

## **NOMADIC AND DENOTIFIED COMMUNITIES IN INDIA: A HUMAN RIGHTS PERSPECTIVE**

Malli Gandhi\*

---

After attainment of independence, India is very keen for the development of weaker sections, especially tribal people. The main task before planners, administrators and politicians is the removal of social and economic inequalities and establishment of an egalitarian society. Their main concentration is on the accelerated development of the tribals so as to enable them to catch-up with mainstream development. The programme implementation process of the government is expected to improve their levels of living besides enhancing their living conditions and basic human rights.

There is an imperative need to study the status of basic human rights, administrative attitudes and the violations of human rights by law enforcing authorities. This will enable us to plan protective measures for the promotion, development and betterment of conditions of life and liberty of various affected sections of the society. Protective laws and betterment of the conditions of the poor needs to be priority on the social development agenda of the government. Unless their conditions are improved the status of human rights will not exhibit any signs of further progress. They remain worse, stigmatized, branded and dishonoured in the absence of legally responsive mechanisms. The subject of violation of human rights among the denotified tribes in India has hardly received any attention. Sociologists, criminologists, historians, lawyers, sympathetic bureaucrats, human rights defenders and political scientists have paid scant attention with regard to the ground realities in respect of DNT communities.

No body is a born criminal. Criminal is the product of the society. Conditions that programmed these people into crime explains the situation and plight of these communities. An analysis of the violations of the human rights of the DNTs will explain several issues in which the police and administrative authorities have the direct role. Their criminal behaviour is not hereditary. It is due to unfriendly attitudes of society at large and law enforcing people in particular. Draconian nature of sections of law under Indian Penal Code and Criminal Procedure Code and forest laws they have lost their livelihood and identity.

The present paper is an attempt in establishing linkages between the role of the police in dishonouring the Denotified Communities on the one hand and to analyze the state of human rights in the existing ex-settlements on the other. However, the

---

\* Professor, Department Of DESSH, Regional Institute of Education, NCERT, Manasgangotri, Mysore, Karnataka

main focus of the paper is to deal with the attitude of the police and the treatment meted out by these people in the lockups, and settlements. There are six sections in this paper. *Section one* deals with a brief history of the 'criminal' tribes and role of police in making them as criminals. *Section two* focuses on crime in colonial India. This is followed by the historical background of the criminal tribes acts, the development of the techniques such as registration, restriction, segregation, settlements and surveillance methods by the police to control a number of the communities like the Yerukalas, Lambadas, Yanadis, Waddars and others deemed to be criminals by birth. *Section three* highlights the contacts of the police with various communities and the investigations made on the offences committed by the denotified communities. *Section four* describes the conditions of the denotified communities after Independence and the status of their human rights. *Section five* concentrates on certain case studies with regard to the role of the police in making of certain communities as criminals. *Section six* deals with the problems, challenges the communities are encountering in the democratic and secular society and offers a few suggestions and recommendations for the better treatment of the denotified communities in Andhra Pradesh.

## I

### **Status of Academic Research**

Historical research on Criminal communities in India is very recent phenomenon. The Phenomenon of crime is unexplored by the historians and political scientists<sup>1</sup>. The Colonial government perceived the establishment of law and order as a social, cultural reform.<sup>2</sup> Law and order was established due to the process of humanization and civilization.<sup>3</sup> Law and order was an exercise of colonial power in India.<sup>4</sup> The landowning classes opposed the peasants in India during last two centuries. Ranajit Guha stated that the uprisings of the peasants are invariably due to the increase of crime.<sup>5</sup> E.P. Thomson raised the questions of crime and criminality.<sup>6</sup> F.B. Robinson used the Notion of Social banditry while dealing with wild tribes of Bombay and Deccan. David Arnold stated that grain looting and food riots in South India were due to the poverty and loss of livelihood of the poor people. David Washbrook, Ronald Inden and Edward Said portrayed about colonial law, crime and criminal tribes.<sup>7</sup>

### **Developments During Colonial Era**

The Colonial rule classified the native population of India as wandering tribes, criminal classes and communities. The police records of the British Raj codified the behaviour of the native population. The Chenchus of Hyderabad; Yerukalas of

Godavari, Nellore, Guntur, Krishna, Bellary, and Kurnool districts; Korachas of Chittoor, Ananthapur, Cuddapah, Nellore and Guntur districts; Dommaras of Nellore district; Jogis of Nellore and Chittoor and, Kondadoras and Rellis of Vizagapatanam district were declared as criminal tribes and communities of Andhra Pradesh.<sup>1</sup> The Colonial knowledge of Indian society was rooted in human endeavour, institutions, thought, democracy and capitalism, irrational practices of Hinduism and the caste system. The colonial government developed general characteristics of particular castes and communities. Caste is seen as unchanging and constant phenomena. The official accounts narrated about criminal tribes and communities.<sup>8</sup> J.V. Stephens, a member of the Viceroy's Council in-charge of law and order stated: *As it is, traders go by castes the special feature of India is the caste system, a family of Carpenters will be Carpenters, a century or five centuries, hence, if they lost so long. When a man tells you that he is an offender against the law, he has been so from the beginning and will be so to the end that reform is impossible, for it is his trade, his caste almost I may say his religion to commit crime.*<sup>9</sup>

From the early 1860's, with the establishment of provincial constabulary, the government began to set up police stations. But the police became openly corrupt and rapacious. For instance, when a villager died by accident, the police said that they suspected it to be a murder. This was done to extract bribe from them. The policemen received gifts from them in the name of a function or a festival on their visit to the village. One hill man lamented: *our spiritual enemy, the enemy of our souls was the police. Spirit of our fathers helps us, save us from the government and shut the mouth of the police.*<sup>10</sup>

Thomas Munro, the then Governor of Madras observed that: *there were several thousand men scattered over in our country, whose business from their earliest days has been robbery.*<sup>11</sup> To put down crime, the colonial government took stern steps to arrest and punish these people. They could not forget their experiences with thugs and Pindaries. Biswas stated that: *it is very likely that the present 'criminal' tribes of India are the offshoots of Thugs. After the creation of the Thugee department the wandering habits of these people were stopped.*<sup>12</sup> The British and high caste Hindus and police officers were unable to comprehend or sympathize with the life style of the criminal tribes. Their peculiar social practices, consumption of alcohol, nature of food, unwillingness to work were the criterion in making of the criminal communities. References were made to women of these communities who would be as a matter of course described as rogues.<sup>13</sup> Their gypsy way of life, trading activities were described as vagrancy or lust for wandering. The colonial administrators viewed that the criminal communities looked differently from ordinary human beings in their physical appearance.<sup>14</sup> Around the last part of the 19<sup>th</sup> century, on the basis of increased rate of crime, the administration

viewed the concept of the hereditary principle among the criminals seriously. The concept of *once a criminal is always a criminal* was adopted by them. Some of them come under the category of beggars, receivers of stolen goods and cattle prisoners.<sup>15</sup>

### **Disturbing Ecological and Traditional Habitats**

In some places the colonial government forced the Adivasis to move into large settlements. They were forced into aggressive serfdom under the powerful cultivating castes. In South, the Chenchus of Kurnool in desperation turned into bandits. Mr. Sounders, a police officer of Madras Presidency from 1917 to 1919, reported: *while there was no work, the Chenchus satisfied their hunger with little amount they get and leave nothing to their family members. Their way of living was hand to mouth existence.*<sup>16</sup> Lieutenant Balmer in his letter to the collector dated 22<sup>nd</sup> May 1865, No 317 wrote about Yerukalas: *the crimes they are addicted to are dacoity, highway robbery and robbery; they are the most troublesome of our wanderers.*<sup>17</sup> 19<sup>th</sup> Century Colonial economic policies destroyed the occupations of a number of communities. Specific policies of the administration severely affected communities which were involved in trading. The salt policy of the government crushed the trade of Koravas, Yerukalas, Korchas and Lambadas. The Government forest policy prevented free grazing of cattle owned by these groups and prevented them from collecting forest produce. Famines during 1866, 1876-78 and 1898 were more frequent and severe.<sup>18</sup> It witnessed unprecedented outbreaks of dacoity, food riots and looting of markets, cattle stealing etc. The Inspector General of Police observed in 1877 that *dacoity as the special famine crime was committed by hungry people, not ordinary criminals.*<sup>19</sup>

These tribes lead a vagrant life with no fixed abodes. They wander about with their bag and baggage and pitch their tents on the out skirts of a village or a city or in some secluded places in search of food. Sleeman the hero of the Thugee department wrote: *Large gangs from Hindustan and the Deccan used to rendezvous in these groves, remain in them for many days together every year, and carry their dreadful trade along all the lines of the road that pass by and branch off them, with the knowledge and connivance of the two landholders by whose ancestors these groves had been planted, I should have thought him a fool or a madman, and yet nothing could have been more true.*<sup>20</sup> A.O. Hume in 1885 regarded the criminality among these tribes as the direct consequence of absolute hardship, and the intolerant and often brutal attitude of the police. He said: *Almost savages and utterly reckless of life, they are perpetually goaded into crimes. They are forbidden to rest even for a single day, no matter where. The moment the police hear of their arrival, they proceed to drive them away hounding them from village to village with hard words*

*and harder flows from their own neighbouring thana.*<sup>21</sup>

### **Some Details of Operation of the Police**

The subordinate police played an important role in making more number of communities as criminals. False charges were framed by them according to their convenience. This was because the subordinate police officials were paid very low and they were well aware of the potential chances of extortion of money from registered members of 'criminal' tribes. The police demanded the tribes to report in the nearest police stations. However, the community members never actually reported to the police at 11 PM in the night and 3 AM in the morning. If the communities bribed them, they need not go to police station for roll-calls. The police played a very important role in the administration. Their morale was seriously undermined during 1920's because of public hostility. The police showed splendid loyalty to the colonial government. The delegation of more powers to the police administration was resisted within the administration. The police were responsible for serious administrative problems. The police registered the people who were physically incapable of committing crimes. Even blind persons were listed as criminals under the lists of CT Act. The police officials showed their loyalty to local land lords. Due to their enormous powers, the police inflicted severe punishments on the communities without trial. Acting on the complaints of rich sections of the society and after receiving bribe from them the police committed atrocities on these communities. The women members like their males had to present themselves at the police station at 11PM and again at 3 AM and were forced to sleep in the police stations itself. This put them in vulnerable situation. The police used to take the opportunity to molest the women of these communities. The members of these communities had to go to other places for labour work walking miles together from their home. The employers used to detain them for various reasons. This also gave the police a ground to enter their names in crime records. The police also felt it a Herculean task to nab the absconders in the scrub jungles and hilly areas. If the police could not trace the whereabouts of the incorrigibles, severe penalties were imposed on the lower categories of the police by their higher authorities. Under these circumstances, the police even registered a number of false cases against the wandering communities and registered many tribes as criminal's tribes.

### **Initial Dissent**

Dadabhoy Naoroji raised the question of elevation of the depressed classes in Madras. He said in Madras there are a large number of depressed classes. Some of them are not allowed even to enter the public places. To escape from the police

and higher sections, the depressed people were driven to embrace Christianity, Buddhism or Islam.”<sup>22</sup> Madhusudan Das stated: *Before a child be born with the impress of God’s innocence of his face, while he is actually drawing his mother’s blood in his mother’s wombs, the brand of the criminal is put upon him, that is the meaning of criminal tribes and that is what we have at the present day under the British government, thought the bright jewels on the crown of England earned by abolishing slavery in the world.*<sup>23</sup>

## II

### Ugly Face of Laws-1871 Act

The assumption of ‘criminal’ classes was originated with colonial thinking and measures of controlling certain communities with Criminal Tribes Act of 1871. The criminal tribes Act was evolved with the methods of surveillance and control.<sup>24</sup> Prior to the enactment of the Act XXVII of 1871 there was no special legislation to deal with ‘criminal’ tribes and they were governed by the ordinary law of the land. It was reported that the magisterial and police authorities had found it impossible to deal with criminal bands in India. Therefore, the Government of India enacted a special legislation and the 1871 Criminal Tribes Act was passed. According to sections 5 and 10 of the Act, if the Government of India was satisfied, any tribe could be declared criminal under provisions of the act. The district Magistrates and the District Superintendent of Police had the authority to order the ‘criminal’ tribe members to appear for registration and the names of the communities were published in the Local Gazette. The authority was vested with the local police to transfer any tribe from one place to another place. Separate registers were made and kept with district Superintendent of police.<sup>25</sup> The district superintendent of police used to add new communities and delete the earlier registered communities according to their powers. The local police were given authority to inspect their residence and villages. Under section 17 of the Act, the local police was vested with the authority to establish and maintain reformatory settlements and separate children from their parents.

### 1911 Act and Contents

The criminal tribes Act, 1911 had its origin in the report of the Indian police commission. The commission laid down the principle that it should be the aim of every police system to obtain knowledge of the criminal tribes and secure overall supervision on certain gangs addicted to crime. Starting from this principle, the police commission declared that the police have more powers of control on criminal tribes. Notification, Registration, Restriction of movements, Settlements, Schools and Penalties were the main features of the act. Registration attempted to keep

track of the tribes under police surveillance in the communities where they live. Settlement means locating these people under suspicion in a special place so that they can be more closely controlled by the police. Certain passes were issued to the 'criminal' tribes to leave the place in which they are settled. Schedules were prepared. Personal identification marks, thumbs and palm impressions of the tribe were taken and kept in the register by the local police. Under section 22 of the Act the local police had the powers to recommend any member in the family of the criminal tribes as violator of the Act and they were punished and imprisoned in the jail. On the first conviction two years jail term and for consequent conviction three years rigorous imprisonment were recommended. Under section 17 of the Act the local Governments were authorized to establish industrial, agricultural, penal and reformatory settlements. In Andhra Pradesh several such settlements were established between 1906 and 1917: Seethanagaram and Stuartpuram settlements in Guntur district, Kapparalla Tippa, Kalichedu, Allur and Kavali settlements in Nellore district, Siddapuram and Lingal Settlements in Kurnool district, Bhumann Gadda Settlement in Chittoor district etc.<sup>26</sup> Reporting to the police thrice a day was a routine instruction, night checks and controls were conducted by the police. Settlements were fenced with barbed wires.

#### **Jails Committee and Act of 1924**

The Government appointed the All India Jails Committee during the year 1919. The jails committee emphasized that the settlements were such places where there is a provision for economic development. The most successful settlements were placed in the industrial places. The settlers were employed as labourers in the industries. In industrial settlements sufficient work was not provided and they were paid less remuneration.<sup>27</sup> On the recommendations of the Jails committee the Criminal Tribes Act of 1924 was introduced. Basically, in aim and intent, the act was preventive and not corrective. No attempts were made to reform and rehabilitate the criminals. Unjust punishments and sentences were made by the police. A surveillance system was built up by making of every registered person should report to the police and get a pass to go out of the village. They also have to furnish information about the purpose of leaving the village, place of residence, destination, and route of travel etc. to the police. Section 23 of the Act declared that any person convicted once for any offence under IPC, and convicted for the same offence for the second time, he/she will be punished with imprisonment for ten or not less than seven years and on a third or any subsequent conviction with transportation for life.<sup>28</sup> The instance of getting a pass and reporting to the police, forced free labour from the poor. This gave birth to bribery at the local level. B. Pattabhi Seetaramayya angrily pointed out: *cattle that are sold and brought to the market, wild animals, worms that are trodden under the feet are not worse treated than criminal tribes.*<sup>29</sup> V. Raghavaiah

stated that: *The Criminal Tribes Act destroyed domestic pace, embittered human life and led to false theory that is once a criminal is always a criminal.*<sup>30</sup>

The criminal tribes Act of 1924 remained in force about 25 years and failed in its purpose. The leaders and social reformers raised the question that the dubbing of the whole communities as 'criminal' tribes was a blot on the Indian Society. Therefore, the Government introduced the Madras Restriction of Habitual Offenders Act in 1948. N.G. Ranga strongly fought for the total abolition of the Act. He said the criminal tribes Act used to suppress the political workers in those days.<sup>31</sup> The act came into force from 29 April 1948. The then Deputy Inspector General of Police, Railways and Central Intelligence Department Madras noted: *the Application of the Act was only to such criminals-convicted of serious offences and criminal minded persons intended in the settlements. The act became an effective instrument to the police to exercise their power of authority and control over many wandering communities.*<sup>32</sup>

### III

#### Management of Settlements & Christian Missionaries

The denotified communities were confined to settlements under the administrative control of the police and voluntary organizations.<sup>33</sup> The police recommended the government to intern the extreme cases into the settlements. The police treated them as incorrigibles.<sup>34</sup> About the management of the criminal tribe settlements there was a debate as to why the Christian missionaries alone should be given the management work of the settlements. The British Government realized the successful work done by the Missionaries such as the Salvation Army, The London Mission, The Canadian Baptist Telugu Mission and other philanthropic agencies in reforming these people.<sup>35</sup> Dadabhoy Naoroji said: *The Salvation Army's help has been requisitioned from time to time, is it Salvation Army or any other reforming body, the religious zeal is often a necessary element in pursuing difficult task of the people of this kind and winning them from evil ways.*<sup>36</sup> William Booth Tucker, the founder of the Salvation Army was known for his missionary services. The Salvation Army established several settlements in India.<sup>37</sup>

The Government kept the settlements under the control of the Missionaries and asked the Police to supervise the settlements. This developed the friction between the police and the management of the settlements. The Missionaries always complained that the police was interfering in the reformation work of the missionaries. The police used to suspect the missionaries and the denotified communities. The government recruited the police staff to watch and supervise the settlements.<sup>38</sup> In every settlement there was a Sub-inspector, one assistant



sub-inspector of police and six constables recruited to watch the movements of the settlers. The Sub-inspector and district superintendents of the police used to play a key role in the settlement matters. The constables used to watch the settlers regularly and take the roll calls three times in a day. The district superintendents of police used to transfer the denotified communities from one settlement to another according to their discretionary powers. The cases of escapes and overstayals of leave were more in number in the settlements. The district Magistrates suggested that the majority of the cases should be left to the police. Due to the prosecutions of the police a large number of the tribes left the settlements and escaped to the neighbouring states and districts. The police prosecuted the settlers rigorously. One police officer said: *many a night we kept vigil watching for the out of views to walk into traps laid for them, and in many cases we were able to arrest them, but more often we failed.*<sup>39</sup> The practice of issuing passes made some of the settlers abscond from the settlements. From the police point of view the settlements were running satisfactorily. It was for the benefit of the police department. The settlements were under the close control of the local police. The police used to isolate the communities and watch their activities. The police controlled the communities in the settlements and restricted their movements systematically and maintained criminal records on them. They exercised their power on the tribal communities. The threat of the arrest of the police made these communities accept cultivation and other occupations in the settlements.<sup>40</sup>

#### IV

##### **Nature of Policing and its Role**

The Police shared a close relationship with the denotified communities from the enactment of the 1871 criminal tribes act. The histories of these communities were also closely linked with the police. The police declared 192 communities as criminal tribes in the India.<sup>41</sup> The police treated them badly because they happened to be born in these communities. The police used to take action on them whether justified or not. As a result, people identified them as criminals. Whenever the police investigated a crime the first suspect was the member of a criminal tribe. These communities were criminals because the police never allowed them to come out of the cobweb of crime. They did not have the chance to escape from the harassment of the police. The police always rounded them up. The police argued that they were beaten because of their criminal acts. The acts of the police were never questioned and treated as crime on the poor communities. These communities were often subjected to ill treatment in the hands of the police.<sup>42</sup> The police never bothered about their pitiable conditions. They never considered them poor. The police hardly gave them any respect. The target of the police is denotified communities. The police justify

their positions that they had arrested these communities because of their criminal record. The police took law into their hand and killed many of them. The courts never investigated the killings and encounters of the police. Whenever the police come across these people they detain them illegally.<sup>43</sup>

The police keep the names of these community members in the lists of suspects or the most wanted persons. The police publish posters and paste on the walls for public display. Their photos will be kept in the railway stations, bus-stands and cinema theatres to caution the public to be careful with these communities. The documents maintained by the police were always tampered and fabricated.<sup>44</sup> The police show their arrogance on these people. The police feel that whatever they do is legally correct. They often forget they are also subjected to punishment. One police official stated: *We are police. We always have enough reason to arrest and detain a person.*<sup>45</sup> The police are responsible for the custodial deaths and the crime committed on them. The police are the first violators of law. The way police look at the denotified communities will be the same as the denotified communities look at the police. Therefore, the vicious circle of mistrust between the police and the denotified communities must be broken. Their attitude and behaviour must change. Exemplary punishments must also be given to the police who violate the law or take law into their hand. As the citizens of the country, the denotified communities should have certain rights. The police and the public should not forget their basic rights and assume them as criminals. The attitude of the criminals will change when the attitude of the police changes. Compensation for any offence committed on the DNTs by the police is only a balm but not a cure.<sup>46</sup>

## V

### Conditions in the Settlements after Independence

The settlement colonists in Stuartpuram, Seethanagaram, Siddapuram, Lingala and Kapparallatippa in the state are mostly the Yerukalas tribe. Some members lamented that they are highly neglected lot. In the casual exchanges with some of the inmates, the dependents of the so-called habitual and professional criminals expressed their anguish over their plight. They said that their children could not get jobs having a criminal record. Their males are leading a prison life. The women folk are compelled to work along with their children to eke out a living in the absence of any assistance from the government. They also narrated that barring a few and rare examples (*like in the case of Samskar, a Gandhian voluntary agency working for DNTs in Guntur district of Andhra Pradesh*), neither the government nor the voluntary service organizations come forward to provide them help. Out of 6000 population in Stuartpuram settlement only 400 are working in the Indian Leaf tobacco company. According to the police records 80 percent of them are hardcore criminals. Bank loans and self-employment schemes are not provided to them. The

distressing factor is that the police book false cases against the breadwinners for petty offences. When they were sent to jail the women folk work as coolies and commit crime to keep their families going. They narrated that after taking so much risk in committing an offence, they are left with nothing but police beatings and imprisonment. They wanted to live like any other citizens. They wanted to educate their children and go for gainful employment. Though some of the members are working in the railways, road transport corporation and public works department, the police department keep surveillance on them. Most of the young persons in the age group of 18-25 lost so many opportunities of getting jobs. Even if job opportunities come their way, due to criminal records in the police stations they are unable to make use of the opportunities. Some of them were over aged due to the sentences imposed on them. They lamented that the government, police, revenue and the social welfare department officials are responsible for the state of affairs in the society.<sup>47</sup>

### **Emerging Aspirations of the Reformed**

The released prisoners in the settlement colonies are at the crossroads. In one of the interviews one ex-convict stated, *I was sentenced 10 years imprisonment in the Simhachalam dacoity case. I was also convicted in the Banagana Palli bank robbery case. I am repenting for my past criminal life. I want to give a bright future for my children. I want to educate them.* He brought to light the trials and tribulations of the criminals in the hands of the police. He further said: *We lead a fearful life throughout. There are many hurdles that come in the way of our way of life. The government banned jobs for the ex-convicts. The police should behave with humanity. We want to settle down in our life. Police should take cognizance of the people who abet crime like those who lend the criminals at abnormal terms and those who buy the stolen property from us. We are living in the perpetual fear of the police treatment. We want to lead a normal life with our family members.* The ex-convicts in another settlement have been thoroughly afraid of the thrashings given by the police. They said *the police involve us in theft cases which were not committed by us. We even lack managerial skills to run a small business. How can we commit dacoity, burglaries? We eke out our living by rickshaw pulling, quarry work, loading lorries with sand and labour work.* It was further stated by one member that, *the society looks at us with suspicion and the stigma of criminals cannot be erased easily from our life. Above all, the police haunt us to keep a track of our activities. The police visit our houses, workplace frequently, harass us and summon us to the police stations.* He further lamented that: *the police and the criminals are two sides of the coin of crime.* He stressed that a policemen need to be educated at the lower levels so that they would not cause any threat to the public. He also requested that a separate police cell should be formed in each police station with police staff in plain clothes to watch the activities of the residents of the settlement colonists. He further said that, *we want training in the carpentry, television cabinet making and*

*other trades to enable us to stand on our feet. The government should provide us land with irrigation facilities and supply agricultural implements.* He narrated an incident that took place very recently in Kurnool. A group of five persons looted a syndicate bank in Kurnool. They returned back to the village after their operation. After much haggling, the police recovered the money. Due to fear of the police the culprits escaped. Later they surrendered to the police voluntarily. However, while filing the charge sheets the police did not mention that they surrendered voluntarily and the money was recovered from them. This made them sore. They felt that the police could not be believed”<sup>48</sup>

The members of the denotified communities in Seethanagaram narrated, *even after years of Independence we have no freedom to participate with our community members and family members to discuss our experiences, problems and integrate ourselves into the mainstream of social life. For the last 30 years we are trying to join in the mainstream of social life. The state government and the police are not extending their co-operation. We want the helping hand of the police and the government. Our women and children are in a disadvantageous position. We should have the freedom to discuss about our experiences and problems with our elected representatives.*<sup>49</sup>

### **Urge for Freedom from Psychology of Fear**

The members of the denotified communities urged that they should be liberated from the fear of oppression, inferiority complex and the stigma attached to them. Narrating their problems, a settler said: *no one wanted to lead a criminal life. Circumstances forced us to lead a wretched life. Due to our fate and poverty we are leading a wretched life. Even after the de-notification, we are still discriminated in our daily life. The police and public treat us with suspicion. What we need today is not any body's sympathy but allowing us to lead a dignified life like any other citizens in the country.*<sup>50</sup>

M.V. Thomas the then IG prisons once stated that the police in dealing with criminal tribes should adopt a rationale and humane approach. Another police official, P. Jagan Mohan the then Additional Inspector General of Police also exerted that the reformed criminals should not look at the police as their enemies. The community members in Sidhapuram appealed the government to remove the injustice imposed upon them. *We are always discriminated in our daily life. We are not creating problems to anyone. We do not harm others. Do not attach any stigma to us,* the sarpanch of the settlement pleaded the officials in this regard.<sup>51</sup>

### **Revival of Crime and the Police**

Some ex-convicts in Bitragunta settlement poured out their tale of misfortune when met them recently. They said, *Even after we have changed our life styles we are*

*degraded to a criminal way of life.* They narrated their plight in the hands of the police. One ex-convict pointing his accusing finger towards the police said that the police are standing in their way of leading an honourable life. They are emphatic in their criticism against the police in particular and the society in general. Another ex-convict stated, *the police are steeped in corruption. They have no moral right to arrest and confine us to jails.* They accused the police for instigating them to commit crimes. He pleaded that the government and the Home Minister might adopt a humane approach to their problems, remove the ban on the jobs for the ex-convicts and provide livelihood with suitable employment opportunity. A reformed woman ex-convict in Siddapuram village blamed the police for trying to condemn them forever to criminal life style. She said *even the reformed criminals were forced to replace themselves into criminal life. The society and the police played an indifferent role towards us.*<sup>52</sup>

### **Some Aspects of Positive Policing**

In Stuartpuram settlement some inmates narrated about their experiences with the high rank police officers. They narrated about one such incident that happened recently. Addressing 200 families one higher grade police official said that *I have come to your place for a specific mission of appealing all of you not to resort to any criminal activities henceforth I wish all the criminals in the settlements must eschew criminal propensities and join the mainstream.* He also said that *people shiver on hearing the names of the settlements. You people are viewed with an eye of suspicion everywhere. Very recently 250 odd-history sheeters have given up their profession of committing offences. I came to know that there are many people continuing your age-old profession and this has become a matter of great concern to all our police. First of all, every one of you should surrender to the police and convince that you have left your profession. Further, you should prevent your fellowmen from committing offences. If you cannot do that immediately inform the police about the activities of your neighbours so that action can be initiated. The welfare measures that the Government is initiating will be considered only when all of you give up your activities.*<sup>53</sup>

### **Juvenile Offenders and Their Status**

Some inmates in the settlements stated that there are child offenders in the settlements. The child offenders should be handed over to Non-government organizations instead of sending them to the juvenile homes. Children among the denotified tribes are at risk. There is an urgent need to protect the children in difficult situations. If the first time offenders are sent to juvenile or remained homes, there is every chance that they would continue and become more hardened criminals. The former Andhra Pradesh High Court Justice BSA Swamy once said, *in the families of denotified*

*communities women and children are the most disturbed lot. The constitutional guarantees have failed in case of the denotified communities. The enforcers of the constitution are not doing their job properly.*

Children undergo a lot of trauma in the settlements. Their parents are in jails. They are sentenced to life imprisonment. They require some sort of comfort. Who will provide that comfort? They are responsible citizens of tomorrow. In a recent incident it can be noted that Krupavatamma, a women ex-convict in Siddapuram stated that she had sold her 12-year-old son to a notorious gang in Bitragunta settlement for 35,000 rupees for one year on the contract basis. She narrated her vows in front of the police. Her poverty forced her to do such an act. She told that she could not meet the dire needs of her family. In Bitragunta settlement the ex-convicts have relationship with the criminals in Bombay. They are taking the small children to big cities to provide training in committing crimes and to make them professionals. Selling of children to notorious gangs has become a ritual in the settlements in recent time. This is the gross violation of child rights in the ex-settlements.<sup>54</sup>

### **Popular Notions and Perceptions**

It was also reported how the police were responsible in perpetuating crime in the settlements. When interviewed a women in Betapudi settlement stated, *police never allow us to stop theft. They want their Mamullu (Bribe)*. The mention of a dacoity anywhere in the state makes the police to involve settlement people even if they are not connected with it. Radio, TV and newspapers also emphasize the same. It is a pity, however, that real culprits are never punished. An ex-criminal in an interview gave a graphic account of this. In Eenadu (Telugu Daily) there was a news item about a theft case that took place at Mangalagiri (Guntur district) and in that it was reported that two young persons by name Sreenu and Venkataiah are involved. It is also reported that both of them belong to Betapudi settlement. But these two people do not belong to the same place. Unfortunately, the very mention of place like Stuartpuram, Bitragunta, Siddapuram, and Seethanagaram is associated with criminal activity, and this shows the notoriety these settlements assumed over time.<sup>55</sup> An ex-criminal explained that: *in Tirupati a police officer reported to the newspapers that Stuartpuram people committed a dacoity and murder*. Consequently they were arrested. But what actually happened was quite contrary to the police officers public pronouncement. In the CBI enquiry, it was later revealed that the criminal gangs of Maharashtra were involved in the crime. He elaborated on how the police used them as pawns in their game.<sup>56</sup>

In a recent incident (August, 2011), some Stuartpuram villagers went to Chintamani for petty business. Valabha Hanumanthu, Valabha Hari and Konda Reddy Babu belong to Stuartpuram. They were settled in Kadiri. A group of 11

members went to Chintamani for business purpose. But the villagers of Chintamani hounded, attacked and killed them. The villagers of Stuartpuram demanded the police to arrest the culprits and asked the government to pay the compensation to the victim's families. The victims who lost their breadwinners are very pathetic as there were no male members to eke out their livelihood and educate their children.<sup>57</sup> The state and national Human Rights Commission should intervene and do the justice to the families of the victims. The culprits should be brought to the book and proper justice should be done to the victims' families.

### **What Stakeholders have to Say - Two Sides of Change?**

While conducting interviews the inmates of Stuartpuram settlement narrated that: *the settlements had produced several criminal gangs. The settlements also speak volumes about the pathetic physical and economic conditions from colonial times. Despite of our criminal records we have progressed on economic front. We are cultivating lands, sending our children to schools, providing our services to others etc. We curse ourselves to be born and brought up in the settlement atmosphere. Most of our people have changed their life.* Another settler narrated: *I am pursuing a dignified job as an employee of the Indian Leaf Tobacco Company in Chirala and my income is sufficient to meet the expenses of my family needs.* Another dossier criminal stated that, *during my adolescent days I was very energetic. But now I have no hopes of enjoying my remaining life happily due to the police. I have lot of pending cases on me in the courts. I have decided to surrender. What I request is that the police should not use third-degree methods on us. My activities should not cast the shadow on my children. They should not be discredited for my acts.* Another 18-year-old person stated that: *we are not entitled to human dignity. The reason is that we hail from the settlements. Officials have come and gone many times but hardly anything has been done so far. Even now the papers, news papers write horrifying news about us.*<sup>58</sup>

In Stuartpuram settlement some women beat a police constable when he went there on duty to inquire about their menfolk's involvement in certain crimes. It was a serious offence. The then superintendent of police of Guntur district went there to investigate the incident. The women folk gheraoed the Superintendent of police and showered several uncomfortable questions on him. He tried to pacify the women that the police are also humans and they wouldn't resort to such inhuman acts. The adamant women challenged the police officer and said if he were ready to go with them to the police station and search it to see for himself the real facts. On this challenge the police officer had to go along with the women to the police station. And on search he really found several saris, petty coats of the women and also aluminium utensils in which food is cooked. The triumphant women looked at the police officer in utter disregard. They again challenged him, *now you tell us*

*whether the police are really civilized? When our men commit crimes, you are unable to catch them. You come and show your valour on women.* The Superintendent of police was very much ashamed and apologized to women on behalf of the police force. He went off. But the incident made him think. The next day he again came to Stuartpuram. He called the women and said he did not come as police. He came as a fellow human being to remove their hardships and try to help them.<sup>59</sup>

In order to narrate how the circumstances and the acts of the police turned Jayapal an ex-convict in Stuartpuram settlement is one of the classic examples. Jayapal was studying 3<sup>rd</sup> class in the settlement Primary school. He had a pet squirrel, which used to sit on his shoulder and accompany wherever he used to go. Tribals being very close to flora and fauna developed intimate relationship with the pet animals. Similarly Jayapal is one such person who also had a pet squirrel. One day a police constable asked Jayapal to leave the squirrel. But Jayapal due to his intimate relationship with the squirrel did not yield to the pressures of the police. The police forcefully took the squirrel from the hands of Jayapal. Jayapal in bit of anger scolded the constable. The police took him to the station, kept him behind bars and beat him with the lathi. He was also not let out to go home that day by the police. The next day his father has to come and assure the police of the right conduct of his son in future. The police scolded Jayapal and his father and freed him from the police station. His father scolded further Jayapal at home, which was a turning point in his life. He could not attend the school regularly because of the incident. His teachers, classmates and the surrounding people used to treat him differently after that incident. Therefore, he left the house and reached Mangalagiri. He started begging food and money in the bus stand. He used to collect food from the left out plates. The police caught him and admitted him in the Borstal School. One night he escaped from the school and entered into the railway compartment and travelled without ticket. He was caught at Ongole by the Railway Police and booked a case on him. When he protested, the Railway police told him that they would send him off very soon. Later the Railway police indulged him in various cases. With utter frustration Jayapal started pocket picking. Later he became a suitcase lifter. Slowly he started wagon looting and became a hardened criminal. He became a menace to the railway authorities. Thus the case of Jayapal is an example how ordinary citizen leading a peaceful life was turned as bandits due to certain circumstances.<sup>60</sup>

## VI

### Need for Changing Attitudes

Should the habitual criminals be confined to the settlement colonies with no hope of development? Should they always lead their life with fear of police? What is the fate of the dependants of the offenders of these communities in the hands of the police who are sentenced to life imprisonment? Should the families of the offenders



be left for themselves under the continuous watch and ill treatment of the police? What measures the government has taken so far to mainstream the criminal offenders back into the mainstream of the body politic by the police and the government?

The Indian police have an excellent record of discipline and gallantry of resoluteness, valour and courage of high order. To the average citizen, the police are the visible symbols of established order. Maintenance of law and order were in their main domain. In the opinion of the police, the police department had a bad image. They are considered as unscrupulous, uncultured and corrupt. They behave like tyrants, and have no decency to respect the individual liberty and freedom. Venugopal Rao said: *of all services he alone comes closest to the people, yet remains the farthest*. The police are blamed for being inefficient, high handed and aloof. The police view them with suspicion, sullenness and inexplicable hostility. N.S. Saxena pointed out *corruption of any kind lowers the image of the police, destroys the officers' own capacity for bold action, makes police-public co-operation difficult and thus directly and indirectly promotes crime. Another factor which lowers the image of the police is for the sake of showing sound statistical record the police register a large number of false cases. The third degree methods used by the police, generally at the lower level, explains their inhuman behaviour and unsympathetic attitude towards these people. This attitude develops in them a negative attitude, which paves the way for the people to become hardcore criminals*. Jaspal Singh, a police officer stated that: *Aloofness from society, fear of police, distance from the family made the 'criminal' tribes cruel, stubborn and angry. They developed a feeling of hatred and suspicion*.<sup>61</sup> Rajendra Prasad, the first president of India said: *the policeman should not forget that he himself is a human being and he has to deal with human beings and in dealing with them he should always have his own humanity before himself*.<sup>62</sup> The entire police administration should be streamlined, the police should be trained and equipped properly. Then only he will imbibe a spirit of selfless service and consideration for his fellow beings. Their qualifications and emoluments should be raised in order to be on par with the other jobs in the society. It is very essential to have a radical change in the functioning of the police department for taking up reformative activities. Otherwise any slackness on his part will encourage the criminals to commit the most heinous crimes. If the radical change is not found among them, then the very social fabric of the denotified tribes will be badly damaged. The police had played their part satisfactorily but much more remains to be done by them. The welfare and development of the denotified tribes largely depends on the government and particularly the police at the local level.<sup>63</sup>

### Plausible Suggestions

The following may be some suggestions that deal with various facets of the life of DNTs (these are placed here in view of the forgoing description of the conditions that have a direct bearing on DNTs):

<i>S. No.</i>	<i>Domain</i>	<i>Suggestion</i>	<i>Remarks</i>
1	Legal	<p>There is a need to redefine the atrocities committed on these communities. The government should make certain legal provisions to provide protection to the denotified communities particularly the women and child rights Acts that protect the life and liberty of the denotified communities.</p> <p>A more comprehensive law addressing the issue related to atrocities happening due to non-implementation of acts such as forest rights act, eviction of people from the settlement lands must be viewed seriously.</p> <p>Non registration of FIRs on the atrocities committed on the DNT communities must be taken seriously and penalties must be imposed on the police.</p> <p>The criminal law with regard to DNT communities must be repealed.</p> <p>The rules framed with regard to the protection of the denotified communities in different states must be reviewed from time to time . . .</p>	<p>A comprehensive understanding of the human rights needs to be developed among the police and policy-makers. The significance of human rights must be fed into the policies, programmes and legislation of the police system.</p>
2	Legal Literacy	<p>The DNT communities must be sensitized about criminal justice system. Resource persons within the communities must be selected and trained to combat atrocities on them.</p> <p>An international campaign aiming at sensitizing and creating awareness among the DNTs communities towards the issues and challenges faced by the families of the DNT must be undertaken.</p> <p>The DNT communities must be empowered to resist and encounter the atrocities committed on them.</p>	<p>Legal literacy training camps in due collaboration with human right groups, NGOs and criminal lawyers must be conducted to impart legal literacy on the burning issues that affect DNTs. Also, intra-community trainers may be shaped so as to handle legal literacy matters in future.</p>
3	Judicial Administration	<p>Special attention must be paid on the lower judicial officials who are handling the cases of the DNT communities.</p> <p>Accessible and functional grievance redressal mechanisms must be strengthened. They must be provided with time bound relief and guidance.</p> <p>Non-grant of bail in bailable and compoundable offences must be viewed seriously.</p> <p>Special courts must be started; officers must be sensitized who are dealing the cases of the NT/DNT tribes for speedy trials.</p>	<p>The corresponding ministerial departments are expected to initiate measures and communicate with the lower courts where most of the DNT cases come for hearing.</p>

S. No.	Domain	Suggestion	Remarks
4	Moral	<p>Victimization of the families of the DNT communities must be stopped. A Nodal agency must be identified to provide counselling services to the victims of the DNT communities.</p> <p>The mindset of the DNT communities must change and harmful practices like alcoholism, drug addiction, brewing illicit liquor, <i>raptu</i> practices, polygamy and polyandry, chastity/modesty tests for women need to be curtailed. Domestic violence must be curbed.</p>	<p>External networking with voluntary agencies might work contextual solutions in this respect. Also specialised counselling agencies and individual counsellors including psychiatric professionals may be roped in to deal with these problems.</p>
5	Livelihood and Life Skill Options	<p>District level training facilities must be provided for the DNT women; the government must encourage their participation in the skill development. Suitable plans, policies, programmes and services must be provided to the members of the DNT communities with an eye on alternate and sustainable livelihoods.</p>	<p>Vocational training institutes (both public and private) may be accessed for the purpose. Government institutes like JSS (Jana Sikshana Sansthan) have a greater role to play.</p>
6	Human Right Protection	<p>A district level mechanism for protection of women and children must be established to curb bonded labour, forced labour, human trafficking and migrations. Acts such as SC/ST/NT/DNT atrocities act, bonded labour act must be effectively implemented.</p> <p>The rape cases must be seriously considered and strict penalties must be imposed on the people who commit rape on the women of NT/DNT communities. Hand cuffing of DNT communities must be banned.</p> <p>The cases of Custodial deaths of DNT communities in the prisons must be handed over to the NHRC and SHRC.</p> <p>The government should continue the NT/DNT commission for the welfare of the communities.</p> <p>Accountability and preventive measures both at the departmental level, legal, and against the officials must be initiated.</p>	<p>Like the formation of JIB (Juvenile Justice Boards) at the district level, there needs to be a responsive human rights body in each district that enjoys recognition from government and delves into cases of human right violations by law enforcing agencies.</p>
7	Police Administration	<p>The police should withdraw all the petty offences against the DNT communities.</p>	<p>Contact programmes with lower level police officers must be a regular feature in order to curb these avoidable mishaps.</p>

### *References*

- Government of Madras. (1917). *Note Showing the Progress made in the settlement of Criminal tribes in the Madras Presidency up to September 1916*, Government Press, Madras PP. 1-2.
- Nigham, Sanjay. (1990). 'Disciplining and Policing the Criminals by Birth', Part I & II, *The Indian Economic and Social History Review*, Vol. 27, No. 2, PP.1-2.
- Nigham, Sanjay. (1990). 'Disciplining and Policing the Criminals by Birth', Part I & II, *The Indian Economic and Social History Review*, Vol. 27, No. 2, P.4.
- Nigham, Sanjay. (1990). 'Disciplining and Policing the Criminals by Birth', Part I & II, *The Indian Economic and Social History Review*, Vol. 27, No. 2, P.5.
- Guha, Ranajit (ed). Subaltern Studies: ***Writings on South Asian History and Society***, Oxford University Press, Vol. I-VII.
- Thomson EP. (1963). *The Making of the English Working Class*, Penguin, Harmonds Worth.
- Edwards, SM. (1924). *Crime in India*, OUP, London.
- Nigham, Sanjay. (1990). 'Disciplining and Policing the Criminals by Birth', Part I & II, *The Indian Economic and Social History Review*, Vol. 27, No. 2, P.7.
- D'Souza, Dilip. (2001). *Branded by Law, looking at India's Denotified Tribes*, Penguin Books, P.31.
- D'Souza, Dilip. (2001). *Branded by Law, looking at India's Denotified Tribes*, Penguin Books, P.31.
- Government of Madras. (1863). *Appendix to the police Government Report*, Madras: Government Central Press, PP.23-24.
- Government of Madras. (1920). *Home Department, Go. NO. 1675, dated 2.12.1919, p.3*, TNA.
- Radha Krishna, Meena. (2001). *Dishonored by History, 'Criminal Tribes and British Colonial policy*, Orient Longman, Hyderabad, P.34.
- Government of Madras. (1880). *Report on the Administration of Police for the year 1878-79*, Madras, p.4.
- Government of Madras. (1918). *Board of Revenue, Madras (Land revenue forests) Proceedings, Forest NO. 48, 25<sup>th</sup> April, 1917, P.1*.
- Biswas, PC., (1960). *The Ex-Criminal Tribes of Delhi State*, unpublished PhD. thesis, university of Delhi, p.17.
- Simhadri, YC., (1979). *The Ex-criminal Tribes of India*, National Publishing House, New Delhi, p.29.
- (1979). *The Ex-criminal Tribes of India*, National Publishing House, New Delhi, p.29.
- (1979). *The Ex-criminal Tribes of India*, National Publishing House, New Delhi, p.29.
- Sleeman, WH. (1836). *Ramaseena and a Vocabulary of the Peculiar Language used by Thugs*, Calcutta, p.20.
- Government of Madras. (1920). *Judicial Department, GO.No.1675, dated 2.12.1919, P.9* TNA.
- (1920). *Judicial Department, GO.No.1675, dated 2.12.1919, P.22*. TNA.
- (1920). *Judicial Department, GO.No.1675, dated 2.12.1919, P.23*. TNA.
- Government of India. (1872). *Government of India, Criminal Tribes Act No. XXVII of 1871*, Government Central Press.
- Government of Madras. (1917). *Note Showing the progress made in The Settlements of Criminal Tribes in Madras presidency up to September, 1916*, Madras, P. 19, TNA.

- Government of India. (1913). *A collection of Acts passed by the Governor General of India in Council in the year 1911*, Superintendent Government printing, Calcutta, 1912, p.17.
- Government of Madras. (1928). *Note showing the progress made in the settlement of criminal tribes in Madras presidency up to January 1925*, Madras, 1927, p.17.
- Government of Madras. (1928). *Madras Criminal Tribes Manual, Criminal Tribes Act VI of 1924, Brought up to 31st March 1927*, Superintendent Government press, Madras, 1927, p.7.
- Raghaviah, V. (1949). *The problem of Criminal Tribes*, BASS, Delhi, p.4.
- Raghaviah, V. (1949). *The problem of Criminal Tribes*, BASS, Delhi, p.4.
- Government of United Provinces. (1949). *Report of the Criminal Tribes Enquiry Committee, 1947, united provinces of India*, Superintendent printing press, Allahabad, 1948, p.17.
- Government of United Provinces. (1949). *Report of the Criminal Tribes Enquiry Committee, 1947, united provinces of India*, Superintendent printing press, Allahabad, 1948, p.17.
- Radha Krishna, Meena. (2001). *Dishonored by History*, Orient Longman, Hyderabad, p.58.
- Lalitha., V. (1995). *The Making of Criminal Tribes: Patterns and Transition*, New Era Publications, Madras, P.17.
- Government of Madras. (1920). *Judicial Department, GO. NO. 1675, dated 2.12.1919, P.10, TNA.*
- Government of Madras. (1920). *Judicial Department, GO. NO. 1675, dated 2.12.1919, P.10, TNA.*
- Tucker, Booth, Frederick. (1964). *Jean Gold, Servant of India*, St. Albans, London, p.4.
- Government of Madras. (1929). *Public Works Labor Department, GO.NO. 2146, dated, 28.8.1928, p.9.*
- Government of Madras. (1939). *Home Judicial Department, GO. NO. 6170, dated, 22.12.1938, p.4.*
- Government of Madras. (1926). *Law General Department, GO.NO.1327, dated 14.2.1925, p.4.*
- D'Souza, Dilip. (2001). *Branded By Law*, Penguin Books, New Delhi, p.96.
- D'Souza, Dilip. (2001). *Branded By Law*, Penguin Books, New Delhi, p.96.
- D'Souza, Dilip. (2001). *Branded By Law*, Penguin Books, New Delhi, p.96.
- Radha Krishna Meena. (2005). *Dishonored By History*, Orient Longman, Hyderabad, P.48.
- Gandhi. Malli. (2006). *Development of Denotified Tribes: Policy and Practice*, Sarup & Sons: New Delhi, P.84.
- D'Souza, Dillp, (2001). *Branded By Law*, Penguin Books, New Delhi, P.97.
- Siddhapuram Settlement (2008). Interview with Woddars', inmates of Siddhapuram, 20<sup>th</sup> May 2008.
- Interview with ex-convicts, Stuarpuram, Guntur district, June 2008.
- Interview with the Yerukulas of Lingala, Mahaboobnagar district, January, 2006.
- Interviews with the Kateras and Yerukulas of Bitragunta, Nellore district, November, 2007.
- Interview with the yerukulas of Sitanagaram, Tadepalli, Guntur, December, 2007.
- Interview with the Yerukulas of Stuarpuram, Guntur, June 2008.
- Ibid.
- Enadu, Telugu daily, dated 10<sup>th</sup> June 2006, Kurnool district.***

Interview with Jayapaul, Stuartpuram, June 2008.

Gandhi. Malli. *Development of Denotified Tribes*, New Delhi, 2006, P.153.

Gandhi. Malli. and Lalitha, V. *Tribes under stigma: Problem of Identity*, Serials publishers, New Delhi, 2009, p.157.

*Enadu, Telugu Daily, 6<sup>th</sup> August, 2011, Guntur Edition.*

Venugopala Rao, S., *Facets of Crime in India*, Bombay, 1962.

Saxena, NS., “Main Reasons for increase in Crime in India in Recent years’, *The Indian Journal of Public Administration, Vol., No. 4, 1975.*

Singh, Jaspal, *Reformation of Ex-criminal Tribes*, Hyderabad, 1976, P.3.

Prasad, Rajendra, *Extracts from a speech delivered at Kurnool on 19<sup>th</sup> August 1959.*

Gupta Anand Swarup. Police Reform in Retrospect, *Indian Journal of Public Administration, Vol. 24*, p.6.