

**Invented Pasts and Fabricated Presents:
Indian Nomadic and Denotified
Communities**

Meena Radhakrishna

Kunda Datar Memorial Lecture, 2009

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Invented Pasts and Fabricated Presents: Indian Nomadic and Denotified Communities*

Meena Radhakrishna

Friends, I am most honoured to be here, and I must thank the Gokhale Institute of Politics and Economics for inviting me to give this prestigious memorial lecture. Thank you very much, indeed.

I am going to talk about a subject which has been close to my heart for 25 or more years, and the issues which I am going to present here started raising their heads when I was a doctorate student. There are reasons for revisiting that research today which I will come to shortly.

Let me begin with a few headlines which will be familiar to an average, middle class English newspaper reader. Throughout the last decade, gory tales of murder, rape and robbery with mindless violence have been doing the rounds for the avid consumption of the urban readership, and certain special kinds of communities have been claimed to be responsible for all neighbourhood crime. The following headlines have been extracted from national dailies in different cities, which appeared approximately ten years ago:

- *Haryana to flush out Criminal Tribes*¹
- *Ten members of criminal tribe held*²
- *Was the murder handiwork of criminal tribe*³
- *Criminal tribes strike in Pratapgarh, kill three*⁴

The public was thus introduced to the idea of criminal tribes about a decade ago. Here are some more news items which appeared this year, and over the last couple of years:

- *Security guard murdered; **Bawaria** gang suspected*⁵
- *Six **Bawariya** criminals held*⁶
- *Hooch tragedy: **Dadu Charra**, 3 women bootleggers held*⁷

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¹ *Indian Express*, February 27, 1999.

² *The Times of India*, November 30, 2001.

³ *Tribune News Service*, June 21, 2001.

⁴ *Asia Africa Intelligence Wire*, April 01, 2003.

⁵ *UNI*, April 26, 2009.

⁶ *The Tribune*, August 25, 2009.

⁷ *Zee News*, July 12, 2009.

- *Five **Pardhi** gang members arrested*⁸
- *Prostitution as a tradition among **Bedia** tribe of North India*⁹
- *Members of **Hakki Pikki** tribe arrested on dacoity charge*¹⁰
- *Four women of **Sansi** tribe held*¹¹

So now everyone “knows” who these criminal tribes are. The content of such news items has always been titillating and voyeuristic, and such reports are not just widely read, they are also animatedly discussed. They give details of how the gangs brutally kill watchmen with sharp, crude implements before they commit dacoities on helpless elderly couples, or how they brew unlicensed and unsafe country liquor which leads to large scale deaths; or how in certain communities men live off their women’s earnings, whose “traditional” occupation is prostitution.... There are also frequent television programmes on these communities, describing in detail their supposed *modus operandi* in committing crime. Hence, lately, the names of certain communities (combined with familiarity with the earlier term "criminal tribes") have become synonymous with brutal and violent crime or with utter moral bankruptcy.

It is important to go back to the historical issues first to know how they lead on to the contemporary ones. I want to initiate a discussion here which I hope will raise a number of concerns, apart from sharing with you the situation of these communities during the British period, and by proxy, their condition today: the power of ideology or myths which get transmuted into facts or memory *vs.* history, the state and its numerous instruments of control and so on. I hope that you will find this subject of some interest, which on a conservative estimate affects about 80 millions of Indian people, a staggering number.¹² Let me begin by discussing how the ancestors of these communities fared in colonial India.

Criminal Tribes Act, 1871¹³

In 1871, the British instituted the Criminal Tribes Act, under which, over the next 50 years, about 200 communities were declared ‘criminal tribes’ by the British. This Act enabled provincial governments to declare any tribe, section or class of the people to be a Criminal Tribe; to order their registration and the taking of their finger prints; to direct that every such registered member should

⁸ *Indian Express*, September 23, 2008.

⁹ *Kamasutra News*, January 26, 2008.

¹⁰ *The Hindu*, July 23, 2007.

¹¹ *The Tribune*, June 17, 2006.

¹² Calculated and estimated by this author as Director (Research), National Commission for Nomadic, Semi-Nomadic and Denotified Tribes, Ministry of Social Justice and Empowerment, Government of India, 2007.

¹³ The following three sections draw from Radhakrishna, Meena (2001 and 2008); (2006 and 2008b).

report himself or herself at fixed intervals to a police officer of the village; to further direct that those declared criminal tribes will report to the authorities any changes of residence; and that their movements will be restricted to a particular geographical area.

A provision of the Act denied members of the Criminal Tribe normal rights under the common law; another provision took away the jurisdiction of the courts to question the validity of notifications issued under this Act. It was not for any offence committed that all these punitive measures were employed, but only for "preventive action". This could be done even though a Criminal Tribe member had no previous convictions, had never gone to prison, or even paid a fine. All that was required for notification of a community as a Criminal Tribe was "reason to believe" on the part of the police that the community was addicted to crime.

Under one of the important provisions of the Criminal Tribes Act, thousands of thus notified people were interned into special settlements, and forced to work in mills, factories, mines, quarries and plantations. The police administration, as a part of relieving their own vigilance duties, frequently handed them over to the employers, granting them extraordinary powers of control under the Act. The spirit behind these settlements, thus, can be imagined to be punitive, rather than reformatory, contrary to the claims by the administration till much later.

Historical Reasons for Declaration as Criminal Tribes

There were a number of factors which contributed to the declaration of entire communities as criminal which differed from province to province. I am going to discuss only some overarching reasons here.

The 1857 war of independence convinced the British that it was time to sort out the faithful from the rebellious, to differentiate between the loyal and the disloyal. There were a number of communities who had sided with the rebels and mutineers in 1857. These communities were used by the rebel princes and *rajahs* either directly to fight against the British, or were indirectly involved in a variety of ways in assisting their armies. Being nomadic, they also knew the terrain across different regions well, and were often used as messengers by the rebels. These communities were brutally suppressed during 1857, and later declared Criminal Tribes under the Criminal Tribes Act, 1871.

Another set of communities which fell in the net of the Criminal Tribes Act had acquired a criminal image with the administration because of the resistance put up by them to attempts by the British to annex their villages. Whole villages were burnt down, and the communities declared Criminal Tribes because of the tenacious resistance they put up. In addition, throughout the 19th century the British government cleared the forests for commercial use and ordered the forest communities to provide labour for the newly established plantations. The communities who resisted this were declared criminal tribes.

Moreover, the plethora of new legislation that the British introduced created new 'criminals' all the time. The forest laws put into force from mid-nineteenth century onwards deprived a large number of communities of their traditional rights of grazing, hunting/gathering and shifting cultivation in specific areas. The affected communities were ignorant of the new laws, or defied infringement on their traditional rights and frequently found themselves on the wrong side of the new laws.

Developing disciplines of Anthropology, Anthropometry and the Pseudoscience of Eugenics also contributed to the idea of a born criminal. Anthropology during this period focused on the supposedly savage practices of certain communities which according to the British bordered. The discipline, at the time wholly in the service of the British administration, was in the hands of either missionaries or administrators themselves. This contributed to the thinking that certain communities had criminal cultural practices. Practitioners of the discipline of Anthropometry further claimed that through developing a 'nasal or a cephalic index' a criminal community's attributes could be identified (by measuring the size of the nose or skull). There were believers like Lombroso that criminals are born with inferior physiologies and that there was a connection between the nature of crime and the physiology of the offender. Such thinking popularised the notion of a born criminal. The science of genetics also inspired the pseudoscience of eugenics which professed that people inherited criminal genes.

Nomads as Criminals

The most important strand which wove into the Criminal Tribes Act, however, was the European view that all gypsies are criminals, and following that logic, all Indian nomadic communities were imagined to be potential criminals as well. Not having enough knowledge about either the European gypsies or the Indian nomads, the British administrators felt that people who constantly moved were aimless vagrants, needed to be settled and put under surveillance through appropriate legislation. The general opinion about nomads is that they are constantly moving because they must be escaping from law, or simply fleeing from hard work of any kind. Nomadism is not seen as a chosen way of life, but as an aberration of some sort. Research establishes that settled communities have always been ambivalent in their attitude to mobile communities and while the latter's usefulness is recognized, they are regarded with hostility and suspicion. Thus communities which historically bear the stigma of hereditary criminality have been nomadic ones.

A number of such communities earned a livelihood through petty trade with local settled communities. Travelling over rough terrain, they used to carry their merchandise on the backs of animals and moved around selling petty useful articles to outlying and unconnected villages. Such communities slowly lost their means of livelihood when the road and railway networks began to connect

villages and towns. As mentioned earlier, in any case the British administrators suspected all nomadic people. Now it could be also argued that once such communities had lost their legitimate means of livelihood, they must be living by crime. There is ample evidence to show that a very large number of communities who were formerly nomadic traders fell in the net of the Criminal Tribes Act because of such an argument.

Furthermore, with the British administrator, cultural or caste prejudices against nomadic people substituted proof of criminality. Nomadic communities' relatively egalitarian practices regarding their women allowed widow remarriage, choosing of own husbands, easy divorce, lack of child marriage and so on. These practices, in the eyes of high caste groups of the society, made such communities immoral, almost criminal. The Victorian morality of the British many a time coincided with Brahminical values regarding women, and in addition they depended on high caste sections for testimonies of 'good character' of a villager. Historical records show that if a nomadic community which was already considered to have low morals by the high caste society also defied these powerful sections in any way (for example, by refusing to work free on their land, or by wearing a turban or using a hookah – the signifiers of high caste status), such a community was declared a criminal tribe.

To give an idea of the broadness and flexibility of the term 'criminal', and the open ended uses to which the Criminal Tribes Act could be put, it was suggested within the British administration that the Act could be used profitably "for combating secret societies, political preachers who might create unrest and so on" to combat the newly emerging nationalist movement.

Categories of Nomads¹⁴

Being multi-skilled and multi-resourced, nomadic communities exercised a large range of livelihood options at any given point of time. However, those who were declared criminal tribes by and large can be classified into six generic categories by the primary livelihood they followed. These were:

1. The nomadic petty traders who used to carry their merchandise on the back of the animals and supplied the villages with varied items like salt, forest produce etc.
2. Nomadic communities which entertained the public through performing arts. Among these were musicians, dancers, singers, storytellers, acrobats, gymnasts, puppeteers and tightrope walkers.
3. Nomadic communities which entertained the public with the help of performing animals such as bears, monkeys, snakes, owls, birds, etc.
4. Nomadic pastoral groups, and the hunting, gathering and shifting cultivator communities within the forests which traded not just in forest produce, but

¹⁴ See Radhakrishna, Meena (2010).

in animals as well. They were also herders and traded in meat or milk products with outlying villagers.

5. Nomadic artisan communities which worked with bamboo, iron, clay etc. and made and repaired a variety of useful articles, implements and artifacts. They traded or sold them to settled villagers.
6. Nomadic individuals who subsisted on charity, or were paid in kind for 'spiritual' services rendered to traditional Indian society. Such *sadhus*, *fakirs*, religious mendicants, fortune tellers, genealogists and traditional faith healers had a low but legitimate place in the social hierarchy of settled people. Some of them carried medicinal herbs and provided healing services through them.

All the above categories of people were declared Criminal Tribes from 1871 onwards. As can be seen from the above description, the Criminal Tribes Act was very large in its sweep across provinces and Presidencies, and a very large number of communities suffered from its impact. In the princely states, different versions of the Act were applied, and depending on the whim of the ruler, the provisions were either modified or kept the same as in British India.

Contemporary Times: Continuities in State Practices

These communities are today called Denotified Tribes by the Indian state. This new nomenclature was attached to them when upon independence, Pandit Nehru declared the Criminal Tribes Act to be a blot on the law book of newly free India, and those who were notified under this Act were now denotified. The very fact that overnight, with a stroke of pen, the independent Indian state no longer considered so many communities to be criminals showed that the earlier charge of criminality against them was recognized to be a fabricated and unjust one.

Then what is the rationale behind discussing this issue today, apart from sharing a fragment of history with you?

The rationale is that in spite of the celebrated denotification, we find a breathtaking continuity and similarity between the treatment of these communities by the colonial administration and the Indian state today, with new charges and accusations originating from new state concerns. The tag of criminality on these communities is today re-invoked by an antagonistic administration which pins new acts of commission and omission on them. As researchers and human rights activists, we find that the content and context of the terms 'criminal tribe' is a constantly shifting one, spanning both historical and contemporary time, but ensnaring the very same communities again and again.

Traditional Livelihoods Declared Unlawful¹⁵

The first point to note here is that when the Criminal Tribes Act was repealed, it was simply replaced with the Habitual Offenders' Act, which makes exactly the same assumptions as the earlier Act, except that instead of penalizing whole communities, it deals with individuals from the same communities. But what is equally important to understand is that there is a whole battery of new legislation which does not actively brand these communities as criminals – it simply renders their earlier means of livelihood as illegitimate, or criminal. In independent India, over the last few decades, a number of laws have been instituted which criminalise traditional livelihoods. The stated concerns for these new laws range from conservation of forests or wild animals to preserving the sanctity of the urban space.

The most glaring examples of such laws are the Wildlife Protection Act, 1972, and the Forest (Conservation) Act, 1980, which have affected innumerable forest based nomadic communities. In one long breath, they declare illegal the grazing of cattle; collection of forest produce and hunting of small game for their food requirements (or for selling); and growing of staple food through shifting cultivation. The label 'criminal tribe' is being re-invoked today by a belligerent forest administration especially for the nomadic pastoral or other forest-based nomadic communities. The vocabulary used to describe their livelihoods is interesting. These communities are said to be "plundering and raping the forests" and "murdering wildlife".

Further, the Prevention of Cruelty to Animals Act, 1950, along with the Wildlife Protection Act, 1972 is widely used by the civil administration, the forest administration, and the police and animal rights groups to book communities which own a wild animal and use it for street entertainment. Interestingly, even after the Wildlife Protection Act, 1972 came into force, possession of wild animals for entertainment or as a pet was legally permitted till as recently as 1993. Licenses were issued to these communities by the assistant conservator of forests or forest officers. Today, animal rights groups and international NGOs in India have been steadily working to rescue bears, snakes, birds and monkeys from the concerned communities, and advocating strict punishment to these "cruel, inhuman, and sadistic criminals".

As an aside here, I would like to share with you my personal position on this matter. I strongly feel that a society or state cannot suddenly declare itself to be animal-loving through legislative means, putting at stake the dignity and future of its *human* subjects. The public memory of the dancing bear and performing monkey is so close that the concerned communities still attempt to make a living by it; the forms these attempts take may be strange, bizarre and surreal. In at least one of the fashionable shopping areas of Delhi, and some particular traffic

¹⁵ Loss of livelihood by nomadic communities because of implementation of different laws has been discussed in Radhakrishna (2007, 2009ba, 2009b).

signals, one can sometimes spot a lonely small child dressed to resemble a bear, more often a monkey, and performing on his own the tricks that the animal prompted by its owner used to do. These children attract attention of an amused audience, and even get paid for their antics. Sights of such blasphemy on childhood, and on human beings, are a poignant reminder of where the priorities of an animal rights campaign should lie. A state-supported successful and responsible animal rights movement should not just aim at ensuring humane treatment of animals by humans, but also aim to free humans from animals. These communities do not necessarily *want* to continue to work with animals – they are forced to do so as they have no other skills or livelihood options, and there aren't any rehabilitation measures especially designed for them by the administration.

But let us return to more examples of contemporary laws which adversely affect these communities.¹⁶

The Bombay Prevention of Begging Act, 1959 – adopted with amendments by a large number of states and applicable to an ever increasing number of towns and cities in India today – has also adversely affected the livelihood of nomadic communities. That this Act was written with the nomadic communities in mind is evident from the definition of begging itself. Begging is defined as: “Soliciting or receiving alms, in a public place, whether or not under any pretence such as *singing, dancing, fortune telling, performing or offering any article for sale*”. In practice, then, any one who approaches an audience to get paid for the street entertainment which they have provided, gets booked for begging.

The significant point about anti-beggary legislation is that it is used by the administration largely in urban areas. This piece of legislation penalizes all the performing communities, with or without animals. Artisan communities are also prohibited from selling any items on the street as this is also seen to be a cover for begging. In Delhi recently, there was acute harassment of these communities by a zealous administration in the name of keeping up the flow of traffic on major roads, as the destitute children of these communities used to sell at traffic signals artifacts made by their nomadic artisan parents. Such children were caught by the police, who promptly took away the few rupees the children had earned, as exemplary punishment for trying to eke out an honest but unlawful livelihood. Those who used to live on the charity of the traditional village society and used to seek alms as holy men or healers are in any case rounded up as beggars under this Act if they are found on an urban street.

The Anti-beggary Act further makes culpable those “*having no visible means of subsistence and wandering about* or remaining in any public place in such condition or manner, as makes it likely that the person doing so may solicit or receive alms.” In effect, just having no visible means of subsistence (meaning being unemployed) and wandering about (meaning not having a permanent home) makes a person culpable.

¹⁶ Radhakrishna (2008b).

Not surprisingly, in the year 2007, I found that 90 per cent of all beggars in Delhi belong to nomadic communities. I found this when I visited the beggar courts where all those who are rounded up by the police are produced before a bench and are treated as offenders against law. It is a matter of further research as to whether in contemporary times these communities are really reduced to such destitution that they actually beg, or whether their traditional work – which they still try and do on urban streets -- is interpreted as beggary.

These are just some laws which have criminalized a very large number of nomadic communities' work. There are others which affect non-nomadic denotified communities which I am not going into here. A notorious example of such legislation will be the new excise laws which do not allow communities to brew and sell traditional liquor as it is banned and now called 'illicit'. Rather than training them to make liquor lawfully, a traditional occupation has been made unlawful in these changing times of factory produced 'legal' liquor.

In this way, a large number of communities are re-entering the public discourse as criminals because earlier livelihoods which were perfectly legal till yesterday have been declared criminal activities and are punishable today under law.

Acute Harassment by State Agencies

On the whole, there is now a very high incidence of unemployment among these people, though many continue to illegally practice these very same professions for want of alternative regular work. This situation facilitates the reinventing of the label criminal tribe and pinning other people's crime on these communities.

As the headlines which I read out in the beginning of this talk would testify, whenever a dacoity or a robbery takes place in a town, the nearest settlement of these communities is raided, and menfolk arrested to show results to the public. Whenever the actual culprits are not found, the media (briefed by the police) widely publicises that the crime was committed by the erstwhile criminal tribes who have criminality in their blood, and that because they are particularly nimble fingered, they are difficult to catch. The media does not report that only after hefty bribes are given by the arrested men's destitute families to the police are the hapless men of these communities released.

Some forest nomadic denotified communities are similarly on the run today for alleged involvement in poaching of wild animals, including the precious tiger.¹⁷ An explicit connection between the earlier 'criminal tribe' status of the hunting communities and their current poaching activities is drawn by a frenzied media briefed by the forest department or a section of environmentalists. For instance, consider the following headlines in major newspapers:

– *Pardhi tribe named the biggest threat to wildlife*¹⁸

¹⁷ See Radhakrishna (2009a).

¹⁸ *Indian Express*, January 8, 2007.

– *Hunting tribe being tamed in Madhya Pradesh to wean it away from poaching*¹⁹

In a recent personal conversation, a senior forest officer candidly accepted to me that the pressure from the civil society, tiger conservation groups and the government to produce ‘results’ is so great, that as soon as a tiger is poached, arbitrary arrests are made from hunting communities immediately, and a gang is claimed to have been caught by the forest department.

A visit to semi-permanent localities where most of these people drudge out their daily lives may reveal the grossest poverty and want, shocking even to those hardened eyes which daily witness sickly, hungry, unwashed and unclothed children at every major crossing in Delhi. The question then to be asked is this: if all members of such communities are merciless robbers, killers and peddlers of tiger parts, why then do these communities live in such appalling conditions of poverty?

Victims of Extreme Civil Society Violence

There is another fallout of this re-introduction of the term criminal tribe. One frequently comes across cases of daily police harassment of these communities. A typical case would be of a woman of a denotified community wearing a new sari being rounded up on the charge that she could not produce a receipt to show she had bought it and not stolen it, and being asked to remove it and hand it to the police. One also often reads about the death of a denotified tribe member in police custody. However, in civil society it was acute discrimination and severe humiliation of these communities which used to be the norm – for instance, being mercilessly chased away if such a community tried to pitch its tent in the neighbourhood, their crops being burnt if they dared to till even legally owned land; or not being allowed to draw water from a common source.

In the recent months, however, some hair-raising incidents have come to public notice involving barbaric violence on denotified and nomadic communities perpetrated by the citizens themselves. The following cases got wide coverage in the media:

– *“Hated, Humiliated, Butchered: Ten persons were lynched last month in Vaishali, Bihar. They belonged to the denotified “Nat” community.”*²⁰

– *Four nomads lynched in Bihar*²¹

– *“Our Own or the Enemy? Another member of the denotified tribes was lynched to death in Maharashtra; how long will this continue”*²²

What is most worrying is the frequency with which it is happening, which means that such lynchings have become acceptable to ordinary members of our

¹⁹ *The Pioneer*, April 17, 2010. For a detailed exposition of this issue, see Radhakrishna, 2009a.

²⁰ *Tehelka*, October, 2007.

²¹ *Deccan Chronicle*, August 7, 2009.

²² Editorial, *Economic & Political Weekly*, January 9, 2010.

increasingly brutalised society. As the news items quoted in the beginning of this talk show, a terror in the public mind has been fanned regarding these people. Consider the following news item, for instance, which appeared in the public domain about a year ago and which has substituted the label nomadic tribe for criminal tribe:

*Involvement of Nomadic Tribes Suspected in a Delhi Murder Case*²³

Given this state of affairs, it will naturally follow that public lynching of individuals from these communities is now widely justified as *vigilante justice* by citizens who decided to take the law into their own hands.²⁴

The cold-blooded Bihar lynching of 11 alleged thieves was widely reported in the press as having happened because the nomads were caught “red-handed” by villagers keeping vigil. This was later denied by the state administration itself after a CBI enquiry, but no punishment was meted out to the culprits. Second, there is the lesser known case in Madhya Pradesh involving a denotified community whose member had allegedly raped and killed a village woman. In retaliation, a middle aged couple was killed from the community, the woman raped in revenge before she was killed and thrown into a well, an entire settlement of 300 people burnt down, the community hounded out, and not allowed to be rehabilitated by the villagers. Third, another little known incident, which circulated in the public domain for a day or two, occurred in Kerala. A woman and her two children were suspected of theft of a gold anklet in a shop, and so the angry shopkeepers and the public caught them. They were then punched, kicked and battered, and finally disrobed publicly by an enraged public which aimed to find the jewellery on their persons. The fourth incident involved a young man in Bihar who was named by the *ojha* of the village that he had stolen the idols from the village temple. He was battered to death by an enraged mob. And finally a man from a pastoral community, suspected of being a cow-lifter was chained and thrashed by the workers and manager of a *gaushala* – a shelter for cows -- in the Punjab till he died.

There are some commonalities which should be pointed out emphatically. First, in all the cases it is a mere suspicion of crime, not the proof of crime which seemed to justify the public killings or other forms of punishment like severe thrashing, rape or burning down of a whole village. Second, in almost all the cases, it was later found that the victims of such extreme violence were innocent. Third, the law and order keepers in were actually present or were informed of the incident well in advance and they did nothing to stop the beatings in time to save the lives of those who were caught by the mobs. Fourth, these cases have not happened only in much-maligned Bihar, where mob lynching is reported by the BBC to be “the order of the day” but also across Madhya Pradesh, Kerala and the Punjab.

²³ *The Hindu*, November 5, 2008.

²⁴ The next four paras draw from Radhakrishna (2008a).

There is a shared feeling among members of the settled society that certain spaces both in towns and village areas cannot be polluted by the presence of nomadic and denotified sections. In the case of Madhya Pradesh, it was considered an offence if these denotified nomads were settled by the administration in the midst of a 'respectable' OBC community a decade ago. The nomadic woman and her children were reported to be "suspiciously lurking around" in the market area in a Kerala town, and not seen to be present in a public place legitimately as any one else. The conclusion reportedly drawn from their presence by the "crowd" was that they must be visiting from their home state of Tamil Nadu to steal children. In the *gaushala* case in the Punjab, the lynching gives a message to all nomadic grazers and herders that unlike other citizens, if they are found anywhere near the sacred shelter for cows, they do so at their own peril. Most disturbingly, even after the nomads in the Bihar case were lynched in the medieval style, and even after it was established that they had not stolen anything, the question that kept cropping up was: "But what were they doing in that village any way?"

A simple answer to the last question is that nomadic people have no territorial rights and no piece of earth which they can call their own. So they remain mobile and their livelihood requires them to visit more places than other people need to. Because their traditional occupations have got destroyed over the last century, they now enter new public spaces rather than sticking to their old routes of travel. At any rate they have as much a right to be in any public place as any one else. This right is questioned, especially when there is an increasing notion of beautified and sanitised places even in small towns where deprived and poor looking people are unwelcome and have begun to get accused of being potential or actual criminals if they enter them. An age-old wish on the part of the higher castes – now increasingly shared even by the OBCs – is that the lower ones in the hierarchy do not dare to cohabit, or even pass through their exclusive islands.

At the Bottom of the Lowest Rungs of Social Hierarchy²⁵

Evidently, there is a new hierarchy emerging within our marginalized sections. Today we have a phenomenon in which nomadic and de-notified communities – numbering an unbelievable eight crores or more -- have been by and large given reservations under the SC, ST and OBC categories, and in all the three, with some rare exceptions, these are the groups which form the lowest rungs. Moreover, a particular nomadic community could be relegated to the SC category in one state, ST in another and OBC in yet another.

What is the explanation for the nomadic communities to be so arbitrarily distributed? Close observation of these communities shows that they carried, and continue to carry, the characteristics and extreme disadvantages associated with

²⁵ See Radhakrishna (2008c) for a detailed discussion of this issue.

all the three categories of SC, ST and OBC. This threefold baggage is carried to such an extent that this might have confused the policy-makers while categorizing such communities for reservations. So many of these communities were and are still considered polluting even by the untouchable castes and so seem to qualify to be SCs. In addition, they share the isolation and cultural distinctiveness of forest communities officially designated as STs. When the Mandal Commission re-defined social backwardness, a large number of nomads were accommodated here, especially if they were the Muslim counterparts of those already given reservations decades ago.

In other words, the acute disadvantage of all the three categories can often be found in a single nomadic community.

These groups have on paper all the advantages of affirmative action, but they never or seldom access them. This is partly because being nomadic till very recently, or being still nomadic, they do not have a permanent address and so no way of identifying themselves to the authorities. Many of these communities are homeless as they have been moving from place to place for generations, pitching their temporary habitations on government or private land and then moving on. It is important to emphasise here that they remain nomadic largely not because their work requires them to be mobile, but because they are driven away whenever they try to settle down. The bureaucratic machinery of the government works in such a way that even after they become sedentary in temporary habitations, they are not easily able to prove that they belong to an SC, ST or OBC category. To get a 'caste certificate' they must have already existing paper proof about their parents or grandparents belonging to the required community, which of course they do not possess. Or, someone powerful must certify that they indeed belong to a particular community. Being low in the social hierarchy, they do not have the clout or even the knowledge as to how/whom to bribe and get the certificate which is the lifeline as far as getting the advantages of reservations is concerned.

Because of the unfavourable caste composition of most village *panchayats*, and because even lower caste sedentary communities fear that these groups will lay claims to the meagre local resources, even birth or death certificates are not issued to them, nor cremation or burial allowed where other villagers perform these rituals. The apprehension is that these 'liberties' might somehow become reasons for nomadic communities claiming permanent domicile rights. Hence no direct or indirect proof can be produced of either belonging to a particular community or a place of residence by these communities which will enable them to avail of any welfare facility.

In other words, in spite of a community's name being enshrined in the well-meaning SC/ST/OBC lists carefully crafted by the states, its members are not able to prove to the officials' satisfaction that they indeed belong to the community marked for reservations, or that they even belong to a particular state. They are not a part of the political process either as a large proportion of them lack voter identity cards. In addition, because the police in cities and towns or the

forest department in forests is perennially chasing them as 'criminal tribes', they can get shunted from one village to another, one town or state to another *ad infinitum*. Add to this scenario the day to day brutalities of our still feudal larger society, and one has a clear picture of the rate of success these communities will have in getting their due through reservations.

I must relate to you here what a senior police officer from the Punjab told me a few years ago when I asked him how they dealt with their denotified and nomadic communities. His exact words were: "We do not have any such problem in our state. Whenever we see a gang of these nomads, we beat the daylights out of them and so they run away to the neighbouring state of Haryana or to Delhi".

Possible Return of Criminal Tribe Settlements?

The last point which I want to bring to your notice is that today, there are again beginnings of the talk of reviving criminal tribe settlements by both the central and state governments. In the year 2007-2008, when I was invited to work with the National Commission set up especially for these communities, I investigated the case of terrible violence on one such community in Madhya Pradesh which I mentioned earlier, in which the whole village of the community was burnt down and they were hounded out by the villagers²⁶. Incidentally, to this day 300 men, women and children of the community have not been allowed to enter the district, let alone enter the village which was their home, and they are left to wander in the forests²⁷. The administrative head of that particular district, the Collector, gave the Commission a proposal which officially recommended establishing a special settlement for their rehabilitation.²⁸

This settlement was proposed to be on a large piece of land in a secluded area which will not be amenable to easy access, and to which there will be very restricted entry and exit. There will also be 24-hour police surveillance ostensibly to protect the communities as much from the civil society as the civil society from them. This proposal is complete with a budget, and the settlement is shown to be much less expensive for the state than the cost of constant surveillance over scattered communities. It was proposed in all seriousness by this official that in case this particular settlement was successful, all such communities of Madhya Pradesh, or even of the whole country could be similarly settled.

Similarly, a large number of nomadic and denotified forest communities all over India are recognized by the central government to have been displaced, or lost their traditional means of livelihood because of newly instituted conservation

²⁶ Renke, Patni and Radhakrishna, 'Report on the incident involving Pardhis, Madhya Pradesh, 9-11 September 2007', National Commission for Denotified, Semi-nomadic and Nomadic Tribes, Ministry of Social Justice and Empowerment, Government of India.

²⁷ *Outlookindia.Com*. Homeless Pardhi nomads threaten mass suicide, April 25, 2010.

²⁸ Confidential Report given by the Collector, Betul District to the investigating team, of which this author was a member, representing the National Commission for Denotified, Semi-nomadic and Nomadic Tribes, Ministry of Social Justice and Empowerment, September, 2007.

laws. However, in an official document one suggested plan I came across was to rehabilitate them as *denotified communities* in special settlements, and not as any other displaced forest people needing rehabilitation.²⁹

These are indeed alarming signs.

A Forgotten History

Conversations with these distraught communities reveal that many of their members believe that their ancestors were indeed hardened criminals and this forgetting of their own history by these communities is a critical development. Devoid of a memory of their honourable past as useful citizens, as providers of valuable services to sedentary societies, unmindful of the resistance they offered to the British and the role they played in freeing India, they justify in their minds the continuing punitive policies of the state. Given their current destitution and hounding by the authorities, and as the memory of the persecution in these settlements gradually fades, a number of communities have developed a highly romanticized version of the earlier criminal tribe settlements. According to them, here their ancestors found work, their children found education, they found a home, and relief from the police and secured mainstream society. Now that a somewhat similar promise of such settlements is being discussed within the administration, I am quite certain that there will not be much resistance to their establishment from a tired, broken and starving people who are looking for somewhere to stay and to be given work.

It is well to be reminded that the British government was able to summon a large amount of public support, including the nationalist press, for the excesses committed on such communities. This is because the Criminal Tribes Act was posed widely as a social reform measure which reformed criminals through work. When the criminal tribe settlements were established in the pre-independence period, almost all the freedom fighters supported large scale internment into them, convinced that these communities were incorrigible criminals and settlements were for their reformation. Once more we are at a juncture when the issue of 'criminal tribes' needs to be reviewed so that the wider public, 130 years later, does not end up supporting measures to "flush them out" of the existing system. In fact, there is a brand new incarnation of these communities as criminal tribes. The latest that I have heard from a senior government official last week is that the Naxalites in the entire tribal belt over states like Orissa, Chhattisgarh, Jharkhand and Andhra Pradesh are in fact no other than nomadic communities which were correctly classified as criminal tribes by the British.

²⁹ *Report of Working Group on Wildlife, Biodiversity, Traditional knowledge and Animal Welfare*, Submitted to the Planning Commission, Ministry of Environment and Forests, Government of India, December, 2006.

Conclusion

These are the communities which once held their heads high and their services and skills were much in demand by the society. Among them still are gifted artisans and craftspeople, people with exceptional talent in the performing arts, and those with deep knowledge of forests and wildlife. The slow and now almost complete destruction of their traditional livelihood has brought them not just extreme poverty, but also disgraced them as people. No welfare measures by the government and no recommendations by a Human Rights Commission can create a humane public opinion - that is an autonomous process which has to begin to take place among thinking citizens on their own. These people are not criminals, just fellow citizens, whom all modern development processes have passed by, as if blindfolded. They have merely got caught in the web of relentless historical changes encompassing colonisation, modernisation and urbanisation. They need to be supported in their severe ordeal and distress. Hunted and hounded, they remain on the periphery of the society because of ignorance, suspicion and active hostility of the average mainstream person.

A shameful and invented version of a past needs to be consistently challenged before it encroaches any further on our collective present. Crores of fellow humans wait to regain the honourable place that they once held and lost.

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