

**PERFORMERS, NOMADS AND CRIMINALS: A  
STUDY OF HOW GENDER OPERATED WITHIN  
THE AMBIT OF THE CRIMINAL TRIBES OF  
INDIA ACT,1871 AND SUBSEQUENTLY THE  
HABITUAL OFFENDER ACTS**

*A thesis submitted towards partial fulfillment of the  
requirements for the degree of*

**M Phil in Women's Studies**

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and Management  
Jadavpur University

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**CERTIFICATE OF RECOMMENDATION**

This is to certify that the thesis entitled **“Performers, Nomads and Criminals: A study of how gender operated within the ambit of the Criminal Tribes of India Act, 1871 and subsequently the Habitual Offender Acts”** is a bonafide work carried out by **UTSARJANA MUTSUDDI** under our supervision and guidance for partial fulfillment of the requirement for M Phil in Women's Studies during the academic session 2019.

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This foregoing thesis is hereby approved as a credible study of a social science/humanities subject carried out and presented in a manner satisfactorily to warrant its acceptance as a pre-requisite to the degree for which it has been submitted. It is understood that by this approval the undersigned do not endorse or approve any statement made or opinion expressed or conclusion drawn therein but approve the thesis only for purpose for which it has been submitted.

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## **Declaration of Originality and Compliance of Academic Ethics**

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I hereby declare that this thesis contains literature survey and original research work by the undersigned candidate, as a part of my M Phil in Women's Studies degree during academic session 2019.

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I also declare that, as required by this rules and conduct, I have fully cited and referred all material and results that are not original to this work.

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## **ACKNOWLEDGEMENT**

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# PREFACE

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This work of research attempts to locate the woman's experience of being branded a criminal within the ambit of the Criminal Tribes of India Act, 1871. This Act has been academically studied to a certain extent but the experiences of women have not been adequately theorized upon in research so far. The woman is an essential part of a family which is the base unit of a tribe. The colonial law did not just brand individuals as criminals but entire families. This act of criminalizing entire families attacked the domestic spheres of women and forced the women to adapt and evolve differently from women belonging to other communities. This thesis attempts to look at how these women evolved by pushing past their trauma and more often than not becoming cogs in the wheels that continue the oppression. I have looked at one Sahitya Academy winning novel, one nationally acclaimed play and a case study of a major gender crime case in recent times in order to map out the experiences of the women who have to live in a society that has evolved due to the oppressive structure of this colonial Act.

## **ACKNOWLEDGEMENTS**

I would like to express my heartfelt gratitude towards Dr. Nilanjana Deb whose patience, guidance and encouragement was central to ensuring that this dissertation ever saw the light of day. To be quite honest by the end of the dissertation I feel like I possibly bit off more than I could chew. However, ambition needs to be hunted down, located and pursued in order to be achieved. Dr. Deb's constant support and encouragement is what ensured that I did not give up hopelessly half way. I must admit that this journey has been extremely harrowing and traumatic in terms of the narratives I have had the privilege of exploring through the lens of feminism. However, I have tried my best to maintain academic objectivity throughout. The pursuit of this research has opened up a lifetime of research opportunities for me. I would like to thank everyone who have been nothing but supportive throughout this journey marked by euphoric eureka moments and the depressing and desolate moments. I'd specifically want to thank my father, Debasis Mutsuddi whose patience and support has been instrumental in ensuring that this dissertation happened at all. If anything I owe this to him and his lifetime's worth of sacrifices. Lastly, one person that I have to thank for remaining my most constant companion through almost about everything in the last decade is Purbita Chowdhury. Without her by my side, this journey would have been a lot more lonely, desolate and haunting. This dissertation is dedicated to all that I lost along the way.

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## **Introduction**

“When we asked them to till the land or work in a factory, they were shocked. Work? They said, we never work, we just sing and dance.”

- Frederick Booth Tucker , Senior Salvation Army Officer

The idea that there are social groups which have dedicated generations to developing art forms where performances are celebrated, or nomadic groups who travel across vast geographical regions during a pre-railways era, was one that the colonizers had a hard time contending with. The very idea that ‘singing’ and ‘dancing’ can be made a livelihood out of by entire tribes of individuals was antithetic to the coloniser’s compulsive need to subjugate and control the laboring bodies of the subject population in India. Thus began a segregation of performers and nomads and a categorization of these identities as hereditary criminals and the infamous Criminal Tribes of India Act 1871 was born.

The terms ‘baawra’ and ‘banjaara’ have become extremely popular amongst the masses since popular culture often seems to celebrate them in songs, films and poetry. Yet, very little is known regarding the genesis of such words in society. The following dissertation attempts to map out the reality behind these often romanticized words in society. The words can be traced to certain communities and their lifestyles which have one hand been criminalized by colonial governments and subsequently Indian national governments. While these words have found popular acclaim in the public sphere yet the identities that historically identify with these words have been institutionally marginalized, criminalized and punished unjustly for attempting to lead non-sedentary lifestyles. One of the first legal interventions that led to the institutional marginalization of these population groups is the Criminal Tribes of India Act, 1871. One of the first tribes to be criminalized by this Act was the ‘Hur’ tribe in Sindh.

“When the British began to write on Indian society, the term ‘tribe’ was used in general parlance: in more than one sense: in reference to a group of people claiming descent from a common ancestor, and in reference to a group living in primitive or barbarous conditions.”<sup>1</sup>

One needs to keep in mind this above definition of the word tribe as the British defined it before analyzing the Act that was going to set a precedence of violence that would continue for over a century.

The Criminal Tribes of India Bill was introduced in 1871 by T.V.Stephens in order to keep their subject population in India segregated and sequestered in various strata. This Act had provisions that allowed the British Government to demand that **all** members of the notified tribes would have to be registered with the government irrespective of their criminal precedents. The Act also allowed the government to impose restrictions on the movements of the members of the notified tribes. The Act was subsequently amended a few times and all the amendments were directed towards the imposition of further restrictions upon the lives of the people within these tribes. It is interesting to note that the Act is described as ‘An Act for the registration of Criminal Tribes and Eunuchs’. This description extends the subject population covered by the Act from a Tribal identity to include eunuchs. Now, given that ‘eunuch’ as we perceive it in the 21<sup>st</sup> century is an umbrella term one has to assume that the eunuchs that this Act attempted to bring under registration were the non-gender conforming persons who were publicly performing their identities. While this social category cannot be directly marked as a tribe, it is interesting to note why this section of the population was deemed to be criminalized. One very important fact we must keep in mind is that prior to the involvement of the colonizers in local governance, the status ascribed to non-gender conforming persons was primarily of a gendered other who was

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<sup>1</sup>*Transformation of tribes in India: Terms of Discourse* Xaxa, Virginia (Jstor reference) (CFL)

given social priority on the basis of their 'otherness', they were hired by previous monarchies as guards to the harems of women, they were court jesters and performers and had an involvement in general with the Indian monarchies and found patronage among the ruling classes. After the colonizers arrived with their bibles and their biblically evolved and Church approved ideas of 'civilization' the inclusion of transgender in society was out of the question. The new rising class in India once the colonizers arrived was the Hindu upper class as opposed to the Muslim upper class. The Hindu upper class came to ruling power on the basis of their prejudice towards their fellow national compatriots and their subservient loyalty towards the colonizers. It is obvious that this new upper class would be created on the basis of certain exclusions and the criteria for the exclusions would cater to the coloniser's idea of 'civilisation'. Through the 1871 Act this is precisely what happened. The silent understanding between the colonisers and the ruling class was cemented by the local ruling class deciding whom to exclude or mark for such action. One of the first actions against the parts of the population selected to be othered was the curbing down on the mobility of these tribes. Many of these tribes have historical nomadic patterns which leave their allegiances fluid and questionable. The nomadic way of life demands that entire tribes need to keep moving from place to place and the lack of geographical fixity leaves very little scope for proper surveillance, a method used to keep track of the Indian population. The landed classes could be tracked geographically and the middle classes could be tracked through the trail of paperwork they left behind. The purpose of the act was essentially to track and provide physical locations of populations whose allegiances could be questioned. A parallel can be drawn here between the general attitude of Europeans towards the nomadic tribes like the Roma and the Gypsies in Europe. Such populations of nomadic tribes that exist beyond the definition of civilization threaten the established state and powers because of their shifting

alliances. Locating or fixing them in terms of geography and then assigning them a social position of inferiority on the basis of their capitalist worth allows the state far more control over the lives of nomadic people. In India this is exactly what they were trying to achieve through the Criminal Tribes of India Act. It's interesting to note that a series of previous Bills and Acts led up to this moment in history where this act was enacted.

At this juncture it becomes imperative to draw from Paul-Michel Foucault's section on panopticism in the book *Discipline and Punish*. Panopticism is based on Bentham's idea of the panopticon. It is an architectural proposal whereby there is a tower at the centre and an annular building at the periphery. The larger structure is such that any individual that is sitting in the tower at the centre has optical access to every individual in the different cells in the peripheral building. Panopticism is thus explained by Foucault to be a way of seeing. This way of seeing ensures that surveillance is practiced in a uni-dimensional way. One person has visual access to everybody else within a Panopticon. According to Foucault one of the major effects of the Panopticon is to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power. Within the Panopticon there are two clear levels of power involved. One, at the periphery whereby one is constantly seen without even seeing and the other at the centre whereby one is constantly seeing without ever being seen. The parallels between how the colonizers imposed the Criminal Tribes of India Act, 1871 and the theory of panopticism are clear in the ways that these institutions operated. Foucault suggests that the Panopticon was a laboratory where experiments were carried out to train individuals, alter their behavior or correct them altogether. The colonisers too had a similar agenda when it came to enacting the Criminal Tribes of India Act, 1871. The theoretical exercise of biopower through institutionalized segregation, surveillance and discipline gave rise to practical results which

include a generation of individuals divorced from their cultural roots and left to cope with post-segregation stigma. Panopticism can be applied to various other instances of institutionalized violence in history like the Jewish Holocaust or the Cambodian Genocide however there is one important difference that operates within the context of the Criminal Tribes of India. As Anastasia Piliyavski and Poulami Sarkar have both mentioned in their respective essays, the 'criminal caste' already existed before the British arrived. Thus, their position within the Indian society was already validated and stigmatized at the same time. The stigma of belonging to a 'criminal caste' negated their experience of surviving systems based on the principles of panopticism. Their position as the heroic early rebels against the British Raj was forgotten once the upper-caste narrative came into focus within the purview of the movement for India's Independence. In the next section we are going to look at how the British justified their utilization of surveillance systems based on panopticism.

The Census Report of 1911 classifies the Nat community as the largest number of "convict prisoners" and beggars in terms of their population. Today, this community is facing mass unemployment, exploitation, stigma of criminality and administrative neglect from the police and administrators, besides a range of structural and symbolic violence. The journey of a community from being categorized as a 'criminal tribe' to becoming dispossessed and thoroughly marginalized will be described in detail through studying the law, reading autobiographical narratives which explain the lived experience under this law and understanding the ways bio-power was put to work in India. In a way this Act can be seen to be the juncture where India shifts from a mode of sovereign power to a mode of modern power.

According to the colonizers, the Orient had to be ‘pulled back’ from its primitivism and the ‘barbarians’ had to be ‘reformed’, ‘re-invented’ and metamorphosed into modern and enlightened ‘citizens’ as understood in Western political canons. The East was already conquered even if ‘visually’ or ‘metaphorically’ by deploying the trope of language and wild imageries.

According to Anand Yang, colonial regime’s presuppositions and prejudices regarding a neat definition of crime coupled with the social conception of what constituted crime also varied in specific political and social contexts. According to Yang, the British rule was a period of ‘Limited Raj’ owing to the minimal interference of the colonial rulers. The ‘*chaukidar*’ formed the front line of police control in villages and reported actual crime. This un-accounted delegation of power resulted in its misuse at the village level. Arbitrary cases of crime and criminal cases were registered by the local authorities that comprised of the village headman or the *Zamindar* and most of them were out of personal vendetta.

In Europe, however, at the turn of the nineteenth century crime was becoming sophisticated in its modus operandi with the emergence of a ‘criminal class’ or ‘*classes dangereuses*’. Slowly, this new exalted category started ruling the popular culture as well especially theatre, cinema, literature and music. Nomads, vagrants, paupers, flunkeys, gypsies, thieves, criminals who lacked class consciousness in the Marxian sense comprised the lumpen-proletariats and ‘labouring classes’ and were being held responsible for incidents of crime especially in France and England.

In their writings about the Orient, women were shown to be of ‘loose’ character (mostly due to their polygamous practices), wild and corrupt and at the same time mis-treated, oppressed and

exploited by her people. Buying and selling of females was another charge, with origins in brideprice.<sup>2</sup> The Occident or the West was portrayed as ‘morally’ and ‘racially’ superior, having capacity for self-government and therefore possessing a glorious civilisation. Europe was supposed to be the ‘locus of all ideas...the receptacle of all philosophies, meeting place of all sentiments, best centre for the redistribution of energy’.<sup>3</sup> On the other hand, the Orient was depicted as a land of lust, promiscuity, lethargy, and violence, evil and servile, crass mannerisms and a moribund culture. The 19<sup>th</sup> century Oriental paintings were clear indicators of such racist feelings harboured by the colonisers and which were sold as souvenirs to be brought back as icons of exile in India. In the *object-de-art-la-Orient*, violent imageries of lions and horses, of servants on duty and a juxtaposition of black and lighter skinned people, pictures of slave markets and sexually charged images were aimed at creating oriental archetypes through which the ‘otherness’ of Eastern people could be readily identified. One of the main threats posed by such a population is that they are potent threats to the stability of law and order. The whole idea behind enacting this Act was to sedentise the population and make them docile towards the state’s interests. The presupposition at work here is that people that do not live a settled life are often lazy and not keen on hard work since by this time in history, wealth was signified through amassment of property and property could only be gained as a result or fruit of hard work towards society. By creating specific signifiers of wealth, one could control others’ opinions regarding those with lesser amounts of it. Previously, social hierarchy, privilege and one’s position in civilization did not come into account while accounting for wealth. Thus the ones with the power to create, subvert and change opinions were those that had the privilege of being legitimised in the new system under the colonizers and in this case, very specifically the upper

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<sup>2</sup>Meena (2001).Op. cit., p. 13.

<sup>3</sup> AimeCesaire, (2010). *Discourse on Colonialism*, Translated by Joan Pinkham as *A Poetics of Anti colonialism*, By Robin. D.G. Kelly, Aakar Books, Delhi, p. 33.

class/upper caste Indians. Previously, the nomadic lifestyle may have been specifically looked down upon due to the disruptions created in settled societies/communes as a result of the frequenting of the violent members of these tribes who looted and plundered. There are various historical accounts of the thuggee population whose brazen acts of violence and dacoity are well recorded in history. While the early parts of the 19<sup>th</sup> century were dedicated to criminalizing these particularly violent tribes it is interesting to note that CTA was enacted in the last quarter of the century. My dissertation began on the premise of looking for the women within these tribes and reporting my findings about their whereabouts and their involvement in the criminal activities. However when the acts of moving from place to place or performing for audiences and begging are criminalized, such a form of criminalization attacks the very lifestyle of members belonging to said tribes.

‘The CTA was enacted with the express purpose of ‘political control rather than social concern for escalating crime’. According to this Act, it was supposed that crime as a profession was hereditary among certain sections of the population especially among the wandering and ‘fourth worlders’. The CTA therefore was meant to keep an eye on the activities of the CT’s, to control crime and help the CT members to reform and rehabilitate themselves. For the express purpose of reforming the CTs and educating their children, the colonial administration came up with the idea of establishing Settlements to be run under the aegis of Salvation Army (SA) under Francis Booth Tucker as the General of the SA. These settlements were of various types ranging from Agricultural to Industrial, Voluntary and Reformatory but all of them aimed at reformation of the CTs along with their proselytizing to Christian faith. The latter was a staunch mission of the SA which enjoyed a good clout in the administration and bureaucracy of the Empire. The SA was helped by local charitable bodies both Indian and foreign engaged in missionary activities like



Arya Samaj, American Baptists Mission, London Mission, Canadian Mission etc.<sup>4</sup> The CTA was amended in 1897, 1911 and 1924 and finally done away with in 1952 with the Habitual Offenders Acts and finally removed in 1965 by calling them Denotified Tribes or Vimukti Jaatis.’

In the next section one needs to take a look at how this act affected women and female bodied persons and to an extent persons with disabilities, that came under the purview of this Act. The definition of the word ‘eunuch’ in this act is, “The term ‘eunuch’ shall for all purposes of this act, be deemed to include all persons of male sex who admit themselves or on medical inspection clearly appear, to be impotent.” It is interesting to note that this term does not include female bodied transgender persons, transsexuals, non-gender conforming identities. This definition only caters of a specific kind of non-gender conforming personality type. However later on in the act it is mentioned, “Any eunuch so registered who appears dressed or ornamented as a woman in a public street or place, with the intention of being seen from a public street of place, or who dances or plays music, or takes part in any public exhibition in a public street of place or for hire in a private house may be arrested without warrant and shall be punished with imprisonment of either description for a term which may extend to 2 years or with fine or with both.” In this part of the act the feminizing of the publicly male body is being punished by the law. The question that arises is that why is feminizing of a male body punishable at all especially in a land where such a culture has been prevalent through the decades in various royal harems. Could this be a way of the British trying to delegitimize the last vestiges of the previous ruling classes by stripping their marginal population of their rights to exist with dignity? Or was this simply a ruse to criminalise those that they could not control or bring under their taxation system or economy

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<sup>4</sup>MGandhi (2008).*Denotified tribes: dimensions of change*, Kanishka Publishers, New Delhi, p. 97.

as imposed by them? One very interesting area to look at would be how much taxes these tribal populations paid to the British and how they were taxed. This might open up some avenues to analyse the situation. The overall view towards women in the 19<sup>th</sup> century by the British was one of the docile, voiceless, non-opinionated companions to the male counterpart in the family. Though the Bengal Sati Regulation Act of 1829 had already been passed at this point and the battle for widow remarriage was beginning to take shape, women in Indian society at large were still uneducated and lived under terribly patriarchal conditions everywhere. However, a quick look at the number of girls/women signing up for education during the later part of the 19<sup>th</sup> century will give us an idea of exactly how many women had access to opinion building tools. My hypothesis is that the numbers will be limited to a certain class/caste identity merely. The next question we must ask is if patriarchy worked the same way across classes and outside of Hindu society. Most of what we have in terms of recorded history from this period is an upper class, upper-caste and British ethnographical reading of situations. Thus non-Hindu and particularly tribal accounts may be difficult to locate. However in order to look for these sources and voices one must look for traces or accounts of street performances and other local art forms like Kirtan, Palagan and Jatra for mentions of such tribal subjectivities and stories from their perspectives. Interestingly while the act criminalized the existence of the female bodied male performing in public, my research into the lives of Jatra queens in the past have led me to notice this huge disparity because it is around the same time that Jatra sees a rise in 'Ranis'. 'Ranis' within Jatra are individuals, always male who dress up as female characters in this extremely popular form of performing art in Rural East India. At some point I need to enquire into how this disparity worked out, how the government chose who to criminalize and who not to since these performances usually had widespread public approval.

In my research so far the women that I have found who fell under the purview of this Act are laboring bodies that support the professions of their husbands and they are also individual labour units. A lot about their lives and sexuality has been mentioned in research about the Nat tribes. After the criminalization of the tribes and their subsequent oppression it has been noted that many women from such tribes turned to sex work and the trend became so prevalent that the practices continue even today. Some of the current data that we have gathered regarding these tribes in the contemporary world indicate that a large number of their women are often trafficked away into sex work. My recent field visit to Khunti, Jharkhand revealed to me that a lot of the women often comply to this kind of behavior. They are well aware of the consequences of their decisions and yet choose to turn to this kind of work anyway. The connection between performing arts and sex work is often a complicated yet predictable one. Both services require the body to be the source of income and require certain disciplining and training of the body, thus making the professions interlinked with one another. In the eastern part of the work physical art forms have historically existed alongside of and sometimes with an acceptable side of sex work. Be it the Geishas or the Indian courtesans, those that have performed publicly have often been associated with sex work. This puts the women belonging to these criminal tribes in an interesting position. A parallel can be drawn between the British Victorian society and the Indian Society in the 19<sup>th</sup> century when it comes to the treatment of working women. The working class women in both societies were mostly prostitutes and servants. While the suffrage movement was catching fire in Britain, middle class Indian women were increasingly gaining access to public spaces like schools. However, the education was not necessarily translating into economic empowerment. For the working class women like the women from the criminal tribes, while they were directly involved in income generation/resource hunting for the family, the whole pursuit

was still strictly within the means of the family and they were rarely operating outside of it. How patriarchy worked in different classes is one important fact to look at during our research.

So far in this dissertation we have only looked at the 19<sup>th</sup> century and we are yet to look at the 20<sup>th</sup> century. 20<sup>th</sup> century was when the Act changed from Criminal tribes to India to Habitual Offenders Act. It is interesting to note that the amendment to Habitual Offenders Act happened post independence, yet the colonial idea of segregating a section of the population on the basis of their community identity was not done away with. The upper class condescension towards their lives and lifestyles continued in a world post Bengal Famine, Partition and Jewish Holocaust. It is interesting to note that while on one hand there was a conscious curbing upon the movements of a particular section of the population, on the other hand a settled population was forced to move out of their geographically fixed locations, both by the same government. However, all of this is before 1952 when the tribes were Decriminalised/Denotified. The hypocrisy of the amendment lies in the fact that despite the decriminalization the atrocities on behalf of the police continued and we have cases like Budhan Shabar as late as 1998.

There was one official attempt to amend the Act and the move was made in 1923. It was called the Criminal Tribes Amendment Act, 1923. It provided for the tribes to be rehabilitated into society and only specific individuals within such tribes to be branded. These individuals were ones that had been known to be criminals. However the stigma of the previous Act was never wiped out. Moreover the attitude of the police towards these groups remained unchanged as we will find out during the course of this dissertation.

In the next section we will look at the Habitual offenders Acts. The reason why this is called the Habitual Offenders Acts is because these series of Acts were enacted locally as opposed to

centrally. One of the larger issues with the discourse surrounding the Criminal Tribes was that the Criminalisation of the identities were not done from a nationally but regionally, hence each region had their own definition of Criminals and subsequently habitual offenders. There are 7-8 different regional categories of habitual offenders. The definition of a habitual offender differs from region to region though one common definition is used by 4/5 of the states. The U.P. Habitual offenders Act, 1952, defines a habitual offender under Section 2(c) as follows:

“Habitual offender” means a person who before or after commencement of the Act, has been sentenced to substantive term of imprisonment, such sentence not having been set aside in appeal, or revision on not less than three different occasions for one or another of the offences set forth in the schedule.

This above definition is one common to Karnataka, U.P., Madras and Tamil Nadu. While the popular discourse around this issue of replacing Criminal Tribes of India Act with Habitual offenders Act seems to propagate that the Habitual Offenders act was one central Act enacted in 1952, the real timeline of events seem to suggest that the earliest Habitual Offenders Act was enacted in 1918 in Punjab followed by the Madras Restriction of the Habitual Offenders Act, 1943. The other regions/states followed later after the Independence. Thus each region has its own specific definition of a habitual offender and separate provisions are laid out for dealing with such offenders. However, if the above example is to be considered one must keep in mind that the law states that any individual who has served substantive terms of imprisonment either before or after commencement of the act and the sentence has not been set aside during appeal, the individual may be considered a habitual offender. Here one must keep in mind how ex-criminal tribes were criminalized before Independence. “One of the methods followed by the administration to confirm the alleged criminality of a group for initial notification was the

dependence on accounts by the so-called respectable people of the village. These invariably comprised of high caste headmen and landlords.” Meena Radhakrishna writes this in *Dishonoured by history: Criminal Tribes and the British colonial history*. By the time the Habitual Offender acts are enacted the general idea of the established criminal is already based on narratives provided by upper class, upper caste individuals who often operate from a position of bias. Thus the individuals that are within the system, imprisoned for crimes they haven’t committed are already marginal identities. Without adequate or capable legal counsel it is obvious that they will not be able to get out of prison through appeals and access to legal counsel is a privilege for the moneyed upper-class. Thus those that get categorized as habitual offenders are mostly those that were criminalized before on the basis of their identity as either nomadic tribes or criminal classes. This establishes the fact that despite legal change in the nomenclature and clauses of the Act the essence/spirit of the act remained the same.

In Kashmir the act was officially called the Habitual Offenders (Control and Reform) Act, 1956. In a later part of this dissertation I will be dealing with the Kashmir question in the context of this Act. It is imperative to note that in 1956 though the Act is popularly known as the Habitual Offenders Act and popular discourse lays out the idea that this Act is responsible for the replacement of the Criminal Tribes Act. However, though the Act is titled Habitual Offenders Act, on the second page of the Act it is called “The Jammu and Kashmir Habitual Offenders (Control and Reform) Act, 1956. It came to force on the 1<sup>st</sup> of April 1956. According to this regional act the habitual offender was defined as:

- a) A person who during any continuous period of five years, whether before or after the commencement of the Act, has been convicted and sentenced to imprisonment more than twice on account of any one or more of the offences, mentioned in the schedule

to this Act, committed on different occasions and not constituting parts of the same transaction; and

- b) A person who as a result of such convictions, suffered imprisonments atleast for a total period of twelve months.

According to the above definition any individual who has committed a crime and finished serving a sentence can still be considered a habitual offender who is registered with the government and is expected to present themselves in front of police authorities at regular intervals. He also has to notify the government regarding his place of residence and if he changes his residence he must notify the government regarding the same. The government can also choose to restrict the person's movements within a certain area and ensure that he is not allowed to leave that area without appropriate permissions or notifications. The government is also allowed to keep them in specific settlements or schools and they can also be transferred from one settlement/school to another at the command of any government authority. Individuals residing in such settlements or schools require a special pass to move out of these settlements. Most of these clauses are eerily similar to the clauses found in the Criminal tribes of India Act, 1971 and the last bit about requiring special passes to travel outside of settlements rings a haunting bell regarding the recent attempts by the government to allow general Kashmiri citizens to travel within the state utilizing permission stamps.

### Adivasi Vs Vimukt Jaati

“It is not enough to work for the tribals. What about India's denotified tribals?” This statement by Mahasweta Devi in 1998 led to the formation of Denotified and Nomadic Tribes Rights

Action Group. This is one of the first times in history that an attempt was made to specifically enquire into the identity of the denotified tribal. This is the first attempt to demarcate the difference between the ‘adivasi’ experience and the ‘denotified tribal’ experience.

One of the most important issues to address while addressing the question of the denotified tribes is the idea of difference. While minority studies in India often acknowledges the existence of Dalit literature/Dalit discourse and Adivasi Literature/Adivasi discourse, literature based on the lives of DNT/*Vimukt* communities/tribes is yet to be given the benefit of difference. More often than not the whole DNT discourse is either co-opted into the Adivasi discourse or the Dalit discourse. While the experience of the marginal communities may be similar in terms of raging poverty there are many stark and important differences within these three categories that need to be discussed at length.

While the term Dalit refers to an identity belonging to a lower caste, the term adivasi refers to an identity that identifies as an ‘original aboriginal’ and the term *Vimukt Jaati* refers to an identity that belongs to a tribe that has been decriminalized. The three categorically different identities are often clubbed together as ‘dalits’. A classic example of this can be noted when one realizes that ‘*Uchalya-The Branded*’ is often considered to be Dalit literature while it really is DNT literature. Being a Dalit identity usually means that one has some form of acceptance within the Hindu society since they are still the lowest of the castes. However in the post colonial context the three identities have three completely different kinds of experiences. While the *adivasis* have to contend with fast changing ideas of development and major land encroachment problems that threaten their natural way of life, the Dalits have to fight a different socio-political battle against and from within a certain religious majority in the country. The *vimukt jaatis* however have a completely different problem to contend with. They first have to deal with the stigma of



criminalization that continues even till date, then they have to deal with lack of property or land or jobs or access to resources that will allow them any form of access to privilege or capital. In the case of both the *adivasis* and the Dalits they have some institutionalized access to capital or resources in the form of natural resources or meager capital. But for the denotified tribes the basic access is curbed down upon. Though that scene has been changing yet the challenges faced by the denotified tribes differ vastly from the challenges faced by the *adivasis* or the dalits. Though how much of that still stands true after the last five years worth of BJP government is really an important question that can only be addressed through a whole different dissertation altogether. However the categorical difference in challenges faced stands thus. On one hand the Dalits have to face discrimination and marginalization within one particular religion and caste system. Upon converting or gaining access to some form of capital or acquiring an alternative religion or turning towards atheism they still have a way out of the oppression faced. Case in point, the mass conversions of Bahujan identities to Buddhism. On the other hand the *adivasis* have a whole different problem since their landed lifestyle patterns are being attacked in the name of ensuring development. Land, rivers and jungles that they have inhabited and built their entire tribal lifestyles around are being encroached upon for mining, through pollution and deforestation leading to severe losses of livelihood. Case in point Dongria-Kondh and Bauxite mining in Odisha. However, the problem faced by *Vimukt jaatis* as the name suggests is that they are denotified or de-criminalised identities. Their identities faced a major rupture during colonial rule whereby their identities were stripped off from their land or property. Many of them belonged to nomadic tribes or groups of people who accumulated wealth by committing crimes like thieving or dacoity. Most of these tribes live very close to their previous settle camps. They have no landed property, no position of acknowledgement in any religion and often can belong to

various religions, for example the Bakerwal community in Kashmir is a Muslim DNT community. It is also the same community that Asifa Bano belonged to. They have been literally reduced to the institutionalized scum of the society. Their life experiences are defined by torture, police oppression and abuse. This is one major point of difference between the Dalits and *adivasis* on one side and the denotified identities on the other. While the Dalits know institutional violence and oppression they rarely have to deal with violence from the state. The same can be said for the *adivasis* though probably only up until the point they do not rebel against the government when it tries to sell their ancestral lands and forests to capitalists. However the daily institutional violence faced by DNT identities makes their experience a whole different experience and that needs to be defined as a different category in itself. However, given how under-represented the movement is and how little national mobilization has happened on this issue post Independence one can safely assume that it may be a while before this category is defined as a different category and is given its due equitable share of recognition within the minority discourse in India.

### Literature Review

Existing scholarship on the discourse surrounding the Criminal Tribes of India, their subsequent denotification and the co-option of the category within the Habitual Offender acts, includes works by G.N.Devy, Meena Radhakrishna, Dilip D'Souza, Mahashweta Devi and Dheeman Bhattacharya. G.N.Devy in his famous essay 'For a Nomad called thief' highlights the history and evolution of the Criminal Tribes of India Act, 1871. He talks of the movement that came about in India after the case of Budhan Sabar. He talks at length about various activists and their

attempts to visibilise this entire section of the society. The intellectual need for various independent thinking writers and academicians to represent this nation-wide category more publicly is highlighted in this essay. The activities that brought the issues surrounding the DNT tribes to the forefront were discussed in detail. However the article failed to give comprehensive nationwide picture of the actual number of such communities that they came across. The article mentions a long pursuit to track some of the communities down but other than Chharas and Kheria-Sabars the article fails to mention names of other communities facing similar consequences. The article maps out the ability of the people belonging to the Chhara community to perform and convince through near-realistic acting. The article also highlights that those performing the play *Budhan* were young individuals whose family members were either in prison or have been to prison. Thus when they performed that play they were essentially performing or enacting scenes from their everyday life. The play *Budhan* translated into English by Sonal Baxi was another very important text to look at during the course of my research. I have borrowed heavily from the book *Dishonoured by history: 'Criminal tribes' and the British Colonial Policy* by Meena Radha Krishna. This book deals with the Korava community in South India which was criminalized for being a nomadic tribe that travelled in order to facilitate salt trade in South India. The book openly admits that the system run by the Booth Tucker at Salvation Army was a system of slavery and bonded labour. Criminalised identities were arrested for being vagrants or in the specific case of the Koravas for being salt traders who refused to pay the official salt tax since the Koravas have been salt traders in the south for generations. The book claims that the definition of work or labour had undergone significant changes during the twentieth century. How does one put a value on performance which does not adhere to capital oriented or colonizer economy oriented ideas of what constitutes work? The destruction of

generations worth of accumulated cultural capital in the name of laziness because the colonizers could not value the traditions of nomadic lifestyles or performers is something that has rarely been spoken of in the mainstream knowledge-accumulation spaces. This cultural genocide needs to be acknowledged for what it is.

One cannot research into a colonial law without adequately looking at sources from the colonial period itself. Philip Meadows Taylor's *Confessions of a Thug* becomes a seminal work to look at while considering the colonial period and the perspective from which the colonizers operated. It is interesting to note that throughout the book Taylor maintains a tone of horrified shock at all the facts that are revealed to him by the thug Ameer Ali. According to this text the thugs have been paying large sums of money to various princely governments for hundreds of years in order to ensure their safe existence within society and a lack of interference from the kings or rulers. Many thugs were involved in various actions against the British government since the dying elite of India often utilized their services to perpetrate minor violence against the British. The British managed to execute one of two thugs from time to time but always failed when it came to dealing with the vast organizational skills and widespread presence of such individuals. The author's tone is less than sympathetic towards the people of these tribes.

In order to map out a correct impression of how this Act has evolved through the colonial era into the post-colonial era one has to take into consideration the scholarly work of one Frederick Booth Tucker. This is the gentleman who headed the Salvation Army during the phase when criminalized tribes were being forced into industrial and agricultural labour at the settlement camps. His report on the Criminal Tribes in 1923 named 'The Criminal Tribes of India' in the *Journal of the Royal Arts Society* is one of the earliest reports where one finds the difference between a bad criminal and a good criminal. He also categorizes criminals on the lines of their

inclination towards reform and potential to be subservient to the colonial administration. This document maps out perfectly the coloniser's sense of condescension and can be considered to be proof of the existence of forced labour settlements which operated under a British Officer and his wife. It gives us a fair idea of the position from which the British chose to enact the Criminal Tribes of India Act and the way they categorized and chose to sedentary the subject population in India.

Anastasia Piliyavski's work published in the journal '*Comparative Studies in Society and History*' explores the conditions of the Criminal Tribes in India before the British intervened through their infamous Act. In her article 'The Criminal Tribes before the British' she argues that the 'criminal tribes' is essentially an existing oriental stereotype that existed well before the British intervened in India. Her field research is based on the *Kanjar* caste (caste of thieves) in India. She has located narratives in her research whereby respondents from the communities claim that their parents and grand-parents brought them up to be thieves and the British had nothing to do with their imposed criminal identity. This article is an objective enquiry into the existence of the criminal castes before the arrival or the intervention of the British. Her article acknowledges that most of her research is based on Brahminical narratives and Brahminical points of views available from the periods before the British intervention in Indian Society. This is one of the most well researched scholarly works which enquires into the history of the Criminal Tribes before the British intervention.

Another scholarly work of importance is 'Steal or I'll call you a thief' by Susan Abraham. This article reiterates most of the accepted facts regarding the Criminal Tribes of India. The unique individual claim that it makes is that the enactment of this infamous Act was a way to curb spontaneous revolts and rebellions. The article claims that the Criminal Tribes need to be

celebrated due to their participation in the early movement for Indian Independence. It claims that the Indian government has failed these people by selectively forgetting their role in the Indian struggle for Independence.

Ajay Dandekar's essay 'Invisible People, Inaudible voices' locates the genesis of the Criminal Tribes Act, 1871 in the Act of Thuggee of 1830. This article deals with the background of the individual who ensured the enactment of the Criminal Tribes Act. The author critically enquires into the background of Meadows Taylor the author of the book *Confessions of a Thug*. This text is considered to be a very important colonial resource that deals with the idea of the Indian robber class, which became an important image that the British chose to categorically uproot, coerce into submission and reform. By questioning the non-elite background of Meadows Taylor, Ajay Dandekar attempts to discredit the man whose work influenced one of the most appalling laws enacted during the colonial period.

In his article, 'Some Notes on Language and Classification in case of the Criminal Tribes Act (1871-1927)', A. Solanki researches colonial police manuals of the late 19th and early 20th century British India in police stations advising local police on using language to classify the so called criminal tribes of India. It is interesting that British administrators writing these police manuals do not ascribe the status of a dialect or a language to the languages spoken by the supposed criminal tribes. In his article, 'Revisiting the mother tongues of the De-Notified tribes in India'

Dr Digambar M Ghodke examines the mother tongues of various groups from the denotified tribes in India. After analyzing the official reports available and observing the general linguistic behaviour of the DNTs, he argues that our perception of the languages of these groups has been

coloured by the reports of the British, and that there is a need to reconsider them. He suggests that the languages spoken by underprivileged groups have their own peculiarities and 'creative systems'.

An excellent study of the colonial background and complex negotiations of these tribal communities with the colonial state published in *Transcience* (2011) Vol. 2, Issue 2, is done by Subir Rana in 'Nomadism, Ambulation and the 'Empire': Contextualising the Criminal Tribes Act XXVII of 1871' where he analyses the casteist and racist nature of the colonial penal regime, and provides a useful overview of the changing laws that governed the "criminal tribes". Vinayak Lashkar, A.Solanki and Rana have published extensively on various aspects of the language and administration of the denotified tribes in the colonial and postcolonial period.

M Subba Rao and Vasu Bandaru compiled *Understanding Denotified and Nomadic Tribes*, for the general reader, in 2013, but this has little academic or critical value, though it does lay out some of the background and policies related to the denotified tribes.

One of the most recently published articles on this topic was published in *Economic and Political Weekly* in April, 2019. This article by Poulami Sarkar named, 'Criminal Tribes and the Mechanisms of Power' draws heavily from Piliavsky's work on colonial stereotypes. Her work enquires into the history of the criminal tribes before the British. She draws from Kautiliya's *Arthashastra*, *Rigveda* and Manu's *Dharmashastra* to argue that mechanisms of power have historically been exercised in society through various forms such as prohibition, censorship and denial. This article also explores the incidence of crime during the Harsha and Gupta periods of Indian history. This article further investigates into the representation or acceptance of crime and criminal societies in India through the lens of *Tantra*. It claims that *Tantra* approved the

existence of civilians with their private property on one side and the widely accepted sustainability of organized offenders on the other. This article has also extensively researched the photographic evidence of the existence of these tribes during the colonial era. The concept of panopticon is also referred to in the context of surveillance by the British government. This article is clearly one of the most comprehensive studies ever attempted while discussing the Criminal Tribes of India and their interaction with power.

Mark Brown's article 'Postcolonial penalty: Liberty and repression in the shadow of Independence, India c.1947' deals with primary archival data on colonial penal history. The article articulates the dichotomy of the creation of a free independent Indian state where the idea of freedom was elusive for a certain section of the society. This article explores the concept of post-colonial penalty in the backdrop of the violence already enacted through severe punishments like settlement camps. The article attempts to explain the transition from Criminal Tribes Act to the Habitual Offenders Acts as a change towards a new grammar of control. The article also posits the idea that colonial and post-colonial governments moved within similar cognitive and strategic horizons.

Apart from the articles that have been mentioned above there are various articles on *Economic and Political Weekly* that do some justice to the representation of denotified tribes. This happens to be one of the few journals that has regularly published work related to this marginal community. At least three articles by the famous DNT rights activist Mahashweta Devi can be found on this website.<sup>5</sup> 'The Shavara Tribals from West Bengal – Part I' published on 31<sup>st</sup> August, 1985, 'The Shavara Tribals from West Bengal – Part II' published on 7<sup>th</sup> September, 1985. The third article by her is, 'Report from Palamau' published on 5<sup>th</sup> of May, 1984. It is

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<sup>5</sup> <https://www.epw.in>



interesting to note that Mahashweta Devi's engagement with the discourse surrounding the denotified tribes began over a decade before the case of Budhan Sabar. In retrospect her involvement with the DNT-RAG was a result of her decade long research into the lives of the Kherias and Sabars of Bengal.

Anuja Agrawal's 'Gender Questions at the Margins: The Case of Nomadic and DNT Communities' is particularly useful as it provides a broad overview of gender issues in these communities which have hardly received any systematic attention. She draws upon her own interaction with these communities, government reports and other secondary sources, to relate gender within DNT communities from the perspective of the subaltern positions of these groups, paying attention to practices prevalent within these groups. She suggests that gender issues should be far more central to policy frameworks as well as discussions about nomadic and denotified communities. She makes some important points about the ways in which gender and sexuality are perceived with regard to women from denotified communities, and she looks at the issues of sex work and trafficking among marginalized tribal women as well. Another article by the same author is 'Criminal Neglect: Has the status of Denotified tribals in India changed significantly post Independence'. This article begins by pointing out how various denotified tribals celebrate their Independence Day on the 31<sup>st</sup> of August as opposed to the 15<sup>th</sup> August. 31<sup>st</sup> August is the day when they were decriminalized, they call this day 'Mukti Divas'. This article maps out the problems faced by the DNT communities post the Independence. They continue to live with a stigma of criminality and live under tremendous state oppression. They are often mob lynched and are forced to live without access to justice since they are barely given citizenship rights. Anuja Agarwal's work on the criminal tribes and how gender operates within these tribes has been extremely important to this dissertation.

One of the primary texts dealt with in this work of research is *Uchalya-The Branded*. It has already been studied in an essay by Navleen Multani named 'Writing from below: A study of Laxman Gaikwad's *The Branded*'. Multani's essay chooses to categorize Gaikwad's work as Dalit literature. She does not address the difference between Dalit and DNT literature. Her straightforward analysis of the novel focuses primarily on the experiences of Gaikwad and does not particularly delve into the analyzing any other aspect like labour or gender or violence. Another important secondary source that one has to consider while dealing with this text is the review of this text on 'India Today' on October 26, 1998. This review merely reports in brief the gist of the play and mentions that the translation should ideally have been of a better quality in terms of editing. The review implies that this text is merely an expression of the author's own traumatic experience and refuses to engage with the conversation of the importance of life-writing narratives.

In the context of the play *Budhan* one very important secondary source that contextualizes the work done by Budhan Theatre is the article on Sahapedia by Ganesh Devy called 'The Tejgadh Experience: Culture and Development'. This article maps out a brief history of the Criminal Tribes of India and later goes on to engage with the idea of the importance of oral cultures within established linguistic hierarchies. The fact that tribal cultures are often orally transmitted leads to the necessitation of the creation of an oral archive which was done through a magazine called *Dhol* which was meant to be read out loud as opposed to individual reading. This magazine was published in about ten *Adivasi* languages and once sold 700 copies in an hour. The article moves on to explore the spaces between superstition and modern medicine where superstition ensured that modern medicine was a hard sell in certain communities due to beliefs held regarding blood and witchcraft. The article also describes the Tejgadh Experiment to be one which has attempted

to become an example of how tribal culture can be remembered, retained and recorded through various community welfare moves like short term training, building SHGs and rural journalism.

Another individual who has authored a significant body of work related to the denotified tribes of India is Vinayak Lashkar. In his essay 'Denotified and Nomadic Tribes of Maharashtra in India' he claims that despite the provision by the state government to ensure a 4% reservation in jobs for individuals belonging to these communities, the benefits of similar welfare programmes are yet to be accessed by most people. He lists out the various ways in which the Maharashtra government has failed the DNT communities. From failing to ensure landholding allotments to failing to implement settlement programmes for DNT families, the government has consistently failed to ensure the proper rehabilitation of individuals belonging to these communities. Another way that the government has failed these people, according to Vinayak Lashkar is by applying the creamy layer provision of the OBC section to the DTNT identities. This has led to massive misunderstandings and injustice. In terms of employment opportunities the government has failed to keep a record of the educated but unemployed persons belonging in this category, or a record of the individuals in service belonging to these communities. The lack of such records leads to a huge vacuum in knowledge. There are no initiatives in place that try to preserve the heritage and culture of the people belonging to these tribes. Vinayak Lashkar in his article tries to convey that the government has failed the people belonging to the DNT communities by not recognizing the difference in their categorization and not taking appropriate steps to provide equitable options for them. Another article by the same author is 'The Wadar community a denotified tribe of Maharashtra in India: An ethnographic understanding'. This article is a comprehensive ethnographical study on the Wadar community in Maharashtra. It maps out the history, lineages, caste professions and population trends of this community. It further goes on to

describe the cultural practices , practices related to marriage and divorce, hygiene habits, diseases, literature and language of this tribe. The study covers sections like women related development and position of women within such societies and the various ceremonies celebrating the life cycles of people belonging to this tribe. The last article that seemed relevant to this study was ‘The Contemporary Challenges faced by the Denotified and Nomadic Tribes of Maharashtra in India’. This article maps out the challenges like not being properly counted in the census, not being appropriately classified or enumerated, being deprived of their political reservations, not being included in the Draft National Policy and exposure to caste based violence. Vinayak Lashkar’s work on denotified and nomadic tribes in Maharashtra is important while considering the post-colonial existence of the denotified and nomadic tribes in that state.

### Criminal Identities and the State

‘One had the right to kill those who represented a kind of biological danger to others.’ Foucault states this in *A History of Sexuality*. The question regarding the control of criminalized bodies in the context of colonial India deals intricately with the idea that those in a position of power, especially political power have the right to exercise control on the bodies of their subjects. It is in this context that biopower comes into play. ‘One might say that the ancient right to *take* life or *let* live was replaced by a power to *foster* life or *disallow* it to the point of death.’ Foucault’s statements explains the perspective of the colonisers when they set out to segregate their population and sentence sections such as the Criminalised Tribes to labour camps. Not only does biopolitics and biopower come into play in this context but eugenics and the politics surrounding

eugenics also plays a major role in fostering the core philosophy that guided the enactment and further implementation of this Act.

The ruling class, in this specific case, the white skinned businessmen with imperial ambitions and later colonizers have historically been known to assume their sense of superiority across the planet due to the lack of melanin pigmentation of their skin among various other things like naval prowess, business acumen and their sense of civilized bodies which was shaped by a biblical notion of right/wrong. In the case of India they imposed their rule by discrediting local powers through warfare and company policies. However, the journey from bargaining for a throne to gaining power over people is one which involves the expression of power through oppression, manufacturing submission and control of one's subjects. The Criminal Tribes India Act 1871, was an essential tool to create the markers for this kind of control. When a Government tries to regulate movements of certain sections of the populations, the state is automatically indicating that the state does not trust it's own population. Surveillance is an act of mistrust expressed by the body commissioning the surveillance towards the people whose movements it intends to curb. It is now so acceptable in most parts of the world that certain people are constantly followed due to the mistrust of the state towards them, atleast for periods of time when they are suspected to have done something or after they have served prison/correctional sentences. This expression of mistrust by the ruling class towards it's ruled population was a departure from governances before. Never before in the context of India do we have an Act which expresses the mistrust by the government on its own people. This is a departure from the way people were used to being governed up until this point in history. India up until this point in history was used to kingdoms and eras of empires which changed geographical and political barriers depending upon who was in the nearest seat of power.

However, none of these made any difference to the people who lived in the land or the nomadic tribes that traversed through these lands. Their autonomy of lifestyle was granted, somewhat accepted as a normal signifier and left alone. This was the first time in history that their lifestyle was brought into focus from the perspective of governance. Earlier the state was never interested in homogenizing its subjects. Both during ancient and medieval times, the nomadic way of life was allowed as long as the members of these settlements did not commit any serious transgressions. It was only instances where members of these communities were involved in serious transgressions against the established sovereign powers of the time the ruler intervened and dealt with their crimes appropriately. India has a long history of professions which were dependant on the kindness of the upper-caste upper class elites. Various professions in India required their practitioners to travel constantly in the lookout for work.

This sudden focus upon their lifestyle may have been triggered due to the participation of various members of these communities in the Revolt of 1857. Across North India, various groups of people were involved in the Revolts of 1857. The lack of geographical fixity of entire groups of people led to the colonisers questioning their loyalty towards the throne/rule. Submission can be manufactured from people whose identities are geographically fixed but to lay claim on the loyalty of people whose geographical fixity is undecided the colonizers decided that they need to be given some form of legal fixity and hence began with a proposal of registration on the basis of their inherently criminal nature. Gender in this context played no apparent role. Interestingly one could be classified as 'criminal' simply if one were a blood relative or a marital relative of a member of a community deemed to be 'criminal'. The perspective of gender is so invisibilised in records and reports that finding out the exact whereabouts and how women and girls negotiated their way around these communities during these trying times is actually quite difficult. One of

the first times during my research that I come across women being discussed is when it comes to referring to the 'Banjaras' who were mostly caravanning tribes. Their women were known to barter silver/metal jewellery that they had made in order to contribute towards their family economies. How women from these tribes negotiated with the mandatory separation from their children post adolescence is an interesting question. There are similar instances to be found in Canada and Australia. According to the Indian Act of 1876 by the Confederacy in Canada, Native American Children were moved away from their parents into residential schools in order to be removed from the influence of their immediate family and assimilate them into what the colonizers deemed to be the Canadian culture which was dominated primarily by white influences. The term used was 'civilising' the indigenous children. We can note the horrifying parallels between both the situation in India and the situation in Canada. Colonisation works the same way everywhere and irrespective of which nationality wields power over what they perceive to be natives. The discourse of decolonisation has to include recognizing the systems that were usurped in horrific ways in order to make room for the colonizers to make themselves feel at home where they did not belong. Eventually of course the Canadian government deemed this residential school system for Native Americans to amount to cultural genocide. I would like to argue that even though no commission in India has yet named the after-effects of Criminal Tribes Act to be a cultural genocide yet this is a cultural genocide of sorts. The way of life of a large number of people who were previously marginalized in Indian society anyway was challenged and destroyed. When one imposes geographical fixity upon a population which has practiced a nomadic way of life over a long period of time, one strips them of the most important markers of their identity other than stripping them off their professional skills and lifestyle obligations. Most of the Criminal Tribes could be found to barter products or be various street

performers or nomads. When the lifestyles of such populations are attacked by foreign forces that do not understand or appreciate their position within the indigenous community and merely look to civilize such persons one flags off a cultural genocide of sorts. Colonisation of the upper class/upper caste/middle class and colonization of the laboring classes, lower castes/tribal populations and nomadic tribes differed vastly. While the colonizers put up a show of being interested in negotiating with the former classes, they made no such pretences when it came to the latter. This variation of treatment needs to be studied in order to gain a better picture of how long before the actual partition the British had already begun with their 'divide and rule' policy. The first time they made the move was not on the basis of religion but on the basis of classes. This Act managed to get one class to turn a blind eye towards the violence faced by another simply because the necessity of the 'criminal' classes in the colonized society was questionable and society at large needed them to transform into citizens of the British Raj. The arbitrary nature of the creation of the list has been stressed upon by various reports beginning from the Lokur Commission of 1951 to the NCDNT (National Commission for Denotified Tribes) Report of 2008. According to these reports, the lists were drawn up by the British administration and the ruling tax paying upper-class of India. So, if a particular group of people managed to offend a local zamindar or upper-class person they could find themselves on this list simply for having offended the wrong person. The after-effects of such arbitrary actions upon the people that this Act affected included severe restrictions upon their lifestyles, loss of livelihood, dependency upon the state, exploitation and severe oppression. Eventually later amendments of the Act would not just require male members to register themselves and present themselves on a regular basis in front of the local police but the separation of the children from the families would lead to a rise in a generation divorced from their own families and cultural roots. This forced emotional



trauma did affect the lives of thousands of mothers yet there are practically no records of such distress. The people who recorded history, wrote and archived knowledge, did not deem the grief of thousands of mothers who had their children taken away from them, important enough to be recorded in history.

According to the NCDNT Report of 2008, the mean age of marriage among these tribal populations is as low as 10 years for Men and 8 years for women. The NCDNT Report of 2008 is one of the most recent reports related to the Denotified tribes. It is interesting to note that 2008 is the same year that the Prevention of Child Marriage Act was passed. According to several reports by UNICEF, TISS, SWS-JU, the mean age of marriage has now increased to 13-18 thus leading to a significant increase in early marriages but a complete crackdown on child marriage. However, the NCDNT data suggests otherwise. It is important to note that most of the researches conducted took place among populations within fixed settlements, more often than not registered as voters or the individuals interviewed possessed at least one piece of government identification. According to the NCDNT report most of these individuals belonging ex-criminal tribes are yet to be integrated into citizenship due to their lack of geographical fixity and the stigma attached to their identity. Thus, this has remained an important blind spot in most reports despite being very relevant to the cause/issue of early and child marriage. Eminent members belonging to these societies like Laxman Gaikwad have been known to indulge in early marriage themselves. Trafficking is also an issue that members of these communities often have to deal with. Their 'hereditary criminal' nature coupled with extreme levels of poverty often lead them to turn to practices like trafficking since they believe that their children may have a better shot at life away from them.

By virtue of being 'hereditary criminals' who are often forced to indulge in criminal activities due to the lack of other opportunities members of denotied tribes often find themselves in networks that enable trafficking. Since trafficking essentially entails travelling from one place to another nomadic tribes who have done it for centuries often have a significant advantage in the business. However one must not assume that every member of such tribes are involved in such activities. By branding entire tribes as criminal the state ensure that there is no plurality of narrative within these communities. When children grow up in communities where criminal activities are the only source of income, it is obvious that they will take to such activities when they come of age. If the government did not impose such restrictions upon the communities and ensured that the whole community was not branded criminal that would result in at least some members of such tribes getting access to fair and honest work and thus create multiple narratives of income generation within these communities. However by branding the entire community as criminal the government has put an end to such possibilities and children from such communities that grow up to look for honest work are turned away by virtue of being members of such tribes. The conditioning into a life of crime begins early within these tribes. The tag of the 'hereditary criminal' continues to haunt such communities even though they have been long denotified. By calling them 'hereditary criminals' the state brands their bodies to be criminal from even before they are born. Such an existence is a curse since the state has purposely created this category and utilizes regressive laws and merciless police forces to keep this category of individuals in their place. The stigma surrounding their identity is such that if they manage to live an honest life against all odds they might be turned away from an honest day's work simply because they belong to a community that the state has branded criminal. The very idea that they can survive till adulthood without indulging directly or indirectly in criminal activity is nearly inconceivable

yet some members of these tribes try to impose that on themselves hoping they can find a way out of the cursed existence.

Next, we shall look at the identities that comprised the Criminal Tribes of India. These identities include/comprise of loafers, drifters, strollers, conmen, charlatans, conjurers, acrobats, jugglers, wanderlusts, mendicants, ascetics, floaters, rovers, prostitutes, flunkeys, gypsies, vagrants, peripatetic, itinerants, vagabonds, fugitives, listless, indolent and the nomads. Of these categories the Prostitutes are one category that almost entirely comprised of women. It is interesting to note that previously in the period between 1864- 1865, the Cantonment Acts had already been passed and the Contagious Diseases Act of 1864 was passed by the British Government, which attempted to regulate prostitution within military camps. Thus, by the time the Criminal Tribes of India is being passed, there are already laws in place which regulate the bodies of female prostitutes. However, with the CTIA we have a situation where not only are those bodies regulated and regularly approved medically, they are now criminalized on the basis of the profession that these women turned to. There is extensive discourse related to how Contagious Diseases Act was one of the first women oriented/centric Acts passed in India. Previously we have the Act of Prevention of Sati but, that Act attempts to protect the women within one particular caste/landowning class. The CDA was an Act which affected women in general though a very particular kind of woman. A comparative analysis between how prostitutes were viewed during this phase in history in England by the British and in India by the Indians will lead us to understand some of the primary differences in treatment of these women. (work to be done here). It is interesting to note that the first set of bodies to be regulated by the British were the female prostitute's bodies. These women existed in the margins of society just like the criminalized tribes, there weren't many voices off protest since no one was bothered about their rights, not the

missionaries, not the upper caste Indians, not the men in society, much like the criminalized tribes. Thus the regulation of human bodies started earlier in the British regime. The British chose to exercise bio-power through the marginalized bodies before they attempted to sedentarise larger populations in the 20<sup>th</sup> century. However both forms of regulation take place after the Mutiny of 1857 thus pointing towards the larger policy of imperialism. The control of the centre/colonized subjects at the centre began through the violent disruption of lifestyles of those in the margins, which served as a signifier of what the British were capable of if they chose to exercise their power upon those unwilling subjects at the centre. However, the Indian National Movement proved that the mainstream Indians were capable of a form of resilience never anticipated by the British. This capability needed to be crushed and examples needed to be made out of certain sections of the Indian population. Choosing to demarcate some portions of the population as criminal and leaving the decision of who that certain section will be specifically in terms of local population, to the landowning and the upper castes was a perfect way for the British to establish control over the subject population in India. The British first practiced 'divide and rule' not on the lines of religion but on the lines of class/caste. This experiment proved fruitful enough for them to dare to do it on the lines of religion. They divided the subject population into the tax paying population and the tax-evading and nomadic population. By allowing the tax paying population to decide who should be criminalized that allowed the Indian landowning class to assume that they were in some position of power within the British administration and could choose to wield that authority over fellow Indians. This illusion of power made a certain section of the population subservient to the British and enabled the creation of a class of people who were unwilling to negotiate with foreign powers but was forced to do so anyway like in the case of the Koravas in the south. The Koravas were salt traders n

South India. They made salt in the beaches and travelled across the ghats to make the salt available for the people living in the villages. One of the first things that the British did when they came to India was that they taxed salt trade. The Koravas who have been traditionally trading with salt in those regions for hundreds of years were suddenly faced with the unrealistic taxation demands of the British. Obviously, they resisted the move and were eventually branded to be criminals for not adhering to the British taxation system. This process took a few decades but once criminalized the stigma was irreversible.

Thus the British decided to control the physical movements of those that they could not trust with their blind allegiance towards the British Raj. By ensuring that the class which had already accumulated capital wealth was on their side the British manufactured consent for the violence that they inflicted upon these criminalized identities. The separation of families and the enforced labour at settlements and camps destroyed the free psyche of these previously nomadic people. The British chose to impose their power through the bodies of those marginal identities that would not raise too many ethical questions among the socially privileged of those times. The identities chosen for this form of institutionalized violence were those with no access to education or resources that would empower them to legitimately fight against the colonizers. Eventually those tools were accumulated by certain classes within the society and the Indian struggle for Independence did pay off but the social demarcation within the country was never done away with. Attempts were made to address the inequity within the Indian society in the form of reservation system but the casteist-wealth gap could never be adequately addressed. Since the British utilized the consent of one class of people in India against the interests of another class, the internal conflict could never be done away with. Thus, we are left with narratives like Uchalya and horrific cases like Budhan sabar and Asifa Bano. So far we have

successfully looked at the various legal engagements of this Act. In the next section we shall try to understand the lived experience of being a branded criminal through literary analysis of a Sahitya Academy winning autobiography and the Nation-wide movement stirring case of Budhan Sabar represented in Theatre by the Chharas which happens to be another denotified tribe. Finally one must take into account the most recent case of horrific abuse against a member of a denotified community and its after effects, the case of Asifa Bano, in order to get a clear picture of exactly how Gender operates within the ambit of this oppressive colonial era Act which continues to destroy people's lives and keep people oppressed in the second decade of the 21<sup>st</sup> century. Autobiographies are a great source of knowledge when it comes to lived experience. By analyzing the autobiography we will look into the life of Laxman Gaikwad as the 'knower'/person who records knowledge. This insider perspective will allow us the subjective understanding of the experience of first the denotified community and then the women within that community. This dissertation has chosen three completely varying sources of knowledge in order to balance out the accumulated knowledge across the three categories that this dissertation hopes to be able to address which are the performer (Chharas), the nomad (Bakarwals/Asifa Bano) and the Criminals (Uchalyas).

## **ADD CRIMINALS AND STIR: LITERARY ANALYSIS OF UCHALYA-THE**

### **BRANDED BY LAXMAN GAIKWAD**

In this section we are going to look at what it means to be a member of one of these Criminal Tribes. How does the Criminal Tribe experience differ from the Dalit experience or in what ways are they similar to each other. The Criminal Tribe experience is one which is marked by the stigma of criminal activities but there are other experiences which can also be categorized under this broad category like the experiences of the nomadic tribes. In previous sections we have already discussed how there was a certain degree of arbitrariness in the act of criminalizing certain sections of the populations.

In December 2006, erstwhile Prime Minister Manmohan Singh declared untouchability as practiced in India to be the ‘hidden apartheid’. Within the category of the ‘untouchables’ there are various other categories to be taken into account all of which have separate subjective experiences of oppression. No two forms of oppression are the same. It is interesting to note that while Dalit identities were atleast considered for jobs, irrespective of how menial, members of the criminal tribes of India were often denied even that very basic right. Their construction as criminals was not just aided by social exclusion but also made necessary as their only option for survival. In *Uchalya- The Branded* a text written by Laxman Gaikwad, which is an autobiography of a member of this tribe Laxman writes, “The British Government branded us as born criminals and others following suit have always looked down upon us as criminals and still persist with the same parochial attitude. Denied of all decent and lawful means of livelihood the only alternative left to us is to exist by thieving, lifting, pickpocketing.” This is just the second

paragraph of the preface of this book that reveals one of the most horrific human community existences, not lives, existences. These humans barely exist, that is a point the researcher feels is essential to communicate. Their lives are threadbare, their communities are wrought with strife, competition and disease. The book goes on to describe the experiences of the people belonging to these tribes. Often they are called derogatory names like 'pathrut' by the upper classes. Children born into these tribes are not spared the violence either. Since their criminality is hereditary their children are considered to be complicit with the crimes committed by the members of the society. The women's experience as mapped out by this text is far more violent than one would assume. In *Paraya* by laxman mane which is another text that I am looking at, we note that violence towards women within the family is as high and as detrimental as the violence towards them by society. In *Paraya* which is yet another autobiographical account of someone who belongs to a Banjaara tribe we note at that the father often vents out his anger on his wife. Once the narrator's mother questioned the father's decision to send the narrator to school, the father beat her up very badly only to make up for it later. The graphic descriptions of domestic violence towards women both in *Uchalya* and *Paraya* remind one that women in marginalized communities are usually doubly oppressed, once as a community member and once as a gendered identity.

In *Uchalya- The Branded* we are introduced to the community thus, "No native place, no birth-date. No house or farm. No caste, either. That is how I was born. In an *Uchalya* community, at Dhanegaon in Taluka Latur."<sup>6</sup> The very introduction to the community gives us an idea of how marginalized or completely alienated this community has been since the British deemed that they be criminals. Their identities are neither deserving of identification nor any kind of rights

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<sup>6</sup> Gaikwad Laxman, *Uchalya: The Branded* Translated by P.A. Kolharkar (New Delhi, Sahitya Academy, 1998), 1.



towards land or property. Their exclusion from the caste system points out to their further marginalization and how even Dalits are in a better position of social recognition than them.

“My grandmother Narasabai ran the household, grandfather being thoroughly useless. He had to report to the police-station twice a day. So he could not take up any permanent work away from the place.”<sup>7</sup>

The first time that we are introduced to a woman is through a lens of familial ageist power. The delegation of power to an aged female is automatically justified as a necessary condition that arose due to the inability of the male partner to be equally involved. The male member of the family was after all involved with dealing with the state bureaucratic machinery that was tasked with the surveillance of the community. As discussed during the analysis of the act we must keep in mind that one of the most oppressive methods of surveillance that this Act introduced into the Indian society was to have male members of the family reporting atleast once a week to the local police station. However given that this text was published in 1998 one can only assume that by the 1970s or 1980s the frequency of the family reportings had increased to twice a day. The text goes on to describe how women were never spared from the police atrocities but were punished for the crimes of their partners. Once when the police arrested the narrator’s grandfather on suspicion of thievery, the following conversation ensued and was overheard by a young boy of 7/8 who grew up to be the narrator.

“Your whore will know,’ cried the police and grabbed our grandmother by the hair and thrashed her all over. My mother, Dhondabai, had already slipped away into the woods as soon as she heard of the arrival of the police. The police were beating whomsoever their eyes fell upon- women, children. They squeezed grandmother’s breasts, asking her to show the stolen goods.”

This excerpt gives a graphic description of how women’s bodies were not spared the accusations of alleged criminal activities. Violence upon these women were not just

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<sup>7</sup>Ibid.

sanctioned by the state but at the same time enabled in the name of justice. The constant fear that women from these communities had to live in is clear through the narrator's mother's decision to run away and hide in the woods. The notion of honour did not exist in the relationship between the police and the women of these said tribes. Honour is thus proven to be a clearly upper caste concept. The police did not consider that they were outraging the modesty of an elderly woman by squeezing her breasts. Since she belonged to a certain criminal tribe her body was the property of the state, and the state forces could do what they deemed fit to her physical self. When the choice is between meting out justice and respecting the privacy of the female body the latter is obviously never a priority especially since the criminal nature of her identity is hereditary. Her genetic identity is supposed to suffice as justification of the violence she is forced to face on a regular basis.

“Nobody would offer work to my father, Martand, as we were known to belong to a branded tribe of criminals. They would not employ my mother, Dhondabai, even as a farmhand. As grandfather had been rendered useless, my grandmother began to visit fairs and markets and maintain the household. In crowded fairs she removed gold lockets and earrings from children's necks and ears and trinkets and necklaces from the necks of women cutting them loose with her teeth or a blade, and sold them to moneylenders and maintained the house. Sometimes the police visited our village in search of thieves or stolen goods. On such occasions local moneylenders and the village patil bribed the police from our grandmother's deposit with them.”<sup>8</sup>

This excerpt explains clearly how on one hand there is a class created which is stigmatized by society at the same time there are entire social sanctions in place to keep this class in its place. Firstly, by providing no opportunities to work in society the society at large is pushing the members of these tribes to take up criminal profession as the only means of survival. Secondly, we note that no matter how much ageist privilege one has in this tribe one is still forced to go

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<sup>8</sup>Ibid. 2.

out to work in order to feed the family. This is very unlike the upper-caste narratives we often come across where elderly women are afforded a position of privilege in the family. Almost all mainstream narratives portraying upper caste societies show that female ageism in the Indian context is a privilege since the younger women are tasked with subserviently taking care of the aged females. However, in this text which comes from a completely different subjective position proves to us that ageism in the lower caste/advansi/criminal tribe context is more of a bane than anything else. Not only is the elder-most female tasked with working a dangerous job to feed her family she has no option to delegate that duty to someone else either due to the lack of laboring bodies at her disposal. An upper-caste woman usually has a far more number of laboring bodies simply due to her position in society, however a woman from a marginalized community has neither the number of laboring bodies at her disposal nor the capability to wield that kind of power over bodies from other families. Finally, we should note that the village moneylenders and the Patil were not just aware of the plight of the branded tribe but worked in order to keep them in their place. They utilized money that they knew very well was a fruit of thievery by the tribespeople as bribe in order to keep the police at bay. They did not make a move to improve their living conditions instead they enabled their criminal practices by keeping them out of legitimate farm-work so that they would be left in the criminal trap forever.

“Grandmother had become senile and tired. She could not stand police beating anymore. She told us, ‘When the police catch me, they hang me upside down by the legs and lash the soles of my feet with a whip, thrust burning cigarette butts into my anus. If I don’t confess to theft, they bring shit near my mouth and force me to eat it and keep on beating me.’ I’ve had enough of it. Since Manik has started thieving, I’ll call it a day. A few days later, however, she fell ill and died.”<sup>9</sup>

The above statement clearly maps out the horrifying nature of the violence faced by women from these tribes. Not only is she not spared due to her seniority, there is absolutely no respect given to

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<sup>9</sup>Ibid. 8.

her due to her elderly status. One often assumes that respecting the elderly is a cornerstone of good Indian values' yet here we have evidence that the state itself fails to adhere to such value systems when it comes to oppressing minorities. The sexualized nature of the violence itself points towards the utter disregard for their honour or safety. Not only do the police inflict such violence upon these populations but also use them to get them to take the fall for crimes that were not committed by them. Thus it goes on to prove that in a case where a thievery is committed by an upper-caste person they can easily manage to get a criminal tribe member to admit to committing that crime by torturing them and pin the crime upon them and let the upper caste person walk away scot free. This amounts to a form of oppression which looks to not just marginalize certain sections of the society but to socio-politically annihilate their existence altogether.

“Near our hut there was an open space which we used for killing pigs. We young boys and girls would search all the rubbish heaps around the place and collect sticks, rubbish and hay and throw them on the spot where the pigs were to be roasted. Women from the village used that spot for shitting.”<sup>10</sup>

'Shit' is a very repetitive image as far as this text is concerned. It is utilized not just to denigrate or humiliate this population but also to signify the position of the tribe in the society. This is a population which is allowed to exist only by or near human feces since that is their position in society. They are the outcast even within the marginalized. Their social position is not just inferior, it's criminal. They belong in the realms of those that no one will ever look out for. They are neither particularly attached to life and are left to exist in spaces where there is a constant threat of disease. For them death in the family is not so much a tragic occurrence since on one hand it means that it is the loss of one hand at work but it also means that it is one less mouth to feed. Children playing around in spaces where upper caste women shit is a perfect example of

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<sup>10</sup>Ibid. 12.

how this community is not even allowed the basic necessity of a safe housing option that does not involve exposure of children to diseases. Here again we see how casteism operates and affects the members of the tribes deemed to be criminal.

“The police whipped everybody from our hut. They thrashed the women and the children from our hut all over, wherever their hands led them. Dhondamai never knew stealing. She never went that way. Yet they pressed and squeezed her breasts and grilled her: ‘Tell us where your sons have hidden the stolen goods?’ She only wept bitterly. There was nothing in the hut. What could the poor mother show? They snatched away her Mangalsutra and another cheap necklace.”<sup>11</sup>

Police atrocities upon these populations are an ever-present threat in the lives of these people. The police is authorized to utilize any form of violence upon these people and clearly as the text suggests they spare no one. They do not consider these people even human enough to spare the women and the children from violent actions like whipping. Very few to almost no mainstream literature by upper-caste, upper-class people feature or even mention in the passing this kind of violence. It may either be that these atrocities are committed so far from mainstream society that most people never find out about such actions or because violence against ‘criminals’ by the police is such a normalized image both in society and popular culture that most people do not even bother taking note of it and pass it off as a regular situation. However, in the above case this violence is perpetrated within the homes and in demarcated domestic spheres of these tribal populations. This goes on to prove that the police/state body does not even consider their homes or domestic spheres to be private property. The constant sexual violence towards women including breast pinching signifies that the police considered the women’s bodies to be public property. Would they dare do that to an upper-caste woman? No. However lower caste or as it so happens in this case the outcast women are considered to be fair bait for sexual violence since they are the only kind of women whose bodies are socially sanctioned for inflicting violence.

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<sup>11</sup>ibid. 15.

Acts like snatching away her Mangalsutra which is a symbol of her marriage is the police's way of expressing ownership and control of her body and her sexual choices. Not only do they disrespect her marriage by the act of snatching her Mangalsutra away, they are also symbolically stripping her off her identity as a married woman. Her sexual agency is under attack by the police who have previously without any consideration has already sexually assaulted her for a crime she has no part in. The whole concept of 'innocent unless proven guilty' goes for a toss while we consider the plight of the members of the Criminal tribes. In their case it's more like 'guilty unless proven innocent' and this status is ascribed to them through their inclusion in the list of the Criminal tribes of India.

“One day my father came home at sunset. He had come to know that Tata, Mother and I had eaten a mouse and a cat. Whenever father came home he beat somebody almost to death. I hid myself in a shit-yard as I learnt that father had come home. In his cross examination of mother, he did not ask about me. I thought that I would not be beaten. I stealthily came to the hut. Father took my mother into the hut and forced her to do sit-ups. Then he brought her out beating her violently all the while.”<sup>12</sup>

One of the aspects that made life very difficult for this particular Uchalya community was that the members were often accused of eating cats, even domesticated cats. The narrator's father who had a job with an upper-caste family had prohibited the consumption of cat-meat in his family since the upper-caste not not looked down upon them for this act but utilized the act itself to further marginalize them in society. However, as is the case with most Dalit food, members of these communities turned to this kind of meat only due to the complete lack of other options. Eating cat-meat is not out of the ordinary for this community because more often than not that is the only source of meat for them. The narrator's father rarely ate his meals at home since he was given a meal in the house that her served in. One has to assume that the narrator's mother served cat and mouse meat at her table due to the complete lack of other options. In this paragraph we

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<sup>12</sup>ibid. 21.

note two different kinds of violence inflicted upon the woman through a single act, the domestic and the social forms of violence. On one hand the woman is tasked with feeding her family on the other hand, what she feeds her family is something she is judged upon. Due to the upper-caste condescension towards their food habits, the narrator's father who is trying to break out of the cycle of poverty and hold on to his job, approves and supports upper-caste ideas of what is to be eaten and what is not to be eaten. In the text it is sufficiently emphasized earlier that food is scarce for this community, hence members of the community often have to turn towards options which most privileged humans can never find palatable like almost raw and still bleeding intestines of goats. In this case eating a domestic cat or just cats in general poses an interesting situation in society. On one hand the domestication of animals and the ability to afford to maintain, feed and support a pet is a social status symbol for the upper-caste people and on the other hand the same cat is sought after as food since it is easily available meat for a hungry population whose access to food is highly limited. From the perspective of animal rights some may even say that this is a high form of betrayal since cats are domesticated animals that are not used to being preyed upon. Thus we have a situation where it is social status symbol of one section of society versus basic necessity and survival instinct of another section of the society. However, since the section that can afford to domesticate cats are socio-economically powerful and are considered to be the epitome of civilization, the society in general will gravitate towards their point of view regarding this topic and completely invisibilise the survival instinct of those that have been purposely socially criminalized and marginalized in society. The onus of conforming to social ideals then falls upon the socially depressed. When the narrator's father comes home to find out that his family fed on a cat and a mouse he is enraged because he is made to be complicit in an act that his upper-caste masters, whose favorable opinions he so

longingly craves, would definitely look down upon and stigmatize. The narrator's mother is doubly invisibilised in this situation once as a criminal tribes member who upon failing to acquire any other resource turns to cat and mouse meat for dinner and once as a woman whose body is owned by a man who is gradually trying to Brahminicise his entire family so that they may have access to better lifestyle options in the future. From this situation it becomes clear that the only option to elevate their lifestyle is to conform to brahminically approved ideas within society. This too comes at the cost of food options of a certain section within society. Meena Radhakrishna in her seminal book on the Korava salt trading community which was criminalized by the British under the egis of this Act writes, British and high caste hindu police officers, held in contempt the lifestyle of nomads and low caste communities. Unable to comprehend or sympathise with a way of life so far removed from their own way, they regarded these communities as strange. Their peculiar social practices, their consumption of alcohol and 'inferior' types of food, their so-called laziness and unwillingness to work were as influential in branding them as criminal tribes as any record of proven criminal activity."

"Tata came there and asked father, 'Why are you beating her? She is my only daughter.' Father was furious. He took the grasscutter's scythe and aimed a blow at Tata. Mother stepped and covered Tata. The scythe struck mother and not Tata. She received a blow on her head and fell down flat. Blood gushed out through her wound. Then Pandurang, Sambha and Tulshiram came to her rescue. Dada and Anna raised mother and filled her wound with turmeric powder and dressed it with a piece of cloth.

Father pulled a wooden staff from the wattle wall and began to beat Tata saying, 'You eat rats and cats.' We all began to bawl and howl in fear. A dog was lapping up mother's blood that had spilt on the floor where she had fallen."<sup>13</sup>

Violence towards women within the family is clearly not unheard of within this community however this is a very poetic instance that represents the real image of how horrifying the violence can look like. Here a grandfather is being beaten up by his son-in-law while trying to

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<sup>13</sup>ibid. 22.



defend his daughter in front of the grandchildren. The daughter in question is left injured and bleeding due to the altercation that her husband and father have gotten into. Yet the last image that we are left with in this scene, the one where there is a dog lapping up the blood left behind by the mother's wound is the one that makes the most important socio-political point. The relationship of domesticated animals and this human society is almost a symbiotic one. The people eat cats and dogs when there is no meat to turn to, the dogs lap up their blood when the woman is left bleeding on the floor since she couldn't clean up after herself. These are inconceivable yet real human experiences which need to be recorded, archived and validated through memory. Forgetting or turning a blind eye towards such incidences, reports or stories will result in selective memory when it comes to the experiences of the DNT communities. Keeping a record of these experiences is important in order to draw accurate conclusions regarding the socio-economic conditions of these tribal groups.

“Kunbi women (Maratha women) removed the flour from the grindstones before an untouchable worker, who was usually from our community, touched it. Sometimes my sister-in-law told me to touch the grindstones as soon as we reached the spot. For after we touched the grindstone, the flour in it was regarded as polluted and unfit for consumption by the high caste. Such polluted flour was given to us.”<sup>14</sup>

Cleaning flour grindstones was one of the jobs available for this Uchalya family. It was an important source of income. One very important fact that we must take into account is that the narrator belongs to the privileged class among the Uchalyas thus members in his family have access to work and he has access to education despite all the odds that are stacked up against them. In the above section we note again how caste intersects with gender and creates a space where the category of 'woman' whose status, western feminists claim is a class category in itself, is divided by caste affiliation. One can also note the subversion of law by the lower castes in

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<sup>14</sup> Ibid. 60

order to survive. Since they are aware that the upper class will refuse to touch the grindstone after they have touched it they try to ensure that they ritually pollute the flour so that they will have access to it and manage to feed themselves and their families later on. Not only are they subverting the law laid down by the upper castes in order to survive they are pointing out the inhumane nature of untouchability and turning the same cursed existence into their strength.

“In our community it is permissible for a husband to sever marital relations with the wife at any time. So also a husband is permitted to contract a second marriage. If a husband or a wife is unwilling to continue marital relationship with his or her spouse, he or she is required to reimburse the marriage expenses in the Panchayat settlement.”

Marriage is one of the most important social institutions in the world even today. This social institution ensures property rights, monogamy and consolidates inter-familial relations. However as opposed to upper caste marriages whereby a marriage is expected to be a lifelong commitment in the Uchalya community marriage is more of a contract between consenting individuals. It has already been established that this community has very little in terms of landed property or property to pass on to the next generation. Members of the community start working as early as they possibly can and end up working till the day they die. Their day-to-day labor is their only source of resource gathering. This is essentially a worker's community. In upper-caste societies women are treated as property without any agency but the same cannot be said for this community since women have always been equal to men in terms of labor output units. Due to the lack of generational wealth accumulation among these societies and a severe dependence on daily labor their marriage systems have evolved differently than the traditional Hindu society. Traditional upper-caste societies have a code of honor which is more often than not attached to a woman's sense of virtue and property is passed around amidst families through marriages thus arises the necessity to make marriage a lifelong binding institution in upper-caste societies. In this community so long as wedding expenses are paid for by the party seeking the separation, the

separation is granted since every individual irrespective of their gender identity is essentially a labor unit and marriage among labor units are far less binding and have far less over-reaching impact upon the larger family than marriages amidst established families. The poorer the family the more convenient it is when they have fewer mouths to feed. The richer the family the more convenient it is to show off their connections to other well off families. Even though monogamy is the 'ideal' form of marriage in Indian society we still find texts like these that describe alternative forms of marriage within the Indian society and we notice how these same societies have been marginalized for failing to conform with mainstream notions of family units. Since the British belonged to a society where monogamy is idealized it is only justified that they found the upper-caste way of life acceptable and civilized while they found the lower-caste/tribal way of life uncouth and savage. Since virtue of a society as far as the colonizers are concerned are decided by the form of marriage practiced in the society, among other things, this form of marriage where divorce or separation is not just an option but a serious alternative, challenges the way the upper-caste individuals and the colonizers perceive marriage. Marriage is an important pillar of society and how any individual perceives it depends on the kind of society they have grown up in. The widely accepted idea that the tribal people are inferior due to their polygamous practices also played a huge role in the enabling of the marginalization of certain communities. As history has proven to us the imposed stigma of criminality did not go away post independence since the act was merely 'renamed' to Habitual Offenders Act.

“As it was, our women were not used to keeping themselves clean. The new sister-in-law was very clean and wore a natty make-up. There was a huge difference between the way she spoke and the way we did. Sometimes to help in the household chores she would respectfully ask my elder brother's wife, 'Oh Vahinibai, may I accompany you to fetch

water?’ All the sister-in-laws would snigger. They had never heard such language in their households. They used to jeer at and make fun of her.”<sup>15</sup>

Once the narrator’s brother ran away from the village and managed to land himself a mistress in the city. His family and friends found him and brought him back but he returned only under one condition, that she be allowed to return with him. Since she was a woman from a different community though what community she belonged to is not mentioned clearly, she was picked on by the women of the community. Moreover she belonged to an urban family and had never lived in a village. The difference between the women is clear because for the girl cleanliness is something that she takes for granted while for the women of the Uchhalya community it is something that they cannot afford to take for granted. It is alien to them. They have always been relegated to the dirt. Moreover, it is easy for those that get dirty often to remain that way since cleaning up regularly is a time consuming task. However someone who comes from a city has been inculcated with the values of cleanliness and knows that she must avoid getting dirty after she cleans herself for the day. These basic differences in lifestyle choices crop up in scenarios where members of these communities are tasked with interacting with members of other communities. The Uchhalya women literally live in the dirt outside of society. Pursuing cleanliness is an act of privilege for them. This difference is highlighted through other factors as well like linguistic politeness. Later in the text we find that the new girl is ganged up on for wearing a petticoat, an undergarment that most women hailing from upper class/upper-caste or urban families often wear. This piece of garment is not just a luxury item in an Uchalya household but also and unnecessary one since women do not need it in the kind of work they indulge in. There is also the issue of how the Uchalya women treat her as an ‘other’ within the community and there is the constant assurance that no matter what she does she will always

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<sup>15</sup> Ibid. 65

remain an outsider and a topic of gossip among the women. Eventually, after about an year when tensions rose to an all-time high within the household regarding her existence in the household, the narrator's brother tells everyone in the family that he is taking her away to marry her off into a well off family. Instead he took her away and sold her to a man for 250 rupees of which he could bring 150 back into the family. Despite belonging to a community where women are equal units within the family, any woman with a market value can be traded of as property since that is how the oppressed are left to emulate the upper-castes. He must have been advised to do this since they were starving at that point. Thus, love becomes a luxury for those that live in the margins. They cannot afford to feed an extra mouth thus they chose to acquire the wealth that she was worth by selling her and abandoning her to a fate that they know full well would never suit her. The narrator's brother is shown to have remorse later on and regretting his action but he is also shown to have moved on since his family really put the money to good use. The dichotomy can be noted between the experience of love and the expectations of family and how they can be at loggerheads with each other to the extent that criminal acts like trafficking being to look almost humane in the background of the continued systemic exploitation.

“Everybody addressed Chandrabhagatai Jadhav as *Mahamaya*. All the women in her building were mistresses kept by some people. Chandrabhagabai herself had kept two husbands: One, a permanent husband of Yalama caste, Tukaram Reddy, a suspended police constable and the other, a Thakur. Infact, Chandrabhagabai had married two persons from our community and subsequently left both of them.

She prospered well after coming to Latur. Since she bore no child from her first husband, Reddy, she arranged a second marriage for him. When she went to negotiate the marriage she told the bride's relatives that she was Reddy's sister; and got him married to a woman from a poor family.

The second wife was called Sushila but nobody called her Sushila. All called her Sushi. She was made to do all sorts of housework. She cleaned the buffalo-sheds by removing dung, washed utensils, cooked meals and did all the odd jobs. Even then

Chandrabhagabai thrashed her mercilessly even for a slight mistake. Sushila bore a son and a daughter. Both the children called Chandrabhagabai mother.”<sup>16</sup>

Chandrabhagabai comes across as a very powerful matriarch who belongs to the Uchalya community but has made an identity for herself. She has no qualms about abandoning or marrying men and she does it more often than not to suit herself and alleviate herself into a position of power. Clearly, polygamy is an accepted way of life for her and not something that can be held against her. She enjoys the power that she has gained through her marriages and her illicit businesses. She envisions herself as some sort of matriarch and that is clear from the fact that she aids and abets prostitution and expects the second wife of her first husband’s children to call her mother. The fact that she belongs to the Uchalya community proves how far she has travelled in life and also the merits of marrying into the right caste. She utilizes her married caste position to the fullest and is clearly an opportunist woman for she has already left two men to marry into a caste that offers her some privilege on society. She continues leading an unscrupulous and apparently illicit trade but is never held responsible the same way as the Uchalyas since she is married to a man who used to be a police constable. One can assume that he aids her in ensuring that she avoids legal troubles. She utilizes her position of power to keep everyone under her control terrified of her. She rules through fear since that is the upbringing she has had. The Uchalya community understands power only through the lens of fear. Once she came into privilege she chose to wield the weapon of fear as opposed to doing away with it.

“There was no latrine in her house. Being very obese she hardly went out of the house. She would relieve herself in a basket and ask Sushi to clean it.”<sup>17</sup>

Chandrabhagabai’s character is established as one that lords over others in the household. She resorts to doing what she has seen upper-caste women do her entire life. She exploits apparently

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<sup>16</sup> Ibid.103

<sup>17</sup> Ibid. 104

weaker women in order to make her own life more convenient. Since she has amassed all the property herself through various illicit businesses like prostitution and selling *ganja* (cannabis) tablets, most people around her, do her bidding without question. Clearly she enjoys the power she wields upon the lives of the others.

The narrative progresses to describe Laxman's life around the Chandrabhagabai household. Eventually we are introduced to the girl that he falls in love with for the first time. She is an engineer's daughter who often smiled at him from a window. They spent days catching glances and exchanging smiles until one day they met on their way to school. The first day that they met neither of them could muster up the courage to greet each other and settled for waving at each other instead. The next day that they met, he finally mustered the courage to ask her which school she went to. The conversation proceeded from that point and the girl's name was disclosed to be Shobha Jagtap. She eventually asked him to keep her company until she reached school to which Laxman clearly replied saying that he was really poor and she seemed to hail from a rich background and he anticipated that it would eventually create problems for them. To this the girl replied asking what they could do and why they should bother. This marked the beginning of a tumultuous first relationship for Laxman. During the course of the relationship various hurdles came their way. Shobha's mother found out and she was given a sound beating for it. Laxman's friends often interjected in their relationship since many of them desired her. However, eventually Laxman had to call off the relationship after being severely beaten up by his friends. He cited their difference of socio-economic status as the reason behind breaking off the innocent love affair. It is interesting to note that despite the girl belonging to a family with ample socio-economic privilege and obviously more socially-acceptable choices when it came to choosing a mate she never gave up on him. She loved him possibly to the very end of her short

life. She invited Laxman to her wedding and once more after she got pregnant. Laxman declined the offer to attend her wedding but did meet her once after her marriage to the school-teacher. Shobha never made it past her first child-birth. Laxman wept bitterly when he found out.

The narrative continues with various stories related to the life of the Uchalyas and their everyday interaction with society at large. Eventually there comes a wedding which is attended by Laxman and his family where he is made to witness a regressive ritual that makes a celebration out of humiliating an elderly woman. Allegations that the bride's mother was tainted and had not gotten herself purified by the Panchayat were thrown around. Apparently the bride's grandmother had lived with a Maratha man and the girl was born of a Maratha father. Thus, even through the bride's mother had married someone from the community the earlier taint was yet to be washed away. The Panchayat was called and various options for appropriate purification were thrown around. Some said that the woman should be made to eat shit, some suggested that she be fined 2000 rupees yet others suggested that her nose be cut off. Eventually a middle path was suggested whereby it was prescribed the woman should have her head shaved off. According to Laxman it was a very regressive solution and a horrible scene that he had been made to witness yet he was helpless and could do nothing to prevent the humiliation of the woman. The moment he would object to it, his entire family would be considered as outcastes and no one would offer their daughters for marriage to him. Thus, he was forced to watch mutely while the woman had her head shaved off in front of her husband who watched helplessly. After this the marriage ceremony proceeded and the wedding was completed while the mother covered her head and wept bitterly at the end of the pandal.

The women within the denotified communities are doubly oppressed, once as a member of a denotified community and one again as women. The burden of purification often falls upon



them. They are neither safe within their community nor without. A woman's identity is nothing without her connections to the family. Previously in the case of the *Nawadi* we observed how her social position was always inferior to other women and how she was often a subject of ridicule and gossip. Women within the Uchalya community derive their identities from their families, not men, families. Which explains why a daughter is expected to pay for the sins of her mother and how women enjoy a certain kind of agency hitherto unrecorded while considering the upper-caste woman as the ideal woman?

“Elava picked ornaments from women's necks and stole parcels from markets. She never attempted to steal without imbibing a drink. She needed liquor everyday and always smoked *ganja* and *bidis*. People said had she cared to save her earnings, she would have built a five storey building. She spent all her earning in drinking, paying the money-lenders and bribing the police of the place. Shiva and I wore the clothes given by her, while we were working in the spinning mill. Sometimes we went with Elava to crowd around in cloth shops.”<sup>18</sup>

This is the first time in the text we are introduced to an Uchalya woman who clearly operates with more agency than the other women in the community due to her extremely well-honed skills as a thief. She was one of the four wives her husband had but she enjoyed a special position among people around her since she always brought in more money than most of the thieves put together. She is represented as a character indulging in behavior which is ideally only celebrated in men. But she is allowed to get away with such behavior because of her thieving capabilities which are held with a high regard in her family.

“If Elava was ever caught while snatching necklaces and locket from women's necks, our brother and his wife would go to Jawali, give money to some farmer and furnish bail and security to get her released.”<sup>19</sup>

Elava is Laxman's brother's father-in-law's wife. So far in the text every time we hear of a member of the community being arrested by the police, it is usually the wife of the individual

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<sup>18</sup> Ibid. 123

<sup>19</sup> Ibid.122

that goes to bail them out. But in this case when it comes to an adept female thief it is her husband's son who goes to arrange for the bail. She is automatically allowed a privilege despite her gender due to the merit she has accumulated through the years. Thus it is proven that agency among women is really based on their individual labor output. If a female thief is good enough she gets her due in society as well and she is not discriminated against. She is also allowed to get away with the habits acceptable mostly for men.

“We entered a crowded clothes shop. Elava made the attendant show a huge pile of clothes. We were looking through the pile of clothes. In the meanwhile Elava put a big bundle of cloth in her bag. Then she looked about for a while, made a sign to us and went out of the shop.”<sup>20</sup>

This is the first time in the text where we note a woman is actively involved in a task which results in putting food on the table. She is doing it with two close and trustworthy aides who revere her and look forward to wearing the clothes made by her.

“We were after Elava all the time. We knew that if she had no money for liquor or bidis she would steal and sell the stolen stuff at throw-away prices. We feared that if we were away on duty, Elava would sell all the cloth; so Shiva and I decided we would not report for duty that day. After she had her drink, we used our sweetest tone to cajole her into giving us a piece each for pants. Even then Elava charged us ten rupees per piece as her entertainment charges.”<sup>21</sup>

Elava comes across as an exacting business-person. On one hand she is a perennially intoxicated woman with an unmatched skill-set and unquestionably brilliant track record on the other hand she is a woman who has carved her niche by evaluating herself correctly and doing business the right way. This is without a doubt one of the better written female characters I have read of. The reason she is so well written is probably because she is real and part of an autobiography while fiction often writes women from the perspective of men, non-fiction has the privilege of presenting the truth.

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<sup>20</sup> Ibid. 123

<sup>21</sup> Ibid. 123

“Elava was not dependant on any one kind of thieving. She would steal anything. She would lift bundles from shops, pick pockets of grown up men in large fairs, cut necklaces, mangalsutra, *vajratika*, *bormaal* from women’s necks or pilfer gold earring from children’s ears. Elava was agile enough to cut with her teeth gold ornaments of women. She said that she cut a gold locket with her teeth because being gold it could not be cut with a blade.”

The quality of her craft and her knowledge of how it was made to work remains unparalleled in terms of professional skill so far in the text. This is the first time the readers are given a taste of her skill-set that allows her to go about accumulating wealth/resources for herself and community. This is the only way she has learnt to acquire what she needs. The criminal society in general does not respect the idea of capital accumulation on the basis of an honest day’s work. They are well aware that ‘honesty’ is a ploy utilized to keep social categories in their designated place and to control social mobility. The control lies in the hands of a generationally empowered few. Thus these communities have to come up with alternative tricks to accumulate wealth.

Elava seems to have perfected her craft pretty well.

“Elava would ask her husband, ‘Sopana, I brought piles of ornaments. What share did you give me out of them?’ Then Sopana would answer back, ‘Elava, I brought you as my mistress, yet I take you with me as I would a wife. Whenever earnings have been plentiful, I have given you your share willingly. Even then you quarrel with me.’ In fact Elava was Sopana’s fourth wife. She was abducted because she was a versatile thief. Nobody knew what her caste was.”<sup>22</sup>

Elava, being an abducted identity has managed to gain and retain a position of difference from the rest of the community. She is well aware of the transactional nature of her relationship and does not allow her emotions to cloud her business acumen. She has successfully managed to capitalize her skill-set and at the same time ensured that she is well protected within a society so that she has a community to have her back in case she gets into trouble.

“Once Elava picked bracelets and two bundles of brand new cloth from a market in Latur. She kept the articles in Manikdada’s room. The police traced her to Salegalli and

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<sup>22</sup> Ibid. 123

confiscated the articles. Elava ran away. The police arrested my sister-in-law. She never indulged in thieving, she knew nothing about it. My brother and his wife were poor and whoever came to them with stolen goods gave them five to ten rupees. Moreover they got good things to eat. Hence they allowed these thieves a temporary refuge. This time however the police traced the address unerringly and caught her with the goods. The police threatened and grilled her on the spot. She admitted that Elava brought the goods there.”<sup>23</sup>

This is one of the last times we hear of this feisty, ruthless thief. She utilized her craft well and knew exactly the opportune moment to run away. The narrative moves on to Laxman’s wedding.

“Chingu, a girl from Kavatha was a versatile thief. Moreover, she was a close relation of ours. Her relatives asked my brother and started marriage preparations right away. The girl had been taught the art and craft of thieving right from her early girlhood, and she had no schooling at all. The marriage between me and this girl was fixed. I too felt inclined to go through with it for I thought if my wife were a good thief, we would have two sources of income. Chindu had made full preparations for the impending marriage.”

It is interesting to note Laxman’s own reasons for wanting to marry this girl. While on one hand he abhorred or rather tried to stay away from thieving, pickpocketing or the traditional ways of income in his community, on the other hand he was okay if someone he was married to did it. In a way he is essentially trying to keep his hands clean at the expense of someone else. He also recognizes his future wife’s position as a separate laboring unit. He creates a critical distance between the act of thieving and the necessity of a sustainable livelihood. This distance allows him to divorce what is wrong from what needs to be done.

In the mean time Chandrabhagabai hears of Laxman’s impending marriage plans. She decided that she wanted an educated groom for her daughter Chhabu. Thus a new conversation began and Chandrabhagabai was promised Laxman’s hand in marriage to her daughter. What essentially transpired due to this was that two of Laxman’s brothers had two different conversations with two different families and both had been promised Laxman’s hand in marriage. Thus a bitter fight ensued among the brothers and the merits of each of the prospective brides were discussed

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<sup>23</sup> Ibid.124

at length. However the drama leading up to the marriage could not defeat the drama taking place during the marriage ceremony itself.

“Anna’s wife took up cudgels against me and my wife after the marriage ceremony. Shiva and Babusha of jawali joined forces with Anna’s wife and violent quarrels ensued. They would freeze in anger and start a cold war. My sister-in-law persisted in abusing and cursing me. She said, ‘this bastard’s marriage is nothing but trouble.’ On hearing this Anna beat his wife on the spot. People stepped in and tried to pacify matters.”<sup>24</sup>

One can note that cursing abusing and domestic violence are not out of the ordinary in a Uchalya wedding. In fact guests can almost be sure that some scene of the sort will ensue at a wedding ceremony. Weddings are after all about exchange and accumulation of wealth. Thus those with the least amounts of it negotiate the hardest and are left the most bitter when arrangements go sideways. However the wedding was concluded despite the opposition and quarrels and Laxman went on to start a new family in a one-room space he rented for the family. The Family included Laxman, his brother Harchanda, his father, his wife and the wife’s grandmother who Laxman referred to as *Maami*.

“My wife and I had no separate bedroom for us though we were a newly married couple. My wife had not yet attained puberty. Yet Maami, her grandmother would tell us to sleep together. My wife was around fourteen or fifteen years old.. We spent some days this way.”<sup>25</sup>

Clearly early marriage was acceptable among the Uchalya community and was nothing to be looked down upon. If anything it was celebrated. Early marriage is a social custom which is yet to be completely stigmatized. There are various initiatives by the government to curb down on such practices but to no avail. However this was no ordinary marriage even in the Uchalya community since one family had been spurned in favour of another. The Jawalis who had proposed the other bride were trying very hard to create problem in Laxman’s marriage. To a

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<sup>24</sup> Ibid. 123

<sup>25</sup> Ibid. 138

large extent they were succeeding as well. What followed was a series of misunderstandings and quarrels between his wife and him. Laxman found himself getting touchy and suspecting his wife. He even beat her mercilessly on some occasions. One has to note that irrespective of education people turn to the behavior that they grow up seeing. Laxman grew up in an atmosphere where domestic violence towards women was not just accepted but resorted to as a form of disciplining women within the family. Here there is an odd hypocrisy. On one hand women are recognized as laboring units and allowed a level of economic agency on the other hand their social agency is severely crippled through regressive practices like purification and domestic violence.

“My sister-in-law often used to tell me that a wife’s place was at her husband’s feet, much like the chappals that’s worn on the foot. I too felt that if my wife looked at anybody, I should gouge her eyes out. To add to my suspicions and torment that day I had found, on my arrival home, that my wife was at the neighbour’s place instead of at home. As she had dared to visit somebody without my permission, I was terribly furious. Moreover, my sister-in-law had added fuel to the fire and inflamed me. My wife was sitting right before me. I whispered, ‘Go back to our room, the rats are moving about and eating our *bhakar*.’ She went home. I entered after her instantly and closed the door after me. She began to weep. I brought out the raw stick from under my shirt and thrashed her so mercilessly that she rolled at my feet and pleaded, ‘I’ve done nothing. I touch your feet.’ I, however, continued to beat her with the raw stick, wherever my hand led. While I was beating her, Anna knocked at the door. I opened it. My sister-in-law (Subabai) was standing outside. She said, ‘Beat her, Laxman. Don’t be afraid. I’m here to back you. I won’t allow the Kavatha people to enter this lane.’”<sup>26</sup>

The fact that formal schooling and education does nothing for the sense of ethics among students is proven through the above extract. Not only is Laxman indulging in the violence, he is also giving in to regressive ideas like a wife’s place is at her husband’s feet. Earlier in a scene we see Laxman getting repelled by the shaving of an elder woman at her daughter’s marriage for her mother’s sins. We note that Laxman called it a regressive practice. Yet when it comes to his own household and his own life he is willing to indulge in such horrific acts of violence against his

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<sup>26</sup>ibid. 140.

own wife at the behest of his sisters. The women who are egging such violence on are clearly survivors of such abuse themselves. Since it has been established in the text that marital violence towards women is not out of the ordinary for women, we can safely assume that the sisters have been through their fair share of violence. The sister's insistence on continuing the beating betrays a hint of sadism in her character. While one can blame such behavior on the fact that women for this community are no strangers to violence and abetting the violence in someone else's life is a way of making up for the pain they themselves received or receive on a regular basis, yet such violence must be criticized when it comes from an educated man. A lot of value was put on Laxman's educated status at the time of marriage. Domestic violence should have been one of the spheres where his education should have appealed to his rationality yet it failed him.

Eventually however things ran its course and his young wife went back to her parent's home. She refused to return fearing the beatings. Shiva his friend who worked with him at the mill explained to him how his sister-in-law was falsely manipulating him in order to create problems in their marriage. Finally Laxman returned to his wife's natal home to bring her back. He stayed there for a couple of days where his in-laws explained to him that he should be living a decent and happy married life and not indulge in such heinous acts of violence that leaves scars on his young wife for weeks. Laxman returned to Latur with his wife and her grandmother.

“My wife's grandmother hunch-walked her way back. When I asked her once, why she walked like that, she told me that police beatings had broken her back. She narrated her story.

‘I had a son, Ram by name. He was a versatile thief. While your wife was still a young girl, he had cut and picked a pocket. He got ten thousand rupees from it. The police came to know of it. About 25 to 30 police constables and inspectors descended upon our village. They thrashed us all, kicked us with boots, and trampled on our prostate bodies. They grilled us to tell them where we had kept the money. The money was buried in a deep hole underneath a tree in the woods. The entire village was besieged by the police. I had gone to relieve myself in the morning with a bonnet like long covering. The police

came to know that I had gone out of the village. So they pulled out all the women from the houses and beat them vehemently with sticks. Nobody told them where the money was. All the boys had run away. I was beaten severely and thrown down a raised stone platform. They grilled me to tell them where the money was but I didn't tell them."<sup>27</sup>

One of the most important outcomes of the encounters between the police and the denotified tribals is often temporary or permanent disability or disfiguration depending on the kind of violence one is subjected to. This is a method to inspire fear among the subject population by the colonising or in the post-independence scenario, policing authority. While temporary injuries can be gotten past in a few days through collective attempts at selective amnesia regarding certain incidents, disability is a more permanent trauma and leaves an indelible mark upon both the individual and collective psyche. Laxman admits that both his wife's grandmother and his own father have been victims of this form of violence. By leaving a trace of violence through subjection of certain individuals to a cursed existence the police ensure that the memory of their torture and disciplining remain fresh in the memories of the subject population they hope to lord over. This is form of biological control over practiced by the state in the name of protecting the interests of the citizens of the country. Branding one group of individuals with no access to systems that allow them to voice their dissent as criminal, ensuring that they have no option but to act criminally and then utilizing the laws of the land to validate the violence upon complete groups of individuals irrespective of gender.

The autobiography carries on to describe Laxman's rise as a worker's union leader, his subsequent fall from power after he was eventually asked to leave his job, his involvement with politics and eventually his attempt to start a residential school for children of the Uchalya community. At one point due to the lack of a stable income Laxman started a grocery shop

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<sup>27</sup> Ibid.143



outside his own house. Meanwhile he spiralled into poverty and could not afford proper medical care for his father and his father died at home with ants crawling all over his body.

“My wife’s cousin sister Changuna, also hails from Kawatha. She lived in Solapur. She visited Kawatha on and off. She maintained a household of eight members. She had three husbands. In one trip she would bring back necklaces, locket, pendants, *mangalsutras* weighing several tolas. No one ever dared to apprehend her for she dressed superbly and moved around bedecked in gold ornaments of three to four tolas. Nobody even thought that such a woman would stoop to stealing. Hence nobody suspected her.”<sup>28</sup>

Here is an interesting instance of how performing the identity of a caste alien to one’s own could often be utilized to manipulate public perception of a thief. The public perception was one which had an idea of what a thief/pickpocket looks like. Thus, by imitating the look of a richer person Changuna often got away with her deeds. She utilized the look against the mentality of those about to attack her so that they could not dare to touch her. She is well aware that if people perceive her to belong to a higher caste or a socio-economically privileged class they would much rather avoid confrontation with her for the fear of the violence that might follow. She utilizes this bias and co-opts it into her own style of thieving.

The narrative goes on to describe the kind of influence Changuna had within the community. She built a business of her own and was looked up to by almost everyone in the community. She often lent money to people and had many beneficiaries, none of whom however came to her children’s aid after she had passed away. Her beneficiaries all led lavish, luxurious lives but her own children were pushed into destitution after she passed away. Her funeral was completed with honours and a lot of people attended her cremation.

“There is one Ithi of the same age as Chingu. She is also a relative just as Chingu was. She too has more than one husband. One of them was from our community. Now has married a Muslim. Both she and her husband are in this branded business. They live among the people of our community. Once they had gone on their usual business. They

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<sup>28</sup> Ibid. 183

could not pick, steal or pilfer anything. They somehow managed to come from Pune to Alandi without tickets. They had no money to go further or to eat something, and were in great trouble. At last Ithi sold her pretty little daughter of one and half years, whom she had borne in her womb, for nine months and given birth to in pain, for 200 rupees in Pune.”<sup>29</sup>

The occurrence of human trafficking among the denotified tribes of India is not uncommon and one often hears stories of mothers willingly selling young children due to a severe lack of better options. The price paid for a one and half year old child here seems to be less than the price paid for the suit that Laxman wore at his own wedding. He wore a suit worth 250 rupees and this child was sold at 200. The monetary value of human life is so degraded yet certain people have no option but to give in to such practices. Sometimes they do so because they believe that whatever life they have after being sold would be better than the quality of life that they themselves will be able to provide for. While in most cases it is probably true but the choices to choose from for the India's most marginalized are horrific and cannot be justified or empathized with university-educated urban individuals sitting in air conditioned rooms and discussing the merits and demerits of such practices. Unless the question of casteist, tribal and DNT inequity is not addressed properly such practices can never be done away with and will continue in some sections of the society.

“Once in a Pardhi locality in Latur, Hirabai Kale, a Pardhi woman, had given birth to a child. After she delivered the child she had nothing to eat. Her husband had been arrested under the charges of theft. The woman lived only on water. At last she underwent a tubectomy operation under the Family Planning Scheme for which she received Rs. 200. She bought a gunny bag of high quality jowar out of the money she received. A farmer of a neighbouring village happened to register a complaint of the theft of jowar from his field about the same time. The police could not trace the thief anywhere. Since they could not trace the thief they descended upon the locality of Pardhis and found half a gunny bag of high quality jowar in this woman's hut, who was still recovering from her recent delivery. The police grilled her ‘from where did you get this half a gunny bag of jowar?’ Poor Hirabai begged and entreated piteously, ‘Saheb, I've just delivered a child and I've got nothing to eat. My husband thanks to you, is in jail. I got myself operated under the

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<sup>29</sup> Ibid.185

Family Planning Scheme. Out of the Rs.200 they paid for it, I've purchased this half gunny bag of jowar. Saheb, I've become so weak that I've no milk in my breast for my offspring. That's why I've purchased this Jowar.' She even showed the medical chit that had recorded her operation. But the police simply ignored it and arrested Hirabai and put her in custody along with her offspring. Hirabai's mother came to me weeping and told me, 'My daughter has recently delivered a child. She has been arrested by the police. Please get her out of their clutches.' I ran to the police station immediately and met the sub-inspector and requested him to release the woman. The sub-inspector chided and warned me, 'look, these people are thieves by nature. If you take their side, you'll be considered an abettor.' I was angry at this reply and retorted: 'You arrest the women of Nomadic and Denotified tribes. You do not even employ lady-police constables for this purpose. You keep our women in the police custody at night. How do we know that you do not rape them?' There was some effect of my talk on him and he released Hirabai and her child. He asked them to be present in court next day."<sup>30</sup>

The above incident indicates that the police actually buy into the idea that crime is hereditary. Their blatant blindsiding of the fact that the woman was capable of producing proof of her tubectomy and their complete lack of mercy for a woman who has just given birth indicates a certain kind of apathy towards the Denotified and Nomadic tribes that can only be conditioned through years worth of practicing bias. The police are so used to inflicting violence upon such populations that they consider them to be less than human. They do not even consider the rights of a woman trying to survive post-natal tubectomy. For them it is not so much about solving a crime as much as it is about pinning a crime upon a member of a community because it is convenient and the members of the community often indulge in thieving. The whole discourse regarding the Criminal Tribes of India and later Habitual Offenders Acts leads to a kind of evolution of the Police system which is dependant upon the 'hereditary criminal' nature of certain communities. Far lesser importance was placed on actual detective work by the police as compared to the importance placed on identifying hereditary criminal groups. In this case one can note the police's reluctance to even look at the proof provided by the woman. A bag of jowar was found in a hut of a woman belonging to such a tribe thus she is the criminal irrespective of

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<sup>30</sup>Ibid. 199.

whatever proof she is capable of producing. The Criminal Tribes of India Act and the subsequent Habitual offenders Acts were just tokens of convenience for the police. The police utilized these laws to make their own lives easier from time to time thus devaluing actual detective work. When one looks at the piling number of unsolved criminal cases in India one is often left wondering why the police are so incapable of solving all the crimes. While this may be a grand assumption but one can look towards this culture of having a group of people always available to pin blame on, as one of the main reasons why the police detectives have evolved the way they have. They have rarely indulged in proper detective work. More often than not they have pinned blame on these communities. Thus the system has also evolved surrounding these practices.

“Once a community Panchayat was convened at Kawatha. It was for my wife’s sister. Her name is Salubai. Salubai was married to man from Solapur. Her husband was a versatile pickpocket. He had entered into a bigamous marriage. So Salubai’s mother obtained Salubai’s release from the marriage by paying Rs.251 as per the custom of our community. Salubai continued to live with her parents in Kawatha. Salubai was young and healthy and she fell in love with one Ravan of our own community. Ravan too courted her and entangled her in his love. He lived with her for two years assuring her that he was yet unmarried and would marry her in the near future. A daughter was born to Salubai of him. All the people of Kawatha knew of this. Yet nobody said anything for it was taken for granted that they were married. Ravan’s parents however chose another match for Ravan and their engagement was finalized. Salubai had already been married once. She was assured that Ravan would marry her and that he was yet unmarried. So Salubai called for the intervention of the community Panchayat. People from distant parts had gathered to attend the Panchayat. It was decided at the Panchayat that since a girl had been born to Salubai from Ravan, Ravan should take Salubai as his wife. He must not solemnize another marriage. There ensued a lot of discussion and argument over this decision. Then on the last day my father-in-law declared, ‘Brothers, look, Salubai is like a cow. She was sold once to one man and she remained tied to his rope for some time. Then she escaped from that house and came to Kawatha and lived with another man, who was not her formal owner.’ The community Panchayat mulled over this argument and ruled that Ravan must dip his nose in Salubai’s urine and pay Salubai a fine of Rs.251. The decision was taken unanimously. Salubai collected her urine in a small bowl and gave it in the Panchayat. Ravan dipped his nose into it and was free to marry again.”<sup>31</sup>

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<sup>31</sup>ibid. 224.

The above extract magnified the problem of women being objectified within the community.

Earlier I have argued that women have more agency as individual laboring units however this is the first time in the narrative that a woman is being compared to a cow and her status in society and destiny is being decided upon the idea that she lived with a man who was not her formal 'owner'. Women's bodies are not just abused by the police and the state but are perceived to be owned by the men. This blatant declaration of ownership of a woman's body by her own father in front of a consenting community represents the position of women within the Uchalya community to be one of the doubly oppressed, once as members of the Uchalya community and once as women within the community. Irrespective of a woman's laboring body and her equal contributions towards family economics a woman is still considered a property of the men around her. It is interesting to note that the practice of brideprice is widely accepted in the society and thus the property value of a woman within the community is imposed. While the view of women as nothing but cattle seems very regressive and Laxamn Gaikwad himself admits it in the next paragraph one has to enquire into the practices that has led to this mentality. The widespread Indian concept is that women are property. Turns out this concept holds true across class/caste barriers. Women, irrespective of which part of the society they belong to often have to contend with such regressive ideas of men. Irrespective of how much a woman changes her position in society through hardwork or accomplishments she will still be considered as a property to be bartered and exchanged by the men around her.

The autobiography ends with Laxman speaking of his engagements with politics and his continuing struggle with poverty. This text highlights the conditions of women within one of the most marginalized communities in India. The invisibilisation of the violence towards them is practiced through normalization of the treatment meted out by the police and the normalization

of patriarchal values that motivate the men within the society to act. We have encountered a narrative where despite women's equal participation in struggle, violence and poverty women are still considered to be cattle by the society at large. The society can see every day that the women suffer equally yet refuse them their position as equal partners-in-crime.

#### Upara: A short literary analysis

Another body of work which fed into my larger research was the anthology called *Painted Words* edited and compiled by G.N.Devy. This dissertation has analysed the short story *Makar Savar* in a later chapter. However the parts of the anthology that is essential for this study on the denotified tribes are the two selections from the autobiographical works of Laxman Mane and Atmaram Rathod. The section from Laxman Mane's autobiography *Upara* is called 'The Outsider'. This section describes Mane's experience as a child. He was forced to forego a school excursion due to his inability to pay for the expenses during the trip which amounted to fifty rupees. This experience of humiliation and loss led him to seek out odd jobs. Most of the selection is essentially an outsider's description of an upper-caste marriage. Mane records his experience of observing an upper caste woman's descent into madness after her marriage is broken during the ceremony itself. Mane's descriptions of the wedding are essentially comparisons with his experience of watching weddings in his own community. The narrative constantly compares between the costs incurred at the marriage of a well-to-do family and a marriage in his own community where a lot less money is spent. The text ponders upon the difference in perception of honour in the different echelons of society. There is a section where a Kaikadi woman is accused of adultery by her husband. Her husband takes the case up in the Panchayat and claims the right to get remarried. The Panchayat finds the girl guilty and sentences her to excommunication and the man is let off with a fine. Later it is revealed that it

was actually the man who was involved in an extra-marital relationship and he was just looking for a way to blame the woman. The excommunicated ex-wife descended into madness and no one knew what became of her child. The next story of importance in this section is the story that unfolded at the wedding that Mane attended. The wedding ceremony was flagged off with ample display of wealth and family position. However an altercation during the wedding led to the wedding being called off and the severe injuries in some members of both the families. The bride whose wedding it was supposed to be was taken back to safety during the pandemonium that followed during the violent altercation. She returned home but the family was under tremendous pressure to marry her off soon. It was said that had she lost her husband after marriage, her position might have been slightly better. Years passed and suitors came and went but no one agreed to marry the bride. The girl descended into madness due to the social opinions and the pressure on her to marry. In both the cases that mane reports in this section of his autobiography Mane is an outsider to the descension of madness of two women. He merely reports the woman's descent into madness. He can neither empathise with their catse position not with their gender subjectivity. This is one of the few instances where a denotified tribal identity is representing an oppressed gender identity belonging to a different class/caste paradigm. It is interesting to note that Mane chooses to represent only those upper-caste experiences that lead to the destruction of the woman's existence altogether. Mane's choice of the kind of women he portrays in this section of the autobiography is interestingly biased towards women whose victimhood can be easily identified. Moreover, Mane chooses to represent a very interesting aspect of the upper-caste experience, the women's descent into madness. Madness/Mental health decline is detailed as an 'outsider' experience. In the entire literature survey and the analysis of novels and plays that has been done for this dissertation, absolutely no instances of mental health failure or

madness has been noted. The only time that one notices this portrayal is when there is described a situation of upper-caste normative society which is disrupted by an honor related issue. The entire question of mental health has not even been asked so far in any study or addressed in any representation in the context of the denotified and nomadic tribes. Whether this is a conscious choice or not one can never know but it is interesting that an identity which is defined by victimhood chooses to primarily portray upper-caste/class identities of victimhood when it comes to representing the upper-caste/class in the context of his own life.

#### *Tanda: A short literary analysis*

The next selection that will be considered for review is 'The Camp' taken from Atmaram Rathod's *Tanda*. Atmaram Rathod belongs to the Banjara community which is a nomadic tribe that originated from Rajasthan. The Banjaras believe that they originated from the Marwar region in Rajasthan. Sections of their population are engaged in trade of salt, grain and other commodities in remote villages. It was in the 1891 census that the Banjara people were registered to be professional thieves. They were subsequently criminalized and made to undergo the 'branded' experience. However, the section from Atmaram Rathod's autobiography *Tanda* does not deal with the experience of being a denotified tribe. The text deals primarily with Rathod's experience with politics. It needs to be noted that this section from the book does not mention anything about Rathod's subjective position as a Banjara writer. Whatever his experiences may have been as a person with denotified identity none of it has been recorded in this section. What has comes across is a sense of the privileged he enjoyed and his own position within politics of being a trusted valet of sorts to a politician named Sanawatji. Rathod is well aware of the easily dispensable nature of his existence in the job title he holds. He even mentions that he hardly gets paid anything for it. The Banjara community as represented in this text is



clearly one different from other denotified tribal communities. While other communities that this research has looked at are characterized by mass impoverishment, the Banjaara community clearly has a class system embedded within it whereby certain individuals have acquired positions of power and possibly enough money. There is mention of a Vishwa Banjara Mahasangh to which Sanawatji belonged. This organization apparently served the political interests of the Banjara community. Sanawatji is clearly a man who holds a position of power within this organization. Rathod, his secretary often finds him to be a hypocritical man due to the differences between his proclaimed ideals and his lived ideals. While he publicly maintains an image of a public servant who is trying to look out for his people, he treats the same people in an appalling manner while in private. This difference between public and private persona has been very clearly portrayed in this text. Usually when there is an individual with a huge difference in public and private personas, the people closest to the, which is the family are affected the most. Sanawatji's relationship with his daughter Neeta is somewhat similar. This is a fact inferred from the fact that Sanawatji was willing to make an example out of his daughter for taking ten rupees out of the fund that her father had created for the community in order to pay for household expenses. When Sanawatji is informed of the reason his daughter made a withdrawal he promptly criticizes the action and claims that his family is not his wife and daughter but the people of the community and thus his duty is also towards the people. He claims that he is merely a servant of the people and a guest in his own home so he doesn't have to worry about the responsibilities in a home where he is a mere guest. This sense of reasoning angers Rathod to an extent but he is incapable of acting upon his anger. The text marks a certain kind of commoditization of the Banjaara identity. The commoditization of Banjara art and poetry to suit the public perception of Banjaras is turned into an industry that survives these people. Clearly

those that have understood and learnt to negotiate their identities with market capital trends have fared better than others. This text does not describe a picture of impoverishment or struggle of any form. This text describes the politics indulged in by a group of individuals that aspire for affluence, power and recognition. This text is proof that the denotified tribes are highly divided when it comes to the post-colonial experience. While some tribes like the Banjaras have managed to negotiate their way into affluence and political power yet others have been left way behind the curve. Whether this has anything to do with the popular ideas surrounding the Banjaras or not, one can never say for sure, however there seems to be none of the markers of hereditary criminality, victimhood or oppression in this text. It is important to note that the Banjaras have been well represented in popular culture through cult films like *Sholay*. Whether this allowed them to escape the stigma of being an ex criminal tribe remains a question to be answered. It is interesting to note that in this text 'poor people' of the Banjara community are mentioned in no other context but as the vote bank for Sanawatji. This goes on to prove that within the structure of parliamentary democracy, individual categories and subjective experiences are lost to umbrella identification terms like impoverished and malnourished. This is a text marked by the politics of money exchange, commoditization of cultural identity and generalization of subjective experience.

## **BEYOND FICTION: THE CURIOUS CASE OF BUDHAN SABAR AND THE PERFORMERS AT CHHARANAGAR**

One of the most defining moments for the positive action surrounding denotified tribes in recent times is the custodial torture and murder of Budhan Shabar. Up until the 1990s it was customary for the police to randomly arrest members of the denotified tribes and subject them to torture until they confessed to the crime that was being pinned on them. We have read accounts of it in Uchalya as well. However the case of Budhan Shabar is so famous since it attracted the attention of various academicians, writers, intellectuals and positive thinkers like Mahashweta Devi, Romila Thapar and Gayatri Chakoborty Spivak. One fact must be kept in mind while dealing and speaking of the denotified tribes and their plight in a post Independence India. The government did not completely do away with the concept of criminal tribes even though it managed to amend the act in 1952. The Act was amended to the Habitual Offender's Act. According to the clauses of this Act, the police could continue to harass these communities in the name of law and order. In fact more often than not crimes committed by upper caste individuals were pinned on members of these tribes since they were considered born criminals. This designation of a criminal from birth was a convenient for the police because it allowed them to close cases on paper and due to the fact that these communities were severely oppressed and marginalized there were not too many mainstream voices willing to speak on their behalf. But this all changed with

famous case of Budhan Shabar who went on to inspire the nomenclature of one of the first DNT Theatre groups in India. Budhan is the name of the group that performs and creates awareness regarding the plight of DNTs in India. The Budhan Shabar case is particularly famous because it started and brought into mainstream focus the plight of these people nearly 50 years after Independence. The incident inspired the creation of 'Budhan Theatre', which is a non-profit, non-commercial and voluntary organization which represents the plays done by the DNT community of the Chharas. The insistence by the state that criminal nature is inherited lead to the socio-cultural marginalization of thousands of Indians who were left voiceless even during the struggle for Independence. Apparently, Independence was not for those found guilty of belonging to the notified tribes and classes. In *Dishonoured by History*, Meena Radhakrishna, opines that one of the methods followed by the administration to confirm the alleged criminality of a group for initial notification was dependence on accounts by the so called respectable people of the village. These accounts invariably comprised of high caste headmen and landlords. However by the time the Criminal Tribes Act came along the powers of the landlord had increased due to the recommendations of the Indian Police Commission. The accumulation of power in the hands of a socio-politically privileged class led to the upper class utilizing their own bias against certain sections of the populations in order to doom their cultures socially in the long run. What resulted was a century long struggle for dignity for a certain section of the society which continues even today.

*Budhan* is a play by Dakxin Bajrange Chhara which was performed at the first national conference of the Denotified and Nomadic communities. Delegates at the conference included luminaries like Romila Thapar, G.N.Devy, Laxman Gaikwad, Mahashweta Devi and Gayatri Chakraborty Spivak. This play had such a profound impact on those that attended this historical

conference, it was subsequently performed at New Delhi, Bhopal, Baroda, Pune and Mumbai.

The play derives its structure straight from the oral tradition of tribal theatre. It does not portray an imaginary perception of suffering; instead it is based on the lived, traumatic experience of being branded a criminal. The play has fifteen scenes and begins out with a very ordinary of a rural couple in a market. The actors performing in the play take pride in performing and draw their identity from theatre. Some of them are uneducated but feel that it does not make a difference to their performance. They think of theatre as a mirror to society and they utilize the mirror to portray their plight in society and create awareness for their situation.

The narrator informs the audience in the very first dialogue itself that the number of people living with the identity of a branded criminal amounts to six crore, standing in 1999. He points out that this group of six crore individuals who are spread across the country have been singled out to bear the burden of historical lapse. He points out how they have 'owned'/been at one with the jungles for thousands of years and are now being forced to fight for their rights to exist within the jungles and continue their way of life that has existed unhindered for thousands of years. However over the past couple of centuries with the advent of different forms of economics whereby natural resources have begun to become state property, violence towards these individuals have risen both socially and institutionally. It is against the interests of profit based capitalist economies to allow for sustainable and equitable distribution of ground natural resources like forest cover and clean rivers. Tribal livelihoods are being consistently wiped out in favour of development based economies where individuals are reduced to name tags, accession numbers and collective social growth of the communities are being directly attacked while their way of life is being co-opted into mainstream culture as either arts and crafts or fetish tourism. These attacks have been enabled through a series of attacks over the last century the first of

which was the infamous Criminal Tribes of India Act. By stigmatizing their existence and ghettoizing their societies the British along with the ruling elite of India who ironically went on to become the face of the Independence movement, the cultural milieu of these tribals was reduced to economic marginalization while their entire existence outside of society can only be termed as undignified. After the Independence the role of the ruling elite in the previous criminalization of these people become clear when instead of undoing the historical injustice towards these people the government simply chose to change the nomenclature to Habitual Offenders Act, which was in essence the same Act but instead of directly naming and stigmatizing entire communities it seemed to stigmatize only the act of habitually offending. Yet the target population did not seem to have changed. The previously criminal tribes had now been reduced to such levels of marginalization that they were forced to take refuge in a life of crime. They internalized their externally imposed criminal identities as we can be seen in the case of the Uchalyas. However, many tribes did manage to move on and make a livelihood out of being artisans and craftsmen. In the case of Budhan Shabar, he is one such person who has stayed away from a life of crime yet is subjected to one of the worst cases of police violence in the 90s. The play describes in detail the entire event.

It is casually mentioned in between actions where actors are enacting scenes of oppression that in 1979 people of the Lodha community were tormented and killed by people in the society for the crime of belonging to the tribe. Some were made to drown while others were tortured till they died.

“Chorus: There has already been one revolution and another is yet to take place. That was a revolution brought by Bapuji. This revolution will be of the rights of the denotified and nomadic tribes.”<sup>32</sup>

The very fact that the first revolution was not enough and there needs to be another revolution for this population indicates that even though the colonizers left in 1947, the structures enabled by their rule have continued to rain injustices upon this population. After the above chorus we hear the actress that plays the role of Shyamoli, who is the wife of Budhan Shabar inform us that, “What you are about to witness is not the end but a beginning.”<sup>33</sup>

Following this the actor who plays Budhan introduces the geographical backdrop of the scene which is the Akarbaid village of Bengal where a small community of Shabars live who are considered to be habitual offenders and thieves by the Indian government. Budhan Shabar died on the 10<sup>th</sup> of February 1998. The police officer who was primarily responsible for his death was Ashok Roy.

Eminent Writer and socio-political activist Mahashweta Devi, “I have fought against the stigma that was attached to these people for years now, but to little avail. West Bengal has been under the CPM-dominated Left Front Rule for the last 30 years, but neither it nor the Central Government did anything to redress the grievances of these so called “criminal tribes”, except to announce in 1952 that by no longer being notified as criminal tribes, they had become denotified. In 1998, Budhan Shabar of Puruliya was brutally killed by the police. Up until that year, I did not personally know about the all-India-ex-criminal tribe situation.”<sup>34</sup> Mahashweta Devi went on to file a case in the Calcutta High Court on behalf of the Paschim Banga Kheria Shabar Kalyan Samiti. The case of Budhan Shabar received it’s due attention and became a pivot around which

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<sup>32</sup>Dakxin Bajrange Chhara, *Budhan*, (Vadodara, Bhasha Research and Publication centre, 2010) 4.

<sup>33</sup> *Ibid.* 4

<sup>34</sup> Mahashweta Devi, *Hated, humiliated, butchered* (Countercurrents.org, 2007)

the movement to ensure that the plight of the the denotified tribes was brought to the forefront and their demands heard by members of civil society. The tribes have long been existing in the shadows of the legal system.

The second scene of the play opens with a light hearted interaction between a *paanwala* and Budhan. Budhan is shown to be shopping in the market with his wife and offering to buy her paan. We are informed that on that day at the market Budhan and his wife were going to visit their uncle who was not keeping well. So far, this scene is one that exudes an air of normalcy. However, everything changes the moment Budhan stretches his hand out to pay the *paanwala* for his paan. His hand is caught by a police officer who has been scanning the market to arrest a Shabar, who he can pin all his pending cases on. The police officer is identified as inspector Ashok Roy. Inspector Ashok Roy, asks Budhan his name and upon finding out that he is a Shabar, arrests him and takes him to the police station. Budhan resists the arrest and asks, “But Sahib, what is my crime?”<sup>35</sup> To this Inspector Ashok Roy replies, “You bloody rascal, your greatest crime is that you questioned the law.”<sup>36</sup> Budhan is then pushed down into the pavement and id presented with two options. Either he has to follow the inspector silently back to the police station or he will be paraded naked across the market. All the while tthat he is being presented with these options he is simultaneously being kicked and beaten. Budhan is left howling and begging for mercy. Upon hearing his cries for help his wife Shyamoli rushes to his aid. She asks the Police officer what he has done to which the Inspector retorts angrily and asks her who she is. Upon finding out that she is Budhan’s wife, the Inspector hurls abuses at her and drags her husband away while she follows screaming after her husband. This scene highlights the arbitrary nature of the arrest in this infamous case. None of the standard protocols like informing

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<sup>35</sup> Chhara, *Budhan*. 6

<sup>36</sup> *Ibid.* 6.



the arrested individual of his crimes, showing him the arrest warrant or carrying him away in a dignified manner was followed. However there is a naked display of unruly power on part of the state forces. In this scenario the police arrest a man without evidence, threaten to publicly humiliate him, physically assault him and verbally abuse his wife, on an arbitrary basis. This scene goes on to prove that despite almost half a century having passed since the Independence and the subsequent denotification of the criminal tribes, certain sections of the population are still treated with the same amount of disregard as before. Even though the law has changed, the attitude towards these sections of the population has not. One must keep in mind that these events are happening in February, 1998.

The third scene opens with the actors explaining various emotions and experiences of the characters. We are reminded that Shyamoli is a simple, innocent woman and Budhan is a man who was not even informed about his crime at the time of arrest even though the law very clearly lays out regulations that any individual who is arrested must be informed about the reason of his arrest. One of the actors that plays a constable reminds us that Budhan's only crime was that he belonged to the Sabar community which is considered to be a community of thieves. The actor that plays the role of Inspector Ashok Roy informs the audience that Ashok Roy was a man who kept the law at the edge of his rifle and treated the killing of Sabars as an enjoyable game. The next scene depicts the inside of a police station where Budhan is locked up in a cell. Inspector Ashok Roy then proceeds to interrogate him and directly asks him, "Tell me, where have you hidden the stolen goods"<sup>37</sup>To this Budhan in a frightened voice proceeds to explain to the Inspector that he hadn't done anything. Inspector Ashok Roy then proceeds to make a rather self-incriminating statement in the play.

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<sup>37</sup>Ibid. 8.

He roared, “You son of a bitch! I am very much aware that you have not committed any theft just now. But in the past ten days, seventeen thefts have taken place in this area. How many? Did you hear? Seventeen. I have to prepare the reports of these thefts. Don’t you understand?”<sup>38</sup>

Within the play, the above statement holds proof that the police are entirely aware that Budhan has committed no crime yet they have arrested him. Budhan meekly protests against this imposition, saying, “But sahib I make baskets and sell them to the co-operative.” To this the Inspector says, “I don’t care what you do. You have to confess to these crimes. After all why else has the law given us this?”<sup>39</sup> (indicating towards his baton). The police proceed to beat Budhan up.

In the above scene the Inspector Ashok Roy is clearly seen manufacturing consent through torture from an helpless man who belongs to a institutionally marginalized group since he knows he can get away with doing so and simply put the blame on him being a habitual offender due to his tribal identity. In the next scene Budhan’s wife Shyamoli comes to the police station and pleads with the constables at the gates to release her husband who she is sure was innocent. She is turned away and told that her husband is a Sabar and a thief. She vehemently protests these accusations but is brushed aside and shoved away from the station and told that she can meet him in court if she so wishes. She screams out form her husband, “Budhan, Budhan”, the inspector hears her screams and comes out and comments, “You have come here too.” To this she replies by begging for her husband’s life and he plies by reminding her that she has come to a police station and not a temple where alms are given out. He further threatens her by saying that if she doesn’t leave she will be taken in as well. He kicks her away and goes back to Budhan. She continues to plead with the constables outside while the chorus takes over and reminds us that

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<sup>38</sup> Ibid. 8

<sup>39</sup> Ibid. 8.

the police are bloodthirsty for the blood of the Sabars yet they need to be reminded that sabars are Indian citizens as well with equal rights.

In the above scene the arbitrary nature of violence can be noted since the wife of Budhan Sabar is not spared from police violence on account of being a woman. In fact her voice does not count at all. The police officer is looking for a man to pin the crimes on to and he has found himself a perfect subject to do so and will do it at the cost of destroying innocent lives.

The next scene opens on the 11<sup>th</sup> of February and we are told that Budhan has not confessed yet. One of the junior constables ask Inspector Ashok Roy about the date on which the case against Budhan Sabar is to be registered. To this question Inspector Ashok Roy replies saying, “When will you understand? Do you want to become an inspector or not? Our job is to turn facts into fiction and fiction into facts, yesterday into today and today into yesterday. After all, for the other purpose are these official papers and records? Record today’s date as the day of Budhan Sabar’s arrest. And take special care that the serial number is not a regular one. Is that clear?”<sup>40</sup>

The inspector then proceeds to have Budhan woken up and Budhan upon waking up begs for a sip of water. The inspector orders his constable to bring a bottle of liquor and forces Budhan to drink it. Budhan who protests saying that he does not drink is forcefully made to drink it anyway and land up coughing violently. Upon seeing this scene unfold before his eyes, the Inspector says, “Now not just you, but even your father will have to admit that you committed the theft.” After this they proceed to continue beating Budhan up and Shyamoli who was waiting outside the police station hears his cries and comes back in screaming and begging for help. This time they threaten to beat her up as well. She keeps screaming for Budhan irrespective of the threats. She

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<sup>40</sup>ibid. 11.

tells the constables that she will die without her husband and they tell her that she can go die by jumping into the local well. She is pushed out into the streets where she begs passers-by to help her. The scene ends with her begging for people to help her.

In this scene the authorities take things up by a notch by severely breaking through individual boundaries. Shyamoli however is reduced to a helpless wife with absolutely no way to help her husband and infact the suggestion to jump into a well and take her own life seems like a legitimate option for her. The police expose their determination pin the crime against Budhan at any cost. There is a part where the inspector owns up that it is in fact the police's job to create facts out of fiction since they have the authority to do so. This cold blooded action on behalf of the police proves how the system utilizes outdated laws in order to get away with custodial violence. This above section is only the beginning of the description of the custodial violence that Budhan Sabar was subjected to and that eventually led to his death.

In the beginning of the next scene we are told that Budhan is kept in prison for the 10<sup>th</sup> of February to the 12<sup>th</sup> of February without food or water. He was charged with larceny without a remand order and on the 13<sup>th</sup> of February another person from the Sabar community called Sridhar Sabar is brought into the prison. Sridhar Sabar is incarcerated in a cell opposite to Budhan Sabar. Inspector Ashok Roy then proceeds to sanction electro-convulsive torture techniques for Budhan. He is tortured with electric shocks while Sridhar is becomes a witness to the custodial violence. In the next scene various narrators come forward and narrate the different incidents taking place from the 13<sup>th</sup> of February to the 16<sup>th</sup> of February. A search was conducted into Budhan's house and nothing was found. Sridhar Sabar was shifted to Purulia Jail on the 13<sup>th</sup> of February. Budhan was shifted to Purulia jail after sunset, a procedure which is against the law.

According to the events that unfolded since the arrival of Sridhar Sabar it is clear that the police were involved in various instances of abuse of power. The disrespect of the law is appalling on part of the police yet the police have the power to commit crimes against Budhan knowing full well that he hasn't committed the crimes that he is being accused of. This case of custodial violence proves that strength of the delegated power that the police enjoy in India.

In the next scene a severely brutalized Budhan is taken to Puruliya prison where he is further beaten up for not completing the prison chores given to him. No one takes into account the fact that Budhan is so badly injured that he is in no position to stand up or walk stably, let alone work.

The Assistant Superintendent upon seeing him unable to work says, "These bloody Sabars. They are scoundrels. They will never do an honest day's work; they live by thieving alone. (catches hold of Budhan and pushes him on the floor) Thrash him so that he gives up being a parasite. (The guard and the superintendent beat Budhan mercilessly. Budhan's bones are broken. He can no longer even moan, but the guard and superintendent continue to beat him like an animal). After you finish with him lock the rascal in a dark cell where not even a single ray of light can enter. Let him yearn for light. Only then will this Sabar realize the value of hard work."<sup>41</sup>

Thus, so far Budhan has been arrested, publicly humiliated, subjected to torture, electric shocks and is now confined to a dark cell for having committed absolutely no crime. In the next scene Sridhar enters the dark cell with a glass of milk for Budhan and tries to wake Budhan up. Budhan wakes up terrified and thinks that the police are back to beat him up some more and immediately starts begging with Sridhar to spare him from further pain. It takes a while for Sridhar to convince Budhan that he is safe and Sridhar has come to help with a glass of milk. Irrespective of the little comfort that Sridhar manages to provide for Budhan, Budhan remains scared and begs with him to help him escape since he knows that he will be killed by the police. When the

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<sup>41</sup>ibid. 19.

time comes for Sridhar to leave, Budhan grasps his feet and begs him to stay but Sridhar leaves after assuring him that no harm will come his way. During the conversation between them at one point Sridhar says, “I know my friend, you have not done anything wrong. But we belong to the Sabar community. We poor tribals can do nothing to these butchers. But don’t lose heart, my friend. Nothing will happen to you. I am here for you. Here, drink this milk. You haven’t eaten anything in the last few days.”<sup>42</sup> After Sridhar leaves the cell and Budhan is left to deal with his loneliness and pain in the dark, Budhan starts hallucinating and flashes of memories of his children calling out to him start haunting him. The next scene opens with the police finally deciding that Budhan will have to be taken for medical check-up. Upon entering the cell and attempting to wake him up the police realize that he has died and are left to deal with the consequences of a death that resulted due to custodial violence. In order to cover up their horrific crime the police arrange to have the body strangled by a piece of cloth to make it look like suicide. The Barabazaar Police station where he was originally kept for the first three days, is informed of the situation and the authorities at both the Purulia Jail and Barabazar Police station realize that this dead body may cause various bureaucratic issues for both of them. Thus they mutually agree upon passing the crime off as a suicide and hand over the body to Shyamoli who is told to cremate the body as soon as possible. Shyamoli’s agony is loud and clear. She curses the Inspector and the assistant Superintendent that came to deliver Budhan’s body. After they leave her alone with the body, Ashish a member of the Kheria Sabar Kalyan Samiti comes to her and relays a message to her from Mahasweta Devi.

“Shyamoli, Mahasweta Devi says that Budhan’s body should not be cremated at any cost. Bury Budhan’s body so that nobody comes to know about it. To fool the police burn Budhan’s effigy. Have you understood what I have said? And please do not worry. All of

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<sup>42</sup>ibid. 20.

us, the Samiti and the villagers along with Mahashweta Devi will avenge Budhan's death."<sup>43</sup>

Shyamoli goes on to bury Budhan's body in her own house.

The police who are complicit in committing tremendous crimes against humanity in the name of justice go on to cover up their tracks by making custodial murder look like suicide. The common people are left with so few options to seek out justice that the body of Budhan Sabar has to be buried in his own house until it is time to arrange for justice for him. Desperation pushes people so far that last rites have to be forgone for the sake of justice. The state has given the police systems so much power to operate with such impunity and destroy lives of innocent people in the name of an act which was enacted on the basis of bias held against one group of people in society by another group of people in society.

The play ends with a court scene where the High court rules in favour of Budhan Sabar and declares that his death was an instance of custodial violence and not a suicide and Shyamoli is given a compensation of 1 lakh rupees. However, no matter what amount of money is given as compensation, it cannot change the fate of Shyamoli and their child Budhan who are now left widowed and orphaned. Budhan sabar's only crime was that he was a Sabar, a member of a denotified tribe. The play ends with the chorus asking the question, "Are we second hand citizens?" and the demand "We need respect."

This play flagged off a cultural conversation regarding the injustices that members of Denotified tribes are often meted out. There is a widely available documentary on youtube called 'Acting like a thief'. This documentary focuses on the production aspect of the play we have just discussed. This documentary traverses through the tales of women, children and youth from

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<sup>43</sup>Ibid. 27.

Chharanagar who are part of Budhan Theatre the group primarily responsible for the performance of this play. The documentary begins out with a performance of the scene where Budhan Sabar is arrested by the police arbitrarily and his wife Shyamoli tries to save him from the hands of the police. The scene moves swifts from the performance to a group of women who narrate their experience of being women belonging the the Chhara 'branded hereditary criminal' community.

One of the women say, "This may be acting but I understand the pain and agony of Shyamoli's character because I am a woman and this is something that happens to me and all of us as well. The police come here, abuse the women and sometimes even arrest them. Even if they obtain a bail from the court the police come back and take them to the police station where they are tied to trees and beaten up and given electric shocks. This happens today. In fact this is happening as we speak."<sup>44</sup>

When women speak of their own experiences and map out their abuse openly, narratives of abuse see the light of day. More often than not such abuses are invisibilised and forgotten.

However in this documentary there is an attempt to ensure that the suffering and agony of the people of Chharanagar is well documented so that we may never forget the injustices perpetrated upon sections of the Indian population by the Indian police.

Next a Dakxin Bajrange Chhara describes his experience with the law. He informs the audience that he was arrested the year before because the police decided to arbitrarily arrest him. The police had warned him earlier against the group's anti-police plays. They warned them saying that if they arrested them then it would be the end of them. That eventually did come to pass and the police arrested Dakxin along with some of his fellow thespians. The documentary then goes on to show us a clip of the scene where Inspector Ashok Roy admits that he is well aware of the fact that Budhan has not stolen anything but intends to pin the blame on him anyway. In the scene the police proceed to torture Budhan into telling the truth. The documentary then cuts back

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<sup>44</sup> Actress, unnamed. *Acting like a thief*. Dakxin Bajrange Chhara. 2011.



to Dakxin talking about the circumstances under which he was arrested. On the day of the incident for which he was arrested Dakxin was in Gandhinagar with his son at school. Upon returning he was arrested by the police for a crime that he did not commit. He indicates in his interview that he was horribly mistreated in the central jail. He reiterates that he learnt the value of freedom after being behind bars. He also mentions that freedom of speech is often curbed down upon by the police because the Chharas rarely portray the police as positive forces. After another brief clip of the play where Shyamoli is shown to be mourning Budhan's death and the nationwide movement is portrayed through protests, Dakxin carries on to inform the audience that the Chharas are not afraid of the police because the police are the Chharas' business partners. Their understanding has continued over the last 100 years.

The subtle nod towards the understanding between the oppressor and the oppressed leads one to understand how systems of oppression have evolved due to the calculated benevolence and the unrestrained cruelty of the oppressor which in this case is the police. On one hand the police will continue their association with this community because they get to earn enough money on the side by exploiting the insecurities of the members of this tribe on the other hand they will continue with their violence in order to ensure that the tribe is kept in the position of subjugation as the British had deemed their position to be.

The documentary carries on to an interview with Dakxin Bajrange Chhara's mother who is an old woman.

She says, "In the earlier times we would travel around on donkeys and sit under trees begging for bread. Those that knew how to dance, would dance/perform in order to earn some money. We used to have elaborate dance sequences in public. We would dance with pots on our heads or swords in our hands. My sister, who passed away, would dance

with swords. Nobody dances like that anymore. On top of that we used to attract huge crowds.”<sup>45</sup>

Many of the denotified tribes including the Kalbeliyas, Banjaras and Saperas were essentially performers of various sorts. These were travelling performer communities belonging to the lower rung of the society who were eventually criminalized by the British for being nomadic identities. The Chharas themselves believe that they took to theatre because performance is a very important part of pulling off a good con. As professional con-persons they had were essentially very good performers. Thus once they managed to move out of the toxic cycle of poverty, crime, punishment and rehabilitation many members of the Chhara community turned to theatre. Theatre was also a space utilized by the Chhara community to create an alternative space for their young children so that they would find themselves motivated to gradually move away from a life of compulsive criminality resulting out of severe poverty and lack of options when it came to honest work.

She carries on after an interlude where children sing a song about the daily life of the Chharas. She says, “Yes, we used steal before. What do I say, my father was the kind of thief who could steal your blanket while it was still on you.” Upon being asked if she thought of her tribe as thieves or artists she replies saying that she believed them to be artists first and thieves later. Eventually she starts talking about the infamous prison camps that members of this community were often sentenced to. She says, “My parents went to these camps. They were very sad because of the government. If you went to steal you’d be followed, if you want to do your job, you’d be followed. The policemen would follow the women even they were going to poop or pee. This is the kind of grief we were subjected to. Nowadays it’s much better.”<sup>46</sup>

This is the the first time in the autobiographical narratives that we find a mention of the labour camps. There are images of the camp shown in the documentary. These camps were utilized by the government to discipline these so-called criminals who were forced into such occupations due to the lack of other options.

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<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

“Our men would go to the mills to work. My husband used to work in the Kalyani mill. They would be followed around as well. If someone refused to do their share of work in the camp they would be beaten up severely. My father was pushed to death by a white man. They caught him and charged him with being a thief and threw him on the ground. My father died after succumbing to the injuries that resulted from the fall.”<sup>47</sup>

The trauma of surveillance and continuing violence is clear from the words of the elderly lady.

The arbitrary nature of the violence imposed upon certain sections of the society leaves its mark in the form of the tales the generations carry on. The documentary is full of sections of a song sung by the young Chhara children where they sing of how the jungles, land and rivers all belonged to their people once and how it was taken away from them by the stroke of a pen and how they were branded to be thieves. They were put into camps and then freed from those camps and put into jails. The children carry on the tales of oppression in their songs and through their theatre.

The documentary then proceeds to explain how the communities around Chharanagar treat them with suspicion and are highly biased towards them. Chharanagar is situated in the middle of a locality which is surrounded by Sindhi gated communities all of which have high walls and metal wiring and fencing in order to ensure that members of the Chhara community are kept out. The Sindhi citizens are afraid that they share the neighbourhood with the Chharas who are born criminals. The tag of the ‘born criminal’ affects the community in various ways, the bias from regular citizens is just one of the effects. The police make a majority of their income by exploiting the people from this community. Every morning a constable knocks on every door in the community to take anything between 20-50 rupees per household. Their daily income from the entire community usually comes up to about 15000 rupees. The police treat the area as their main source for their daily bread. If this area develops and the next generation moves completely

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<sup>47</sup> Ibid.

away from the lifestyle of crime the police income would come to an abrupt end. 70% of the residents of Chharanagar brew alcohol which is prohibited in a the dry state of Gujarat. One of the women who is later identified to be Dakxin's aunt is asked about this and she says, "We have been brewing liquor since we have been released from the settlement camp. Even if we all die the liquor trade will not die. If they want to stop us from brewing liquor they should give us jobs that we can work. We need a business to survive too."<sup>48</sup> A fair demand for work is being made here. More often than not when illegal businesses are cracked down upon, the state fails to rehabilitate the participants of the economy that has been broken. This leads to a continuation of an endless cycle of poverty, crime and punishment. This cycle needs to be institutionally removed the same way the problems began with the institutional criminalization of certain groups of individuals.

The documentary moves on to map out the life of another Chhara actor who says, "I don't have a problem admitting that I am the son of a thief. My mother is a thief. I was born in a community branded criminal so it is quite obvious I will come from a family of thieves. My father won't be an IAS or IPS officer. I once witnessed my mother being beaten up on the streets while returning from college. That day I asked my mother, why she doesn't consider giving up the profession. To that she reminded me that if she did not go out to steal we would not have anything to eat."<sup>49</sup>

The creation of a society where individuals are institutionally compelled to commit crime indicates the state's interest in ensuring that their subject population is segregated and kept in separate groups. While other communities are told of the criminal nature of these communities, these communities are not allowed to survive outside of a life of crime. On one hand the police will ensure that they take bribes from the families ensuring that the families continue with the trade on the other hand attempts to ensure the eradication of the profession from within the community will be curbed down upon since the entity that benefits the most out of this

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<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

oppressive structure is the state. The ploy utilized by the state to practice casteism and marginalize minorities is one which has been working with a fair amount of ease precisely because of the majoritarian ideas of the criminals. The criminal class has often been represented as monstrous beings in popular culture. The fear of the criminals has been so deeply ingrained into the middle class that we rarely step out of our safe-zones to question the system that allows such behavior to breed. While on one hand members of such communities are expressing interest in breaking the cycle the state has shown no interest to rehabilitate them properly other than commissioning a few reports that update the conditions of the people belonging to these communities. No welfare moves directed towards the rehabilitation of these communities have been made as of yet.

However, the lack of welfare moves does not necessarily translate into a lack or non-existence of bio-political moves, which are aimed at controlling the population growth among denotified tribes. However, this particular bio-political move cannot be termed as one which was specifically aimed at controlling certain populations. One has to assume that the larger conversation regarding certain tribes harbouring hereditary criminals certainly made it easier to choose a target population when it came to the mass sterilizations carried out during the emergency. The topic of male sterilization becomes the central issue to be dealt with in the short story *Makar Savar* by Mahashweta Devi. Mahasweta Devi characterizes tribal communities as, “suffering spectators of the modern India that is travelling towards the twenty-first century.” Her involvement in the Budhan Sabar case was historically relevant due to the weightage her reputation offered towards ensuring that the case got represented in court at all. Her involvement in thwarting the law by getting a message across to Budhan Sabar’s widow to preserve the body by burying it as opposed to cremating it changed the nature and premise of the entire case and

allowed the nation to rally around this issue and united denotified tribes from across the country. In her own words she says, “I think a creative writer should have a social conscience. I have a duty towards society. Yet I don’t really know why I do these things. The sense of duty is an obsession. I must remain accountable to myself.” Mahashweta Devi’s personal political grounding ensures that she lends her voice, pen and support to those institutionally incapable of speaking for themselves or representing themselves. The timeline in which she was operating allowed very little resource percolation to the bottom rungs of the society where most of the denotified tribes are made to belong. Thus, her representation of their issues becomes a central entry point into critical enquiry regarding the insitutional marginalisation of denotified tribes. Thus a literary analysis of her short story *Makar Sabar* seems apt in the context of studying how the national bio-political move to curb population affected denotified tribes.

The short story opens with the explanation of a practice central to the lives of the Sabar youth. Young adolescent Sabar boys often choose a boy from the Bhumji community to befriend for life and the two are expected to address each other as *phul* (flower) for the rest of their lives. This bond is celebrated through a ceremony which is often looked forward to by boys in the two communities. Makar Sabar was already registered as a habitual offender at the local police station by the time he was sixteen by virtue of his Sabar identity. While his father knew of the lifetime of oppression that awaited him Makar Sabar celebrated his *phul* ceremony with appropriate pomp and pleasure. The story then undergoes a time-leap and represents the friendship of Makar Sabar and Mangal Singh Sardar (the Bhumji boy) in a later phase of their life. Makar Sabar is left at the tail end of a third marriage and is textually represented to be depressed about his situation. The text does not follow a linear timeline but instead moves from incident to incident without maintaining a linear progression. This leads to the creation of

multiple narratives which all feed into one larger narrative eventually. In one of the narratives we learn about the attempts by powerful local henchmen to uproot the Sabars from their forest dwellings. The Sabar community fights back and manages to hold on to their living spaces due to the support an educated local teacher. Mangal, Makar's *phul* ensures the arrangement of each and every one of Makar's marriages.

“Revathi was as lovely as a flowering Morwa tree. Makar was happy, truly happy. Both off them left for the forest in the morning. They dug pits and planted saplings. The saplings are tall now, but Revathi was not a mother, even after five years. She proclaimed: ‘What is marriage without children? I won’t stay with you. One should not keep a tree that doesn’t yield fruit nor a woman who proves to be barren. You marry again.’

‘Let her come, but you stay too.’

‘No, I can’t bear the thought. I won’t be able to overcome my jealousy if you two have children.’

Revathi cried a lot when she left. Well, Makar sees her now when he goes to Kandor village. Revathi is Bhuta Sabar’s wife now, a proud mother of three sons. She is always nice to Makar, telling him, ‘Do rest a little. Have some muri (puffed rice) and onions. What? This tree is also barren!’<sup>50</sup>

The above description of Makar’s first marriage leads one to realize that women often put the blame of barrenness upon themselves. When a marriage does not yield children the blame is often borne by the woman. Moreover, a woman’s identity as a mother validates her existence within society. Motherhood completes a woman, or at least this is how women within tribes that depend upon reproductive labour think of themselves. Revathi’s chooses to leave a man she cannot bear children with because her inability to bear children reflects badly upon her reputation as a woman. She would rather attempt a new marriage and a fresh attempt at having children than live with the stigma of being a barren wife. Thus when she does bear children for another man she is represented as a proud woman.

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<sup>50</sup> G.N.Devy (ed) *Painted words: An anthology of tribal literature*, (Vadodara, Penguin Books, 2002) 278.

“The second marriage was also arranged for by Mangal. He cried to Kisto Babu, ‘should I find another for Makar?’

‘Please do. I can’t bear to look at his face.’<sup>51</sup>

Bhuti’s father was the gardener at the school where Kisto Babu taught Bengali. Bhuti had stayed in a big village and had seen the households of the non-tribals.

She said, ‘We must raise another hut. I’ll keep goats and chickens there. In the lean season we can make ropes from wild grass. If we work hard and put the money to good use, even a Sabar hut can look different.’

Makar was happy and content for three years. He grew to respect Bhuti who collected Sal leaves while Makar thatched the roof. She saved money from her wages and purchased two goats, and she swept and cleaned the hut and yard.

Makar went to Akand Savar’s mother with Bhuti. The old woman knew how to make herbal medicine, magic potions and charms to conquer evil forces. She wove a bangle of wild creepers and tied it to Bhuti’s wrist. She said, ‘I’ll give up my practice if you don’t have seven sons and seven daughters.’

But, Bhuti remained childless.’<sup>52</sup>

Makar’s attempts to rebuild his life after his first wife left him is accompanied with a sense of severe disappointment. While the first marriage was characterized by love the second marriage is characterized by respect. This is also the first time in this fictional narrative that we are made aware of a woman’s labour involvement within the family. Bhuti’s indirect access to education and exposure to a non-tribal atmosphere plays a huge role in setting her apart from other Sabar women. However, the last statement, ‘But, Bhuti remained childless.’ indicates a sense of resignation that Mahashweta Devi was probably trying to communicate. The childless-ness despite the assurances of the local herbal medicine specialist leads one to start realizing that this barrenness is central to the narrative.

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<sup>51</sup>ibid. 279.

<sup>52</sup>ibid. 279.



The next time Makar went to prison due to another minor mishap, Bhuti left him as. Makar was left to deal with two injustices in life. One that he could politically rally against and struggle out of and another one that he could not even explain. When Makar was released after three months in prison his criminal identity was the least of his problems. His home was left empty yet again. His third wife Kumari was a woman who sized him up quickly and concluded that he was a man weak in character.

“Kumari went to the forest, collected firewood and went to Nayagarh weekly market and went to sell it all by herself. She talked to Savar men, chatted, laughed and flirted with them. Makar waited for her with utter resignation. This angered Kumari.

‘What are you? A man or a clay doll? I talk to other males and you just laugh.’

‘What do I have to do? Beat you?’

‘A man would.’

‘How does it feel in bed? Am I a man of a clay doll?’

Kumari sighed and said, ‘A man. It’s alright. Now, go to work.’<sup>53</sup>

The expectations of traditional masculinity within the experiences of women from denotified communities have normalized domestic violence to the point that women often equate lack of domestic violence in the family to lack of strength of character in a man. Violence is one of the most important characteristic experiences of being a member of s denotified tribe. However women’s experience of violence and men’s experience of violence are two completely different experiences. Women often have to experience a domestic form of violence which is more often than not retaliation to minor or major mistakes on their part. Kumari, Makar’s third wife, attempts to incite that form of violence after observing the lack of it in their domestic life. She assumes that this proves his weakness of character and attempts to attack him with allegations of not being ‘man enough’. Makar on the other hand defends himself by reminding her that he had

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<sup>53</sup> Ibid. 282

never been violent to either of his previous wives. Traditional notions of masculinity make alternative behavior like not beating one's wife look like weakness, whereby it is actually a kind of progressive strength. However, that concept is lost on people whose entire notion of gender-behavior is formed through knowledge-systems based on life experiences. Thus, Kumari's inferences may seem odd to the mainstream reader but is in fact expected from her when one situates her within the experience of a denotified tribal woman. However the reader's appreciation of Makar's masculinity is challenged in the next section of the story.

'A man can't be barren. Perhaps you are a freak.'

'How does Revati leave you and give birth to sons? And Bhuti? Isn't she going around with a daughter clinging to her waist?'

"Makar dragged Kumari by her hair, threw her on the ground and kicked her. 'You are a whore. You must have chosen a lover. Otherwise you wouldn't dare talk to me like this.' Kumari picked up a fallen branch, beat Makar and screamed abuses at him. People came running. Makar and Kumari abused each other."<sup>54</sup>

Finally, the issue that had been building up through the entire narrative is arrived upon. The possibility of Makar being barren is addressed for the first time. Upon being told a truth that Makar possibly feared about himself, maker turns livid and gives in to the idea of masculinity that Kumari expects of him. But Kumari being who she is does not relent to the violence and ably fights back. The fact that two women who were married to him went on to have children with other men indicated an odd reality, the reality of Makar being barren. The next day Makar was taken to a Hospital in Puruliya where the Doctor informed him that due to a vasectomy he had undergone earlier in life he would never be able to father children.

To the doctor's enquiry regarding Makar having undergone a vasectomy, Kisto Babu the school teacher says, 'Vasectomy? Makar? But how? It was true that in 1975/1976 there was a mass vasectomy programme at Nayagarh health centre. Makhan a tout had gone to lure tribal youth from various villages. As soon as I had come to know of it I had led a

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<sup>54</sup> Ibid. 283

big demonstration saying, 'This is an evil plan to check the growth of tribal population. Sabar is already a minority tribe.' They had wound up the camp and left."<sup>55</sup>

The indiscriminate mass sterilization programme undertaken during the Emergency affected the lives of over 6 million people in India. However this story represents a narrative of non-consensual sterilization. When Makar is asked if he went to one of the camps, he recalls a day when he was fed mutton curry with potato and rice and given a hundred rupee note for taking an injection. The interesting fact to be noted here is the complete lack of consent on Makar's part. In fact Makar was not even informed of how that one injection was going to change his life. The forced sterilization programme by the government is one of the most criticized moves in Indian history. The non-consensual family planning move affected the lives of millions of people. However, it was easier with certain groups of people than with others. Protests arose in educated sections that were aware of the life-long effects of this forced medical intervention. This story is a classic example of how uninformed, non-consensual, forced sterilization can affect an individual's life and actually lives of women around the men who were sterilized without their consent or without being properly informed about exactly what after-effects the medical intervention would have. If Makar had been informed about how the medical intervention was going to affect his life, he would probably not have attempted to marry three women. Three women could have been spared the amount of time they spent with Makar hoping to have children. Makar could have negotiated a whole different form of companionship in life if he so wished. Yet, none of those came to happen due to his complete lack of knowledge of what that hundred rupees and the mutton curry and rice cost him. What is worse is the description of the entire circumstance that led to him taking the injection at all.

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<sup>55</sup>ibid. 284.

“Nothing, nothing did they say at all. I had just been out of jail. And Makhan Babu said that the *sarkar* (government) wanted to inject all those that had come out of prison. If one did not comply with their wishes, the gormen would send them back to jail.”<sup>56</sup>

The threat of being incarcerated which is often an unfortunate reality in the lives of denotified people is utilized to coerce Makar’s uninformed consent to an action that would ensure that he would forever remain incapable of having children. Though this fact is revealed through a fictional narrative one important fact that cannot be ignored is that many prisoners were in fact forced to undergo sterilization while in prison during the emergency. This dissertation has already established that the institutional incarceration of denotified tribes and later habitual offenders continued well into the 90s. So, it is not misplaced to assume that there was a certain section within the prison population during the emergency that belonged to denotified tribes. On one hand the government utilized colonial era laws to persecute people consistently even after the Independence on the other hand as this case proves the indiscriminate sterilization led thousands of denotified identities into the risk of being sterilized. Thus this move can be considered to be one which decimated the denotified population even further than ever before.

Mahashweta Devi’s involvement with the lives of denotified tribes is one of the most credible sources of information that one has access to while dealing with the topic of denotified tribes in India. One has to recognize the subjectivity of the category of the denotified tribal identity. The experiences of this identity deserve a position of special categorization given the mounting historical injustices faced by this population. This chapter has focused on the experience of one particular tribe the Sabars through two completely different perspectives. One by the Chhara community who have represented it by drawing upon their own experience of being a denotified tribe and one by Mahashweta Devi, who is technically and outsider of the tribe. One

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<sup>56</sup> Ibid. 285

representation is a representation of empathy while the other is a representation of sympathy.

What the empathetic representation by the Chharas lack in finesse or quality they make up for in terms of representing experience. What Devi's account lacks in terms of lived experience, it makes up for in terms of visibilising the truth from the perspective of an observer. Both representations report truth. The quality of the representation varies depending upon whether it's a lived experience or an observed experience. Another notable difference between the two representations is that while the empathizing representation is accurate in terms of explaining women's experience the sympathizing account only externally represents the agony of women and fails to report the extent of agony faced by women despite having been written by a woman.

## **CONCLUSION: CONTEMPORARY NARRATIVES AND THE CONTINUING**

### **AFTERMATH**

One of the most important references of violence in recent times that one can easily think of in the context of Denotified tribes, is the infamous Kathua Rape case whereby a 6 year old girl belonging to a Denotified Tribe namely the Bakerwal was abducted, raped multiple times over seven days and murdered by strangling and then stoning inside a temple just so that a message could be sent across to her community by her perpetrators. This case evoked widespread retaliation from across the country. This is one of the most widely debated cases of recent times and the incident witnessed extremely polarized reactions from citizens across the nation. This case is recent enough for us to be able to analyse the position of Denotified tribes in contemporary times. In the various autobiographical texts the case of sexualized violence keeps reappearing in the context of the Criminalised or Denotified tribes. This case is important because it goes on to prove a few things. When it comes to violence and creating a national spectacle of violence, the Denotified Tribes/Ex-Criminal Tribes are still the best options to make an example out of. The party in the seat of power in India had enabled the violence by supporting the perpetrators after they were arrested. At least four of the main accused are police officers. This proves that the state was in fact directly complicit with enabling the horrific crime and trying to remove evidence related to the same. This brings us to conclude that the contemporary government still intends to continue to consider the denotified tribe members as hereditary criminals whose position in society is inferior to even the lowest castes within the Hindu Varna system. The impunity with which the violence was carried out and the choice of a temple as the crime-scene is indicative enough of the socio-political motives of the crime. The fact that this

violence was inflicted on a 3 year old Muslim female's body is indicative of the complete lack of humanity among the perpetrators and the cold blooded attempt to cover it up is indicative of the silent off-the-books bureaucratic support for the act itself. The general atmosphere of fear was further punctuated with the realization that this form of terrorism will literally not stop at anything in order to stay in power. They would rather risk the wrath of the people than not rule through fear. The very act of choosing a child from a highly marginalized community which has been facing continuing violence in various forms ever since the British administration criminalized them is essentially a political act. This is a move by Hindutva based politics to make it known their stand on Denotified Tribes/Ex-criminal tribes. To them, the members of this community is still marginal enough to make an example out of while they ensured that the nature of the crime was mainstream enough to get the message across. The threat is not underlying, it is clear and overt. The Bakarwal community is a Muslim community. Mainstream religion is an identity that these tribes adopted rather than inherited. This case highlights not just the apathy of the contemporary ruling government towards religious and tribal minorities in Kashmir but also their willingness to ignore history just so that their own purpose is solved. They enabled the violence against a community that practiced a nomadic lifestyle for thousands of years in that area. This act of looking down upon their lifestyle due to their lack of geographical fixity is almost a reflection of the coloniser's mindset regarding these people in the past. However, this particular act of violence cannot be judged on the basis of the standalone act itself but must also be considered from the perspective of the welfare for nomadic tribes in the Jammu and Kashmir Region.

In the year 2001, Farooq Abdullah's government, enacted the Jammu and Kashmir State Lands vesting of Ownership to the occupants Act which was utilized to grant state land to its occupants

for a fee determined by the government. This act was also called the Roshni Act since the funds generated from the enactment of this Act was to contribute towards a state level power-plant project. This Act had ensured that communities like Bakarwals and Gujjars in Kashmir which have led a nomadic lifestyle throughout most of their history would finally have access to some land and have land rights in a society where status is determined by the amount of wealth one has amassed in terms of land or capital. In November, 2018, seven months after the Kathua rape case the Jammu and Kashmir high court stayed all land transactions under this Act and annulled it, citing, that this Act was not relevant in present times and it had not served it's purpose.

Interestingly, the petition to repeal this Act was filed by Ankur Sharma, a man who had risen to prominence for defending the perpetrators in the infamous Kathua Rape Case. Sharma justified his actions by saying that this scheme was started by Farooq Abdullah to change the demography of Jammu region by giving land rights to a particular community.

Sharma fails to account for the years worth of criminalization and marginalization that this community has faced, the stigma of nomadic life and the genuine welfare of the nomadic people. He oversimplifies the issue by contextualising the Bakherwals to be merely Islamic identities. Nomadic tribes took to religion very differently from their landowning counterparts. Their Islamic identity is not the most important or defining part of their identity, their nomadic lifestyle is. They have maintained a certain lifestyle for most of history and now they are being forced to lead more sedentary lives however even if they managed to more or less sedentarise themselves in 18 years, the High Court has now taken away that right too. To put things in perspective, here is what the scene looks like for the Bakherwal Community. They are a nomadic tribe that carry around livestock and domesticated animals and they wander according to the animals' grazing patterns and seasonal availability of resources. The British criminalise their existence in 1872.



The Indian Government calls them Habitual Offenders from 1952. They mostly keep themselves out of news and mainstream media due to the marginalization of their identity. They finally see a ray of hope in 2001 when the government allows them to lease state land for a fee. This finally allows them to sedentary themselves after centuries of nomadic life. They continue to wander three months a year but mostly begin settling down since market capital is not kind or even considerate about nomadic lifestyle. Then in 2018 an year before the next Lok Sabha Elections, the Kathua Rape case occurs and the party heading the central government makes it very clear as to which side they are on and what their true intentions are. Then finally the annulment of the Roshni Act proves that the ruling government and High Court is not bothered about the general welfare of the people but is bothered about power, control and sedentarisation of the population at any cost. The government in power is not bothered about the violence that they inflict but the land that they can claim as their own. The annulment of the Roshni Act should also be considered as a move whereby the government is ensuring the state land is no longer available for public welfare but only the state's vested interests. Though it does not say so explicitly, it surely does mean so when a High Court annuls such an Act on the basis of a petition filed by a lawyer defending those that have committed one of the most heinous crimes in recent times. However, such disregard can be expected as a normal reaction from a government which chooses to turn a blind eye towards growing religious intolerance in the country and violence against various minorities.

One of the main reasons why this case needed to be discussed in the context of the study regarding the Criminal Tribes of India is because this Act which was enacted in 1871 is one of the first acts where the modern day government surveillance method is discussed. It is a well known fact that Kashmiri families have to undergo various forms of surveillance by the

Government and one of these forms include the male members of the family having to present themselves along with identification documents on a regular basis in front of appropriate authorities. One of the first times that this measure is prescribed for an Indian population is in the Criminal Tribes of India Act, 1871. Though the target population has changed over the years yet it is in this war-torn, conflict ridden zone where a 6 year old girl belonging to an ex-criminalised tribe was subjected to one of the most horrific violent crimes we have known of in recent times. The position of the state seems to be exactly the same in both time periods which are separated by more than a century. In 1872 the British government was looking to sedentarise and subdue the nomadic population by enacting this Act, today the AFSPA continues to do the same in Kashmir and the Kathua case is yet another situation where the BJP-led Indian central government is trying to subdue the same population that has been victimized and institutionally marginalized by the state since 1871. The governments may have changed hands yet the governance patterns remain intact even after more than a century. The post-colonial government seems to be resorting to the same methods utilized by the colonial government instead of re-imagining the whole system in order to account for the plurality of the experience that has been colonization of Indians. This case is of particular importance since it points out that irrespective of how much we seem to have evolved socially over the past century, governments can still dare to marginalize and make an example out of certain population groups, with impunity if that is what they so wish to do. More importantly governments can get away with enabling such atrocities simply because they have the democratically elected power to do so.

The audacity to pull off a hate-crime of the proportions that the case of Asifa Bano reached, did not result overnight, it was a gradual emboldening established through manufactured economic subservience, manufactured consent to hate crimes, manufactured silence through

misinformation. The irony lies in the fact that for a political party who has often utilized the image of the 'Bharat Mata' in their organized propaganda, they did not stop once or rather went all out to ensure that the case of Asifa Bano took place. They ensured that it was inside a temple, a space that they claim to be sacred. Infact, according to their motto "*Mandir wahin Banayenge*" one of the goals in their larger agenda is to create a temple in the same spot where Babri Masjid stood. So, for an organization which places so much value on the construction of a temple and centers their political ideology around the creation of a nation according to the tenets of a single religion, it is possibly not too out-of-place a move to rape and torture a 6 year old girl from a community that still follows a nomadic way of life, atleast for a season in an year. There is also another interesting irony in this situation which lies in the fact that the criminals chose an ex-criminal tribe girl to make an example out of. There is no evidence that points towards this choice of committing this crime being arbitrary, infact the evidence suggests that this crime may have been pre-meditated and planned ahead of time. More importantly the duration of the crime which was nearly a week suggests that this was committed in cold blood. The BJP will have us believe that the rapists are innocent despite the fact that none of them stopped even once to think of the plight of the girl during the duration of the week. Making an example out of a female body belonging to a marginal nomadic identity and then later on curbing down the community's only chance at leading a somewhat sedentary life, indicates the if anything the BJP is more interested in ignoring and possibly wiping out the presence of such nomadic tribes in the long run. On one hand they won't allow them the legal space to settle themselves on the other hand they will attack their nomadic way of life. This two-way attack upon the lives of the Bakarwals indicates an attempt to destroy the way of life of the community and eventually maybe the existence of the community itself. For a party that has supported the perpetrators of such a horrific crime it is

probably not beyond them to wish/eventually ensure the wiping out of such populations whose geographical fixity cannot be ensured in a conflict zone like Kashmir.

However, the Kashmir issue brings us to the contemporary narratives surrounding the issue of denotification. Anuja Agarwal in her article 'Gender questions at the margins: The case of nomadic and DNT communities' argues that being frequently uprooted from their dwellings and lacking secure citizenship rights is a harsh but important reality for a vast majority of the DNTs. She argues that the main difference between the DNT and the Dalit category lies in the fact that while one is often threatened with the stigma of criminality, persecution and state repression the other (Dalit) have problems within settled populations and also enjoy state recognized citizenship. The non-recognition of the DNT people's citizenship status is confirmed through the complete invisibilisation of the DNT women category in important reports like *Report of the High Level Committee on Status of Women in India*, where entire chapters are dedicated to discussions of problems of marginal women who are discussed under the heads of Dalit, Adivasi and Muslim women. The case of Asifa Bano is in keeping with the general trend of sexual domination of DNT women by socially dominant groups. This form of sexually inclined violence towards women from DNT communities is very palpable in the lives of the women. In fact Agarwal reiterates the fact that the police often utilize the women's bodies as a bait to coerce the men into submission. When it comes to sexual exploitation of DNT women by men of other social categories, DNT men are left unable to intervene since intervention on their part often incites state enabled counter-violence. This leaves the DNT women extremely vulnerable on all counts. Agarwal posits that the uneasy relations between sedentary and nomadic populations often take a turn towards sexually motivated reactions. Since sexuality is commoditized and the consent of nomadic/DNT women is often assumed rather than acquired, DNT women have to

live with the reality of being sexually pursued irrespective of their consent. The article also points to the tendency among DNT men to utilize the women's sexuality as a commodity that can be used as a bargaining chip to survive in different situations. Agarwal also states that patriarchy works even more stringently within DNT communities since women are often considered to be the unit of reproductive labor and a high value is placed on their reproductive abilities. She reports a high occurrence of women headed families within DNT communities which is a direct result of the criminalization of the men. There are various instances of gross injustice against women within the communities on behalf of the men that have been discussed in her article. Her research leads one to infer that women's position within DNT communities is not just vulnerable but downright inhumane since they are compelled to survive within highly hostile environments. Such lifelong compulsions obviously affect the cultural identities of these women yet little to nothing is known about their cultural activities. Their lack of self representation in the public sphere leads to a huge vacuum of knowledge about their experiences and this vacuum enables the silence around their existence. The silence cannot be challenged or questioned through the representations of DNT women by DNT men or social activists belonging to a external caste/class/gender identity. Ideally future research needs to focus on locating narratives of DNT women by DNT women themselves.

While this dissertation has already dealt with a horrific story of pedophilia and individual oppression in one geographical extreme of the nation, on the other opposite geographical extreme in Tamil Nadu an interesting scene has unfolded around the same time the Roshni Act was repealed in Kashmir. 68 Denotified communities are demanding to be categorized as Denotified tribes. While engaging with the discourse surrounding denotified tribes one often assumes that people do not want to identify as such identities due to the stigma of

criminalization. However here we have an interesting situation where identities belonging to denotified ‘communities’ want their denotified ‘tribe’ status back. The obvious reason for such a demand lies in the fact that denotified tribes are assured certain privileges and the status of positive discrimination under the SC/ST sections. However denotified communities are denied the privilege of positive discrimination even though their life experiences and community evolution through police atrocity is exactly the same. The slight difference of nomenclature and bureaucratic categorization has led to a huge difference in distribution of entitled privileges. This difference has led 68 communities in Tamil Nadu to rise up in protest and demand their status as ‘denotified tribes’ back. This situation indicates the desperation of those people identifying as denotified communities in the face of the lack of positive discrimination due to a simple difference in bureaucratic nomenclature. The situation is so dire that 68 communities find it worth their efforts to band together to demand their appropriate entitlements failing which their already impoverished status that has resulted due to years worth of colonial and post-colonial oppression, might get even worse. The case has been reported very sparsely in mainstream media thus completely marginalizing their narrative of a century old legal battle.

While denotified communities in Tamil Nadu have been fighting as late as 2018, another geographical extreme of the nation, Gujarat is no stranger to continuing oppression by the government. In 2006, Roxy Gadgekar Chhara who happens to be a member of the Chhara community and a journalist working in Ahmedabad writes in an article titled *Ahmedabad Municipal Corporation is an even more dangerous killer than the Killer Quake of Gujarat*,

“It is neither any earthquake nor the result of any war in Ahmedabad. All the huts here are scattered in pieces and the area with 191 houses is now a big open lane so that the area looks more beautiful....They live in Maninagar, the area from where Narendra Modi the chief minister of Gujarat fought his last Vidhan Sabha Election (legislative elections.)

It is the Municipal Corporation of Ahmedabad, who had forced to live them in inhuman conditions....191 families lives in this ghetto, which includes people of Sansi, Rajbhoi, Vaghri and Dom tribes. Almost all of them are forced to again become nomads because their huts have been broken for 10 times since 2004.... As the residents here have no other place to live they comes to the same place again and reconstruct their huts. There are many families in Ahmedabad and in other metropolitan cities of India who are scared of the term 'developing the cities' because they have to pay the highest price for the development of cities, i.e. the land on which they lives since decades.”<sup>57</sup>

This is the reality in a constituency that our current Prime Minister Narendra Modi has contested elections from. The state’s direct attack upon the livelihood and lives of the people of denotified tribes is a clear indication of what Meena Radhakrishna claims, “is a startling similarity between the attitudes of the ruling classes in England in the 1850s and the views of independent India’s lawmakers since the 1950s.”<sup>58</sup> The attitude of the current government towards the denotified communities have not directly come under any scanner, yet this is one of the many injustices that needs to be highlighted especially since this institutional violence has continued for over hundred years without respite.

This dissertation has mulled over the larger question of how women have negotiated their position within patriarchal and community based violence. However one must take into account the knowledge systems these women created and accumulated through their journey of surviving double oppression for over a century. Women have adapted to becoming thieves, women have taken to lives of crime in order to feed their families, women have made domestic life possible in spaces where domestic life is barely allowed to thrive. The identity of a criminal is allowed no home but the prison and even the homes that they do build are often either razed down or raided by the state forces. So, how do these women negotiate their domestic lives despite so much

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<sup>57</sup> Gadgekar Roxy, “Ahmedabad Municipal Corporation is even more dangerous than the killer quake of Gujarat” accessed May 10 2019. [http://roxygadgekar.blogspot.com/2006/01/ahmedabad-municipal-corporation-is\\_03.html](http://roxygadgekar.blogspot.com/2006/01/ahmedabad-municipal-corporation-is_03.html)

<sup>58</sup> Radhakrishna Meena, *Dishonoured by History: Criminal Tribes and British Colonial Policy*, (New Delhi, Orient BlackSwan), 178

interference. Our idea of the domestic ideal domestic sphere is based on the idea of stability. Certain things in our homes are supposed to stay where they do and never be moved. But what about homes that are regularly broken down or raided? What kind of food do communities which have limited access to food resources turn to? How do women cook? In order to find out let us take a quick look at a report by Gayatri Jayaraman published in the Hindustan Times, in 2018. Jayaraman writes,

“A few hours in the blazing Indian sun wrings the moisture out of the bhakri, making it crisp like a Gujarati khakhra or a biscuit that is fresh out of an oven. This dried version crumbles to the touch, is immune to moisture and fungus, and can last for several months....Inside the makeshift tents, it is lunch hour, and the tribesmen have been able to beg for some lentils, pitla (thick gravy made out of gram flour) and greens. One man has got a bowl full of chicken curry, with a whole leg piece in it. He generously passes around the gravy but keeps the chicken for himself. The dried bhakris are crumbled into whatever each may have on their plate and mashed with the fingers until it is soft enough to eat. Once soaked, it mashes on the tongue instantly but retains a chewy give. In a more refined form, with some ghee, this would taste like dal baati choorma — a wheat dumpling in lentils....Wheat or bajra is ground to flour and heated on a very low flame in a dry kadhai or on a griddle until it turns pinkish red. This should take 10-15minutes. It is cooled and carried for long period and is typically eaten with jaggery and ghee. It can be premixed with ghee and jaggery and two spoons are consumed with milk, buttermilk or water. It is referred to ‘instant roti’ as it is said to form a sweet bread inside the stomach.”<sup>59</sup>

The ways that women with limited access to resources makes meals and other domestic matters work indicates that they have adapted differently to their circumstances. Women are usually burdened with the lion’s share of domestic responsibilities and they have managed to somehow negotiate their way to ensuring that their families survive against all odds. It is after all the woman’s duty to ensure that her children survive long enough to be able to take care of her.

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<sup>59</sup>Jayaraman Gayatri, “The unfailing companionship of dried bhakri” Accessed May 10, 2019. <https://www.hindustantimes.com/india-news/the-unfailing-companionship-of-dried-bhakri/story-tMye4hdGRNzdtRPz2ZvZjO.html>



However, women from denotified communities usually toil hard up till the day they die and do not enjoy the ageist privileges of their upper caste counterparts. Foraging has historically been an important source of food for individuals belonging to denotified communities. Their inability to buy food or their lack of access to refined food items has led to the preservation of foraging as a method of accumulating food. Be it knowledge of which plants are edible or which parts of the animal can still be eaten has been passed from generation to generation. Women have accumulated such knowledge and during the lack of access to food which can only be bought, women often turn to foraging practices to acquire food for their family. Some unconventional food options include pickled ants and 'rakhti' (a dish made out of animal blood and chilli). Ants are an important source of protein and are easily available everywhere. Many tribes have been known to gather colonies of ants, grind them into a paste and mix them with salt and chilli in order to create a sick-sweet paste, which is often utilized as an accompaniment to rice or flatbread. The knowledge of unconventional food for women also extends to their capability to turn non-food items into food. That essentially translates into them foraging for food and adapting as they go along. Earlier in *Uchalya* we read about how a woman had to kill domesticated animals in order to feed her children. The denotified tribes have a history of severe impoverishment. They have to adapt to various situations in order to survive. The women who are often left at home alone to feed their families have to constantly innovate, adapt and put food on the table. The struggle to do so pushes women to exploit spaces within society that would otherwise never occur to them. For an example in *Uchalya* we read of a practice among women who are allowed to clean the flour grinders from upper-caste households. In this practice the Uchalya women often rush in and touch the flour grinders while there is still some flour left in the grinder. That way the upper caste women no longer the the grinder or the flour and the Uchalya women have access to the flour. Thus, in this context we can note that women are

actually exploiting the upper caste practices in order to accumulate more food for them. These spaces that women continuously negotiate against the insurmountable odds posed by society at large allow women from denotified communities to consistently evolve and accumulate alternative knowledge systems which more often than not stays within the community since women from these communities rarely represent themselves. Their personal practices of survival do not get recorded in the accounts by the male voices which speak of them and nor in the outsider representations of their identities. Though very little is known about these intimate practices of women and their involvement with food one has to do with whatever knowledge is available by inferring and cross-referencing across the few accounts of life-history available at all

The lack of female self-representing narratives brings us to the issue of legal interventions that have taken place so far in history in order to address the issue of the lack of institutional recognition of the category of the nomadic tribes or denotified tribes in India's draft national policy. One of the most important observations to be taken into account while dealing with the listing of denotified and nomadic tribes under the Habitual Offenders Acts, is that it negates the principles of the criminal justice system-innocent until proven guilty. Throughout the research we have come across countless examples of exactly the opposite. When it comes to the ex-criminal tribes, it's usually 'criminal until proven innocent.' There are very few bodies that are actively working in order to ensure that this historical injustice is addressed at the policy levels or at least the socio-political levels. One of these bodies is the Committee on the Elimination of Racial Discrimination. This body recognizes the abuses perpetrated against the branded criminal tribes to be racial abuses. This is an initiative by the Resist Initiative International that is a South Asian democracy and human rights organization which is extremely concerned by the failure of

the Indian government to safeguard the rights of the denotified and nomadic tribes. A report from 2007 by this body lists out the continuing injustices upon the Denotified and nomadic tribes. In the context of Bengal one important incident or series of incidents that this dissertation is yet to mention are the Lodha lynchings between 1979-1982. These individuals were lynched on the basis of their Lodha identity which was criminalized by the British. In 2019, lynchings are no longer a shocking revelation but an everyday occurrence that the Indian population has become used to hearing of in the news. However, racially instigated and profiled crimes deserve to be recognized within the exact context that they belong in. While the lynchings that have been taking place over the last few years are mostly motivated by hate and political insurgence the Lodha lynchings were instigated on the basis of the idea that they were hereditary criminals. The police did not follow up with any affirmative action and the cases were allowed to turn cold. Now it is too late to follow up on justice however remembering and recording the crimes in the specific context that they need to be recorded in is important and as feminist scholars it becomes important to address the racially disenfranchised subjecthood of the Lodhas. The report also mentions the incident of a Pardih woman igniting herself in an act of protest after her sons were falsely arrested. In retaliation to this act of protest merchants burnt down about a hundred homes belonging to Pardih villagers. This report is one of the only reports that addresses the problem of the denotified tribes and nomadic tribes to be one not merely characterized by institutionalized marginalization and police atrocity but also social exclusion and ostracisation. If the above mentioned case of the woman is to be taken into account, even an act of protest against injustice can be cracked down upon by society if it has the sanction of the law in the form of silence. A study of the situation of denotified and nomadic tribes results in a very important conclusion regarding the Indian society at large. The crimes perpetrated against these tribes have been enabled by the silence of the upper echelons of society. The legal marginalization had led to a

convenient invisibilisation of the category and the subjective experience has more often than not been conveniently categorized as something as general as ‘poor’ or ‘lower caste’. By selectively maintaining silence regarding the topic of denotified and nomadic tribes the Indian society at large has managed to fail this population which has been facing continuous violence.

One of the most important theories that explain this silence is discussed in Stuart. J. Murray’s ‘Thanotopolitics: On the use of Death for mobilizing political life’. Murray explains that under the sovereign power, life was defined by the definition of death and biopower was exercised by the politics of ‘letting die’. However, under the aegis of modern power, the scales are tipped in favor of life and biopolitics is based on the concept of making life and letting die. This ensures that there is a system of power which is normalised by ensuring the rights of the many versus the rights of the degenerate or abnormal few. Those that do not conform can be allowed to die while the others can be regularized into existence and their right to life can be assured through protecting them from those that threaten their right to live. By positing the ‘criminal tribes’ to be those abnormal degenerates the colonizers ensured that the silence of the normal colonized subject was manufactured to their advantage. The creation of such clear categories of difference led to the silence and enabling of violence against a whole race of people.

At the tail end of this dissertation if one takes an objective look at the timeline of events that unfolded surrounding the Criminal Tribes of India Act, 1871 and subsequently Habitual Offenders Acts, the timeline looks something like this.

1871: Criminalization of certain tribes on completely arbitrary grounds

1912: First of the Habitual Offenders Acts

1923: Decriminalization of the tribal identities and rehabilitation (though most police officers in the future conveniently forgot this)

1956: Final round of decriminalization and shutting down off labour camps and settlements.

1976: Emergency and forced sterilizations of an uncalculated number of denotified and nomadic tribal identities among the 6 million/

1998: Budhan Sabar case and the formation of DNT-RAG

2017: National Commission of Denotified and Nomadic Tribes report is released.

From the above timeline it is clear that it took about 145 years from 1871 for a national report to be released which addresses the main issues faced by the members of the Denotified and Nomadic tribes. There have been reports in the past by the Lokur Commission in 1965 but none of those reports yielded any grassroots reality changes for the DNT identities. The NCDNT report is one of the most data intensive documents released by the Indian Government related to the DNT communities. The section on Women empowerment in the concluding comments suggests:

- a) Sexual exploitations/atrocities often go unreported among these women.
- b) The National Commission for Women must constitute a specific cell to deal with the problems faced by the women from DNT/NT communities.
- c) DNT/NT women should be given special priority while providing loans, training, asset building, land distribution etc. Often women from these tribes are economically active and the sole breadwinners of their families. Special attention must be paid to the education of girls from DNT/NT community.

It is important to note that it is only in 2017 that a suggestion is finally being made to recognize the double oppressed position of women within Denotified tribes. How far the suggestions of this report are carried out by the government is yet to be analysed or looked into.

Various reports have managed to situate the experience of being an identity belonging to a denotified tribe. However, how effective their suggestions have been while formulating government policies remain an important question to be answered. As far as situating the woman's experience is concerned one has to primarily depend on autobiographical accounts and journalist or outsider representations in order to acquire a clearer picture of how a woman is situated within these tribal experiences. The ineffectiveness of the government to adequately address the specific issues and their inability to realize that this marginal population needs to be given special priority in order to ensure equitable growth in the future, has led to the consistent invisibilisation of this category in the mainstream. The historical injustice perpetrated upon this population cannot be undone but their current status needs to be awarded special privileges in order to ensure equitable development. One does not need to oversell the idea that the law has failed the women from these tribes both as tribal identities and as women. This needs to be addressed through building awareness, sensitization and creation of schemes targeted specifically for their development.

Gender within the ambit of the Criminal Tribes of India Act, 1871 and later the Habitual Offender Acts have evolved in a manner that women are allowed or have earned their agency within their own communities. However, patriarchy is not limited or cannot be kept at a distance when the denotified tribes are struggling to find their socio-economic space in a neo-liberal economy characterized by the rise of objectification and commoditization. One cannot forget that women

from these marginal tribes have been among the first to be objectified or commoditized in popular culture. In a way patriarchy has ensured that double oppression faced by the women in these marginalized communities. However if one wants to enquire into how much has changed due to the passage of time one is confronted with the uncomfortable truth that due to the invisibilisation of the issues faced by these communities in mainstream media, the position of women has remained almost the same. Yes, some women have moved out of the shackles of both patriarchy and the denotified identity but women and the female gender at large is still at risk of being made to be pawns to send a message across to the men. This is highlighted through the case of Asifa Bano. Even if we take into consideration that Asifa Bano is a one off case, there is no indication that the women's lives have improved in any manner. There exist absolutely no schemes to address the unique issues faced by the women from these communities. No economic assurances, no legal aid, no programme that allows them to process and address the accumulated trauma. Thus, the women are stuck in narratives of severe oppression within which they have managed to weave networks of agency through their contribution towards family income, domestic labor and their reproductive labor. A notable finding during my research into the voices of women from the DNT community is the near complete lack of self-representation from female voices. Yes, there are snippets in documentaries and interviews; however when it comes to a body of work of sole self representation there happens to be none that has been recorded. All the women are either represented through the relations with their men or through external accounts or external representations by people operating from a point of academic, socio-cultural or significant economic privilege. To conclude, it seems apt to refer to the famous quote, by Lutheran Pastor, Maartin Niemoller, (this quote has been utilized in translation by the Chhara performers in the documentary, *Acting Like a Thief*).

“First they came for the socialists, and I did not speak out—

Because I was not a socialist.

Then they came for the trade unionists, and I did not speak out—

Because I was not a trade unionist.

Then they came for the Jews, and I did not speak out—

Because I was not a Jew.

Then they came for me—and there was no one left to speak for me.”



## **Bibliography**

A.Solanki. *Some notes on language and classification in the case of the Criminal Tribes Act 1871-1927.*

[https://www.academia.edu/10977312/Some\\_Notes\\_on\\_Language\\_and\\_Classification\\_in\\_case\\_of\\_the\\_Criminal\\_Tribes\\_Act\\_1871-1927](https://www.academia.edu/10977312/Some_Notes_on_Language_and_Classification_in_case_of_the_Criminal_Tribes_Act_1871-1927) (accessed May 14, 2019).

Abraham, Susan. "Steal, Or i'll call you a thief: Criminal Tribes of India." *Economic and Political Weekly*, 1999: 1753-1755.

administrator, Website. *Mahashweta Devi: A Model in which Activism and writing can reflect upon each other.* May 22, 2013. <https://www.indiantribalheritage.org/?p=11361> (accessed May 12, 2019).

Agarwal, Anuja. *Gender questions at the margins: The case of Nomadic and DNT communities.* 2018.

[https://www.academia.edu/37672325/Gender\\_Questions\\_at\\_the\\_Margins\\_The\\_Case\\_of\\_Nomadic\\_and\\_DNT\\_Communities](https://www.academia.edu/37672325/Gender_Questions_at_the_Margins_The_Case_of_Nomadic_and_DNT_Communities) (accessed May 14, 2019).

Bhatt, Swati. "'Criminals' performing for change: Budhan Theatre's fight against injustice and police atrocity." *Music and Arts in Action* 05, no. 02 (2016): 03-18.

Bijral, Quleen Kaur. *The violent legacy of stigma: Ex-criminal tribes in India.* May 11, 2017. <https://thelocalindian.com/opinion/ex-criminal-tribes/> (accessed May 01, 2019).

Brown, Mark. *Postcolonial penalty: Liberty and repression in the shadow of Independence, India c.1947.* May 21, 2016. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5414894/> (accessed May 13, 2019).

Chhara, Dakxin bajrange. *Budhan*. Translated by Sonal Baxi. Vadodara: Bhasha Research and Publication Centre, 2010.

Chhara, Roxy Gadgekar. *roxygadgekar.blogspot.com*. January 03, 2006.

[http://roxygadgekar.blogspot.com/2006/01/ahmedabad-municipal-corporation-is\\_03.html](http://roxygadgekar.blogspot.com/2006/01/ahmedabad-municipal-corporation-is_03.html)  
(accessed May 01, 2019).

Dandekar, Ajay. "Invisible People, Inaudible Voices: The Denotified tribes of india." *Indian International Centre Quarterly*, 2014: 90-96.

Devi, Mahashweta. *The Book of Hunter*. Translated by Bagaree Mandira Sengupta. Kolkata: Seagull Publishers, 2001.

Devy, Ganesh. *A Nomad Called Thief*. New Delhi: Orient BlackSwan, 2006.

—. *The Tejgarh Experience: Culture and Development*. <https://www.sahapedia.org/the-tejgadh-experiment-culture-and-development> (accessed May 14, 2019).

D'Souza, Dilip. *Branded by law: Looking at India's denotified tribes*. New Delhi: Penguin Publishers, 2001.

—. "Declared Criminal At Birth." *Manushi-India*. 2012. [http://www.manushi-india.org/pdfs\\_issues/PDF%20file%20123/4.%20Declared%20Criminal%20at%20Birth.pdf](http://www.manushi-india.org/pdfs_issues/PDF%20file%20123/4.%20Declared%20Criminal%20at%20Birth.pdf) (accessed May 01, 2019).

Foucault, Paul-Michel. "Panopticism." In *Discipline and Punish*, by Paul-Michel Foucault, 195-228. New York: Vintage Books.

Gaikwad, Laxman. *Uchalya-The Branded*. Translated by P.A.Kolharkar. New Delhi: Sahitya Academy, 1998.

Ghodke, Digambar M. *Revisiting the mother tongues of the De-notified tribes in India*. 2016.  
[https://www.academia.edu/30298832/Revisiting\\_the\\_mother\\_tongues\\_of\\_the\\_denotified\\_tribes\\_in\\_India](https://www.academia.edu/30298832/Revisiting_the_mother_tongues_of_the_denotified_tribes_in_India) (accessed May 14, 2019).

Goffman, Erving. *Stigma and Social Identity*. London: Penguin Publishers, 1963.

International, Resist Initiative. *Branded 'born' criminals: Racial abuses against denotified and nomadic tribes in india*. February 2007.  
<https://www2.ohchr.org/english/bodies/cerd/docs/ngos/resist.pdf> (accessed May 12, 2019).

Jayaraman, Gayatri. *The unfailing companionship of dried Bhakri*. January 18, 2018.  
<https://www.hindustantimes.com/india-news/the-unfailing-companionship-of-dried-bhakri/story-tMye4hdGRNzdtRPz2ZvZjO.html> (accessed May 10, 2019).

Lashkar, Vinayak. "Denotified and nomadic Tribes of Maharashtra in India." *Academia.edu*.  
[https://www.academia.edu/4294906/Denotified\\_and\\_Nomadic\\_Tribes\\_of\\_Maharashtra\\_in\\_India](https://www.academia.edu/4294906/Denotified_and_Nomadic_Tribes_of_Maharashtra_in_India) (accessed May 13, 2019).

—. "The Contemporary Challenges faced by the Denotified and Nomadic Tribes of Maharashtra in India." *academia.edu*.  
[https://www.academia.edu/4294914/The\\_Contemporary\\_Challenges\\_to\\_Denotified\\_and\\_Nomadic\\_Tribes\\_of\\_Maharashtra\\_in\\_India](https://www.academia.edu/4294914/The_Contemporary_Challenges_to_Denotified_and_Nomadic_Tribes_of_Maharashtra_in_India) (accessed May 14, 2019).

—. "The Wadar Community a Denotified tribe of Maharashtra in India: An ethnographic understanding." *academia.edu*.  
[https://www.academia.edu/6814364/The\\_Wadar\\_Community\\_a\\_Denotified\\_Tribe\\_of\\_Maharashtra\\_in\\_India\\_An\\_Ethnographic\\_Understanding](https://www.academia.edu/6814364/The_Wadar_Community_a_Denotified_Tribe_of_Maharashtra_in_India_An_Ethnographic_Understanding) (accessed May 14, 2019).

M Subba Rao, Vasu Bandaru. *Understanding Denotified Nomadic Tribes*. March 2013.  
[https://www.academia.edu/4145063/Understanding\\_the\\_Denotified\\_and\\_Nomadic\\_Tribes](https://www.academia.edu/4145063/Understanding_the_Denotified_and_Nomadic_Tribes) (accessed May 14, 2019).

Multani, Navleen. "Writings from Below: A study of Laxman Gaikwad's 'The Branded'." *Indian Literature*, 2011: 183-194.

Murray, Stuart J. *Thanotopolitics: On the use of Death for Mobilising Political life*.

National commission for Denotified, Nomadic and semi nomadic tribes. *Report December 2017*.  
National Commission report, New Delhi: Ministry of Social Justice and Empowerment, Government of India, 2017.

Nigam, Sanjay. "Disciplining and policing the 'Criminals by birth' Part 1: The making of a colonial stereotype- The criminal tribes and castes of North India." *Indian Economic and Social History Review*, 1990: 257-287.

Piliyavski, Anastasia. "The Criminal Tribes before the British." *Comparative Studies in Society and History*, 2015: 323-354.

Radhakrishna, Meena. *Dishonoured by History: 'Criminal Tribes' and the British Colonial Policy*. New Delhi: Orient BlackSwan, 2001.

Rana, Subir. *Nomadism, Ambulation and the Empire: Contextualising Criminal Tribes Act XXVII of 1871*. 2011.

[https://www.academia.edu/32422259/Nomadism\\_ambulation\\_and\\_empire\\_Contextualising\\_the\\_criminal\\_tribes\\_Act\\_XXVII\\_of\\_1871](https://www.academia.edu/32422259/Nomadism_ambulation_and_empire_Contextualising_the_criminal_tribes_Act_XXVII_of_1871) (accessed May 14, 2019).

Reddy, Anita. *Book Review: Laxman Gaikwad's 'Uchalya-The Branded'*. October 26, 1998.

<https://www.indiatoday.in/magazine/society-the-arts/books/story/19981026-book-review-of-laxman-gaikwad-the-branded-uchalya-827288-1998-10-26> (accessed May 13, 2019).

reporter, Staff. *68 Denotified communities must be reclassified as DNTs, says welfare*

*association*. November 22, 2018. <https://www.thehindu.com/news/cities/Madurai/68-denotified-communities-must-be-reclassified-as-dnts-says-welfare-association/article25563718.ece> (accessed May 01, 2019).

Sarkar, Poulami. *'Criminal tribes' and the mechanism of power*. April 20, 2019.

<https://www.epw.in/journal/2019/16/special-articles/%E2%80%98criminal-tribes%E2%80%99-and-mechanism-power.html> (accessed May 13, 2019).

Simon.A.Cole. *Suspect Identities: A history of fingerprinting and criminal Identification*.

Harvard University Press, 2002.

Sinha, Dipanjan. *Mumbai to host a film fest dedicated to nomadic tribes of India*. December 12,

2016. <https://www.mid-day.com/articles/mumbai-guide-mumbai-film-festival-nomadic-tribes-of-india/17824185> (accessed May 01, 2019).

Taylor, Philip Medoz. "Confessions of a Thug." *www.gutenberg.org*. February 12, 2014.

<http://www.gutenberg.org/files/44881/44881-h/44881-h.htm> (accessed May 01, 2019).

*Acting Like a Thief*. Directed by Dakxin Bajrange Chhara. Performed by Budhan Theatre. 2011.

Tucker, Frederick De L. Booth. "The Criminal Tribes of India." *Journal of the Royal Society of Arts*, 1923: 158-166.

Unknown. "Historical Background of Nomadic Tribes in India."

[www.shodhganga.inflibnet.ac.in](http://www.shodhganga.inflibnet.ac.in).

[http://shodhganga.inflibnet.ac.in/bitstream/10603/140071/9/09\\_chapter%201.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/140071/9/09_chapter%201.pdf)

(accessed May 01, 2019).

Yang, Anand. *Crime and Criminality in British India*. Arizona: University of Arizona Press, 1985.

Zargar, Safwat. *In Jammu and Kashmir Gujjars and Bakarwals grow anxious after the repeal of the Roshni Act*. December 13, 2018. <https://scroll.in/article/904767/in-jammu-and-kashmir-gujjars-and-bakerwals-grow-anxious-after-the-repeal-of-roshni-act> (accessed May 01, 2019).