Nomadism, Ambulation and the 'Empire': Contextualising the Criminal Tribes Act XXVII of 1871[*]

Subir Rana

1 Historiography, Ambulation, Nomadism

The turf of history and historiography has been slippery and callous in writing about the 'fourth worlders'[1] (Castells 1998) who have been on the fringes of *ancien régimes* occupying 'strange spaces'[2] (Jansson 2009) since millennia. A certain fear of this 'strange' and the 'weird' grips Empire's 'history' as well as modern-day nation state's 'present' while speaking about people and communities who populate the 'rim' and indulge in ambulatory practices. This article intends to be a Bakhtian 'heteroglossia' engaging with the lives and the polyphonic voices from the dark recess of those who inhabited the margins of the Empire or the *'spaces of abjection'*[3] (Kriesteva 1982). This included the 'unproductive' and socially 'undesirable' population of the 'restless wanderers,' the 'sixth-fingers' and the 'castaways' who comprised the netherworld of the 'external castes' or *'classes dangereuses'*. This class was addressed either through their occupational association or their peculiar lifestyle. They comprised the loafers, drifters, strollers, conmen, charlatans, conjurers, acrobats, jugglers, wanderlusts, mendicants, ascetics, floaters, rovers, prostitutes, flunkeys, gypsies, vagrants, peripatetic, itinerants, vagabonds, fugitives, listless, the indolent and the nomads.

Later we shall see how and why mobility and ambulatory practices were treated as a criminal activity in Europe and other parts of the world especially in India. In India, however, it reached its acme when mobile and nomadic groups like street entertainers, acrobats, stunt artists, mendicants, trading communities, prostitutes, and eunuchs etc were treated as 'hereditary criminals' or in the official parlance as 'Criminal Tribes'. This resulted in earning them the epithet of 'non-persons' (Laga 2009) or 'non-beings' who populated the 'margins of the margins' and their lifestyle was characterized by peregrination and vagrancy. In academic terms, this 'dominated'[4] class constitutes a distinct category called 'subalterns' (Spivak 2004: 28) and invoked a separate branch of academic inquiry in the early 1980s known as the 'Subaltern Studies'.[5]

---

[1]The term 'fourth worlders' was popularized by the Spanish sociologist Manuel Castells. It meant those who formed the margins of the margins like the beggars, nomads, vagabonds, peripatetic communities, gypsies, itinerants etc. It also included prostitutes and all those who according to the 'modern civilized' society did not conform to a routined lifestyle and had a fixed home and hearth.

[2]A term used for denoting spaces that are otherwise not ventured into and are considered to be rather 'strange', unusual and 'out of place.'

[3]'Abjection' is a verb which means degradation, baseness and meanness of spirit. In contemporary critical theory, 'abjection' is often used to describe the state of marginalized groups such as women, people of colour, unwed mothers, convicts, prostitutes, poor people and beggars, disabled, queer and LGBT people. The concept of abject exists in between that of an object and a subject i.e something alive yet not. The term 'spaces of abjection' signifies any space inhabited by abjected beings or things. The term "abjection' has been used by the famous French psychoanalyst Julia Kristeva in her book 'Powers of Horror: Essays in Abjection.'

[4](a) Gramsci however differentiates between the terms 'subalterns' and the 'dominated'.

(b) For Gayatri Spivak 'subaltern' is 'a person without lines of social mobility'.

[5]*'Subaltern Studies: Writings on Indian History and Society'* began in 1982 and according to Dipesh Chakrabarty is a postcolonial project of writing history. It was a serious engagement with colonial historiography and works by re-writing those

Spaces are vital 'constructs'. Some spaces are safe, aesthetic and catch our fancy and imagination whereas others are taken to be weird and 'strange', out of place, ambiguous or even 'dangerous'. It is the latter ones which are referred to as *Zomia*[6] (Schendel 2002) or 'non-state spaces' (Scott 2009) that are inhabited by those who have escaped the clap-trap of 'civilization' and state's notion of 'modernity,' 'development' and 'progress'. Scott by applying the notion of *'Zomia'* has shown why and how mass exodus and 'peopling of the hills' which is a 'zone of refuge' or 'shatter / shadow zone' as he calls it has been taking place in the past.

The *'Zomians'* (as I put it) preferred to remain stateless and did everything possible to remain so including practising what Scott calls 'escape agriculture' and finally ended up forming 'nations within nations'. This was a concerted and well thought out political choice made by the mobile communities and the itinerants and a counter narrative provided by them to archetypal modernist challenge regarding their forced fusion with the state. In many ways, it was an organic move by the mobile population to subvert the notion of a so called 'civilized life' and sounded a war cry against the state's 'extractive' modernization process. A parallel history albeit in orality was being scripted by the marginals themselves as part of their strategy and Scott's path-breaking study ascertains to this historical fact. In a radical overture, Scott concludes by saying that the element of 'historylesness' is an assurance towards virtually limitless possibilities. However, the bigger question as to who is a citizen and what constitutes citizenry remained orphaned in this entire conundrum of political arithmetic and chess-like move of the actors involved.

Nomads, gypsies and vagabonds as a community of peripatetics and itinerants and as acts that define them and their characteristic way of life have existed since ancient times. In reality, there are different categories of mobile population having internal differentiations and hierarchies and yet who cling to each other due to their multiple similarities. However, for the sake of convenience of this article[7] (Deleuze 2001: 406), they have been kept under the general rubric of 'vagabonds'/ 'nomads' and 'peripatetics'/ itinerants' It would be interesting to begin by tracing the genesis of the word 'nomad' and extrapolate the various notions that it invoked in the minds of ordinary folks.

The word 'nomad' is derived from Greek *nom des* meaning "those who let pasture herds[8]." In fact in the Western world, the notion of 'wanderlust' and gypsy entertainers who indulged in playing music at village feasts and fairs as well as fortune telling come closest to the imagery of a nomad or a gypsy. An un-settled, un-disciplined, aimless[9], vagrant and thrifty lifestyle as well as unpredictable movements characterized mobile communities which persist till today. There were wild stories of predation by 'vagrant gangs' from Persia that was being circulated in the public. Such vagrants were said to be kidnapping children, looting, plundering, pilfering, forcing their way into houses, 'bullying villagers' and 'terrorising inhabitants'. It was supposed that like primitive savages the gypsies had magical powers (Neeladri 2003: 198). The nomads cherish the 'freedom' from societal restraints and a mobile life-style which irks governments, authorities and the general public at large. They were the *Calibans*[10] who sounded danger and put resistance to capitalist enterprise and an anti-colonial rebel symbolizing 'world proletariat' (Federci 2004: 11). Further, the nomads' superior knowledge of the world acquired during extensive travels is seen to endow them with greater mental resources and a potential for greater manipulation of others. A mobile and unregulated lifestyle was also

---

subaltern pasts and communities. The group was a brainchild of Prof. Ranajit Guha, then teaching at the University of Sussex who along with eight other young scholars based in India, United Kingdom and Australia constituted the editorial collective of Subaltern Studies.

[6]The word *'Zomia'* is a geographical term coined by the Dutch historian Willem van Schendel in 2002 and is derived from the root word Zo in one of the Indian states Mizoram and means hill. The term refers to a huge massif of mainland South East Asia that has historically been beyond the control of urban or low governments or low land bureaucracy. Scott has applied the notion of *Zomia* in his work *'The Art of Not Being Governed'* which according to him includes the runaway, fugitive or maroon communities who have chosen' to stay away from modernist notions of progress and development and civilizational humdrums.

[7]For Deleuze, vagabonds form a 'band', whereas nomads comprise a 'body'.

[8]Available on en.wikipedia.org/wiki/Nomad. Accessed on 19.03.2011 at 1:40 p.m.

[9]According to Radhika Singha, there were many peddling communities whose movements couldn't have been aimless as their routes and schedules of moving and stopping were fixed and cyclic. For details on peripatetics and the treatment meted out to them by the colonial administration. Read Radhika Singha's 'Settle, Mobilize, Verify: Identification Practices in Colonial India', in *Studies in History*, 2000, 16: 151.

[10]*Caliban* is one of the characters and primary antagonists in Shakepeare's play 'The Tempest', where one of the protagonists *Caliban* is kept as a slave on an island owned by Prospero. It is an anagram of the Spanish word *canibal* or *cannibal* in English.

---

associated with gureilla warfare and the 'hit and run' tactics of the nomads and vagabonds along with other such mobile communities. Moreover, the mobile populace was resistant to proselytizing missions and the Christian missionaries couldn't achieve any success especially with the pastoral nomads (Philips 2001: xv). Besides, they could not be taxed and always escaped the scourge of war or any natural calamity like epidemics or drought and famine. Increasingly, street entertainment provided by acrobats, singers, dancers, tight-rope walkers and fortune-tellers were seen to be threat to public order (Radhakrishna 2001:11) since they attracted large crowds during their performances. The Empire was also apprehensive of the 'regimes of circulation' (Markovits et al 2003) formed by ambulation where besides material goods, other non-material aspects like ideas, skills and rumors circulated freely (Guha 1999). Already the colonial state was beset with a sense of great fear of a second Mutiny which would have brought the Empire on its knees[11].

History shows us that in the ancient times, nomads, gypsies and itinerants and ambulatory bands were never seen as threatening the metropole although a constant milling was taking place on the fringes. However, Deleuze contradicts this notion and says that the states always had problems with journeymen's associations, or *compagnonnages*, the nomadic or itinerant bodies of the type formed by masons, carpenters, smiths, etc (Deleuze 2001: 368). Nevertheless, it is a historical truism that some of the nomadic groups from Central Asia were also great "Nomadic Empires" like the Timurids, (Goody 2006) Scythians, Mongols, Huns etc. With the onset of Industrial Revolution and the idea of private property becoming reified, the nomads as non-sedentary group of people started being viewed as particularly dangerous having the potential to usurp established order. In official and administrative circles, they were seen as 'parasites' and a serious threat for the general health of the nation. Quoting J.W. Powell,

> "Often individuals have become parasitic and there are parasitic communities, like the gypsies, and history may even reveal to us parasitic tribes, whose existence has never yet been clearly pointed out. The fact remains that these individuals and communities, though parasitic, do not exemplify the culture by which they are surrounded." (Powell 1888: 97-123)

Foucault while comparing the image of the 'outlaw' with that of a nomad remarks,

> "The lyricism of marginality may find inspiration in the image of the "outlaw", the great social nomad who prowls on the confines of a docile, frightened order" (Foucault 1991).

The threat perception for the metropole from nomadic bands was due to a certain conception of space and mobility which is related to the 'occupation of territory' that is out of the direct reach of the former. The nomad's belief in the principle of what Deleuze calls 'deterritorialization' (Deleuze 2001: 419- 21) and the 'hydraulic model' of the 'war machine' poses a double-bind for the ruling elite. According to the Deleuzian logic, although the state is inconceivable without the 'outside', yet it has always sensed fear and threat from the 'nomad war machine science' as opposed to the state's 'royal or imperial science'. He adds that while both these sciences have different modes of formalization, the 'State science' continually imposes its form of sovereignty on the inventions of nomad science (ibid.: 400).

Part of the threat to the centre can also be evinced from what Paul Virilio (2007) calls 'dromology' according to which speed determines the structure of society. According to him, speed changes the essential nature or 'being' of things and the one which is fast dominates the other that is slow. It is clear from this premise then that since ambulatory bands are always mobile, therefore it has the possibility to 'dominate' the centre which believes in stasis or fixity. Moreover, he also points out that 'possession' of territories is not about laws and contracts but about 'movement and circulation'. The metropole visualises an appropriation and 'possession' of state's territory as a result of this mobility and milling around especially on the 'seams'. Virilio's notion seems to hold water in the case of the fear expressed by the metropole due to the ambulatory practices of the nomads and peripatetic communities.

Nomadism as a phenomenon is a sub-culture or a counter-culture and an alternate lifestyle that subverts and challenges 'great tradition' and enforces *status quo* and sedentarism. The state therefore sent a clear

---

[11]Ranajit Guha in his *'Elementary Aspects of Peasant Insurgency in Colonial India'*, highlights the fact that agrarian disturbances in multiple forms and of different scales ranging from local riots to war-like campaigns spread over many districts and were endemic throughout the first three quarters of the British rule until the very end of the 19th century.

warning to the wandering groups to fuse with the centre and become 'state actors' or else face denigration, death and decay. An official policy of maintaining 'proxemics' between the mobile and the sedentary communities was put into practice. This was also necessitated due to the Victorian work-ethics that demanded hard manual labour and a regulated and routined lifestyle. The nomads did not want to be part of the state's superstructure, its oppressive model and multiple divisive hierarchies. When all the efforts of the state at co-opting the mobile communities failed, a witch-hunt was launched with a profusion of anti-gypsy laws in the early 19th and 20th century in Europe as well as in India. There were mass prosecutions of the vagabonds and nomadic communities in Europe and elsewhere followed by de-historicizing them.

This relationship between the centre and the periphery and the strategy adopted by the nomads and vagabonds can be depicted through a diagram given below:
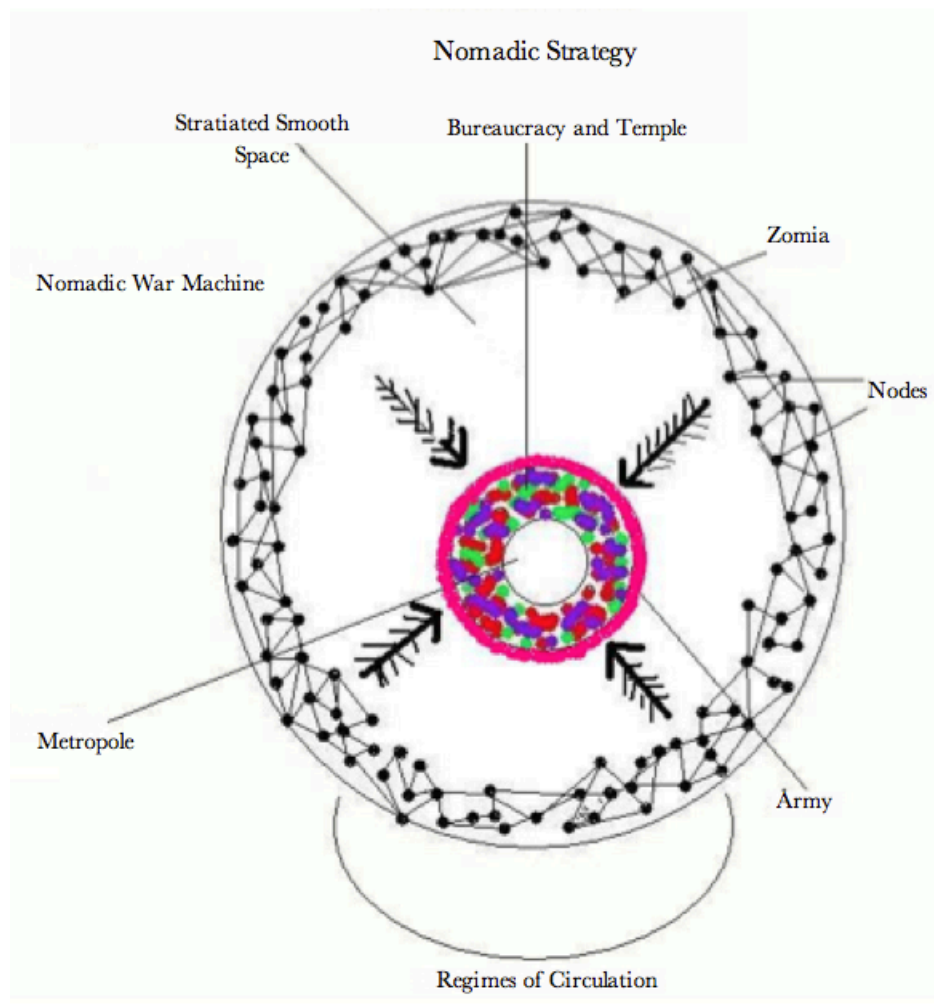

Figure 1: Depiction of Nomadic Strategy

Communities have been de-historicized and their role during various rebellions and revolts against tyrannical regimes brushed away and 'made' un-noticed. They are therefore unrecorded and 'erased' from memory as well as history. In many instances, these communities were consciously ignored and their role and participation in important historical events were bypassed. This has largely been due to the state and non-state actors involved. According to Deleuze, "state becomes the sole principle separating rebel subjects, who are consigned to the state of nature, from consenting subjects, who rally to its form of their own accord"

(Deleuze 2001: 414). More often than not, the official narratives of these communities have been discounted and truncated or else reduced to mere shadow figures in the annals of history. Worse still, official histories of nation-states have been active corroborators in much of the 'epistemological violence' that distorted history and history writing by 'inventing' facts and investing in much of propagandist missions and myth-making. To give an example, history shares an obnoxious relationship and a feeling of animosity towards nomads, vagabonds, gypsies and nomadism.

Speaking about history's relationship with nomadism, Deleuze says, "History is always written from the sedentary point of view and in the name of a unitary State apparatus, at least a possible one, even when the topic is nomads" (Deleuze 2001: 25). He therefore prescribes his version of history writing that is "nomadology as the opposite of history" and ascribes various other names like rhizomatics, stratoanalysis, schizoanalysis, micropolitics, pragmatics and the science of multiplicities (ibid.: 48). According to him, "history has never comprehended nomadism, the book has never comprehended the outside" (ibid.: 27). History writing in the West is plagued with much controversy especially when it dwells in glorifying its own achievements and in the process showing disgrace for Eastern civilizations and its merits.

Jack Goody's book 'Theft of History' (2006) lay things bare and let facts speak for themselves as he navigates and needles through historical events alongside Eurocentric and Occidental biases regarding the writing of history. Corroborating the title of his book, he says that the West has been involved in a 'theft' of the achievements and value-laden institutions of other cultures. According to him, the "European claim to have 'invented' forms of government (such as democracy), forms of kinship (such as nuclear family), forms of exchange (such as market) and forms of justice is highly suspect and questionable since these were widely present embryonically in other societies and cultures as well" (Op. cit.: 2). He further states that, "The theft of history by western Europe began with the notions of Archaic society and Antiquity, proceeding from there in a more or less straight line through feudalism and the Renaissance to capitalism" (ibid.: 26). This has not only led to exercising 'hegemony' but also instituted and reified structures of domination that have hegemonised subaltern cultures. It seemed as if oppression was a social fact and one that was naturalized as a result of the caste system in India (which also subsumed race into its fold) and race and ethnicity in other parts of the world. Goody goes to the extent of saying that even the measure of 'time' and 'space' (apart from many more) have been hegemonised and shown as Western contribution to mankind.

One of the interesting aspects of the colonial rule in India has been the *idée fixe* of 'oriental despotism' and a 'timeless India'; a civilization bereft of any 'sense' of history, a *'tabula rasa'* just like what it was supposed to be for the Spartans (Virilio 2007: 44). This perception arose mainly on account of the omnipresence of the basic form of Indian society i.e the caste system (Dirks 2006: 2). The indigene was shown as indulging in Epicurean pleasures and 'sexual excesses' especially the priestly class who it was maintained ruled over the "empire of the senses' as Dirks puts it (ibid.: 24).

For the West, 'knowledge', 'authority', and 'self-governance' were emblematic of a civilized nation which according to the colonisers gave birth to a nation's 'history' (Said 2001: 32). By mid 19th century, the Hegelian proposition that India was a land singularly bereft of history had attained a widespread consensus among British commentators on India (Hegel 1956: 141). Hegel was of the opinion that history was non-existent since History requires Understanding- the power of looking at an object in an independent objective light, and comprehending it is its rational connection with other objects. A convenient corollary of this lack of true understanding among Indians was that "a relation to the rest of History in their case could only exist in their being sought out, and their character investigated by others" (Op. cit.: 22).

E.H. Carr (1961) while dealing with the fundamental question 'What is History' (which is incidentally the title of his much debated work) maps out the ways in which the discipline has been understood and conceptualized over centuries. The epistemology and philosophy of history swayed like a pendulum between eighteenth century notions of 'ultimate history' and 'objective historical truth' to the nineteenth century fetishism of 'facts'. Benedetto Croce at the beginning of the twentieth century gave the famous dictum "All history is 'contemporary history'" meaning thereby that "history consists essentially in seeing the past through the eyes of the present and in the light of its problems, and that the main work of the historian is not to record, but to evaluate" (As cited in Carr 1961: 22). Carr echoes Croce's views and concluded by saying that history is a "continuous process of interaction between the historian and his facts, an unending

dialogue between the present and the past" (ibid.: 35). For Braudel and Lucien Febvre, there was only 'total history' without frontiers or compartments. They advocated 'connected histories'. Notions of a 'global history' and 'transnational history' are already a reality in the present. However, virtues are like aphorisms with which the historian struggles and at the end of day either becomes 'selective' or else is forced to be so.

Nationalization of historical events, its 'representation' and appropriation by the ruling elite after independence have been largely responsible for a much distorted picture of the historiography[12] . As Shahid Amin (2004) contends "Testimony to the incompleteness of the existing record, familial memories are, however, themselves witness to another history, namely the recent nationalization of the event."

In the recent past, post-colonial writers and historians have come up with a new literary tool i.e 'writing back' in order to counter and reverse the process of 'othering' which created and perpetuated binaries in the colonies. *'Writing back'* involves re-reading and re-writing along with an unfailing critical engagement with the *grande histoire* and a unilinear (colonial) narrative. A term coined by Gayatri Spivak, 'writing back' is a "process by which the empire can define itself against those it colonizes, excludes and marginalizes." People like Ashcroft, Salman Rushdie, J.M. Coetzee, Margaret Atwood, V.S. Naipaul and many others have joined this league which analytically engages with and responds to colonial literature. Rushdie in his literary tone calls it 'the Empire writing back to the Centre'.

History and historicities have always been polycentric and therefore entangled and contested. We will see in the next section how Orientalism was to become a kaleidoscope through which the colonial administration tried to 'showcase' the Orient. This will aid us to understand the 'lingering hold of the Empire on both our histories and our grasp of the present'[13]. I will begin by specifically pointing out how Orientalism was 'played out' in practices of art and literature so as to justify the control and rule over land and its people or in one word 'colonialism'.

2   Colonialism, Racism and Representation

According to Ania Loomba, the word 'Colonialism' (as given in the Oxford English Dictionary) owes its origin to the Roman *'colonia'* which meant 'farm' or 'settlement', and referred to Romans who settled in other lands but still retained their citizenship. However, this definition completely exhausts the modified connotation which the word came to have and instead became an imperial ideology in the early seventeenth century England. Robert. J. C. Young in 'Colonial Desire', gives a different genealogy of the word 'colonialism' and emphasizes that the word 'colonization' owes its origin to the binary 'Culture versus Civilization'. According to him, 'culture' comes from the Latin *cultura* and *colere*, which had a range of meanings: inhabit, cultivate, attend, protect, honour with worship etc. The 'inhabit' meaning became the Latin *colonus* i.e farmer, from which we derive the word 'colony'. Young therefore suggests that colonization rests at the heart of culture or that culture always involves a form of colonization even in its conventional meaning as the tilling of the soil (Young 1995: 31). English literature is rife with such examples where colonization of the world is regarded as 'inestimably beneficial'. So much so that certain verses in the Bible during 17th century in England became prime instigators for annexing and colonizing foreign lands.

Young cites the example of Henry James Pye's poem *'The Progress of Refinement'* (1783) that traces the history of man from a state of nature to that of refinement and justifies 'colonization as a unilinear movement of history of unmitigated improvement'. As a matter of fact, the three C's that is culture, civilization and colonialism were ensconced in a tight bind. The politico-religious climate of seventeenth century Europe and England was suited to debates centered on colonizing foreign lands. In this regard, Paul Harrison shows how Biblical scriptures and certain verses from the Old Testament provided a 'moral imperative' to the Western powers to colonize foreign lands for plantation and build colonies.

---

[12]This kind of a situation where on the one hand the speech of the colonized in the form of oral folklore is written down by colonial administrators and isolated from the situation of its production and on the other hand these utterances are re-contextualized in administrative reports and records that have as their purpose the efficient control of the colonized as 'double moment' by Gloria Goodwin Raheja in her article 'Caste, Colonialism and the Speech of the Colonized: Entextualization and Disciplinary Control in India'.

[13]One of the lines used by John and Jean Comaroff (1997) in 'Of Revelation and Revolution: The Dialectics of Modernity on a South African Frontier', Vol 2, The University of Chicago Press, Chicago, p. xiv.

According to Harrison, colonization was a moral precept and a divine calling akin to being a 'good' Christian and was justified on the grounds of plantation and farming on barren and virgin lands. The 'act' was considered to be in the greater glory of the kingdom of Christ. In particular, the Biblical injunctions *'Fill the Earth and Subdue it'* along with the account of *'Exodus'* and occupation of the *'Promised Land'*, informed debates around private property and became the axis mundi for justifying *mission civilastrice.*

Colonialism provided an exotic bluff, a 'sleight of hand' and a 'collective-hypocrisy' of 'pastoral power' of 'saving' the East or the Orient from its successive dynasties of despotic rulers, of pre-mordial existence, concupiscence[14] and sex-starved brown men. Colonialism portrayed marginal places and people as exotic and savage in contrast to the civilized and enlightened centre of the empire. Matters concerning Oriental sexuality too were being governed by Victorian edicts whereby the East was taken to be horrific in its sexual orientation. Women were depicted as 'fallen from grace', low and licentious, 'easily available' and servile.

A common perception of the 19th century sexologists from Europe was that 'working men and women, Africans, Asians, and Jews were considered especially voluptuous and more likely to engage in 'uncivilized', 'degenerate', 'sexual practices' (Mottier 2008: 35). Indian women it was propagated by the West were easily 'available,' had loose morals and were involved in prostitution due to their polygamous practices (Radhakrishna 2001: 13). The Oriental man on the other hand was effeminized, portrayed as homosexual or a lusty villain from whom virile but courteous European could rescue the native (or the European) woman (Loomba 1998:152). However, paradoxically enough, 'weak', 'effeminized' and 'childlike' as he was, the Oriental man was 'represented' as being 'dangerous' and a 'threat' for the white Western woman. Gayatri Spivak visualizes the above situation very aptly when she remarks *'white men saving brown women from brown men'.* Nancy. L. Paxton (1990) affirms this when she says that the original rape narrative in British writing about India in the nineteenth century was that of 'colonizing woman threatened with rape by a native man'.

Employing Bourdieuan terminology, a complete lack of dynamism and a dearth of space for cultural or social growth denoted the *doxa* of the Eastern society. It was also claimed that the East 'lacked consciousness' and therefore did not have or wasn't able to script its own history. For many colonial ethnographers-administrators, missionaries, British liberals, political thinkers, novelists and poets, India was a confused heap of *'crude muddle'.* In the eyes of the Empire, India was a potpourri of "religion, law, custom, and morality...all inextricably mixed and jumbled up together (Risley Rep. 2005). This gets manifested in their opinions about Indian art which according to them never reflected a 'natural fact'. Put precisely, its compositions were formed out of meaningless fragments of colour and lines and the representations of living creatures got distorted and attained a monstrous form[15]. This discriminatory view filled with racial hubris and sexual overtones was witnessed in their views about Indian men and women, hygiene and cleanliness, Eastern philosophy and even the climate which was 'racialised' by the British. All this helped the West develop certain dichotomies like the 'sacred east versus secular west debate' (Ashcroft et al (ed.) 2006: 8) or as Jack Goody puts it, "backward East and 'inventive' West i.e *La Pensee Sauvage* and *La Pensee Domestiqee"*.

Speaking on racism, Philippa Levine maintains, "to be British was to embody civilization, to be born to rule, and to be not colonized, not enslaved, conditions fundamentally associated with whiteness." Further she adds, 'Empire and the metropole were not separate sites; empire itself was not a single site' (Levine 2003: 4). Ballhatchet notes that racism became a hydra-headed spectre when the British realised that their claim to superior knowledge and intellect was no longer tenable enough to run the Empire. However, Ronald Hyam attributes 'sexual energy' as a factor in imperial expansion (Hyam 1990).

Partha Chatterjee notes that race was a key sign through which colonial power operated (Chatterjee 1993). Racial feeling among the British became more explicit and brazenly aggressive in the course of the nineteenth century and reached its peak during Lord Curzon's viceroyalty between 1899 and 1905 (Ballahatchet 1980:

---

[14]Concupiscence meant 'Sinful Desire'. Early western Christianity propagated the idea of 'lustful sex as enemy of God' and 'corruptions of the flesh'. For details see Veronique M (2008). Sexuality: A Very Short Introduction, Oxford University Press, Oxford.

[15]John Ruskin was one of the leading art critics of Victorian England. In *The Two Paths*, though he praises Indian art for its refinement and delicacy, yet gives qualifying comments at the end. The cynicism with Indian or rather Oriental art and art forms increased in its intensity after the Revolt of 1857.

6). To give an example, racial boundaries were 'grounded' by segregating the Presidency town of Calcutta into a *White Town* or *sahib para* for the Europeans and a *Black Town* for the *natives*[16]. Deleuze seems to carry a similar opinion regarding 'race' when he defines it as an 'impurity conferred upon it by a system of domination'. He says that bastard and mixed-blood are the true names of race (Deleuze 2001: 419). Count Gobineau's *'Essay on the Inequality of Races'* (1853-5) divided the races of the world on physiological grounds into the white, yellow and the black. Hortze summarises Gobineau's classification of races according to their 'animal propensities' and 'moral manifestations' as given below[17]:

	Black Races	Yellow Races	White Races
Intellect	feeble	mediocre	vigorous
Animal Propensities	very strong	moderate	strong
Moral Manifestations	partially latent	comparatively developed	highly cultivated

Table 1: With Courtesy to Young 1995: 104.

There seems to be an increasing anxiety about racial difference and the racial amalgamation that was apparent as an effect of colonialism on one hand and enforced migration on the other. Added to this were the biological models of diffusionism and evolutionism of the nineteenth century that conceptualized such encounters as a process of deculturation of the less powerful society and its transformation towards western norms. In an engaging work on racism and hybridity, J.C. Young points out that many novelists wrote obsessively about the uncertain crossing and invasion of identities whether of class and gender or culture and race. This is what he terms 'colonial desire' which according to Mathew Arnold hinges on a sense of 'lack' in the English culture which it searches in other cultures.

Later Young remarks that the novels and travel-writings of Burton, Stevenson, Kipling, Allen or Buchan are all concerned with forms of cross-cultural contact, interaction, an active desire, frequently sexual, for the other, or with the state of being, i.e 'hybridity'. This is what Hanif Kureishi calls *'an inbetween'* and Kipling *'the monstrous hybridism of East and West'*. A sure sense of racial 'hybridity' was encouraged between European men and Indian women as a matter of colonial ideology in seventeenth and eighteenth century whereby the marriage was preceded by bride's conversion and baptism followed by a church ceremony. According to Erica Wald, in India during the seventeenth century, racial hybridity prevailed to an extent that the Company's Court of Directors even encouraged their soldiers to marry Indian non-Christian women. This was done to prevent the English soldiers from taking Portuguese wives, whose Roman Catholic religion was considered to be potentially more dangerous than Hinduism or Islam. However, this phenomenon seized in the nineteenth century[18] when the British administration realized that the mixed-race progeny from *Half-Cast* wives might pose a problem by claiming financial and political rights based on their father's position. Moreover, the colonial state also feared supporting thousands of native widows which would have been an additional burden on the colonial exchequer. Later miscegenation became one of the policies followed by the British administration and had strict orders for their employees posted in the colonies. We already know from history about the inhuman and defiling treatment meted out to the Jews by the Germans in the name of an Aryan 'master race'. Hitler's compulsory and massive *'Sterilization Plan'* and *'Euthanasia Programme'* of 1933 is a reminder of the horrors of racism and classic myth of 'one (superior) race theory'. Interestingly, the tide of racism in many cases swept the colonizers too.

In a brilliant expose of 'race' and 'class,' Harold Tiné and Indrani Sen's work shows the internal fissures and the 'racism within' or as Hechter puts it 'internal colonialism' as practiced by the British themselves.

---

[16]Swati Chattopadhyay. (2005). 'Representing Calcutta: Modernity, Nationalism, Nationalism and the Colonial Uncanny', Routledge, London, p., 9. Also see Sumit Sarkar (ed) (1997). 'The City Imagined: Calcutta of the Nineteenth and Early Twentieth Century,' in *Writing Social History*, Oxford University Press, Delhi, New York, p., 162.

[17]The word 'cultivation' was further related to the distinction between civil and savage. To be civilized meant to be a citizen of the city as opposed to the savage outside or the more distant barbarian roaming in the lands beyond.

[18]The mixed-race marital relationship witnessed a change in 1793 by sweeping reform adjudicated by Cornwalis whereby 'persons of mixed race were to be excluded from holding either political or military office with the Company'.

Indrani Sen's work highlights the 'class' divide especially between the white *memsahib*[19] on one hand and the barrack wife and the white nuns on the other owing to the social and cultural distance between them. Speaking in a similar vein, Harald Fischer-Tine's work debunks the imperial myth of a 'homogenous ruling elite'. According to him, the last decades of the 21st century saw 'liminal' groups among the colonizers becoming the topic of serious academic engagement. Colonial apathy also gets reflected in the Anglo-Indian writings of those times as well as in the absence of any clear government policy for the *'Barrack women'* (my emphasis) who were mistreated by their own husbands[20] referred to as *Tommies* and by the superiors in the Army. Moreover, Anglo-Indian men who were also referred to as 'loafers', 'semi-loafers' or even 'poor whites'[21] were turning out to be a sight of great embarrassment for the colonial state because of their unruly behaviour on account of drunkenness. Unfortunately few nations like South Africa encountered racism as a reality and an everyday experience till the last decades of the 20th century.

South Africa has been one of those nations worst hit by the racist plague infamous as the 'Apartheid Regime' meaning 'separation' in the official parlance. It was racism not just of the skin colour but of spaces as well. Aimé Césaire, one of the founders of the Negritude movement and his fellow Martiniquan Franz Fanon have been one of those few blacks who have resisted in true spirit this highly discriminatory and de-humanising 'process' of colonization. Césaire's surrealist text *Discours sur le colonialisme* or *Discourses on Colonialism* hailed as a 'third world manifesto' demonstrates how colonialism works to "decivilize" the colonizer. In this revolutionary literature, he shows how the circulation of colonial ideology which is an ideology of racial and cultural hierarchy is essential to colonial rule as police and corveé labour (Césaire Rep. 2010: 9). The book while recasting the history of Western civilization, locates the origin of fascism within colonialism itself. The colonial encounter, in other words, requires a reinvention of the colonized, the deliberate destruction of the past-what Césaire calls 'thingification' (ibid.: 9). Césaire asserts that the colonizers' sense of superiority and mission or display of 'pastoral power' as the world's civilizers depends on turning the 'Other' into a barbarian or as Simon During (1987: 33) puts it, 'to turn the Other into the Same'.

Inspired by his mentor Césaire, but using psychoanalytic frame, Frantz Fanon in *'The Wretched of the Earth'*, raises the issue of class domination within race question and was the first African to do so apart from Marxists. He makes us aware of the psychological alienation of the black man / woman in a white-dominated world, his sense of inferiority that led to his / her quest for 'whiteness', the depersonalization, the feeling of hopelessness and non-being or being non-persons.

The issue of psycho-pathological condition and alienation are dealt with in Fanon's (1967) book of collected essays *'Black Skin, White Masks'*. According to him, blackness or in other words a negro in every civilised country particularly Europe is equated with a negative character, a symbol of evil, sin or symbolising archetype of the lowest values. The essence of the Negro is reduced to mere 'biological' and he is turned into an animal with tremendous powers of fecundity who copulates at all times and at all places. Slowly, these racial stereotypes display symptoms of neurosis with anguish, aggression and devaluation of self. This psycho-pathological tendency leads him to 'lactification,'[22] a term used by Fanon to mean trying to become white through assimilation. According to him, this can happen through the language which gives the 'lactified' Negro respect and authority in the white society.

---

[19](a) The white women who got married to British soldiers were often seen as 'vampish' going by their behaviour and attitudes.

(b) Term used to refer to a white woman in India which also denoted the class and racial superiority over the native population.

[20]The low ranking white soldiers and army men called I were made to huddle up in barracks where the living conditions were incongenial and inhospitable. Drinking, promiscuity, adultery and domestic violence were order of the day and a common sight in the barracks.

[21]The 'poor white' theory was made popular by Coralie Younger who also refers to the Anglo-Indian community as the 'neglected children of the Raj'. He even wrote a book by the same title'Anglo-Indians: Neglected Children of the Raj'. Cited in Dorothy, M, p. 2. *The Civil and Military Gazette* in 1875 compared them to "loathsome bandicoots" as cited in Indrani Sen's 'Women and Empire: Representations in the Writings of British India, 1858-1900,' p. 14.

[22]There were other ways as well where efforts were made to be as white as possible like straightening one's hair, using cosmetics and skin whitening creams which tone downs the colour, undergoing skin transplants and cosmetic surgery as well as organizing "Paper Bag Parties", African-American social events famous in the 60s and 70s where only light brown Negroes were allowed to participate.

However, colonialism according to few was also sought through a mix of 'consent' besides brute force. David Arnold seems to toe this line when he says that in colonial societies, harsh coercion worked 'in tandem with a "consent" that was part voluntary, part contrived' (As cited in Loomba, p., 31). Others like Ania Loomba and Comaroffs too speak along similar trajectories.

Colonialism according to Loomba was not an identical process in different parts of the world although everywhere it locked the original inhabitants and the newcomers into the most complex and traumatic relationship in human history. She further adds that "even the most repressive rule involved some give-and-take" (Loomba 2005: 31). The Comaroffs (Jean and John) based on their research in Africa, claim that in fact colonialism resulted in a give and take in terms of cultural artifacts, skills and knowledge systems (Comaroff and Comaroff 1997) therefore also resulted in a 'cultural reciprocity' or 'ideational barter'. We shall now see how colonialism 'crept' its way up and found itself couched within the 'regimes of circulation' of the Indian subcontinent.

The British realized soon enough that in order to rule India, it was necessary to have knowledge of the native language to issue commands, collect taxes, and maintain law and order besides creating other forms of knowledge about the people they were ruling[23]. In this connection Gauri Visvanathan remarks, 'the state had a vital interest in the production of knowledge about those whom it ruled' as well as 'a role in actively processing and then selectively delivering that knowledge... in the guise of "objective knowledge" (Visvanathan 1989: 29). For David Arnold, it was the trope of 'travelling gaze' which aided the British in developing an epistemological base of the land and its people. In all this, 'tropicality of India' attained significance as it needed to be located and contrasted with respect to other British colonies. It is worth noting that the colonial concern to know India began with the desire to understand local forms of landholding and agrarian management in the 1770s.

India with its vast repository of cultural variety that included language, customs, religiosity, socio-politico make-up and social stratification system was perplexing for the colonial administration to grapple with. To escape this confusion and Oriental haze, the British devised their own 'grid-like structure' where everything was turned into a 'fact', had a 'number' and was defined by a characteristic that (had to) fit the 'Procrustean bed'. The Foucauldian theses of 'knowledge is power' derives academic kinetic and fits the colonial mould that was set to exploit the country and its natives by reducing the country (or else its citizens) to 'numbers'.

According to Deleuze, 'number' has always had a decisive role in the State apparatus even in the early imperial bureaucracies with the conjoined operations of the census, taxation and elections. He later labels numbers as 'social technology' or 'social calculus,' as according to him, number has always served to gain mastery over matter in order to control its variations and movements or to submit them to the spatio-temporal framework of the State (Deleuze 2001:429). As Cohn points out that this mentality had taken shape by the 17th century where a number signified a particular form of certainty in a strange world.

Philippa Levine remarks that the urge to count and to detail as a powerful form of knowledge was what Foucault calls 'archaeology of knowledge'. David Omissi relates this numerical scrutiny of detail to Britain's military needs in India. He says, "no regime could survive long if it treated its subject population as a single undifferentiated mass" (Omissi 1994: 32). This not only 'objectified and 'reified' certain categories but made the nitty-gritty of Indian social practice turn into a comprehendible grammar albeit with a lot of fuzziness and obfuscation[24].

---

[23]The various means employed by the colonial rule to gather information about the natives was termed as "investigative modalities" by Bernard Cohn. According to him, 'an investigative modality includes the definition of a body of information that is needed, the procedures by which appropriate knowledge is gathered, its ordering and classification and then how it is transformed into usable forms such as published reports, statistical returns, histories, gazetteers, legal codes and encyclopedias. Some of them were general in nature like historiography and museology. While other were disciplinary and scientific in nature and its practitioners were professionals. This included economics, ethnology, tropical medicine, comparative law, cartography. Moreover, they had to collect revenues, 'establish' law and order through a strong police force and dispense justice through the *Courts of Justice* based on the English system.

[24]This lack of clarity or confusion prevailed on account of the complex social system that they were dealing with which according to them would have been solved by their 'grid-like' structure. However, what they failed to take into account was that disciplinary aid and tools were not enough to comprehend the Indian social system in its entirety. For example, caste was treated as tribe at one point of time (Alexander Dow, p., 20 in Dirk's *'Castes of Mind'*) and people who intermarried between two caste groups left the authorities puzzled as to the position of the ward in the social hierarchy.

According to Partha Chatterjee, there were four main forms of production and organization of this colonial form of knowledge. Firstly the land revenue histories followed by the survey which began in 1765 with mapping out the conquered territories shaped up the epistemological awareness of the land and its physiography. The first census in India started in 1872 done after every decade and the museums housing archeological and artistic specimens were the two other modalities of knowledge production about India. Besides, writings by missionaries and travellers, artists and research by administrator-ethnographers also contributed immensely to the knowledge pool. Certain disciplines were also turned into handmaidens in the colonial enterprise of racial profiling and 'othering' of the indigene.

The imperial authorities employed anthropometry, ethnology and anthropology as an index to categorize, catalogue and identify on the basis of physiognomy to demarcate people belonging to different tribes and castes. According to Dirks, these disciplines sought to classify and control erring groups and later contributed to notions of 'hereditary criminality'[25] (Radhakrishna: 2001) and 'martial races'. This 'disciplining by the discipline' became a tool to know about the natives as much as it was to racialise, regiment, control and rule over them. Voluminous details of information were obtained on the customs, beliefs and occupations of the Indian people (Risley Rep. 2005: ii) in the official social science that was later known as the *'blue book sociology'* famous for its blue cloth cover (Levine 2000:5-21). In an endeavor to quantify their recording and assessment to be used as future *'epistemic guides'*, the colonial government relied on their storehouse of information collected in the Gazetteers, Surveys and Reports, Handbooks, Census, and Manual etc.

Philippa Levine adds that there began a 'growing use of classificatory schemes within police, education, medical and other institutions, the use of anthropometry and craniology and the case history. This led to the inauguration of a new 'penal-scopic' regime in the country and techniques of identification like 'fingerprinting' were one of its immediate effects (ibid.: 5). Clare Anderson's work on India and Simon Cole's research on Europe and North America on the identification techniques deployed to inscribe criminality on the body of the offender is a case in point[26]. According to Anderson, the regulations on *godna* or the penal tattoo marks involved marking of the name, crime and death sentence on the forehead of the convicted offenders. With time, these tattoo marks also became emblematic of one's caste and tribe and sometimes in tracing relationships between them (Anderson 2004: 58). This in effect became a bearer of the inscription of colonial power on the body. In all, India was *'anthropolized'* as much as it was *'tropicalised'* and which by the nineteenth century turned into an *'ethnographic state'* (Dirks 2001:43).

This veritable ethnological zoo which the British administrators- ethnographers had erected on the Foucauldian 'knowledge / power' axis provided much kinetic to the administrators. Knowledge became a 'constructed consumable' involving a 'politics of pleasure' that was orchestrated through what came to be called Orientalism. It was a European and Western experience and a way of coming to terms with the Orient or the East in what Edward Said calls 'Orientalism'. According to Said, the late 18th century is a take-off point for this phenomenon called Orientalism; a Western style for dominating, restructuring, and having authority over the orient. The issue of representation gains a special importance in the lives of the natives since it was through this that they were to be known to the Occidents.

Bernard Cohn in his book 'Colonialism and its Forms of Knowledge' tries to explain how things during British rule in India were reified and transformed into objects that had value and meaning. This construction of knowledge was an interpretative strategy by which India was to become known to Europeans in the 17th and 18th centuries.

Orientalism was a mechanism and a political ploy to represent the East and its subjects as 'slow moving, steeped in superstitions, ancient belief systems and religiosities' (Cohn: 1995). According to this reading, Indians were unreceptive to any social change and stayed away from reality and cut off from the outside world. There was a complete lack of dynamism and no space for cultural or social growth. The East was

---

[25](a) However, according to Andrew. J. Major, these criminal tribes were differentiated from other elements in a number of ways like that of being from low caste order, vagrant, refusal to accept any codes of morality other than from the tribe itself, transmission of criminal behavior from one generation to the next and the colonial view of fighting tribal crime on a group basis.

(b) The colonial discourse on criminality was definitely based on caste, but the selection of tribes and castes that were labeled as 'criminals' had also to do with the history of how crime was perceived in the preceding decades.

[26]Clare informs that by 1849, the practice of *godna* was abolished.

a savage land given to primitiveness in its thought patterns, functioning and having an un-canonized past. The Hindu society according to the Orientalists was a 'static, timeless, spaceless and internally differentiated monolith' (Cohn: 1996). Orientalism thus became an expression and the Orient an alter-ego that helped define the Occident as its 'contrasting image, idea, personality and experience' (ibid.:). Representation was one of the key elements that marked Orientalism.

Now we shall look at how 'visual' representation of the indigene especially women in paintings was 'played out' to further colonial state's racist agenda.

Representation almost invariably involves a negative connotation for it deals with the crucial issue of what needs to be represented and how. Quoting Roland Barthes, Pollock says, "Representation stresses something re-fashioned coded in rhetorical, textual or pictorial terms and is quite distinct from its social existence" (Cited in Pollock 2003: 8). She further says, representation also 'articulates' in a visible or socially palpable form social processes which determine representation but then are actually affected and altered by the forms, practices and effects of representation. Meenakshi Thapan while speaking about the representation and meanings they convey says, "Meanings do not reside in images, (but) are circulated between representation, spectator and the social formation" (Thapan 2004: 411-44). Moreover, there is a hierarchy even within representational modalities whereby visual form is dominant over others due to its 'politics of pleasure,' larger appealability, palpability and (supposedly) greater 'hold' over reality.

James Thompson has argued that the East was a major preoccupation of 19th century painting. The East was already conquered even if 'visually' or 'metaphorically' by deploying the trope of language and wild imageries. Throughout much of the 19th century, the representation of servants on duty was the major subject matter of drawings. In 1983, Linda Nochlin, an American art historian argued "Art history had to be repoliticised" (MacKenzie 1956: 45). In her view, Orientalist paintings had to be analyzed in terms of imperial ideology and hegemonic approaches to the east.

The juxtaposition of black and lighter skinned people, in the Oriental paintings conveyed a set of social concepts while the treatment of women is the clearest indicator of attitudes towards women in the 19th century. The colonizers were casting their 'flauner's gaze' on Indian or Eastern women. Nochlin further says that there is a psychological presence of Europeans though they are visually absent. Thus the East is symbolically constructed through these oriental paintings in order to be dominated and devised to be ruled.

There was a deep-seated ideology behind depicting such false imagery which was done with the express purpose of creating an 'otherness'. The Orientalists depicted lions and horses in their paintings on a large scale to establish a violent imagery of the East. The animals in all their destructive power and ferocity especially the lion was used to portray violence and at the same time justify human violence in relation to nature, through ubiquitous hunting scenes, and to fellow human at war. The Victorians were eclectic in all things, and that included sexual experience, whether imagined or real which showed pictures of slave markets, and other sexually charged images invariably involved aspects of female honour or fall from grace. Rana Kabbani, a Syrian writer has remarked, "The nineteenth century, a conspicuously consuming era, thirsted for variety, in its sexual depictions as it craved a variety of products in its markets. (Ibid.: 64) The males enjoyed freedoms and this involved further subjection of women. Nudity in Orientalist paintings had a striking and titillating immediacy when compared with the nudity associated with myth or classical times. The treatment of women by the Oriental painters particularly in the late 19th century transgressed all bounds of respectability and tall claims about 'high' Victorian morality.

The Oriental paintings and its messages were a reflector and tool of imperialism. Racism became the cornerstone for colonial enterprise ultimately forcing the natives to become a restive and an agitated lot. The visions of the Orient were highly selective, creating oriental archetypes through which the 'otherness' of Eastern people could be readily identified.

According to Pollock, "Representation articulates, puts into words, visualizes, put together-social practices and forces which we theoretically know condition our existence."(Pollock 1988) Further she says, "Representation signifies something represented to, addressed to a reader / viewer / consumer". The result which follows is a linear, univocal and a rupture-free narrative of the historical events. One such representation of the natives was the notion of 'martial races' and criminal tribes'.

It would be interesting to see how and under what political climate the British rulers tried to label

peripatetic and itinerant communities of India as 'born criminals'. The next section primarily deals with the 'Criminal Tribes Act' of 1871 which changed and redefined the contours of crime, criminals, criminality and tribes leaving them under a perpetual stigma and fabrication of being a 'born criminal'. The construction and ossification of the notion of 'criminal caste' was a gradual process, involving changes not only in the way in which particular Indian communities were represented but also in the way in which history itself was represented.

3 Deviant 'Bodies' and the Honest 'Subject': Contextualising the Criminal Tribes Act, 1871

India in the nineteenth century in India was punctuated with 'moments of rupture' and marked by great political and administrative upheavals. Ranajit Guha has already mentioned that there were not less than 110 known instances of these protests and sporadic rebellions in a spread of 117 years ranging from Rangpur *dhing* to the Birasaite *ulgulan*. These rebellions, protests, jacqueries, revolts, uprisings, insurrections were staged by tribal communities and rural masses. According to Guha, 'insurgency' was particularly important as it referred to the consciousness which informed the activities of the rural masses such as jacqueries, revolt, uprising etc or to use their regional nomenclatures dhing, hool, bidroha, ulgulan, *fituri* etc. These events later proved to be of seminal importance and were to decide the fate of this nation in the years to come. One of the issues to occupy the colonial administration for most part of the century was 'crime' so much so that a colonial template was developed which carried its different typologies and characteristics like the *'nekmash'* and the *'badmash'* besides many others.

During the early part of nineteenth century, the British found out that certain communities were involved in a cult of 'extraordinary crimes' popularly known as *'thuggee'*[27] by the native population. The word *'thuggee'* comes from the word *'Thug'* meaning 'cheat, swindler, robber' and refers to professional highwaymen who for centuries were the scourge of wealthy travelers in India. *'Thuggee'* as this 'trade' was called, was not simply a profitable criminal act but a traditional calling. In fact, under most Hindu and Muslim rule, this was regarded as a regular profession and its practitioners paid city taxes too. In the nineteenth century, *Thuggee* had become a matter of concern for law and order in the empire and a chief obsession with the crown. The phenomenon of *'thuggee'* involved not just duping travelers of their belongings but killing them by strangling and stabbing the victim in a merciless manner and mutilating the body parts[28]. Another form of crime which fell under the colonial categorization of *'crimes extra-ordinaire'* was *'dacoity'* or brigandage which involved armed robbery committed by dacoits or *dacoos*[29]. These developments in the early nineteenth century instilled fear in the hearts of the administrators and therefore a special wing called *'Thugee and Dacoity Department'* was created in 1835 within the Government of India, with civil servant William Sleeman as its Superintendent. The *Anti-Thugee Campaign* ran for nearly a decade from 1824-1841, and by 1860, thuggee was said to be almost extinct[30]. The Department however, remained till 1904 when it

---

[27]The British officials defined *Thugee* as a specific, ritualistic form of highway robbery and murder by strangulation. The thugs were also referred to as *'phansigars'* or as 'noose operators' or simply as 'stranglers' by the British troops and spoke a 'thug' language called *Ramaseeana*. But Radhika Singha in her book *Despotism by Law* contends that the Thuggee Act XXX of 1836 was passed by the colonial administration without explaining what exactly a thug or the crime of thuggee was. Singha in a footnote in the same chapter named *Criminal Communities: The Thuggee Act XXX of 1836* says "In Anglo-Indian parlance, thugs were believed to constitute a hereditary criminal fraternity, organized around beliefs and rites which upheld a profession of inveigling and strangling travellers. In contrast to dacoits, thugs were believed to murder by stealth rather than by armed attack. However, the defining line between dacoity, thuggee and highway robbery was never very clear".

[28]The 'weapon' used to strangle the victim was the infamous 'yellow handkerchief' made popular by Francis Tucker's novel 'The Yellow Scarf: The Story and Life of Thuggee', written in 1961. It also finds mention in Sleeman's famous memoir 'Ramseeana.

[29]By colonial law, there must be five or more in a gang for the robbery to be considered as dacoity.

[30](a) According to Tim Lloyd, the Anti-Thuggee Campaign ran for almost a decade from 1829-1841. Although Thuggee as a practice came to a halt in 1860, yet according to Radhika Singha in her book *A Despotism of Law* (pp., 175-176), Sleeman was forced to claim in official circles and reports about its demise in 1830 due to the increasing costs of the plan as well as an uneasy realization that the charges of systematic murder and robbery of travellers could not be established against the mendicants and peripatetic groups. However, it is interesting to note that Sleeman in his memoir *Rambles and Recollections* mentions that

---

was replaced by the Central Criminal Intelligence Department (CID).

In an interesting account of thuggee and dacoity gangs flourishing in the countryside, W. J. Hatch in his book *'The Land Pirates of India'* reveals that the defenders and foot-soldiers of the Crown were themselves implicit in criminal activities. According to him, 'there is no doubt that for many years the police were hand in glove with the gangs rampaging round the countryside, and that they took part of the spoils of the robber bands' (Hatch 1976:40).

The century also witnessed mini revolts, insurgencies and rebellions against the Empire by tribal groups and peasant communities thereby registering their challenge and leaving many chinks in the 'white pride'. Ranajit Guha (1999: 2-3) in his *'Elementary Aspects of Peasant Insurgency in Colonial India'* gives a list of several dozen insurrections, rebellions, uprisings and insurgencies that took place between 1783 and 1900. These uprisings were being spearheaded by ambulatory and tribal / peasant communities and directed against the exploitative agricultural and forest policies of the Empire. Some of them like the Rangpur *dhing* to Birsite *ulgulan*, Chota Nagpur uprisings of 1801 and 1817, Barasat *bidroha* of 1831, Kol insurrections of 1831-32, Santal *hool* of 1855, Kunbi uprising of 1875 to name a few turned out to be a matter of great indignation for the rulers[31]. At few places in India, the peasants and rural folk began to question the unholy alliance of the *Zamindars*[32], lower (white) officials and the village bureaucracy. Similar woes and distressing signals were being sent from other colonies too where the natives had started 'raising their heads'.

Anand Yang introduces us to the nature of official power and control in the nineteenth and early twentieth century which according to him can be best described as *"Limited Raj"* system. This was so because landlords were the effective rulers and administrators for many of the day-to-day decisions in local society. As "connections" or links to the local levels of society, they ensured the authority of British rule, and in return their position as local controllers was sustained and nourished by the powers of the State (Yang 1979). These were coupled by the arbitrary and oppressive economic policies of the Imperium. At the same time, the mother country was under great duress due to a plethora of socio-economic problems affecting her 'restive population' (Radhakrishna 2001:1).

The late nineteenth century was a turbulent and trying period for the British policy makers in India. "This period witnessed unemployment, strikes, economic depression, and a growing political radicalism" (ibid.:). In the mother country too, increasing crime rate, vagrancy, poverty, unemployment, alcoholism and ailing health of the population was showing an unprecedented leap. Moreover, to add on to this list of woes, the British Empire was facing indignation from its own army stationed in India (which also included many European and few Indian soldiers) wherein by the first half of the nineteenth century more than half its British soldiers or *Tommies* were found to be suffering from venereal diseases. According to an estimate, the incidence of venereal disease among European soldiers and officers in 1875 was 205 per 1000 which rose to 522 in 1895 (Arnold 1993: 84). In order to arrest this from taking a dangerous shape, the Empire came up with a legislation known as the Indian Contagious Disease Act (ICDA) in 1867[33]. The Empire was under threat from all sides. There was great moral pressure from the colonies to put a halt on this socio-economic menace from spreading further and castrate the possibility of any sign of discontent in the near future. It was in these circumstances that the late nineteenth century in India witnessed a unique kind of formation as

"cases of Thuggee have occurred occasionally since that date", p. 110. V. Raghaviah in his Tribes of India, Vol II claims that thuggee was finally exterminated in 1840, yet at another place claims that it was suppressed by 1853. p. 131

(b) The result of the successful operation of the Anti-Thug Campaign was that 1059 offenders were transported to Penang, 412 were hanged, 87 were convicted for life terms, 936 jailed in various places, 483 turned approvers and released, 36 died in jail, 120 convicted but not sentenced and 1800 were at large, thus estimating a total Thug population in 1837 as 5,066 (as quoted by Sher Singh Sher in his book *The Sansis of Punjab*, p. 132.

(c) According to William Sleeman in his 'Rambles and Recollections of an Indian Official', Vol I, p. 110, between 1826 and 1835, 1,562 prisoners were tried for the crime of Thuggee, of whom 1,404 were hanged or transported for life. The Thug approvers, whose lives were spared, were detained in a special prison at Jabalpore with their families under surveillance, employed in a tent and carpet factory, known as the School of Industry.

[31]The Indian Contagious Diseases Act of 1867 was a highly discriminatory legislation that blamed the Indian prostitutes as the vectors of venereal diseases like syphilis and gonorrhoea etc.

[32]Literally meaning 'land owner.' The word 'zamin' is land and 'dar' is 'to whom it belongs'.

[33]For a detailed account, please refer to my *SWS-SRTT Occasional Paper* No. 13, June 2011 titled 'Public Women and Prostitution in 19th Century British India: Issue of Race, Sex, Class and Gender during the 'Limited Raj' published from School of Women's Studies, Jadavpur University Kolkata, West Bengal in collaboration with Sri Ratan Tata Trust, Mumbai.

never seen before. In order to control the mounting threat perception and contain the crisis from escalating further, the Crown embarked on a 'regime of surveillance'. The colonial state was creating and establishing the 'effect' of a 'despot' and subsequently turned the colonial state into a 'panoptican'. The Revolt of 1857 was a turning point in the career of the British Empire as the baton of rule was handed down to the Queen by the East India Company. It was the beginning of 'direct rule'.

C.A Bayly (1996) speaks of a parallel system of information gathering system by the Empire which he calls *'information order'* (Bayly 2006) where the entire state acted as a panoptican and everyone kept a watch on everyone else and passed on the information to the concerned higher authorities'[34]. This is what Deleuze calls 'societies of control'. Gautam Chakravarty (2005) is of the opinion that this interest in surveillance was necessitated by the fact that the "British empire grew by some 4,700,000 square miles between 1874 and 1902; an expansion that stretched national resources but created in the process new, extra systemic, methods of conflict management" (Chakravarty 2005:157).

The first half of the 19th century in India was a whirlpool of political and administrative upheavals including a jungle of legislations, rules and regulations that had far reaching ramifications both for the Empire as well as for her most prized colony. Some of them like the *Indian Evidence Act*, *Female Infanticide Act*, *Indian Penal Code (IPC) of 1862* and *Criminal Procedure Code (CrPC) of 1861*, *The Criminal Tribes Act of 1871* etc. aimed at tinkering with the local customs and practices while also codifying criminal laws and identification techniques. Others like the *Akbari Laws of 1890*, *Cattle Trespass Act of 1871*, *Forest Laws of 1878*, *Game and Fish Preservation Act of 1879* connected to the institution of private property were some of the significant legislations that shaped the nature of things to come. Of all the laws and regulations that were injected into the body politic to transform the colonial into a carceral, the Criminal Tribes Act XXVII (henceforth CTA) of 1871 bore great significance.

The denomination of certain castes and tribes as "criminal" emerged from the various administrative depictions of groups that preoccupied military and police agencies of government. According to Radhika Singha, "the conception of communities socialized into criminality, with its members plundering or robbing as a 'profession', did not suddenly emerge in the 1830s" (Singha 1998: 199). Further she adds, "The theme has a history co-terminus with the very inauguration of the Company's judicial initiatives" (ibid.:). However, the genesis of criminality attached to certain people and professions like gypsies, nomads and wandering groups goes back to the 'mother country' itself (Radhakrishna: 2001). It was a popular perception that these mobile people were vagrants, drifters, lazy, not given to any kind of 'disciplined' life and therefore needed to be disciplined. This was also a time when in England a pseudo- science called Eugenics was becoming popular and many *Eugene Societies* were formed as a result of this forced concoction of genetics and criminality. The only way to wriggle out of this chaos in the colonies as well as in England was to brand certain communities as Criminal Tribes[35] in order to control, punish and 'reform' them[36]. Therefore, in England, the vagabonds, nomads and gypsies who had been despised of due to their itinerant lifestyle, uncivilized behavior and unsettled ways of living were roped under this infamous discriminatory and inhuman law.

The CTA redefined the notion of crime, criminals, criminality and tribes and led to a completely new

---

[34]Such a system pitted everyone against everyone else and there was a parallel system of 'information order' running in the Empire.

[35]According to Charles Richmond Henderson in his article Control of Crime in India, in the *Journal of the American Institute of Criminal Law and Criminology*, Vol. 4, No. 3 (Sept., 1913), pp. 378-401, says "there are several tribes whose real calling is robbery, "cattle-lifting", burglary with violence, dacoity, and other serious offences. When these practices are connected with the sacred rules of a caste, they are not regarded as criminal and do not injure the reputation of the offender. The extension of the railways has facilitated the operation of these tribes and spread it over a wider territory. In some districts, the younger members of such tribes have been induced to take interest in agriculture and industry and have been turned away from living by depredation. On the principle of setting a thief to catch a thief, some of these men have been made useful as night watchmen and they are said to be faithful to their salt and become skilful detectives. The Salvation Army, aided by subsidies from the government, has undertaken work for these undesirable citizens and has received grants of land in the United Provinces and in the Punjab."

[36]This reformation involved a forcible 'proselytization of the members of the so called 'criminal tribes' and making them do hard manual labour on agricultural settlements, industrial units, plantations, barren lands etc for cheap wage labour. A strict daily routine was maintained whereby Victorian ethics of hard manual labour, hygiene and a disciplined lifestyle were sought to be taught as a way of leading a 'civilized' and 'cultured' life.

identity formation for certain groups and communities in India. According to the Act, there was a strong belief by the colonial government that certain groups were "addicted to the systematic commission of non-bailable offences"[37] and that these groups existed since ancient times. This Act was first applied to Northwest Provinces, Oudh and Punjab and later in 1911 a revised version was applied to the whole of India which included the Bombay and Madras Presidencies. The CTA can be seen as a watershed in the popular understanding of criminality, crime and henceforth the so called 'criminal tribes'[38] in India. One of the first consequences of this Act was that mobility and ambulatory practices became 'new' criminal acts. These later spun a whole new career for the colonial enterprise at racial and sexual 'othering'.

A glimpse of the 'racist / sexist' attitude of the British towards the notion of so called Criminal Tribes gets reflected in the words of J.H Stephens; a Member of the Viceroy's Executive Council who was said the following before the enactment of the CTA (Act XXVII of 1871):

> "The special feature of India is the caste system. As it is, traders go by caste; a family of carpenters will be carpenter a century or five century hence, if they last so long. It means a tribe whose ancestors were criminals from time immemorial, who are themselves destined by the usage of caste to commit crimes and whose descendants will be offenders against law, until the whole tribe is exterminated or accounted for in the manner of Thugs. When a man tells you that he is an offender against law he has been so from the beginning and will be so to the end. Reform is impossible, for it is his trade, his caste, I may almost say his religion is to commit crime." (Raghavaiah: 1968, 188-89)

Another instance of the racist ideology within which the Bill of 1871 (before it became an Act) was planted gets reflected in the words of T.V. Stephens, a Law Member of the Executive Council who while moving the Bill declared,

> "... 'Professional criminals'... really means... a tribe whose ancestors were criminals from times immemorial, who are destined by the usage of caste to commit crime. Therefore when a man tells you he is a Buddhuk or a Kunjur, or a Sonoria, he tells you... that he is an offender against the law, has been so ever since the beginning, and will be so to the end, that reform is impossible..."

While comparing caste system with the hereditary nature of crime, T.V. Stephens says,

> "... people from time immemorial have been pursuing the caste system defined job-positions: weaving, carpentry and such were hereditary jobs. So there must have been hereditary criminals also who pursued their forefather's profession."[39]

The inclusion of prostitutes and eunuchs under the rubric of CTA was not surprising as they were supposed to be vectors of venereal diseases that had left almost more than half the total strength of English and European soldiers in India suffering from venereal diseases. It was because of this great indignation and embarrassment that the Empire faced that the Indian Contagious Diseases Act of 1868 was introduced whereby *Lock Hospitals* and *Lal Bazars* became emblematic of a sick and ailing Empire. Later in the first half of twentieth century prostitution became a 'caste' and prostitutes were treated as 'criminals'. Moreover, the Mutiny of 1857 had witnessed their participation in helping the freedom fighters especially in Lucknow and which had irked the colonial administration a great deal. It would however be interesting to read into the colonial notion of a eunuch which would have rendered any childless person as a 'eunuch'. According to the CTA, a eunuch was defined as:

---

[37]Introducing the Bill of the 1871 Act, T.V. Stephens, a member of the Law and Order Commission said that, *"...Were criminals from time immemorial ... They are destined by the usages of caste to commit crime and their descendents will be offenders against law until the whole tribe is exterminated or accounted for in the manner of the Thugs... I may almost say his religion is to commit crime"*

[38]It was W.W. Hunter, a senior civil servant whom the British Government sent to take a stock-taking after a century of British rule in India and who referred to these tribal communities as "predatory castes". W. Sleeman, W.W. Risley and others have written extensive anthropological accounts of the tribes existing during the colonial period.

[39]Quoted in D'Souza Dilip's article 'Declared Criminal at Birth', *Manushi*, New Delhi, No. 123, pp. 22-26

"all persons of the male sex who admit themselves, or on medical inspection clearly appear, to be impotent" (As reproduced in John Marriott et al ed. 2006)

It should be borne in mind that the CTA of 1871 along with few other 'modalities of identification / information' like the Census and Fingerprint technology or *dactyloscopy* as it was known then[40] was born to have an effective political surveillance, colonial subjugation and sedentarization. The ostensible purpose of the 1871 Act had been to suppress 'hereditary criminal' sections of the society (Radhakrishna: 2001). It also helped the state to separate supposedly 'delinquent' from 'honest' subjects. In turn, it conferred a specific social identity upon such groups, thereby socially stigmatizing them (Bhukya: 2007).

The notion of 'criminal tribes' or 'criminalization of communities' according to Radhika Singha had already begun with Warren Hastings in 1772 well before Sleeman had prepared a list of CTs in India in the 1830s (Singha 1993: 83-146). It is therefore important to note that before the CTA came into being, the British rulers dealt with the 'criminal tribes' according to the Regulation XXII of 1793 and Act XXX of 1836 of the *Thuggee and Dacoity Department*. The Regulation XXII of 1793 invested the Magistrates with summary powers and *"could put members of certain specified tribes, vagrants, and suspected persons to work on roads, and could imprison them for six months if they absconded."* After the enactment of other 'modalities of surveillance'[41] like the Indian Penal Code (IPC) in 1862 and Criminal Procedure Code (CPC) in 1861, the above summary powers of Regulation XXII seized to exist[42].

In the beginning of 1871, the CTA was debated in the Council initiated by the report from the Superintendent of Operations of the Thuggee and Dacoity. The report was about the activities of the Meenas of the village Shahjahanpur in the district of Gurgaon, Punjab. On the basis of this report, a large number of tribes were put under the CTA. Then it was decided that the Act didn't have any provisions for separating the children from the parents. So the Act was amended in 1897, which provided for the separation of children between the ages of 4 to 18. Again the Indian Police Commission of 1902-03 asserted that special provision may be inserted in the CTA to authorize the simple registration of notified criminal gangs and the taking of finger impressions of adult male members where necessary. As a result of the recommendation of the Police Commission, a new CTA was passed in 1911, which replaced the Act of 1871. The CTA of 1911 empowered the Local Governments to declare a tribe to be a criminal tribe without regard to its settlement or means of livelihood. Again an amendment was made in 1919. The CTA was again amended in 1923 and finally the Act was known as the CTA VI of 1924. This Act remained in force up to 31st August 1952 when it was repealed (Singh 1965: 244- 45) and replaced by another piece of legislation called Habitual Offenders Act which was a strain from Canadian Law.

Sanjay Nigam has contended that the category of criminal tribes was a 'colonial stereotype' fashioned to justify the punitive 'disciplining and policing' of sections of the population that were unwilling to accept the new moral order that the British sought to impose on rural society. David Arnold has observed that the Criminal Tribes Act was used against 'wandering groups, nomadic petty traders and pastoralists or *khanabadosh*[43], gypsy[44] (Sullivan 1921) types, hill and forest dwelling tribals, in short against a wide variety of marginals who did not conform to the colonial pattern of settled agriculture and wage labour. It was

---

[40] (a) According to Charles Richmond Henderson in his article *Control of Crime in India* in the Journal of the American Institute of Criminal Law and Criminology, Vol. 4, No. 3, Sep., (1913), pp. 38-401, says *"the finger-print technology system is not entirely modern in India, but an elaborate method was first suggested by an Indian magistrate Sir W. Herschell, and worked out by Sir Edward.R. Henry, K.C.V.O., when he was Inspector-General of Police in Bengal."*

(b) According to Sengoopta,(2003: 124, 146), as a result of CTA and the scientific innovations which followed thereof like the fingerprint technology, it became mandatory to fingerprint all members of designated criminal tribes over the age of 12.

[41] I am using the term 'modalities' in the Cohnian sense.

[42] Report of the Criminal Tribes Act Enquiry Committee (1949-50), Ayyangar Ananthasayanam, Govt. of India Press, New Delhi, 1951.

[43] The word is derived from Persian meaning 'house on shoulders.' The *Khanabadoshes* are herdless and homeless people roaming on foot, pack-animals or in vehicles and working as food-gatherers, hunters, fishermen, ventriloquists, genealogists, oraclists, fortune-tellers, palmists, carriers, musicians, quack-surgeons, traders and artisans like black-smiths, basket-makers, bamboo-workers etc.

[44] While giving the origin of gypsies, Joseph Matthew Sullivan says that gypsies were a vagabond race whose tribes coming originally from India scattered over Turkey, Russia, Hungary, Spain, England, and America, living by thefts, horse jockeying, fortune telling, tinkering and the like.

supposed that criminality had genetic traits and passed down from one generation to another and that particular types of crime were associated with particular skills which were specific to these tribal groups (Major: 1999). The reasons for enacting this legislation were compounded by several factors.

Firstly, all those groups and communities who did not have a settled way of life and were given to laziness, drifting tendencies, vagrancy and waywardness of various kinds were branded as 'criminal tribes'[45]. Secondly, the state was in general suspicious of the moving people (Satya: 1997) since 'mobility' was seen as a potent threat and therefore wandering mendicants, peripatetic communities and mobile 'vagrant' groups were most likely to be classed as criminals. Besides, the tribe's low proximity to the British administration led to their further marginalization and exploitation by the colonial rule. In Punjab alone, some 150,000 Punjabis were roped in under the CTA (Major: 1999). Fourthly, many of its member's were acrobats, singers, dancers, tightrope-walkers and fortune tellers[46]. An interesting account exists in the colonial archives about the street entertainers and tricksters who held a sway over the Empire[47]. More and more, like their counterparts all over the world, street entertainment provided by them was seen to be a threat to public order (Radhakrishna: 2001). Lastly and very importantly, while some of these nomadic and itinerant communities had accommodated themselves to colonial rule through the provisions of zamindari settlement or the provisional alliances of princely states, there were still others who continued to appear resistant both to British rule and to rural law and order. Those who did resist and oppose British rule were branded as "criminals". The Sepoy Mutiny of 1857 had already signaled a warning bell for a prospective future rebellion in British India. Few of these groups had even participated in the struggle for independence in 1857 like the Goojars which elicited the return of their "marauding propensities"[48] (Dirks: 2002). These reasons propelled the crown to bring this social legislation in order to stave off the empire from any kind of danger for chiefly economic and administrative reasons.

The Criminal Tribes Act of 1871 can be seen as a watershed in the popular understanding of criminality, crime and henceforth the so called 'criminal tribes' in India. (Radhakrishna: 2001). Although the Criminal Tribes Act has been tinkered with many times with slight modifications but till date the basic essence of the act remains intact. The CTA was replaced by a series of Habitual Offender's Acts but the basic thrust of the Act i.e. identifying certain tribal groups as "habitual offenders" or "born criminals" continue till today. When India gained her independence in 1947, there were close to 128 tribes[49] nearing 3.5 million and 1% of the total population in India who were branded as criminal tribes of the country (Major: 1999). In 1952, these Ex-Criminal Tribes were given the status of Denotified Tribes[50] or Vimukta Jatis[51] by the Government of India[52]. But though the 'legal status' was changed but the 'social status' that of criminality remained

---

[45](a) It was W.W Hunter, a senior civil servant whom the British Government had sent to take a stock-taking after a century of British rule in India and who referred these tribal communities as "predatory castes". W. Sleeman, W.W. Risley and others have written extensive anthropological accounts of the tribes existing during the colonial period. However, the most interesting point to be noted with respect to the criminal tribes is Radhika Singha's article "Providential" Circumstances: The Thugee Campaign of the 1830's and Legal Innovation', Modern Asian Studies, 27(1), 1993, pp, 83-146, in which she says that a move towards the criminalization of communities was started in 1772 by Warren Hastings, well before W. Sleeman who prepared a detailed list of Criminal Tribes in India in the 1830's.

(b) The tribes designated in the official records as 'Criminal Tribes' were enumerated as a separate social group from the 1911 census (Simhadri: 1979).

[46](a) In academic parlance, these wandering and nomadic street entertainers are called *Traditional Entertainment Groups* (TEGs).

(b)There is a mention of the Nat tribe in the Census Report of 1911 which classifies them as the largest number of "convict prisoners" and beggars in terms of their population

[47]Refer to Pran Neville's 'Stories from the Raj: Sahibs, Memsahibs and Others'.

[48]According to the historian Eric Hobsbawm, this was a form of social banditry where those individuals living on the edges of the rural societies made their living by robbing and plundering but who were often seen by ordinary people as heroes or beacons of popular resistance. He asserts that social banditry is a widespread phenomenon known in many societies and some argue that it is still prevalent in remote areas and on high seas like the pirates.

[49]Few literatures put the number to 150 who were branded as 'criminal tribes'. According to Meena Radhakrishna about 200 communities were affected as a result of the CTA.

[50]Today their numbers are estimated to be 60 million.

[51]Literally meaning 'liberated castes'.

[52]Nehru, the then Prime Minister branded the Criminal Tribes Act and later known as Habitual Offenders Act as a blot on the lawbook and scrapped this piece of legislation. He granted a new status to the criminal tribes that is denotified tribes.

intact and was fossilized with the passage of time[53].

4 Conclusion

History, historians and historiography have played a pivotal role in legitimizing certain events and ignoring or writing off others. The objectivity and truthfulness of facts depend much on who writes history and how it is written. In recent times, alternative ways of re-writing history like 'subaltern studies,' 'history from the margins / below,' and 'writing back' have come up. In the Orientalist framework, the presence of history and its documentation was touted as signifying culture and civilization. On the other hand, absence of history denoted backwardness, lack of civility and therefore justified mission *civilastrice*. However, Scott's work strongly establishes the fact that the *'fourth worlders'* prefer to remain on the 'seams' and choose 'anonymity' and 'historylessness' as a political strategy in order to escape state's extractive modernization policies. Practising orality and 'escape agriculture' becomes a way out for mobile communities to counter state's version of modernity, development and progress. According to Scott, it is the condition of historylessness which opens doors to limitless opportunities and an existential ploy for the *Zomians*. Nomadism with its strategies becomes a philosophy and a way of life which believes in 'regimes of circulation'.

The 'regimes of circulation' formed by the mobile communities was associated with deterritorialization and an innate sense of 'rootlessness'. This in turn is linked with discovery, circulation of ideas and skills and maneuverability and appropriation of 'state spaces'. Mobile people cannot be taxed and their guerilla tactics of 'hit and run' armed with their 'war machine' is a constant source of fear for the ruling power. This was especially so in the wake of more than a dozen insurrections, rebellions, revolts and insurgencies led by the tribals and forest dwellers. In order to arrest existential threats, the Empire embarked upon a series of legislations and regulations in the nineteenth century some of them which altered basic notions about crime, criminality and tribes. The Criminal Tribes Act of 1871 was one such act that had far reaching effects on the mobile and tribal communities who were forced to live a life of obscurity and stigma.

The Criminal Tribes Act of 1871 was a link in the chain of a whole conundrum of repressive measures enacted to control and rule. It reified crime and criminals and was aimed at the sedentarization of peripatetic and itinerant communities. This was achieved through certain 'investigative modalities' like the census, gazetteers and surveys and colonial disciplines like anthropology and anthropometry that divided the country into 'marital races' and 'criminal castes'. By the end of the nineteenth century, the triad formed by the three C's that is crime, caste and census became the defining features of British India.

The CTA under the influence of Eugenics and Social Darwinism supposed that crime was like caste that possessed hereditary traits and passed on from one generation to another[54]. This labeling of criminality was made to produce *'docile bodies'*[55] so that *'biopower'* and political *'surveillance'*[56] over the natives could be effected through the state acting as the grand *'panoptican'*.[57] The Criminal Tribes Act of 1871 inaugurated an era of a new 'penal regime'.

The CTA of 1871 was amended in 1897, 1911, 1919 and 1924 until it was finally put out in 1952 and replaced by Habitual Offender's Act. This Act 'denotified' the so called 'criminal castes' and made them Denotified Nomadic Tribes or *'Vimukti Jatis'*. However, the Habitual Offenders Act was no different than its predecessor. On the contrary it proved to be far more aggressive and ugly in its applicability whereby the police was given full authority to search and extract fake testimonies for any act of crime committed

---

[53]According to Anuja Agarwal, members of most denotified communities are believed to engage in a host of criminal and anti-social activities and therefore are seen with suspicion and treated badly by the public as well as the police.

[54]William Sleeman strongly believed that the phenomenon of 'thugee' or 'thugs' (which was a form of social banditry) belonged to an ancient and widespread 'organization' of religiously motivated, "hereditary" (emphasis mine) murderers. Read more in Llyod's article 'Anti Thug Campaign'.

[55]The CTA was framed with the intention of transforming the 'delinquent' into 'honest' subjects.

[56]Borrowing from Foucault, this term here would mean a strict watch and control over one's activities and movements so much so that the person becomes paralyzed.

[57]Originally used by Jeremy Bentham to designate his idea of an ideal prison, the term 'Panoptican' was later expanded by Michel Foucault to designate a kind of surveillance so intrusive and penetrating that there is no difference between public and private.

in the area where members of Denotified Nomadic Tribes lived. The legislation not only stigmatized these tribal and peripatetic communities but the spectre of criminality still haunts them in the modern times and has forced them to live a life of obscurity and anonymity. The status of Denotified Tribes or *Vimukta Jatis* has neither elevated their status nor brought them closer to the mainstream society. They are still treated as 'criminals' and many communities like Nats and Bedias took to prostitution which has become inter-generational in nature.

References

Amin, Shahid (2004). 'They Also Followed Gandhi' in Saurabh Dube (ed). Postcolonial Passages: Contemporary History-writing on India, New Delhi: Oxford University Press.

Anderson, Clare (2004). Legible Bodies: Race, Criminality and Colonialism in South Asia, Oxford: Berg Publishers.

Arnold, David (2006). Tropics and the Travelling Gaze: India, Landscape and Science, 1800-1856, New Delhi: Permanent Black.

Arnold, David (1993). Colonizing the Body: State Medicine and Epidemic Disease in Nineteenth-Century India, New Delhi: Oxford University Press.

Ashcroft Bill et al. (ed) (2006). The Post-Colonial Studies Reader, Oxford: Routledge.

Ballahatchet Kenneth (1980). 'Race, Sex and Class Under the Raj: Imperial Attitudes and Policies and their Critics, 1793-1905, London: Weidenfeld and Nicholson.

Bayly, C. A (1996). Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870', Cambridge: Cambridge University Press.

Bhukya, Bhangya (2007). Delinquent Subjects: Dacoity and the Creation of a Surveillance. Society in Hyderabad State, *Indian Economic and Social History Review,* Vol. 44, No. 2.

Césaire, Aimé (2010). Discourse on Colonialism, Delhi: Aakar Books.

Castells, Manuel (1998, 2nd Ed, 2000). End of Millenium, The Information Age: Economy, Society and Culture, Vol III, Oxford, UK: Blackwell.

Chakravarty, Gautam (2005). The Indian Mutiny and the British Imagination, United Kingdom: Cambridge University Press.

Chatterjee, Partha (1993). Nation and its Fragments: Colonial and Post-colonial Histories, US: Princeton University Press.

Chattopadhyay, Swati (2005). 'Representing Calcutta: Modernity, Nationalism, Nationalism and the Colonial Uncanny', London: Routledge.

Cohn, Bernard (1996). Colonialism and Its Forms of Knowledge: The British in India, New Jersey: Princeton University Press.

Cole, Simon. A (2001). Suspect Identities: A History of Fingerprinting and Criminal Identification, United States: Harward University Press.

D' Souza, Dilip. 'Declared Criminal at Birth', *Manushi*, New Delhi, No. 123.

Dal, Lago Alessandro (2009). Non-Persons: The Exclusion of Migrants in a Global Society, Trans. Marie Orton, Italy: IPOC Press.

Dirks, Nicholas C. (2006). Castes of mind: Colonialism and the Making of Modern India', Delhi: Permanent Black.

During, Simon (1987). 'Postmodernism or Post-Colonialism Today, *Textual Practice.*

Fanon, Frantz(1986). Black Skin, White Masks, London: Pluto Press.

Fanon, Frantz (2004). The Wretched of the Earth, US: Grove Press.

Federici, Silvia (2004). Caliban and the Witch, New York: Autonomedia.

Goody, Jack (2006). The Theft of History, England: Cambridge University Press.

Harrison, Paul (Feb 2005). "Fill the Earth and Subdue it": Biblical Warrants for Colonization in Seventeenth Century England' in *Journal of Religious History*, Vol. 29, No. 1.

Hatch, W. J (1976). Land Pirates of India, Delhi: Concept Publishing Company.

Hegel, G.W.F (1956). The Philosophy of History, New York: Dover.

Henderson, Charles Richmond (Sept., 1913). Control of Crime in India, in *Journal of the American Institute of Criminal Law and Criminology*, Vol. 4, No. 3.

Hyam, Ronald (1990). Empire and Sexuality: The British Experience, England: Manchester University Press.

Kristeva, Julia (1982). Powers of Horror: Essays in Abjection, US: Columbia University Press.

Levine, Philippa (2000). 'Oriental Sociology and the Creation of Colonial Sexualities', in *Feminist Review*, No. 65.

Levine, Philippa (2003). Prostitution, Race and Politics: Policing Venereal Disease in the British Empire,' London and New York: Routledge.

Lloyd, Tim (2006). Acting in the "Theatre of Anarchy:" The Anti-Thug Campaign and Elaborations of Colonial Rule in Early Nineteenth Century India, *Edinburgh papers in South Asian Studies*, No. 19.

MacKenzie, John (1956) Orientalism: History, Theory and the Arts, United Kingdom: Manchester.

Major, Andrew J (1999). State and Criminal Tribes in Colonial Punjab: Surveillance, Control and Reclamation of the 'Dangerous Classes', *Modern Asian Studies*, Vol. 33, No. 3.

Marriott, John and Mukhopadhyay, Bhaskar (2006). Britain in India, 1765-1905, Vol I: Justice, Police, Law and Order, London: Pickering and Chatto Publishers.

Nevile, Pran (2004). Stories from the Raj: Sahibs, Memsahibs and Others', Indialog Publications Pvt. Ltd, New Delhi.

Omissi, David (1994). The Sepoy and the Raj: The Indian Army, 1860-1940, Basingstoke and London: Macmillan.

Paxton, Nancy. L (1990). Writing under the Raj: Gender, Race and Rape in the British Colonial Imagination, 1830-1947, US: Rutgers University Press.

Phillips, David .J. (2001). Peoples on the Move: Introducing the Nomads of the World, Nottingham: Piquant.

Pollock, Griselda (2006). Vision and Difference: Feminism, Feminity and the Histories of Art, London: Routledge.

Powell, J.W (1888). 'From Barbarism to Civilization, *U.S. Bureau of Ethnology.* Vol 1, No. 2.

Raghaviah, V. (1969). Tribes of India, Bhartiya Adimjati Sevak Sangh, Vol 2.

Raheja, Gloria Goodwin (Aug., 1996). 'Caste, Colonialism and the Speech of the Colonized: Entextualization and Disciplinary Control in India' in *American Ethnologist*, Vol, 23, No. 3.

Rana, Subir (2011)'Public Women' and Prostitution in Nineteenth-Century British India: Insse of Race, Sex, Class and Gender During the 'Limited Raj', *SWS-SRTT Occasional Paper 13*, School of Women's Studies, Jadavpur University, Kolkata.

Risley, H.H (Rep. 2005). The Tribes and Castes of Bengal: Ethnographic Glossary, Vol I, Calcutta: Bengal Secretariat Press.

Robert, J.C. Young (1995). 'Colonial Desire: Hybridity in Theory, Culture and Race,' London: Routledge.

Rushdie, Salman (1982). 'The Empire Writes Back with a Vengeance,' *Times*: London.

Sarkar, Sumit (ed) (1997). The City Imagined: Calcutta of the Nineteenth and Early Twentieth Century,' in *Writing Social History*, Delhi, New York: Oxford University Press.

Satya, Laxman D (1997). Colonial Sedentarisation and Subjugation: The Case of the Banjaras of Berar 1850-1900, *Journal of Peasant Studies*, Vol 24, No. 4.

Scott, James (2009). The Art of Not Being Governed: An Anarchist History of South-East Asia, US: Yale University Press.

Sen, Indrani (2002). Women and Empire: Representations in the Writings of British India, 1858-1900,' New Delhi: Orient Longman Private Limited.

Sher Singh Sher (1965). The Sansis of Punjab, New Delhi: Munshiram Manoharlal.

Singha, Radhika (1993). Providential Circumstances: The Thugee Campaign of the 1830s and Legal Innovation, *Modern Asian Studies*, Vol. 27, No. 1.

Singha, Radhika (1998). A Despotism of Law: Crime and Justice in Early Colonial India, Delhi: Oxford University Press.

Sleeman, William (1925). Rambles and Recollections of an Indian Official', Vol I London: Oxford University Press.

Spivak Gayatri (2004). 'Can the Subalterns Speak?', in Bill Ashcroft (ed.) 'The Post-Colonial Studies Reader', Oxford: Routledge.

Sullivan, Joseph Matthew (1921). Criminal Slang in 'The Virginia Law Register', New Series, Vol. 7, No. 1.

Thapan, Meenakshi (2004). Embodiment and Identity in Contemporary Society: Femina and the 'New' Indian Woman, in *Contributions to Indian Sociology*, Vol. 38, No. 3.

Tiné, Harald Fischer (2005). 'Britain's Other Civilizing Mission: Class Prejudice, European 'loaferism' and the Workhouse-system in Colonial India', *Indian Economic and Social Historical Review*, Vol. 42, No. 3.

Virilio, Paul (2007). Speed and Politics, US: Semiotext.

Visvanathan, Gauri (1989). 'Masks of Conquest: Literary Study and British Rule in India, New York: Columbia University Press.

Wald, Erica (2009). From begums and bibis to abandoned females and idle women: sexual relationships, venereal diseases and the redefinition of prostitution in early nineteenth-century India', *Indian Economic and Social History Review*, Vol. 46, No. 5.

Yang, Anand A (1979). The Agrarian Origins of Crime: A Study of Riots in Saran District, India, 1886-1920', *Journal of Social History*, Pittsburgh, US: Carnegie-Mellon University.