriage ceremony of Sansis as noticed by Ibbetson was that bride was covered by a basket on which the bridegroom sat while marriage rites are performed.

The Sansis were considered the most criminal class in Punjab [Ibbetson 1981]. They specialised in burglary and highway robbery. They also committed petty pilfering. Sansi women also participated in raids though not directly. They helped men-folk by looking after cattels and children. They were also experts in disposal of the stolen materials. Petty crimes like shoplifting, especially, in market places were also quite common among them. In Lahore and Gurdaspur they created havoc by robbing people on lonely roads. They conducted raids for foodgrains also. They also used to consult omens before conducting raids. They were determined and fearless in pursuit of any professional task.

### **Bowarias**

The profile of Bowarias is based on the ethnographic accounts of the same group by Croke (1974). Bowarias were found in Muzaffarnagar and Mirzapur. The Bowarias claimed that they were not recent people but of ancient time and illustrious descent. According to a tradition current among them, when Ravan took away Sita, the wife of god Ram, he sought the help of all castes to fight with Ravana to secure her. The leader of Bowarias called 'Pardhi' also went along with Ram to vanquish Ravan and recover Sita. Pleased with him, Ram asked Pardhi if he could do something for him (Pardhi) and his followers. Pardhi said, 'I may attend your majesty's mountguard... and I shall have all that my heart wishes' [Croke 1974 : 232]. The god granted him his wishes. The Bowarias claim that later princes who employed members of the Bowaria to vanquish their enemies carried on the tradition. The speciality of Bowarias, according to Croke, was the art of cutting the throat of the enemy and bringing his head to the patron prince.

Bowarias, as a whole, were divided into eight clans – Panwar, Soharki, Dabas, Chauhan, Tunwar, Dhandara, Gorohi and Chami. One section was based in upper 'doab'. They had retained their earlier customs and manners intact. Another section was based in east of doab. This section claimed a more respectable origin. They had given up their earlier customs and manners. The Bowarias of Mirzapur considered themselves good Hindus. For instance, they respected cows and abstained from eating beef. They cremated their dead and immersed their ashes into the Ganges. The two deities worshipped by them were 'Kali Bhowani' and 'Zahir Diwan'. Eastern Bowarias consciously separated themselves from the western Bowarias due to the stigma attached to latter's name. Now they have got dispersed and have come to be known by different names. However, before the dispersion of Bowarias from in and around Delhi, they were seen as engaged in all sorts of criminal activities.

### **Thugee**

Thugs or Phansigars were described as a secret brotherhood of murderers and plunderers. They were settled in different parts of India but were very similar due to common practices being followed by them as well as due to the nature and extent of spoliation. In northern India, they were known as Thugs literally meaning one who deceives. They were known as Phansigars in south India meaning stranglers.

In pre-British era they had protection of local authorities. A portion of the booty they collected had to be shared with local chieftains. In return they had their protection. Thugs were known

for the fact that they never committed robbery without murder. They used to dispose off the bodies after strangulating their victims. They also followed the rule of not allowing any member of a party that they raided to escape. They usually left no witnesses of their acts. Boys of tender age were, however, spared and adopted by them. After a certain age they were initiated into their mysterious and violent cult. Their gangs were constituted of 10 to 50 or may be more men. The gang consisted of both Hindus and Mohammedans. Each gang had its leaders who supervised their operations.

They lived in peace with their neighbours. Their victims were exclusively travellers whom they accosted on lonely roads. A gang conducted operations either individually or with other gangs. While on expeditions they usually acted as ordinary travellers. They were skilled in the art of deception. While on expedition they asked fellow passengers about place of origin, destination, purpose of journey and valuables with them. The modus operandi of operations varied and depended upon circumstances. Sometime, they proposed to the travellers whom they wanted to rob that they travel with them. Else, they followed them from a distance and waited for the opportunity to put a rope round the neck of travellers. The disposal of body was done by burial.

Thugs also consulted omens. They were worshippers of Kali or Bhowanee. She was the main goddess of Thugs irrespective of their religious persuasion. They considered Bhowanee as spirit created by god. God had ordained that they were to worship Bhowanee. Thugs took no blame of their acts; they were reported to have said that it is god that kills and not they [Bruce 1968].

## **III**

### **Collective Crime and British Authority**

The colonial regime classified certain peoples as criminal whom they considered disorderly and dangerous. This was done due to certain imperatives of administration. It was the need of a consolidating colonial regime that dispersed of all elements which sought to challenge the British authority. In 1829 the 'Thugee and Dacoity Department' was founded. The suppression of Thugee was its main assignment, apart from dealing with such other elements that posed danger to the British rule. Thugee as an institution was the prime target since in colonial evaluation it was conceived as 'organised conspiracy'. The importance, which the colonial regime attributed to this newly formed department, was reflected from the fact that it functioned in addition to many police departments in almost each province. It was expected to perform the functions of a supervisory body in coordinating and communicating across provinces. It was later converted into 'Criminal Investigating Department'. The concept of British authority in India was an exclusive one unlike pre-British India. It was exclusive in the sense that it had absolute authority to effect changes either through brute force or moral influence. Thugee and other forms of collective criminality with its alleged connotations of an alternative structure of state and society needed to be dealt firmly.

By the middle of 19th century the concern regarding social order had become primary in the mind of colonial administration. Peasant insurgencies, depredations of Thugee and some other people living by crime were attacking the very edifice of the colonial state. The Great Rebellion of 1857 further underscored this.

After the 1857 mutiny, the British empire embarked on two major projects of consolidating the regime. First, a subtle one, led to the creation of a body of 'appropriate knowledge' helping them understand Indian society and culture better while all same offering legitimacy to administrative concerns and decisions of the colonial

state. About the colonial state in 19th century after mutiny, Dirks states explicitly 'The ethnographic state was driven by the belief that India could be ruled using anthropological knowledge to understand and control its subjects, and to represent and legitimate its own mission' [Dirks 2001:44].

Referring to administrative accounts of peasant insurgencies for a period of over hundred years, Guha has similar observation to make. He states clearly, 'Causality was harnessed thus to counter-insurgency and the sense of history converted into an element of administrative concern' [Guha 1983: 3]. Similarly, the administrative and ethnographic classification of certain groups as disorderly and inherently criminal provided the much needed ideological justification for the colonial domination [Mayaram 1991, Yang 1985].

The second project, a much obvious one, contained a set of practical and direct administrative and legislative measures seeking to ensure social order. These included direct action against popular uprisings, tightening internal security, notification for enlistment of criminal tribes, reform of such elements by resettling them, drafting of loyal sections of population into army and replacing rebellious ones, etc.

## Conclusion

In another context, Guha tracing the intellectual origins of Permanent Settlement points to the fact that how the physiocratic thought – precursor of political economy – and a critique of feudalism and ancien regime became instrumental in helping develop a neo-feudal social organisation based on landed property in a colonial regime [Guha 1981]. He envisages many other systems of thought that were used against feudalism by western bourgeoisie undergoing the same fate, tailor-made for sake of administrative convenience of British colonial regimes. The concept of dangerous classes and criminal classes – a product of bourgeoisie fears in metropolitan west – during the transition to capitalism had however a less radical adaptation in India. It found a suitable refuge in the institution of caste.

From the description of some of the criminal tribes and castes given here and analysis of discourses of group criminality, it would be clear that in the colonial administrative discourse, group criminality in Indian society was seen as emanating from the structure of the Indian society – especially its divisions into castes and tribes unlike metropolitan discourse. It was assumed that persons belonging to classified groups took to crime because of their membership in a caste or tribe that followed crime as hereditary profession or occupation. Second, crime was seen as linked with particular styles that marked different castes and tribes. Thirdly, the performance of crime was not seen as an individual activity but one with societal sanctions evidenced in worshipping of deities and performance of other rituals.

What was suppressed in this discourse was any attempt to see the impact of British rule on the marginalisation of several castes and tribes who may have been compelled to take to crime (as it was shown to be happening in west) since their own source of livelihood were not available to them anymore. Thus the general discourse on caste provided the framework within which the connections between caste and crime were forged and then seen as unique mask of Indian society. [27]

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