

A group of people, including men and women, are gathered in what appears to be a rural or semi-urban setting. In the foreground, a man with a mustache, wearing a striped shirt and a red and black patterned headscarf, looks directly at the camera. Behind him, several other men are visible, some wearing traditional turbans in various colors like green, red, and yellow. A woman in a white and black patterned shawl sits to the left. The background shows a simple building with a window and some household items like a red gas cylinder. The overall scene suggests a community meeting or a public gathering.

Why called a 'Born Criminal'?

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Why Called a 'Born Criminal'?

I am gypsy, I am indigenous,
But they call me Born Criminal.
I live under fear and injustice
Since they treat me untouchable.

The owner of woods and resources
Have no citizenship entitlements,
Animal habitats are protected
But humans are displaced.
Governments changed; laws
repealed
But tribals remained displaced.

The new law asks for papers
From three generations
We are deprived of necessity,
Water, Livelihood and lands to
burry.

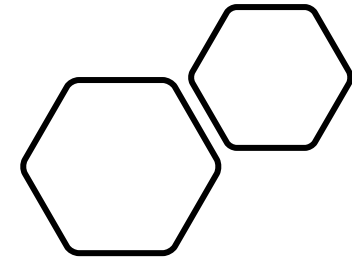
Plights remained unheard
Voices were silenced.
Natives and nature preservers
But wandering for settlements.

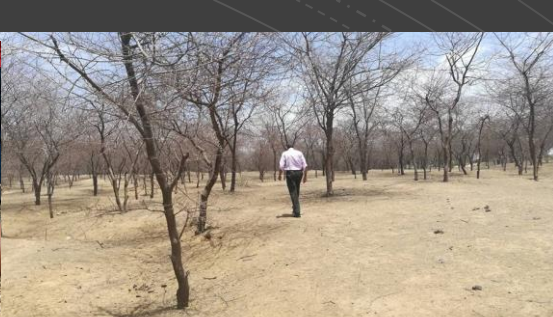
I am Pardhi, Nat, Bawari, or Sansi
Also called Indian Aadiwasi.

Mostly an innocent suspect
Police arrest to illegal convict,
Decades of solitary confinement
Waiting for capital punishment.

For the crimes I never committed
With distant dream of legal aid.

I want to ask you one question
Why called a criminal person?
Why always, I must pay for
All your development equation?





This research aims to study the consequences of de-notification, with assistance of cases of gross violence against Bawariya tribe and analyse the impact of welfare laws or policies, implications of de-notification and re-criminalisation.

Purpose

The Criminal Tribes Act, 1871 (CTA hereafter) declared 198 tribes as 'Born Criminals'.

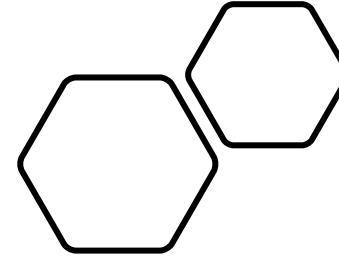
CTA provided, multiple agencies, power to control the movement of certain tribes (Kumar, 2004) so that it can be easy to strictly police them with surveillance, search their residences, roll call, seize their possessions as stolen property, and tame their children in reformatory or criminal settlements to use their labour-power (Dixit, 2020 and Gothoskar 2017).

Concept of Criminal Tribes

They were called 'De-notified Tribes' (DNT hereafter), when CTA was repealed in 1949, and the tribes listed as criminals were 'de-notified' by the Government of India, with intention to remove the stigma of 'criminal tribe' (Renke, 2008).

However, this has never happened *de facto* and the communities were re-criminalised by the replacement of formal de-notification with a continuation of various normative laws such as the Habitual Offenders Act, 1952 (Dayal, 2019), the Wildlife Protection Act, 1972, the Land Acquisition Act, 1984, the Rajasthan Police Act, 2007.

Continuation and pathological labelling of the Bawariya Community, as a menace to 'established social order' (Almeida, 2017).



DNTs in independent India

Bawariya Tribe

Bawariya is the largest hunter community in Rajasthan (home for 65,000 out of total 2,35,000 Bawariya), India (Almeida, 2017).

The instrument they used to hunt wild animals named Bawar.

One of the most targeted people as DNTs by police, under the provisions of HOA, WPA and Land Acquisition Act (Renke, 2008).

The relation of police with the tribes is quite different from the normal minorities (Murphy and Cherney 2012).

The situation is so harsh that the United Nations' Anti-discrimination body Committee on the Elimination of Racial Discrimination recommended India, on 9 March 2007, to repeal the HOA and effectually naturalise the DNTs (p. 36).

Research Questions

What are the consequences of De-notification, are they really being re-criminalised?

What are the critical limits of post-denotification status?

How can we understand the Indian state's continued exclusion and treatment of the Bawariya community?

Almeida, R., 2017. "Rajasthan's 'Criminal' Bawariya Tribe Continues to live in Exile". [online] Available at: <<https://homegrown.co.in/article/47734/meet-the-so-called-criminal-bawariyas-of-rajasthan-whose-story-isnt-heard-enough/>> [Accessed 05 January 2022]

Dayal, S., 2019. Born Criminals: The making of Criminal Tribes during the Colonial period in India. *International Journal of Criminal Justice Sciences*. 14(2), pp.87-98.

Dixit, S., 2020. A Bhopal-based project is working with persecuted denotified tribes to bring in much-needed legal interventions. *Firstpost online*. [online] 6 May. Available at <<https://www.firstpost.com/india/a-bhopal-based-project-is-working-with-persecuted-z-denotified-tribes-to-bring-in-much-needed-legal-interventions-8333451.html>> [Accessed 15 November 2021]

Gothoskar, S., 2017. Police's Continued Victimisation of 'Denotified' Tribal Communities Can No Longer Go Unchallenged. *The Wire*. [online] 13 December. Available at: <<https://thewire.in/politics/polices-continued-victimisation-denotified-tribal-communities-can-no-longer-go-unchallenged>> [Accessed 19 November 2021]

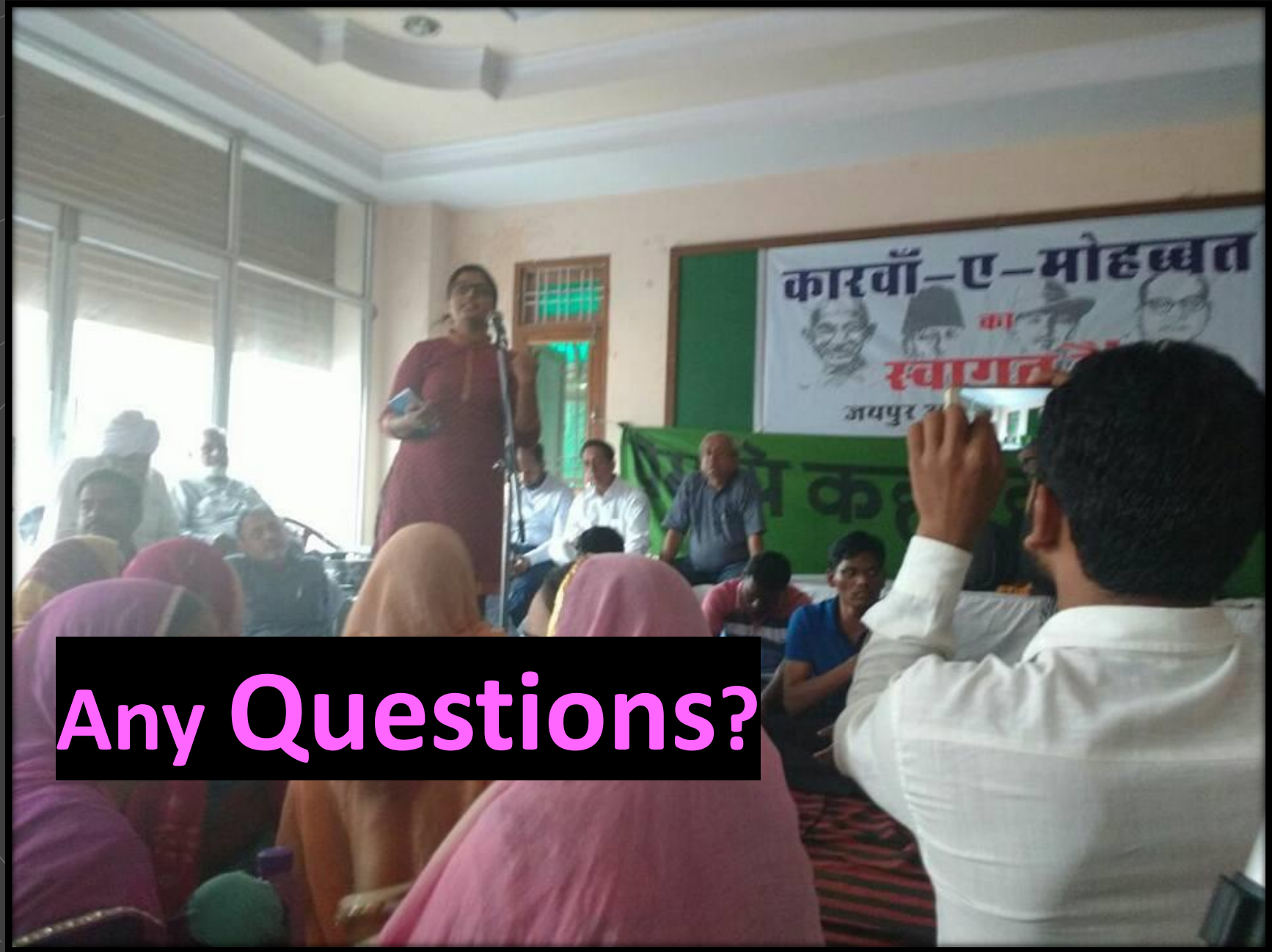
Kumar, M., 2004. Relationship of Caste and Crime in Colonial India: A Discourse Analysis. *Economic and Political Weekly*. 39(10), pp. 1078-87.

Murphy, K. and Cherney, A., 2012. Understanding Cooperation with Police in a Diverse Society. *British Journal of Criminology*. 52(1), pp.181-201.

Renke, B.K., 2008. *National Commission for Denotified, Nomadic and Semi-Nomadic Tribes*. New Delhi: Ministry of Social Justice and Empowerment Government of India.

United Nations, 2007. *Report of the Committee on the Elimination of Racial Discrimination*. General Assembly Official Records, Sixty-second session Supplement No. 18 (A/62/18). New York: United Nations

References



Any Questions?