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Marginalization of Nomadic and Denotified Tribes with Special Reference to Maharashtra: A Historical Study

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ABSTRACT
The marginalization of nomadic and denotified tribes can be attributed to historically entrenched stigmas and systemic social injustices. The phenomenon characterized as the 'marginalization of nomadic and denotified tribes' is not merely a recent occurrence. Its foundation can be found in the historical state formation activities of ancient India, reaching into the existing capitalist social environment. The exclusion of nomadic and tribal societies has occurred for various reasons throughout history. Nomadic populations have faced significant transformations due to numerous social and political upheavals across history. Factors including the Aryan incursion in ancient India, the subsequent displacement of nomadic and tribal communities, the intricacies of the Indian caste system, prevailing religious structures, the practice of nomadism, economic interactions within village systems, as well as the social stigma fostered by the colonial Criminal Tribes Act, administrative neglect in the post-independence era, and persistent injustices and atrocities directed at these tribes, collectively contributed to the alienation of nomadic tribes from central social and economic frameworks, thereby leading to their marginalization. Following the British colonial regime's designation of numerous tribal and nomadic lifestyle communities as 'born criminals' beginning in 1871, these groups received treatment characterized by injustice and neglect from both governmental authorities and rural populations alike. However, notwithstanding the repeal of this stigmatizing legislation prior to 1950 in regions such as Bombay, Madras, Mysore, and Madhya Pradesh, and despite its subsequent repeal in 1952 across other Indian states that had not previously enacted such changes, the conditions for all nomadic and tribal communities in India remained largely unchanged. This enduring status quo can be attributed to the enactment of Habitual Offenders Restriction Acts by all states as substitutes for the repealed law. This evolution ultimately took shape as a rehash of the Criminal Tribes Act, consequently ensuring the ongoing exclusion of nomadic populations even five decades after independence.
Keywords: Marginalization, Nomadic, Denotified, Criminal, Colonial, Beggary, Production.

1. INTRODUCTION

The marginalization of nomadic and denotified tribes is fundamentally the consequence of historically established prejudices and systemic social injustices. The phenomenon referred to as the 'marginalization of nomadic and denotified tribes' is not an occurrence confined to a brief temporal span. Its foundations can be observed from the processes of state formation in ancient India to the rise of the modern capitalist social order. The neglect of nomadic and tribal societies has unfolded for numerous reasons until this very moment. A multitude of societal and governmental changes over time have profoundly influenced the existence of nomadic communities. A variety of factors, including the Aryan invasion in ancient India, the resultant displacement of nomadic and tribal communities, the complexities of the Indian caste system, the prevailing religious apparatus, nomadism, the economic dynamics within village systems, the social stigma engendered by the colonial Criminal Tribes Act, administrative indifference in the post-independence period, and ongoing injustices and atrocities committed against these tribes, have collectively facilitated the alienation of nomadic tribes from the predominant social and economic structures, culminating in their marginalization.

2. RESEARCH OBJECTIVES

1.To understand the definition of marginalization in the context of nomadic and denotified communities.
2. To study the social, political, economic, and religious background of the marginalization of nomads with special reference to Maharashtra.

3. RESEARCH HYPOTHESES

1. Colonial and post-independence policies were more responsible for the marginalization of nomads.

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2. The central society maintained a ‘prejudiced’ role in the marginalization of nomads. Therefore, the marginalization of nomads is evident.

4. RESEARCH METHODOLOGY

Colonial and post-colonial governmental documentation has been employed in this scholarly inquiry. Additionally, contemporary periodicals and the findings of various commissions and committees have been analysed. In the quest for this intention, journeys were carried out to administrative archives, virtual libraries, and documentation centers.

The act of marginalization serves as a method of 'exclusion' for selected factions, causing particular societies to exist on the outer limits of social, economic, and political spheres.[i]

The Historical Emergence of Nomad Marginalization

Prior to the Arian invasion, the Indian subcontinent was inhabited by various indigenous tribes. These collectives featured indigenous hunters and gatherers, mobile livestock farmers, and tribes that lived within forested ecosystems. The historical evolution of these populations—from navigating the wilderness as independent sovereigns to becoming marginalized, dislocated, and ultimately criminalized collectives—reveals a profoundly intricate socio-ecological dynamic. D.D. Kosambi has remarked that the contemporary nomadic tribes residing in Maharashtra continue to uphold certain aspects of their ancient, primal customs to a significant degree. For example, the Vaidu nomadic tribe adheres to a distinctive practice of interring their deceased in a crouched (flexed at the waist) position. This ceremonial event sees the body interred in a comfortable seated position, echoing the traditional ways people in India typically sit. A small, unfilled space is intentionally left within the grave immediately preceding the deceased's head, ostensibly to facilitate respiratory function. Annually, offerings of food are presented upon the stone cist erected over the grave. This interment technique—particularly the utilization of a stone cist above the grave—exhibits a remarkable similarity to the Megalithic cist burials observed in southern India. This resemblance is further highlighted by the Vaidu tradition of applying lime to the foreheads and occasionally the shoulders of the departed in earlier burials. Such rituals reveal the traditional employment of lime to block the entrances of Megalithic cists and circular stone formations.[ii]

P. R. Deshmukh, the esteemed author of the influential text Sindhu Sanskruti, Rigveda, wa Hindu Sanskruti, has posited in his scholarly work that the Banjara tribe is historically associated with the 'Ahi' tribe of the pre-Aryan Indus Valley Civilization. He substantiates this assertion through the utilization of various reference materials.[iii]

A noteworthy correlation exists between these tribes and the individuals characterized as the adversaries of the Aryans within the Rigveda. The Aryans' hymns illustrate the utter obliteration of their opponents and the appropriation of their grain reserves. These texts identify their opponents as 'Ahi.' In the descriptions of the Ahis, it is noted that they "wore horns on their heads." Despite Banjara men stepping back from wearing horned headdresses, this custom remains a striking feature among Banjara women. Moreover, the Ahis engaged in ritualistic tongue scarification (making incisions on the tongue); an identical practice persists among certain Banjara sub-tribes in contemporary times. Furthermore, the Mathura Banjaras, an identified sub-group, directly link their lineage to the Ahis (Ahivanshi)[iv]

A totemic system (Devak) is widely recognized as a significant aspect among all these tribal groups. Likewise, a rigorous commitment to endogamy (which prohibits sexual and marital interactions outside of the tribe) is uniformly observed within these communities. Within numerous factions of these groups, there exist persistent myths and narratives that recount their historical status as once-reigning monarchs, asserting that subsequent to the exile of their sovereigns, they were compelled to wander in displacement. Drawing upon these collective socio-cultural indicators, it is convincingly reasonable to deduce that these tribes sustained their own autonomous nations (or kingdoms) during the pre-Aryan epoch.[v]

Various Aryan groups undertook extended and successive invasions of the Indian subcontinent. As they aimed to claim grounds for their habitations, they unleashed disorder on venerable city centers. They obliterated cities by breaching river dams and embankments.[vi] Furthermore, they systematically uprooted the indigenous populations by incinerating forests. The Rigveda and later epic stories frequently provide detailed narratives about these events. In a dehumanizing manner, the Aryans relegated these indigenous peoples to the status of non-humans, labeling them with exclusionary and derogatory terms such as Asura, Rakshasa, Shakhamruga (monkeys), Dasyu, and Naga. The aggressors laid claim to their provisions, vilified their worshipped figures, and pushed these populations to dwell as exiles amidst the forests. With the passage of time and the expansion of urbanization, these tribes confronted relentless geographical displacement. Consequently, as a direct result of this geographic dislocation during the processes of state formation in ancient India, the indigenous and nomadic tribes experienced

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alienation from the predominant economic, social, and religious frameworks, ultimately culminating in their profound structural marginalization.

Nomadic marginalization has its historical roots intertwined with the formation of the village system (Gavagada). The village institution emerged from human necessities. The evolution from tribal systems to a formalized Varna and caste framework resulted in progressively strict caste laws and insulated social groups. Moreover, the social order was reinforced through economic interdependencies among farmers, traditional village servants (Bara Balutedars), and craftsmen (Athara Alutedars). In the course of Indian history, despite various political transformations, the rural framework has largely persisted. Nomadic groups were similarly affected. Despite prolonged interactions with the village economy, nomadic tribes could not penetrate or alter its established frameworks. This was established in the inherited, closed professions mandated by the caste structure. Therefore, they were incessantly perceived as Phiraste (Itinerants), Upalani[vii] (Marginalized Settlers - Population reliant on the traditional village structure or those existing on the socio-economic periphery.), or Uparies (Outsiders). In certain regions, tribes such as the Berad or Ramoshi were superficially integrated into the village economy due to necessity, yet full acceptance remained elusive. They were often relegated to untouchable status within the village hierarchy. If a member of the Mang or Ramoshi tribe was accused of a crime, authorities would impose severe penalties without requiring the Peshwa's authorization, as local landlords could enact brutal punishments based on mere suspicion. Furthermore, if a theft suspect was elusive, their relatives risked imprisonment in fortresses as retribution.[viii]

Marginalization in the Modern era.

The nomadic community possessed advanced production methods despite the influence of caste systems during the medieval period. Nomads and denotified tribes largely maintained their separate identities during the Peshwa period. The various arts, competencies, and trades enjoyed the favor of the reigning authorities. As the Peshwa period progressed, the evolving social and political factors sparked apprehensions about the freedom of nomadic communities. The British colonial presence restricted the rights of remaining nomads and enacted the stigmatizing 'Criminal Tribes Act' of 1871. In earlier times, the Banjara tribe was actively engaged in transporting various goods, supplying local sovereigns and the British during periods of conflict. Ultimately, colonial economic ambitions served to diminish the Banjara tribe's transportation capabilities.[ix] The British introduced contemporary infrastructure, impacting the Banjara's long-standing trading paths. The Banjara community once held exclusive rights to the transport of salt, obtaining it from Sambhar Lake to provide for regions further inland. Their significant economic role is evidenced by archival records from Amber state detailing their salt distribution.[x] On the first day of May in the year 1871, British forces took control of the salt production operations at Sambhar Lake, thereby establishing their superiority over this essential resource. Seven years down the line, A. O. Hume helped in the movement of salt rights from Rajasthan's noble states to the British Empire, receiving minimal payment in return.[xi] The British established a salt tax and monopolized its creation, distribution, and sales. Unauthorized salt trade became a serious offense, leading to smuggling across provinces. As a result of events in 1878, a combined salt monopoly came into existence, upsetting the conventional trading ways of the Banjara community and contributing to their economic downturn.[xii] The trajectory of the economic degradation experienced by the Banjara community in Maharashtra is meticulously chronicled within the colonial-era Gazetteers of Thana, Khandesh, Ratnagiri, Kolaba-Janjira, Bombay, and Kolhapur. The introduction of metalled cart-roads, in conjunction with the expansion of the railway infrastructure in Maharashtra, inflicted a profound structural disruption upon their established mercantile operations. Traditionally, the Banjaras engaged as pastoralist carriers, facilitating the transportation of goods through extensive caravans of pack-bullocks. Functioning in colossal caravans or "armies"—which could comprise as many as 100,000 individuals—they adeptly navigated extensive trade routes, journeying westward towards Surat, Navsari, and Kalyan, while also extending north and eastward towards Nimar, Nagpur, and Jabalpur. Their trans-regional trade network predominantly entailed the acquisition and transportation of wheat from the inland (Deccan) districts, which was subsequently exchanged for various commodities including salt, dates, desiccated coconut, and betel nuts sourced from the Konkan littoral.[xiii] However, particularly within the southern regions, the proliferation of wheeled bullock-carts, followed by the emergence of the railways, systematically dismantled their hegemony over transit trade, thereby rendering their traditional occupational paradigm nearly obsolete.

In the past, the Banjara community primarily managed the transportation of salt sourced from Surat using pack-bullocks. While vestiges of this transportation modality lingered in the western districts for a limited duration, the vast majority of the salt supply was ultimately redirected and monopolized by the railway network originating from Bombay.[xiv] In a similar vein, the agrarian economy and overarching commerce of the Konkan—specifically in Ratnagiri and Sawantwadi—were intricately interconnected with this salt trade. The establishment of navigable

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hill-passes that accommodated wheeled cart traffic precipitated a dramatic decline in the demand for the transit services provided by the Banjaras' pack animals, ultimately displacing them from the regional economy.[xv]

After 1857, colonial interference in forests impacted the rights of indigenous tribes. Dr. Gibson established the Forest Department with the main goal of mitigating harm inflicted by wandering herders. Therefore, the Indian Forest Acts were established to compromise pastoralist rights and enable the lucrative exploitation of forest areas.[xvi] This legal architecture progressively undermined the privileges of pastoralist, tribal, and hunter-gatherer groups. The legislation passed in 1865 claimed to safeguard woodlands, yet it was merely a cover for exploitative imperial agendas. It granted limited state rights over forests, which were redefined in 1878 to allow broader forest declarations. Consequently, the rights of rural and tribal populations were marginalized. Prior to designating reserved forests, the rights of local communities were legally revoked, leaving tribes vulnerable to British control.[xvii] The Revenue Survey Department classified various lands as ryots' property, hindering nomadic livelihoods.[xviii] The limitations enforced by these regulations have adversely influenced many pastoralist societies. The British claim over hunting resources prompted hunter-gatherer tribes like Pardhi and Berad to abandon their traditional lifestyles. The colonial government's understanding of nature clashed with the traditional practices of indigenous resource systems. Forest reservations rendered hunting illegal and questioned tribes' rights to non-timber products. The frustration experienced by some southern hunting tribes drove them to commit robbery. The small size of hunting communities hindered their ability to resist governmental forest management changes, fostering helplessness.[xix] In this context, participating in criminal acts became a plausible strategy for enduring life's challenges. Post-independence fragmentation in obtaining hunting licenses further eroded their livelihoods. Hunger turned into a common issue because of unending appetites, while poor tools restricted their chances of hunting big creatures. The quality of cattle used for hunting was poor, rendering them ineffective for agricultural support and insufficient for sustenance.[xx] In the years after independence, grazing fields and woodland resources were curtailed, leading to difficulties for pastoralists and individuals who gather wild resources.

Since the era of Chhatrapati Shivaji Maharaj, the Ramoshi community residing in the Western Ghats, particularly in regions such as Pune, Satara, and Ahmednagar, alongside the Berad community inhabiting the more isolated districts of Karnataka, Solapur, Sangli, and Dharwad, were historically assigned the hereditary responsibility of fort maintenance as Watan. Moreover, the roles of village watchmen were delegated to the Ramoshi and Berad tribes in numerous locales. These privileges gradually evolved into a hereditary Watan. In the year 1803, this system encountered its most significant setback. Following the refusal of the Ramoshis at Purandar Fort to surrender the fort to the officers of Peshwa Baji Rao II, a directive was issued for the confiscation of all lands, rights, and dues belonging to the Ramoshis.[xxi] Consequently, a substantial portion of this community experienced displacement and was driven into destitution, compelling many individuals to engage in looting as a means of survival. From the perspective of the British authorities, the traditional practices of the Ramoshis were characterized by a 'predatory' disposition. As a result, they instituted a policy aimed at suppressing the traditional means of subsistence of the Ramoshis and dismantling their illicit channels of income.[xxii] Historically, the Ramoshi Naiks (chiefs) exerted considerable influence over the village Patil and Kulkarni. Nevertheless, as the ruling powers instituted more direct governance, the Ramoshis experienced a decline in their local authority, thereby complicating their efforts to reclaim their traditional rights from resistant villagers.[xxiii]

The abolition of hereditary rights commenced with the 1852 'Bombay Rent-Free Estates Act', targeting ownership rights of Inams. This facilitated the confiscation of Ramoshi lands if hereditary claims were unproven.[xxiv] The 1874 Bombay Hereditary Offices Act further allowed for the termination of Watan rights under certain conditions.[xxv] The Act empowered the government to remove Watandars for misconduct or criminal involvement.[xxvi] In addition, the 1871 Criminal Tribes Act marked tribes such as the Berad and Ramoshi as delinquents.

Criminal Tribes Act, 1871, 1924.

Historical documentation reveals that formal discussions concerning the formulation of the Criminal Tribes Act and the imposition of institutional oversight over nomadic populations commenced as early as 1865, inciting a substantial ideological discord within the colonial administration that can be described as a contest between "reform and restriction." Advocates of liberal perspectives within the bureaucratic and judicial spheres contended that constructive reforms should be prioritized over repressive measures, cautioning that an excessively punitive law would inevitably lead to police oppression and considerable practical challenges in discerning specific sub-groups. This issue was particularly formidable as numerous tribes obscured their authentic identities to evade administrative measures, as illustrated by the Kaikadi tribe in the Nagpur province, which altered their names to mislead governmental authorities.[xxvii] Moreover, reform advocates underscored that many nomadic collectives, including the Banjaras, were predominantly composed of virtuous individuals, thus implying that a blanket

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statutory classification would unfairly render innocent persons as criminals.[xxviii] They further maintained that the incidence of serious offenses perpetrated by these groups was minimal and that the extant legal framework was wholly adequate to uphold societal order.[xxix] In stark contrast, a more aggressive faction spearheaded by Commissioner W. Nembhard contended that reforming these tribes was an unattainable objective, asserting that crime had transcended mere profession to become their very caste and religion.[xxx] Nembhard, in conjunction with T. V. Stephens within the colonial legislature, advanced the sociological notion of the "professional criminal"[xxxi] positing that these communities were inexorably driven to criminality by ancestral customs and that their entire social identity was anchored in hereditary delinquency. To rationalize this severe policy, they weaponized the traditional Indian caste system, arguing that just as a carpenter or blacksmith inherits their trade, criminality was the inescapable hereditary vocation of these tribes. Dismissing progressive apprehensions regarding unchecked police authority, the administration reached the conclusion that rigorous institutional oversight, analogous to the regulations employed against the Thugs, represented a far more secure alternative to the potential societal chaos they envisioned would ensue in the absence of such legislation. Ultimately, propelled by this colonial ideology and under the pretense of public security, the British concluded that it was justifiable to categorize these nomadic communities as criminals and impose stringent legal constraints upon them.

Under the provisions of this Act, should a tribe, class, or community be identified as engaging in a non-bailable offense or be deemed habitual offenders, the local provincial administration was empowered to classify the implicated tribe, community, or class as a criminal tribe by submitting a formal report to the Governor General's Council.[xxxii] This legislation classified entire ethnic groups or associations as 'habitually engaged in the methodical perpetration of non-bailable offenses.' Consequently, rather than being assessed on an individual basis for culpability, these groups were subjected to a regime of exceedingly rigorous monitoring predicated solely upon lineage and affiliation. Under Section 3, dependents of registered individuals were similarly subjected to confinement within designated settlements.[xxxiii] This classification also branded innocent women and children as prospective offenders, thereby eroding their social dignity. In a parallel fashion, entire communities were forcibly uprooted from their ancestral nomadic or semi-nomadic practices and relegated to confined industrial or agricultural settlements, tightly governed by state authorities or non-governmental organizations such as Christian missions.[xxxiv] Under Rule 50, no inhabitant of these settlements was permitted to exit the designated boundaries without obtaining a formal pass.[xxxv] The deprivation of these communities' freedom of movement further intensified their economic and social marginalization. This restriction obstructed their ability to engage in traditional livelihoods, attain autonomous employment, or sustain external social connections. The Criminal Tribes Enquiry Committee explicitly articulated in its report that, pursuant to the Criminal Tribes Act, the executive board was endowed with the authority to formulate regulations to confine individuals from these tribes within settlements and to mandate labor from settlers under the threat of punitive measures.[xxxvi] The committee elucidated that the extraction of labor in this fashion is comparable to 'begar' (bonded labor) or coerced labor. In actuality, nomadism constituted the intrinsic characteristic of these tribes; however, even in instances where a tribe or individual was absent from their designated residence (regardless of whether any criminal acts were committed), they were nonetheless categorized as criminals.[xxxvii] The stipulation of the attendance system enshrined in the law imposed a form of psychological bondage upon the members of these tribes. It was obligatory to record the attendance of all registered individuals at least once within a 24-hour timeframe. For numerous individuals, this necessitated a 'double attendance' at 6 AM and 8 PM. To ensure that no individual departed their shelters, managers were directed to conduct 'surprise check attendances, preferably during night hours and at unpredictable times.'[xxxviii] Within the Bombay Presidency, compulsory police registration was mandated for every male individual above the age of 16 from communities identified as Criminal Tribes.[xxxix] Upon reaching adulthood, young men were subjected to treatment akin to that of criminals, resulting in significant psychological and social demoralization. Also, as described in Sections 10 and 11 of the Act applicable in the Bombay Presidency, restrictions were enforced on their transit between villages. The Criminal Tribes Act established burdensome constraints on trade and economic activities involving the broader populace and these tribes. Ordinary citizens were expressly forbidden from "selling any vehicles or weapons" to members of these 'criminal tribes.' Moreover, there was a prohibition against 'harboring or accommodating within the domicile' any individual from a criminal tribe without a pass. The general public was also restricted from purchasing livestock reared or owned by individuals from these tribes.[xl] The Enquiry Committee (1951) made a poignant observation that 'in no state did any mechanism exist to revise the notifications to expunge a tribe or individual from this list once they were designated.[xli]

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Nomadism was equated with criminality

The tribes classified as criminals under the Criminal Tribes Act predominantly practiced nomadic economic lifestyles. In turn, the other roaming tribes were equally branded as lawbreakers, resulting in their exclusion from mainstream society. Regardless of a tribe's legal status in different states, they faced criminal stigmatization, with a three-day residency rule imposed on all nomadic tribes. Contemporary literature provides evidence of this. In 1915, Atre observed that while some tribes appeared engaged in crafts or entertainment, many relied on begging, often associated with fraud, theft, and even prostitution.[xlii] Watandars and Upalani wanderers extorted a portion of agricultural produce under the guise of alms. This includes tribes like Ghisadi, Vaidu, Bharadi, Gondhali, Bhutye, Nandibailwale, Joshi, Vasudev, Pangul, Raul, Makadwale, Gopal, Dombari, Kolhati, Raynand, Bahurupi, and Chitrakathi. In the marginalization of nomads, similar production occupations among tribes significantly contributed. Nomadic tribes often make a living by peddling small artisanal creations. Categories feature mortars, grinding stones, baskets, medicines, and quilts, plus more.[xliii] In turn, a diverse identity was absent for these tribes, encouraging a uniform interpretation of all nomadic peoples.

The Beggary Prevention Acts of 1947 and 1959

The Bombay Prevention of Begging Acts of 1947 and 1959 epitomize a profoundly ingrained colonial ideology that seeks to socially isolate mendicants and nomadic populations, imposing stringent regulations upon them and endeavoring to 'reform' these groups through coercive labor practices. In accordance with the stipulations of this legal framework, any individual wishing to solicit alms, sustenance, or monetary contributions—essentially, to engage in begging—was mandated to submit a formal application and acquire explicit authorization from the Commissioner of Police (in Bombay city) or the District Magistrate.[xliv] This legislative Act was subsequently revised and broadened to encompass the entire state of Maharashtra in 1959. A sociological examination of the statutory interpretation of 'begging' within this legal framework unequivocally indicates that it was meticulously crafted with nomadic tribes as its principal focus. As per the legal definition, begging was delineated as "soliciting or receiving alms in a public place, whether or not under any pretense such as singing, dancing, fortune-telling, performing, or offering any article for sale; entering on any private premises for the purpose of soliciting or receiving alms; or wandering about or remaining in any public place without any visible means of subsistence."[xlv] For numerous generations, the modes of production and subsistence for Nomadic and Denotified Tribes have been fundamentally nomadic. Within this socio-cultural framework, the Kolhati tribe has historically partaken in acrobatics, dance, and the performance of Tamasha. The Dombari tribe, identified by various regional appellations in the South (including Dommara in Tamil Nadu, Dommarollu in Andhra Pradesh, Domb/Dombara in Karnataka, and Dombari in Maharashtra), constituted traditional acrobatic performers whose repertoire encompassed tightrope walking, aerial acrobatics, and a multitude of other physical demonstrations. The Bahurupi represents a significant traditional community of performing artists in Maharashtra whose primary vocation involved captivating audiences by embodying diverse characters and donning an array of costumes to solicit alms. Likewise, the Garudi tribe of Maharashtra derived their livelihood as entertainers and snake charmers, engaging in the capture of serpents, exhibiting snake and mongoose confrontations, performing magical illusions, and executing sleight of hand. Moreover, the traditional livelihoods of tribes such as the Bharadi, Davari Gosavi, Nathpanthi Gosavi, Gondhali, Vasudev, and Bhute were entrenched in oral traditions, subsisting by traversing from household to household, singing devotional hymns, and soliciting alms. This heterogeneous milieu of itinerant professionals also encompassed the Potraj, Nandibailwale (performers accompanied by adorned bulls), the Vaidu community (traditional healers), and Joshi (fortune-tellers). Thus, by explicitly targeting street performances and traditional methods of soliciting alms, this legislative framework systematically abolished their ancestral lifestyles, effectively criminalizing their very existence.

A thorough analysis of the 'cleansing' provisions delineated in the regulations of 1945 unveils the underlying systemic cultural violence that is entrenched within the legal framework. The compelled removal of an arrested individual’s hair, the incineration of their cultural attire, and the enforcement of institutional uniforms constituted not merely a hygienic measure. Instead, this represented a coercive apparatus of cultural obliteration, intended to eradicate the unique traditional identities of these nomadic populations—such as the coiled hair and specific clothing of the Nathpanthi Gosavi, Davari Gosavi, or Potraj—and to forcibly assimilate them into the structural paradigm of colonial governance.[xlvi] Furthermore, the stipulations for release mandated that the liberated individual was legally obligated to obtain stable employment and to establish a permanent residence within a month’s time frame. For nomadic societies, the imposition of forced sedentarization alongside participation in factory labor or agricultural wage work starkly opposed their intrinsic lifestyle. It becomes increasingly apparent that this legislation operated as an institutional mechanism aimed at compelling them to relinquish their nomadic existence, ultimately converting them into a low-cost, subjugated labor force within the colonial economic

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structure.[xlvii] Ultimately, under the pretext of 'cleansing' public areas and thoroughfares, this repressive legal framework functioned to systematically exclude and expel nomadic artists, itinerants, and marginalized communities from the public domain.

The Government of Bombay initiated the formation of the Criminal Tribes Act Enquiry Committee in 1947 to investigate the Criminal Tribes Act. This committee articulated the position that, with respect to the Bombay State exclusively, the then-current Criminal Tribes Act of 1924 ought to be abrogated, and a new legislative framework should be instituted concerning habitual offenders.[xlviii] In this way, the 'Bombay Habitual Offenders Restriction Act, 1947' was legislated. It is noteworthy that numerous elements of the preceding legislation are evident within this new statute. These elements encompassed the attendance monitoring system, the general classification of individuals convicted on two or more occasions as habitual offenders, the establishment of restricted movement zones, and the provisions for confinement in settlements as delineated in Section 15, among others.[xlix] It appears that the term 'Tribe' was merely excised and the term 'Habitual' was subsequently introduced. Hence, it was acknowledged that this bill echoed the former legislation. In this regard, the remarks of Mr. A. C. Guha (West Bengal) during the parliamentary discourse on February 28, 1949, are particularly illuminating. He claimed, "The Central Government ought to have put in place this Habitual Offenders Act instead of passing it off to the State Governments. It ought to have been constructed in accordance with contemporary scientific theories of penology. The formulation of that law ought to have been predicated on the objective of rehabilitating criminal individuals from their erroneous paths and reintegrating them into society, rather than irrevocably branding them as criminals and adversaries of the social order."[l] Similarly, Mr. R. Velayudhan articulated, in unequivocal terms, the detrimental implications of this newly promulgated law: "The House is evaluating this Bill from the perspective that it represents a near charter of emancipation for approximately 40 lakh individuals in this nation.[li] However, as Mr. Guha has elucidated, significant disservice has been rendered by granting the states a seven-month period to enact an alternative law in a different guise; for I share the apprehension that this purported 'Habitual Offenders Act' will be sanctioned by the respective states, and it will merely constitute another iteration of the antiquated 'Criminal Tribes Act' which has persisted in our legal corpus for the past century." He further contends, “This Bill ought not to have been presented in its current form. It should have entirely abrogated this law, ensuring that it does not retain applicability in any manifestation across any region of the nation. To perpetuate the subjugation of these unfortunate individuals, this 'Hydra-headed dragon' is once again manifesting in various forms within the states. Consequently, the House should not depart with the notion that four million (40 lakh) individuals are being emancipated by this esteemed act of Parliament. They shall not attain liberation through this Bill. This law will undoubtedly resurface in the states in some capacity or another, and the Central Government is affording the states the opportunity to enact such legislation.” Velayudhan underscored the potential for misapplication of this law in practical scenarios, bringing to the attention of the House the adverse consequences, affirming that it would undoubtedly inflict harm upon the futures prospects of the tribes.

Eminent figures like Thakkar Bapa, and even Mahatma Gandhi, have stated on multiple occasions that there was absolutely no justification for such an Act. We cannot structurally criminalize an entire social class of people under the guise of this law. Such an action is deeply antithetical not only to the letter of the Constitution but also to its very spirit. Therefore, this Act must be abrogated in its entirety, and the Central Government must compel the respective State Governments to refrain from enacting any fresh, substitute legislation targeting the criminal tribes.” According to Velayudhan, "This Act's repeal is not being pursued with honest motives to free the general public.' Instead, you are merely modifying specific legal technicalities, which constitutes my principal argument. An erroneous idea has taken root suggesting that the approval of this Bill will quickly free the criminal tribes. This illustrates a significant misconception, which I seek to clarify for the House's discussion. It is manifestly evident, and any logical individual can grasp it. Nevertheless, an excessively sanitized and overly optimistic portrayal has been disseminated concerning this legislation.” In actuality, the extensive harm anticipated in the future as a consequence of this legislation is precisely what transpired. Subsequent to the year 1949, the formalized criminal legislation was rendered effectively obsolete. Nevertheless, its practical application persisted. Enumerations of individuals from communities historically marginalized as "hereditary criminals" were prominently exhibited on large boards within police stations—a practice referred to as the 'history-sheeter' system. Motiraj Rathod documented that even during the interlude from 1986 to 1988,[lii] such discriminatory lists continued to be actively upheld within police precincts. Police documentation was fundamentally predicated upon the notions of inherited birthright and lineage. The appellation 'history-sheeter' was one of lineage; upon the grandfather's death, it shifted to the father, and subsequently to the son when the father expired. This criminal branding was transmitted across generations in a manner akin to the transfer of property in a 7/12 land extract. Evidence suggests that up until the year 1988, rigorously adhering to the antiquated framework of the Criminal Tribes Act, registers were actively maintained by the Police Patil (the village police chief) to document the arrival

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and intended duration of stay of these community members within any given village. A 'gang pass' or certificate (the Dakhala system) was issued to these groups. This document meticulously recorded comprehensive details, including the names of all individuals (both juveniles and adults), their livestock and animals, the physical identification marks (facial features) of the group leader, their place of origin, and their intended destination. The Police Patil of the originating village would provide an official endorsement for his counterpart in the destination village, explicitly conveying the prejudiced instruction: "Inspect the gang and take them into custody." Furthermore, functioning under the biased presumption that individuals from these communities were intrinsically criminal and responsible for all local offenses, they were coerced into a system of mandatory attendance (reporting) at police stations. This rigid policy continued on well into the concluding years of the twentieth century. Specifically within the Marathwada region, numerous men and women from the Pardhi community were subjected to this compulsory reporting. This effectively meant that the police department was informally perpetuating the enforcement of the repealed Criminal Tribes Act. The police would provide them with a small diary to document their movements. Frequently, they were compelled to remain at the police station for the entire day, as officials would deliberately postpone the recording of their attendance. Without the necessity of warrants, and even in the absence of any reported thefts in the vicinity, the police would execute arbitrary midnight raids on their settlements solely based on their 'criminal caste' stigma. During these incursions, the police would extort money and demand liquor and poultry from the impoverished residents. They were engulfed in a steady, unsettling apprehension about the timing of the police's arrival for their capture. The entirely unjustified and exploitative nature of these police raids on Pardhi settlements was overtly revealed in the 'Rajapur Case'. D.I.G. Vasantrao Deshmukh, who undertook an independent inquiry into this particular incident, articulated profound disapproval regarding these illicit police raids.[liii]

Consequently, these denotified tribal families experienced egregious forms of harassment and atrocities, which encompassed the widespread detention of whole families alongside their wrongful entanglement in spurious criminal allegations, as well as a pervasive system of oppression collaboratively executed by the law enforcement entities and the prevailing, entrenched social classes within the conventional village hierarchy (Gav-Gada).

5. CONCLUSION

From antiquity to the present era, the nomadic and denotified communities, constrained by caste-based practices, experienced geographical seclusion due to their inequitable power dynamics with the overarching social framework. Up until the onset of the British colonial period, the nature of 'criminality' was relatively trivial. The majority of offenses were motivated by basic survival needs.[liv] Members of certain tribes (Koli, Phase Pardhi, Ramoshi, Berad) engaged in thefts as a means of securing specific forms of sustenance. However, the severity of these acts was negligible, characterized by a lack of brutality and absence of human casualties. The commission of collective thefts or dacoity was an intrinsic component of the political landscape of that epoch. During the exploitation of India, British authorities found themselves in direct opposition to nomadic and tribal communities, leading the colonial regime to systematically dismantle the unorganized itinerant factions of these nomadic tribes. The Criminal Tribes Act designated all communities with nomadic productive lifestyles as 'perpetual criminals' in relation to societal and governmental perspectives. Since the mid-twentieth century, in the execution of administrative policies at both central and state levels, the government enacted numerous statutes that, while refraining from explicitly labeling individuals of these tribes as criminals, effectively rendered their traditional methods of production illegal and criminalized in essence. Nevertheless, the government failed to devise alternative arrangements for new economic opportunities for the tribes. As a result, their marginalization ensued.

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