

In 1932, a British army officer, Lieutenant General Sir George MacMunn, wrote a book called *The Underworld of India*. In this not-quite-scholarly treatise, MacMunn rambles at length about all that he found dark and dreaded while on his tour of duty in India. In a chapter titled “Criminal Tribes and Classes,” MacMunn wrote: “They are absolutely the scum, the flotsam and jetsam of Indian life, of no more regard than the beasts of the field.”

Sprinkled through the rest of the chapter are several other references to such tribes, all as derogatory. The Chantichors (“bundle-stealers”) are all “feckless and unstable.” Harnis have a “gift for humbugging the world.” Ramoshis were employed by the British as watchmen, but such a watchman “is always an incorrigible pander, being prepared to produce ladies of the flimsiest virtue at the shortest notice.” Vanjari women are “bright and comely [with] well-moulded breasts,” and are “adept no doubt in venery.” In fact, MacMunn makes it a point to comment on the women of nearly every tribe. He mentions: all are invariably “comely” yet “hopelessly immoral.” (MacMunn also has an astonishing tendency to refer to women as “baggages”, but I’ll let that pass).

In 1871, the British passed the “Criminal Tribes Act.” It notified about 150 tribes around India as criminal, giving the police wide powers to arrest them and monitor their movements. The effect of this law was simple: just being born into one of those 150 tribes made you a criminal. As T.V. Stephens, a British official of the time, said while introducing the Bill that became the Act: “... people from time immemorial have been pursuing the caste system

Declared Criminal at Birth

India’s “Denotified Tribes”

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defined job-positions: weaving, carpentry and such were hereditary jobs. So there must have been hereditary criminals also who pursued their forefathers’ profession.”

Why did the British feel a need for such an Act? Arguably, it was part of an entire model of how law and order was to be preserved in colonial India. To the British, used as they were to a highly centralized governance, India seemed a hair-raisingly volatile place with its complex array of castes and communities, functioning as autonomous, self governing entities, following different life styles and social norms. Those communities, which offered the stiffest resistance to pax -Britannica, were targeted in

different ways for such special treatment. Among the worst victims were communities which did not have a sedentary life style which made it more difficult to demand subservience from them.

A strategy was evolved to concentrate the limited resources and efforts of the police on selected, visible targets. This was the only way to give the appearance of effectively guaranteeing “public peace”. In *Imperial Power and Popular Politics: Class, Resistance and the State in India 1850-1950*, the Cambridge University historian, Rajnarayan Chandavarkar explains: “[The police had] necessarily to rely upon a general consensus about



Pardhi family, Rajale. Photo taken in June 1999

which groups in society were especially prone to criminal activity and might constitute, therefore, the proper objects of policing. ... By enacting this principle of selection [of particular groups], the colonial state was able to create criminal tribes and castes."

Chandavarkar writes that even though they were the focus of much police action, "the criminal tribes were scarcely, by the late nineteenth century, a potent threat to social order."

Criminal tribes were just a convenient target, a scapegoat. By acting against them, the state could keep up at least a pretence of law enforcement, even if a lot more crime

happened and was left unpunished. Chandavarkar writes: "While in reality crime went largely unreported and unrecorded, police reports and memoirs ... described in painstaking detail, crimes of savage brutality or extraordinary guile and cunning or those which reflected exotic customs and elaborate rituals. This was particularly the case with ... the criminal tribes and castes, whose supposed criminality was represented as an inheritance and a profession, inextricably connected to their lineage and genealogy."

In those lurid police records was born a view of certain tribes that made it easy to call them criminal. It appears repeatedly in the *Gazettes*, the

remarkably detailed accounts by British officials of happenings in the districts. For instance, Volume XII of the 1880 Bombay Presidency Gazette has these remarks about Pardhis, groups of whom this author has been spending time with in rural Maharashtra state: "They are still fond of hunting and poaching and have not got rid of their turn for thieving.... The Phase Pardhi [a sub-tribe] is nearly always ragged and dirty, walking with a sneaking gait."

"A sneaking gait": not very different from the attitude that permeates the writing of Lt. Gen. George MacMunn.

Unfortunately, attitudes like that have long outlived the British

Damned at Birth

The 1871 Criminal Tribes Act was a product of the climate and attitudes, that had prevailed for years before. Many of the tribes we call denotified (DNT) today had been seen as criminal for a long time. The Act was just a formalisation of this view, fueled by the attitudes and the model of policing, Chandavarkar writes about:

To understand this, take Ramoshis, a tribe found in Maharashtra. They find repeated unsavoury mention in older accounts. On the principle of "setting a thief to catch a thief", Ramoshis in particular were widely hired as guards. Today, they are better known as watchmen rather than as criminals. The stigma itself has stimulated a curious inversion of prejudice.

Ramoshi prowess at this profession brought about an intriguing page in their history. The Bombay Presidency Gazette of 1885 tells the story:

The Ramoshis ... on many occasions exerted themselves greatly in Shivaji's service ... Shivaji, who was anxious to get possession of Purandhar, sent a detachment from Sinhagad accompanied by a party of Ramoshis to surprise the Mussalman garrison and capture the fort. ... A Ramoshi ... ascended the wall and attached to the top of the rope ladders they carried with them. But as the Ramoshis were ascending the wall, the sentry in the vicinity descried them and cut the ropes, and the escalading party were all precipitated to the bottom, some being killed and the rest desperately wounded.

Now Shivaji campaigned in the second half of the 1600s. By that time, Ramoshis had already been through three phases of public perception. They were looked upon as criminals. Then they were thought of as valiant guards against other criminals. Finally they earned Shivaji's trust as equally valiant fellow-warriors.

And yet, all their bravery and "exertion" on their behalf does not seem to have done their reputation any good. A century later, they were back to being "incorrigible thieves." In the same Gazette, there is this passage about both, their supposed doings and the persecution they suffered in the 1700s:

About 1730, the Ramoshis became extremely troublesome, assembling in large bodies and plundering in every direction. ... They were looked upon as a degraded caste and incorrigible thieves ... and perpetrated many outrages. ... About 1764 Pilaji Jadhavrav was appointed *sarnaik* of the Ramoshis. ... He executed a large number of them. ... His brother Sambhaji was presented with a sword and permitted to put five Ramoshis to death every day.

While looking at the history of DNTs, at the Act that came to govern their lives, we must understand that this is the milieu in which they lived, in which that Act was passed. It was a time in which such feelings about entire communities were not only prevalent, but were not seen as particularly unusual either.

TV Stephens, Member of the Law and Order Commission, while introducing the Bill that became the 1871 Act, observed that such tribes were criminals from times immemorial :

They are destined by the usages of caste to commit crime and their descendants will be offenders against law until the whole tribe is exterminated or accounted for in the manner of Thugs. ... I may almost say his religion is to commit crime.

administration in India. This is true even though a newly independent India repealed the Criminal Tribes Act in 1952. That being so, they were no longer to be called “criminal”, but “denotified tribes.” Nevertheless, nearly half-a century later, they are still routinely called criminal.

I found a typical example in *The Telegraph* newspaper (Calcutta, July 31 1998). A report about a series of robberies by Pardhis in the state of Madhya Pradesh says, Pardhis are “identified as having criminal antecedents,” that they are “listed as [a] criminal ethnic group.” (This is a lie, because such listing lapsed when the CT Act was repealed in 1952). Besides, the Chief Minister of the state is quoted complaining that his state’s “projects to provide these people with education did not have any impact on their criminal instincts.”

When the highest elected official in a state refers to the “criminal instincts” of these tribals, and newspapers write about their “criminal



Rickshaw and Biscuit, June 1999

antecedents”, there seems little hope that they will ever be seen as ordinary Indians. Sure enough, nearly everyone I have spoken to about Pardhis — policemen, industrialists, students, professors, villagers — has

assumed that they have a propensity for crime. Such an assumption is the starting point for discussion.

This is not to say that members of such tribes do not indulge in crime. They do, and their crimes range from stealing pomegranates from fields to burglaries in which people get murdered. A retired police constable I met in Satara district showed me several lists of *Pardhi tolis* or gangs, each centred on one family that wander the district committing crimes. He knew the particular methods of each *tole*. The police station in Phaltan, a large town in the district, has pictures of several Pardhis wanted for area crimes, some of whose names were in the *tolis* that the retired constable showed me.

Without doubt, there are Pardhis who commit crimes. But there are reasons for such crimes. They deserve consideration. Take what Stephen Fuchs wrote in *The Aboriginal Tribes of India* (1973): “A number of such tribes are passionately nomadic, and since

Denotified and Nomadic Tribes Rights Action Group

The Denotified and Nomadic Tribes Rights Action Group (DNT-RAG) was founded after a conference in Baroda in March 1998. Mahashweta Devi, the Bengali writer-activist, had been invited to give a lecture there. She spoke of her work with the Kheria Sabar ex-criminal tribe in West Bengal, leading to the formation of DNT-RAG. Three people founded it: Laxman Gaikwad, an award-winning author and activist from Maharashtra, himself a member of the Uchlya denotified tribe; Dr GN Devy, an ex-professor of English at Maharaja Sayajirao University in Baroda, a well-known writer himself and head of the Bhasha Research Centre to research tribal languages that runs a yearly lecture series; and Mahashweta Devi.

DNT-RAG has worked on getting justice for the families of Pinya Kale and Budhan Sabar (a DNT member similarly killed in West Bengal); and were able to get the killers of Bhikabhai Bajania (a member of Gujarat’s Bajania tribe) in Ahmedabad arrested. DNT-RAG has also held numerous meetings in small towns in Gujarat, Bengal and Maharashtra; besides setting up four community development centres for these tribes. It compiled and submitted a comprehensive report to the NHRC on the status of DNTs. It has campaigned for the repeal of the Habitual Offenders’ Act which is routinely used to torment DNTs.

DNT-RAG publishes *Budhan* (named for Budhan Sabar) every two months. This journal carries news and research reports about DNTs.

foodgathering and hunting in the jungle, in the traditional manner, is often impossible, they have switched over to the rather dangerous ... life of 'foraging' in the fields, villages and towns. ... This has gained them a bad reputation and in the British times some of them were branded criminal and held under close police supervision. Since Independence this stigma has been taken from them, but the watch over them by the police has not much relaxed. ... They are forced by the prevailing adverse circumstances to practise subsistence thieving."

If there are Pardhis who commit crimes, at least part of the blame lies in the fact that life "in the traditional manner" is no longer an option. Part of the blame also

lies with societal attitudes that leave them with no choice. Time and again, I have met Pardhis who tell me the local schools do not allow their children to attend classes. If they do manage to stay in school and graduate, jobs are hard to get. After a meeting near Phaltan where several speakers urged Pardhis to educate their children, and especially their girls, one woman stopped me outside and pointed to her grown daughter. "I struggled so she could graduate from school," she said. "But now nobody will give her a job because she is a Pardhi. What's the use of all this talk of education?"

So Pardhis continue to be seen as criminal. The police continue to round them up every time there is a crime — petty or major — in the area. This



S.K. Pant and his son Chenne, Satara Distt.

usually means just one thing: a thrashing in the police station. That is what happened to a Pardhi called Pinya Hari Kale at the Baramati (Satara District, Maharashtra) police station, on June 8 1998.

Like many Pardhis in Satara, 35-year-old Kale was a landless agricultural labourer. His 1000 rupees a month was the only income available to support his wife and five children. Late on June 8, three constables picked up Kale in Baramati. Now since the arrest of Pardhis on suspicion is a purely normal thing, Kale's wife Chandrasena wasn't particularly perturbed when he did not return home that night. As she told the Bombay High Court in a petition, she "expected him to be detained and released."

That did not happen. When she went to the police station to ask after him the next day, two constables showed her his dead body.

A local magistrate and a doctor at Baramati's Golden Jubilee Hospital produced an extraordinary post-mortem report that absolved the police altogether, corroborating their claim that Kale "fell down" while trying to run from the constables and died soon after. A second post-mortem, at Chandrasena's insistence, found "evidence of multiple concussions", 14 in number. It concluded that Kale had died "due to multiple blunt injuries with evidence of head injury."

Because of these conflicting post-mortem reports, an official of the Pune Criminal Investigation Department, BN Mane, was asked to investigate Kale's

death. He found that at the police station, the three constables and a sub-inspector had beaten Kale "with sticks and belt." Because of this, Kale died early on June 9. The sub-inspector's report about the incident said Kale died accidentally; Mane terms this a "false and concocted story."

Mane has filed complaints against all four men. They are under suspension, while a further investigation takes place.

Clearly, given Mane's findings, the state itself has concluded that Kale was killed in police custody. Yet, for months, it did not pay his family any compensation, let alone show that it intends to punish the four policemen. Chandrasena's petition, now making slow progress through the courts, asks for both these measures.

It is important to understand that what happened to Kale is entirely typical of what happens to denotified tribes. Police harrassment happens solely because these tribes are seen as criminal: too often, such harrassment results in death. That is the spectre India's ex-criminal tribes face every day.

There are, nevertheless, some signs of hope. DNT-RAG (see box) informed the National Human Rights Commission about Pinya Kale's death. The NHRC's response got far less attention than it deserved. On December 22, 1998, it ruled that "for the limited purpose of awarding interim relief," it is not necessary to wait for charges against the four policemen to be proved in a criminal court. A "strong prima facie case" is

sufficient; and BN Mane's investigation clearly makes just such a case.

The NHRC directed the State of Maharashtra to pay Kale's family Rs 2,00,000 in compensation. It also directed the State to consider action against the magistrate and the doctor who conducted the first post-mortem, for "doctoring the inquest report to suit the offenders." The punitive action has not happened yet. But in February 1999, the Government of Maharashtra responded to the NHRC's direction by issuing instructions to pay the Rs 2,00,000 compensation. On April 9, a police inspector at the Baramati Police Station handed over the money to the Kale family: Rs 25,000 was in cash and the rest was invested in three-year

term deposits in the names of Pinya's wife and children.

Cases like this may be the first signs of a small turn in the tide. In awarding compensation and recommending that police officers be punished, the state implicitly recognizes the rights of such tribes, the injustice that they live under daily. This does not yet amount to much. In particular, we need to see if the policemen are really punished. But it is a step up from the widespread attitudes these tribes have always had to face. To me, these cases offer some hope that one day, India's ex-criminal tribes will no longer suffer the stigma of being so labelled; that they will no longer be a convenient target via which the police can pretend that they are fighting crime. □

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Confronting Discrimination Head On

Most of us from third world countries discrimination in some form or another almost everyday. It often leaves a sour taste in our mouth. The following story, downloaded from the internet, shows us the side of human dignity and respect for that would help build a more egalitarian world. The following incident provides a sense of hope for it shows there are companies and individuals who confront discrimination head on, if only one small step at a time.

On a British Airways flight from Johannesburg, a middle-aged, well-off white South African Lady found herself sitting next to a black man. She called the cabin crew attendant over to complain about her seating. "What is the problem Madam?" asked the attendant. "Can't you see?" she said " You've sat me next to a kaffir. I can't possibly sit next to this disgusting human. Find me another seat!" "Please calm down Madam." the stewardess replied. "The flight is very full today. I'll go and check to see if we have any seats available in club or first class."

The woman cocks a snooty look at the outraged black man beside her, not to mention many of the surrounding passengers. A few minutes later the stewardess returned with the good news, which she delivered to the lady, who could help but look at the people around her with a smug and self-satisfied grin: "Madam, I've spoken to the cabin services director. Unfortunately, the economy class is full as also the club class. However, we do have one seat in the first class". Before the lady has a chance to answer, the stewardess continued..."It is most extraordinary to make this kind of upgrade. However, I have had to get special permission from the captain. Given the circumstances, the captain felt that it was outrageous that someone be forced to sit next to such an obnoxious person." With that, she turned to the black man sitting next to the lady, and said: "Sir if you'd like to get your things together, I have a seat ready for you..." At that point, apparently the surrounding passengers stood up and gave a standing ovation, while the black guy walked up to the front of the plane.

People will forget what you said people will forget what you did but people will never forget how you made them feel.

Sent by
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