

Criminal Tribes Act, 1871

The various pieces of legislation in India during British rule since the 1870s were collectively called the Criminal Tribes Act (CTA). They criminalized entire communities by categorizing them as habitual criminals. Because of this label, restriction on their movements was also imposed.

Adult male members of such groups were forced to report weekly to the local police.

Overview of the Criminal Tribes Act, 1871

A cursory detail of the act is given in the table below:

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Long Title	Criminal Tribes Act
Territorial Extent	The whole of British India
Enacted	12th October 1871
Commenced	12th October 1871
Status	Repealed

History of the Criminal Tribes Act

Thugees, a cult devoted to the worship of the goddess Kali, had been operating with impunity in the Indian Subcontinent long before the arrival of the British. They had robbed and murdered travellers in caravans by the millions according to some estimates.

In order to combat this menace, the Criminal Tribes Act was ostensibly formed.

At a glance, it might look like the CTA was brought about to instil order and security by the colonial authorities, but contemporary historians are now seeing the measure as a part of a wider attempt at social engineering which, for example, saw the categorisation of castes as being "agricultural" or "martial" or recognising which groups were loyal to the colonial government and therefore suitable for military recruitment, respectively.

Profiling and Segregation

The Criminal Tribes Act of 1871, expanded in scope through the 1920s, targeted numerous castes in colonial India. According to Simon Cole, a professor of Criminology, Law & Society, the law declared everyone belonging to certain castes to be born with criminal tendencies.

Ramnarayan Rawat, a professor of History and specialising in social exclusion in Indian subcontinent, states that the criminal-by-birth castes under this Act included initially Gujjars and Harni (sub-clan of Rajput) Lodhi (sub-clan of Rajput) but its enforcement expanded by late 19th century to include most Shudras and untouchables such as Chamars, as well as Sanyasis and hill tribes.

The colonial authorities prepared an extensive list of criminal caste residing in various parts of India. Those who were members of such tribes were restricted in terms of movement and people they could socialise with.

In certain regions of British India, entire caste groups were presumed guilty by birth, arrested, children separated from their parents, and held in penal colonies or quarantined without conviction or due process.

The criminal-by-birth laws against targeted castes were enforced from early 19th century through the mid-20th century, with an expansion of criminal castes list in the west and south India through the 1900s to 1930s. Hundreds of Hindu communities were brought under the Criminal Tribes Act. By 1931, the colonial government listed 237 criminal castes and tribes under the act in the Madras Presidency alone.

Reform's Post - Independence

In January 1947, Government of Bombay set up a committee, which included B.G. Kher, then Chief Minister Morarji Desai, and Gulzarilal Nanda, to look into the matter of 'criminal tribes'. This set into motion the final repeal of the Act in August 1949, which resulted in 2,300,000 tribals being decriminalised.

After independence, the Act was ultimately repealed. It was first repealed in Madras Province in 1949, after a long campaign led by Communist leaders such as P. Ramamurthi and P. Jeevanandham, and Forward Bloc leader U. Muthuramalingam Thevar. Thevar had led many agitations in the villages since 1929, urging the people to defy the CTA. As a result, the number of tribes listed under the CTA was reduced. Other provincial governments soon followed suit.

Subsequently, the committee appointed in the same year by the central government to study the utility of the existence of this law, reported in 1950 that the system violated the spirit of the Indian constitution.

The massive crime wave after the criminal tribes were denotified led to a public outcry and the Habitual Offenders Act (HOA) (1952) was enacted in the place of CTA; it states that a habitual offender is one who has been a victim of subjective and objective influences and has manifested a set practice in crime and also presents a danger to society.

The HOA effectively re-stigmatised the already marginalised "criminal tribes". The previously criminalised tribes still suffer a stigma, because of the ineffective nature of the new Act, which in effect meant relisting of the supposed denotified tribes. Today the social category generally known as the denotified and nomadic tribes includes approximately 60 million people in India.

In 2008, the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes (NCDNSNT) of Ministry of Social Justice and Empowerment recommended those same reservations as available to Scheduled Castes and Scheduled Tribes be extended to around 110 million people of denotified, nomadic or semi-nomadic tribes in India; the commission further recommended that the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 be applicable to these tribes also. Today, many governmental and non-governmental bodies are involved in the betterment of these denotified tribes through various schemes and educational programs.