

Steal or I'll Call You a Thief

'Criminal' Tribes of India

Susan Abraham

Instead of celebrating the militant and heroic heritage of those designated 'criminal tribes' by the British rulers, independent India continues to ill-treat them. With cruel irony constant harassment in fact drives some of them to crime.

* JALAN belongs to the pardhi community. Her husband would be arrested and beaten up at regular intervals; her two children were 'confiscated' by the police on the charge that they were stolen as she did not have their birth certificates. Recently, she was stripped off a sari by the police for not possessing its cash memo.

* Budhan Sabar belonged to the kheria-sabar community of West Bengal. Recently married he was determined to eke out a living from his handicrafts. On his way to the market one day he was picked up by the police. He was continuously beaten for five days and nights though a search of his house showed no evidence of theft. On the sixth day he was sent to jail where the beatings continued. On the seventh day he was declared dead.

* Pinya Hari Kale belonged to the pardhi community, who worked as a landless agricultural labourer and on whom his wife and four children depended for their livelihood. One day the police picked him up on charges of theft. The next day while still in custody, he was declared dead.

These are not the happenings of the previous century when communities such as pardhis, kheria-sabars or the vadaris, bhils, bedars, kalkadis, kanjars, mangarudis, nir shikaris or tadvis of Maharashtra like hundreds of communities all over India, were labelled 'criminal tribes' by the British penal system. Then, a member of any of these communities could be randomly picked up, tortured, maimed or even killed.

These incidents occurred in 1998, 50 years after so-called independence. Jalan's stripping took place on March 9. Budhan Sabar's death was due to torture by the officer-in-charge of Barabazar police station in West Bengal and he died on February 17. Pinya Hari Kale was arrested by Baramati police in Maharashtra on June 8, killed in one day and his dead body buried in a forest. They all belonged to that community called 'denotified' tribes (DNTs). What happened to them is symbolic of the treatment meted out to this community to this day. Even the use of the term 'denotified' is like branding them

—once a criminal tribe, now an ex-criminal tribe.

No wonder then that throughout Maharashtra, August 15, 1997 was observed as black day by the DNT communities and various ‘bomabom’ (shout or cry out) rallies were taken out throughout the state to highlight the plight of these communities.

Every year persons from the DN tribes are either mob lynched, killed by the police or forced into criminal activities by the police. It must be the worst form of exploitation when the establishment forces a section of the people to be engaged in criminal activities—akin to the exploitation of women kept enslaved in the prostitution trade. The DNTs who submit are trapped in a world of rob and run in which the local police are also paid a share of the booty. If they dare to not submit, they are hounded out anyway. Budhan Sabar’s ‘offence’ was that he was trying to eke out a living on handicrafts. For the stigma of ‘criminal tribe’ is unerasable in the eyes of the law and the rest of society.

In fact the activists of the Paschim Bangla Kheria Sakar Kalyan Samiti (PBKSKS) headed by writer-activist Mahashweta Devi feels that the very formation of the Samiti, to which Budhan Sabar belonged, was a threat to the establishment. The Samiti was formed not only to assist the community members in developing their handicrafts but to fight against police atrocities. And the police officer who tortured Budhan to his death, was known for his hatred for this particular community. In 1992, Roy was punished with a transfer when during a night raid of a Sabar village he not only beat Shanti Sabar to death but made the Sabars cremate her body at gunpoint.

In West Bengal between 1977 and 1982 more than 42 people, mostly youth belonging to the lodha community were brutally killed by the police or mob lynched. The popular belief is that in this state, under Left Front rule for decades, the torture or killing of a DNT earns the police promotions and political patronage. In 1992, the suicide of Chuni Kotwal on August 16 ought to have made the nation hang its head in shame. Chuni, the only graduate from the lodha community from West Bengal was an outstanding student doing her masters in anthropology. In the face of continuous harassment and humiliation for belonging to a criminal tribe, she was forced to commit suicide.

In 1997 a spate of robberies in the northern suburbs of Mumbai resulted in the city police commissioner R Mendonca going on record with his statement that the

pardhi community being a criminal tribe was responsible. As if this was not bad enough, the police swung into action to round up hundreds of pardhis living in slums, destroying their houses and subjecting them to torture and prolonged incarceration. When a public outcry ensued, the commissioner was forced to publicly apologise. The atrocities continued however.

Today in India there are approximately two crore people belonging to the DNTs who are spread over 126 tribes and castes all over India. Apart from Maharashtra which offers reservation facilities (a paltry 2 per cent), in none of the other states are the DNTs entitled to reservations. The literacy levels among the community would be almost nil. They are denied the right to own land and are thus forced into leading nomadic or marginal lives. Clubbed together with the nomadic tribes (NTs), they form the most backward group of people socially and economically. Till date no rehabilitation plans exist for the NTs and DNTs even on paper. The recommendations of the Backward Classes Enquiry Commission way back in 1955 have yet to be accepted by governments, let alone implemented. In fact, the abysmal state in which the ‘untouchable’ castes were forced to live in ancient India is the fate of the DNTs and NTs of modern India.

Their continued exploitation and criminalisation can best be seen from the enactment of the Bombay Habitual Offenders Act in 1959, seven years after the repeal of the British enacted Criminal Tribes Act of 1871. Arbitrary powers are given to the police of Gujarat, Maharashtra by way of the new law which is targeted against the very same communities.

If you go through the profiles of these DNTs, you will be surprised to know that the wandering minstrels of Jodhpur, other professional singers and musicians, snake charmers, fishermen, village acrobats, nomadic cattlegrazers, grass cutters, handicraftsmen, weavers and other nomadic tribals are among those branded as criminal tribes.

To understand how these communities got entrapped in the most devious manner imaginable, it is necessary to trace their origins. Their history shows that their ancestors were either forest inhabitants or wandering tribes who had distinct cultural identities. Their way of life was relatively self-sustaining and the major centres of ancient Indian civilisations had very little impact on them. Up to the Mughal period the forests on which these communities were dependent were so vast, remote and

inaccessible that these areas yielded little or no income to the state treasuries.

The scenario changed with the advent of the East India Company. More and more forests were brought under its control for commercial exploitation. With their lives thus threatened, many from these communities took to rebellions against the foreigners. In fact, many from these communities had taken part in and been martyred in the first war of independence against the British in 1857.

With the formalisation of British rule after 1857, more and more of the forest habitat of these communities was brought under colonial control, with the advent of railways and large-scale felling of forests. The upper caste peasantry also began large-scale land grabbing in the tribal regions of central and south India. The extension of the British penal system to these areas sealed the fate of these indigenous forest dwellers. There was large-scale loss of their lands and an end to their economic independence, thus forcing large numbers to migrate. Some may even have been forced into the world of crime.

However, the larger response of these communities to the land grabbing tactics of outsiders, tax and rent imposition, violation of forest rights, bonded and indentured labour forced on them was that of rebellions and armed revolts. The rebellions of the berad communities against the British are part of folklore though poorly documented. It was the ramoshi community that comprised a large segment of Vasudev Balwant Phadke’s guerilla squads.

It was keeping in view the propensity of these indigenous tribes to revolt, and that too with weapons, that the Criminal Tribes Act of 1871 was enacted. Just as the zamindari system was imposed on the Indian feudal structure by the British, the indigenous communities were sought to be appended to the caste system at its lowliest bottom. Its main architect and member of the Law and Order Commis-

TABLE A: CASTE AND CRIME, 1871-72

Caste	Population	Per cent in Total Population	Per cent Among Convicts
Brahmin	2,641,776	3.95	6.0
Rajput	1,238,250	1.86	1.6
Kayasth	1,626,141	2.43	6.1
Goala	3,126,715	4.69	7.2
Kaibartta	2,191,597	3.29	6.6
Chandal	1,648,349	2.47	1.5
Kurmi	965,649	1.45	1.1
Dusadh	953,005	1.43	5.00
Muslims	20,664,775	30.99	36.8
Christians	93,013	0.14	1.6

Source: Bengal Administration Report 1871-72, p 106.

sion, T V Stephens propounded the thesis that as the caste system was a special feature of Indian society, with each trade linked to a caste, crime is also endemic to certain communities.

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 centuries...Viewed from this angle, the meaning of professional is clear. It means tribes whose ancestors were criminal from time immemorial, who are themselves destined by the usage of caste to commit crime and whose descendants will be offenders against law until the whole tribe is exterminated or accounted for in the manner of the thugs.

A more diabolic system than the caste system was thus brought into practice by the British to enslave large numbers of the local population.

Until 1871, no particular caste or community had been dubbed as 'criminal' in local parlance. In fact, a recent report by A K Biswas in *Frontier* (November 8-14, 1998) shows that if the crime graph of West Bengal of 1871-72 was studied caste/communitywise, it would be found that the upper castes featured more than proportionately among convicts while most of the other backward castes showed a share in crime which was less than their respective percentage of population (Table A).

The point most forcefully proved by this is that there was no basis for the subsequent classification that certain castes, that too only from the backward castes and tribes, had an inclination for crime. The upper caste beneficiaries of the caste system for their part lent their weight to the divide and rule designs of the British.

The British colonialists thus ensured that sections of the Indian population were permanently linked to the world of crime, thereby actually forcing many to engage in criminal activities. Aboriginal tribes, backward castes and nomadic communities were arbitrarily brought under the purview of the CTA.

By the time this dastardly law was repealed in 1952, altogether 153 communities were brought under its stranglehold. All districts had to register each member of a 'criminal' tribe within its jurisdiction. Their finger impressions had to be taken in the CT Act register. Passes had to be obtained from the police if anyone wished to leave the village. Daily 'hazri' (reporting to the police) had to be recorded with the police. First imprisonment would be for one year, second for several years and a third would mean transportation for life – no matter if the crime was something as minor as petty theft.

The worst aspect of the exploitation of these communities was the setting up of industrial and agricultural settlements for 'criminal tribes'. The British government was empowered by the act to force any individual family or whole groups of these communities to the settlements even without being accused of any crime. Children could be forcibly taken away from their parents and kept in remand homes which were more like prisons. Such tactics quite resembled the tactics used by the European colonialists to exterminate or subjugate the native Americans Indian populations in the US.

The Sholapur settlement can be seen even today as a chilly reminder of what these settlements were like. Hewn in rock by the Woddars a century ago, these massive stone structures stand deserted in Auschwitz-like gloom. The entire settlement was fenced off by barbed wire. The 'settlers' were used as indentured labour kept in shackles, and made to run the textile mills of Sholapur. There are 72 other such settlements in different parts of the country. These communities were forced into slavery, not to free them from a life of crime, but to provide free labour to the mines, mills and firms of the British in India. Some were transported to distant lands where their craftsmanship was used for sculptures and carvings. There can be seen even today in countries like Malaysia according to social activist and noted author Laxman Gaikwad.

It can thus be seen that the whole concept of criminal tribes was entirely a creation of the British for which no previous social base existed. A primary motive was to curb the spontaneous revolts and rebellions of certain warring communities against alienation from their natural habitats and

against forced penury. The berad communities resorted to armed dacoities, not to loot the local populace but to empty the armouries and treasuries of the British. Their acts were considered as acts of valour and honour which indeed they were. They were the early guerrilla fighters against colonialism. Another obvious motive was to create slave labour.

But what of the plight of the descendants of these 153 communities today? Present-day society's attitudes are no better than that of the British. The roughly two crore DNTs of India are nobody's children who continue to lead a hunted existence. Neither successive governments nor Hindu society nor the established parties of the scheduled castes and tribes have taken up their cause. Many are kept bonded to a life of crime as no alternative exists for them. The law and order machinery is a willing sponsor to this scenario.

In a public interest litigation filed by Mahashweta Devi before the Calcutta High Court after the death of Budhan Sabar in police custody, Justice Ruma Pal passed a historical judgment on August 6, 1998, ordering a CBI enquiry into Budhan Sabar's death, the immediate transfer of inspector Ashoke Roy and Rs 1 lakh compensation to Budhan Sabar's widow. In the case of Pinya Hari Kale a writ petition has been filed by Laxman Gaikwad in the Bombay High Court.

There is an urgent need to work amongst these communities, to organise them to liberate themselves from their present-day social and economic miseries. There is an urgent need not only to document but to reclaim their militant and heroic heritage. Last but not least, there is an urgent need to link their struggles to the revolutionary struggles for a new democratic India.

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