

The Passing of the Criminal Tribes Act of 1871 and its effect on Gaduliya Lohar in the present Context

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Abstract

Historically viewed, the mobility of the indigenous people and nomads of 19th century British colonial period attracted the attention of the law and policy makers. Accordingly, the nomads had to face various forms of surveillance regulation and policing designed to constrain them. In India, too, the Britishers perceived the nomadic way of life as a challenge, as the communities were on the move, living as cattle grazers, musicians, acrobats, fortune tellers, mat basket makers, and so on. The project to settle these communities resulted in their ruthless suppression and the loss of their traditional occupations. The nomadic communities that were always on the move were designated as Criminal Tribes under the Criminal Tribes Act of 1871. This paper is an attempt to study the conditions in which the Criminal Tribe Act of 1871 was passed - the Act branded the nomads as notified criminals. The paper also reflects upon the present condition of the denotified Gaduliya Lohar nomads and the lingering effects of the Criminal Tribes Act on them, even after being denotified in 1952.

Keywords: Nomads, Criminal Tribe Act, Colonial Policy, Gaduliya Lohars

Introduction

Human identity is socially constructed. Who we are and how we define ourselves take place through a complex interactionist process in which others identify us, and we also identify ourselves (Conrad and Schneider 1992: 50-55). Both our individual and social identities are born out of such dialogical acts, which are based on the particular use of language, discourses and modes of expression (Taylor 1994: 25-73). Thus, if identities are constructed in relation to others, we need to understand how others see, describe and potentially objectify people's identity. Moreover, as identities are constructed within power systems, we need to carefully examine how those in power classify and legalise those whose access to power is more limited than theirs (Cristina-Ioana Dragomir 2021). Across Europe, the nomadic communities were given negative identities, branding them