

Denotified Tribal Communities in India: From Historical Moorings to Contemporary Landscape

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Introduction

During the colonial rule in India, the British government created the category of 'Criminal Tribes' through the process of accreditation of tags to suit their own ambitions and political gains. Mainly, the nomadic tribes were targeted as criminal tribes under the Criminal Tribes Act, 1871. Jawaharlal Nehru, the first Prime Minister of independent India, had mentioned in his 1936 speech that CTA's 'monstrous provisions' were a negation of civil liberty' (Cited in D'Souza). This attempt to brand certain communities as 'Criminal Tribes' (referred to as CTs hereafter) can be traced to trends across the world, where society holds baseless prejudices against the wandering/ nomadic communities. It was alleged that the nomadic people were relatively more developed physically in comparison to their intellectual and moral development- as such, they are regarded as fit cases of born criminals under Lombroso's checklist for the born criminals (Gibson 2006). It is important to note here that Cesare Lombroso was a pioneer of positivist criminology and created the category of born criminals on the basis of the presence of certain physical features from his checklist of born criminals. The CTs were regarded to fit in under the category of born criminals. Mayhew, in his chronicle of British urban life regarded the nomadic tribes to be brutal and uncivilised (Mayhew 1851). Thus, linking criminality with nomadism can be traced back to the way British, and the Europeans in general treated the gypsies in their own country. And the countries they colonised. However, while in Britain, criminality was associated with the individual, in India, the entire community in India was criminalised by the British.

Reasons for creating the 'Criminal Tribe' Category

The itinerant communities were already on the radar of the Europeans for their ambulatory practices, which was the ground for suspicion against them. The movements of these communities were unpredictable because they could not be put under surveillance, hence could not be controlled. These nomadic communities developed their knowledge base as they moved from one region to another, which, as the State always felt, used it for manipulating the sedentary communities and manoeuvring their ways to usurp their property.

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