

# Spoiled Identity and Stigma: A Case of Ex-Criminal Tribes of India

By Dattatreya Bhandalkar

---

## ABSTRACT

The De-notified tribes are tribal communities that were notified under the Criminal Tribes Act (CTA) 1871 in colonial India. Although the Act was repealed after independence, the tribes declared as 'criminals' continue to remain labeled and are still living with stigma. Tribes notified under the CTA became De-notified in Independent India. The De-notified tribes in India continue to remain as one of India's most excluded and marginalized communities, excluding opportunities and deprived of resources. There are 198 De-notified tribes in India. After the repeal of the act post-independence, some of the declared tribal communities were included among the Scheduled tribes' population in different states; some yet continue to remain enlisted as the 'De-notified' tribes in India. The De-notified tribes comprise a significant population in India, and they are classified under a separate category as DNTs or DNCs. These tribal groups, although were "de-notified" they continue to face discrimination in their everyday life. These tribes do not have access to basic resources and livelihood opportunities; they are treated differently by people from other castes. They also face discrimination at the hands of the police. Their stigmatized spoiled identity due to ancestral labeling influences their present critically. They are subject to atrocities in the hands of the police and power groups in the village. The incidences of atrocities in the case of the De-notified tribes are not acknowledged under the Prevention of Atrocities Act by the state, which protects the marginalized communities and tribes. Their complaints remain unnoticed, and they are subject to false suspicion. The tribe remains in poverty and is subject to stigma and exclusion; their situations have not changed. The government has made no notable attempt to create provisions for upliftment of these communities and safeguard their rights. The absence of uniformity in the reservation policy keeps them away from the government benefits. This paper attempts to highlight the issues and problems faced by the de-notified tribes in Maharashtra India, narrating their experiences of spoiled identity and stigma.

**Key words:** spoiled identity, stigma, exclusion, de-notified tribes

---

## The De-notified Tribes of India

The tribals of India are known for their diverse and rich culture and practices. However, the reality of the tribes in India has gradually changed over the years. Among many tribal communities in India, a significant population of marginalized tribal communities were once classified and declared

as 'Criminal Tribes' with the Criminal Tribes Act in 1871 (CTA). With the Act's enactment, these tribesmen were registered and notified as 'Criminals' in society. The British government restricted their movements and actions; elaborate arrangements were made for their supervision and settlements were made in different corners of the country to separate them from other sections of society. A majority of this tribe still exhibits their primitive and ethnic traits. Many of them still live in tribal groups, wander from one place to another in search of livelihood, and do not have any permanent home of their own. They have specific rituals, beliefs, religious practices of their own, and those are unique to themselves. Neither globalization, liberalization, nor any social advancement could improve their conditions to a significant extent. Although the government of independent India officially 'De-notified' these tribes in 1952, it made no provisions for improving their situations. The CTA gave the police arbitrary powers even to kill members of the declared 'criminal' tribes. Although the notified criminal tribes were "de-notified," the communities are not categorized under the constitutional schedules like the scheduled caste and scheduled tribes. Some de-notified and nomadic communities have been included in the respective state lists of SCs and STs (categories recognized by the Indian Constitution). However, there is no uniformity in the status of these tribes across the country. The human rights violations against the DNTs are not covered by legislation such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989) that protects the SCs and STs. The DNTs do not possess traditional land rights or house titles.

The tribal population being primarily nomadic in nature yet it is not included in the Census of the country. They remain denied citizenship rights, including voting rights. They are mostly engaged in informal means of livelihood. Presently, there are 198 De-notified tribes in India, 14 of which are located in Maharashtra (Rathod, 2000). These groups of communities are scattered in nature and primarily situated in drought prone areas. These tribesmen are not just a neglected population of India's society but a complex one as well. Their problems are not only grounded in contemporary reality but also deeply rooted in history. They have suffered injustices at the hands of both polity and society; their issues have not been sufficiently redressed as well. They are still being treated as criminals by birth and subjected to harassment and persecution at the hands of the police and the state machinery. In the backdrop of prolonged conflict in context of caste system in India, a significant population group has been oppressed; they are subject to stigma, discrimination and their social, economic and political rights have been violated strikingly. There is an immense need to explore and understand the issues of the de-notified population in India and address them to ensure justice to these ethnic groups.

### **Living with a Spoiled Identity**

Stigma is defined as an attribute that is deeply discrediting. It is an attribute, behavior, or reputation which is socially discrediting in a particular way: it causes an individual to be mentally classified by others in an undesirable, rejected stereotype rather than in an accepted, normal one. Stigma is a special kind of gap

between virtual social identity and actual social identity. It is defined as a phenomenon by which an individual is deeply discredited by his/her society and is excluded as a result. It is a process by which the reaction of others demeans normal identity (Goffmann, 1963). Stigma may also be described as a label that associates a person with unwanted characteristics that form a stereotype. It is also affixed (Jacoby, 2005). Once people identify and label differences, others will assume that is how things are, and the person will remain stigmatized until the stigmatizing attribute is undetected. The attributes that society selects differs at different times and places. What is considered out of place in one society is the norm in another. When society categorizes individuals into specific groups, the labeled person is subjected to status loss, stigma, and discrimination (Jacoby, 2005). Society will start to form expectations about those groups once the cultural stereotype is secured. Stigma can affect all aspects of life, limiting access to employment and housing, harming social relationships, and reducing self-esteem.

Stigma has its roots in “differences.” It as an attribute that serves to discredit a person in the eyes of others (Franzoi, 1996). Attitudes towards the discrediting attribute vary over time. Stigma is also culturally defined; particular attributes attached to stigma vary with the diversity in groups. The impact of stigma on a stigmatized individual varies in form and intensity. The behavior towards the stigmatized individual particularly emphasizes “differences” and thus there are forms of prejudice and discrimination that arise out of the interactions between the

‘normal’ and the ‘discredited’ (Goffman, 1990). Any form of discrimination and prejudice serves to separate and exclude individuals from society, denies access to benefits of society such as equitable access to housing, education, health, and social support. Discrimination is a form of social exclusion. The impact of stigma and social exclusion at an individual level can be devastating, leading to poor self-esteem, isolation, depression, self-harm, and poor social relationships. Stigma and discrimination can be experienced at individual and group levels based on race, sexual orientation, culture and religious belief (Mason et al., 2001).

Among many tribal communities in India, a significant population of marginalized tribal communities who were once classified and declared as ‘Criminal Tribes’ with the declaration of Criminal Tribes Act in 1871 were further classified as Habitual Offenders with the declaration of the Habitual Offenders Act, 1959. The British government stated two assumptions that all people born in a particular group, or caste, are criminal by birth. Once they are born a criminal, they always remain a criminal. (Kapadia: 2005) The enactment of the CTA 1871 was the origin of labeling a group of tribal communities in India as criminals. However, post-independence a shift came wherein the criminal tribes were decriminalized. The act was declared as inhuman by the government; however, the tribal groups were further classified under the Habitual Offenders Act and then declared as the De-notified tribes. The stigma of criminality began with the declaration of the CTA and continues even today. With time, although

the tribal groups were de-criminalized, ancestral labeling affected the tribal deeply. It became a part of their social identity. They are identified as criminal communities by other power groups in villages and continue carrying the stigma of being associated with criminal occupations over generations. These tribal communities have been identified with a constitutionally recognized category called scheduled tribes in some states in India. In contrast, in Maharashtra they are classified as a special category of “VimuktaJatis VJNT.” The stigma of criminality is deeply associated with the tribal and they are subject to stigma, discrimination and victims of atrocities in their everyday lives. They are still being treated as criminals by birth and subjected to harassment and persecution at the hands of the police and the state machinery. In the backdrop of prolonged conflict in India’s caste system, a significant population group has been oppressed; they are subject to stigma, discrimination and their social, economic and political rights have been violated strikingly. The term ‘tribal stigma’ means stigma attached to a group rather than to an individual and this kind of stigma is also called the collective stigma. As Goffman used the term, tribal stigma refers to membership in devalued races, ethnicities, or religions. Linage is a necessary element in tribal stigma. By this, Goffman meant that tribal stigma was a condition believed to be transmitted genetically by the stigmatizer (Goffman 1963).

The de-notified tribes have their history associated with the colonization period in India. The discrimination, abuse, social, political, and economic marginalization of the tribes have

their roots in 19th century British colonialism when they were notified inherently ‘criminal’ by the British. This historical label “inherent criminals” has been attached as an attribute that has discredited the de-notified population in the eyes of others in society. Though the Criminal Tribes Act was repealed in 1952, the stigma of criminality remains attached to these tribes over generations. Due to this stigma, they are the victims of persecution and torture at the hands of the state machinery. If any act of theft or robbery in the village takes place, the persons belonging to these de-notified tribes in the surrounding area are arrested and subjected to various forms of torture. In the eyes of society, they are still criminals, and a vast gulf exists between them and the rest of the society. The enactment of CTA and several versions of the same Act stigmatized DNT groups so that this stigma of criminality haunts them even today (Rathod, 2000). These tribes have been referred to as Criminal tribes or ex-criminal tribes, De-notified tribes, or Habitual offenders over the years, but the stigma produced by this judicial instrument of CTA follows these tribes. These tribes are being unable to free themselves from this social bondage (Shimadri, 1991).

The De-notified tribes are indigenous populations and are distinguished in relation to their ancestry, livelihood patterns, nomadic nature, and many other distinct features. These tribal communities had been primarily forest-based communities, nomadic artisans, or traders before they were notified as criminal tribes during the colonial period. Many of these tribal communities lost their traditional

occupations due to colonization policies and laws. And increased urbanization, economic industrialization and especially the CTA, 1871 judicial instrument had dramatic effects. The Banjaras, for instance, have lost their traditional role as long-distance traders due to the huge changes which have taken place in transport technology and enhanced road networks. (Dandekar, 2009). Due to a lack of any other skill to earn their livelihood, most of these tribal communities suffered from the occupational crisis. The struggle for livelihood and occupational crisis deteriorated their economic situations. No provisions or efforts were also made in spite of the repeal of the CTA to improve the conditions of the de-notified tribes. There are no constitutional provisions for socio-economic development and protection against any exploitative actions. They did not have any specific skills according to the traditional village councils system prevalent during that period; on the other hand, all other castes had specific jobs to earn their livelihood. These tribal communities did not have fertile lands, and hence agricultural cultivation could not be an option for them as a source of earning their livelihood. Being labeled by the Government, it became difficult for them to get employed anywhere. Government labels affected their livelihood, and their family suffered too. The nomadic nature of these tribal groups and the absence of appropriate skills affected their livelihood opportunities. They are forced to continue their ancestral occupation, or roam about from one city another in search of livelihood. Lack of traditional occupation and special skills led such communities to get involved in criminal activities for survival.

## **Spoiled Identity and Exclusion**

The concept of social exclusion has been widely defined and explained in the academic literature by different authors. The concept has been mainly defined and discussed in the context of combined processes of exclusion ranging from denial of access to basic resources, exclusion from participation in economic, social and cultural systems and processes, participation in decision making and political processes, access to employment and material resources, denial of access to rights, resources, goods, and services. Some authors have also defined it as a multidimensional process involving discrimination against individuals and groups based on different social attributes or elements of social identity, distancing and placing person or groups or communities with centers of power and resources. Social exclusion has also been defined as a primary consequence of poverty and low income, with other factors like discrimination, and low educational attainment playing a crucial role. The concept is described as a process that prohibits the inclusion of individuals and groups from participation in predominant economic relationships. Social exclusion is described as dynamic, in the sense that it impacts people's lives at different degrees over time. It is argued to be relational since it is the product of social interactions, characterized by unequal power relations, resulting in ruptures in relationships between people and society. Social exclusion leads to lack of participation, social protection, social integration of the marginalized in society (Seema khan 2009).

The de-notified tribal communities are not included in the Scheduled Castes (SC) and Scheduled Tribes (ST) list and hence are excluded of all the welfare measures being extended to the SCs and STs. The government also provides no special welfare benefits to protect the rights of the de-notified tribes. These tribes being primarily wandering and scattered in nature, have not organized themselves as uniform groups to raise their issues for advocacy. These tribes are often excluded from opportunities to represent in Village Panchayats and have no representation in local self-governance. Poor representation at local self-governance and larger political systems has led to exclusion in politics and restricted realization of their rights. Being excluded from the list of SCs and STs mentioned in the constitution, the de-notified tribes are also excluded from special provisions extended to the SCs and STs for education, employment, protection from atrocities. Such exclusions limit their economic opportunities as well. As Thorat (2007) rightly says about 'living mode exclusion' the De-notified tribes experience exclusion in political participation and disadvantage in social and economic opportunities as well. These tribes are forced to live in sub-human conditions due to the wandering traditions over hundreds of years without any means of fixed livelihood under the influence of India's caste system. As Motiraj Rathod (2000) says, the de-notified tribes have been subject to geographical isolation, with their wandering traditions continued from generation after generation. Indian society has looked at them with mistrust and suspicion due to the stigma of criminality attached with these tribes.

They have been living a life of isolation from the rest of the population. They have no means of earning their livelihood, suffer from occupational crisis, and keep roaming from village to village. Their children are deprived of education, and they suffer from acute poverty. They are left with superstition and ignorance and have remained backward economically and socially. Unless their issues are addressed specifically to their unsettled nature, being provided with opportunities of education and employment, they will never realize their fundamental rights (Rathod, 2000).

The history of these tribal communities eventually led to entanglement in the criminalization of the tribe, and their occupational patterns were compromised. The occupation-based caste system played a significant role in shaping the occupational pattern of the tribes. These tribes often work as cheap agricultural laborers in the fields of other dominant castes in the villages; some of them run illegal liquor businesses and are themselves victims of substance abuse. These groups often experience land alienation, and are forced to live outside the village territory. Being forced to stay outside the village territory; they are also excluded from involvement and participation in village activities, meetings, and have no voice in the village Panchayat (village councils).

The involvement in village activities and representation in Panchayat meetings or bodies are merely there. These tribal communities are merely a part of the village meetings and hence have no voices in the village's decision-making process. There is less or no representation of the

tribe at the Panchayat level. Their voices remain unheard even today. Underrepresentation in Panchayat levels and village meetings prevents their issues from being brought up and discussed in society at large. Although days have passed, times have changed, and the label of criminal is still attached to the community affecting their everyday lives. The reality of being “un-registered” as citizens due to a lack of proof of identification makes them vulnerable in the hands of the police and other state machinery. They have no voice in democracy due to no or poor representation in the political system. They are a scattered population and move around from one village to the other in search of livelihood. There is a need to mobilize them as groups to represent their population and voice their opinions. However, being less mobilized and scattered in nature, their participation in democracy is lost. Their voices remain unheard.

The concept of social exclusion can also be differentiated between “active and passive exclusion” (Sen, 2000). Sen argued that it is important to distinguish between active exclusion and passive exclusion. He defined active exclusion as fostering of exclusion through the deliberate policy interventions by the government or by any other willful agents (to exclude some people from some opportunity); on the other hand, passive exclusion works through the social process in which there are no deliberate attempts to exclude, but may result in exclusion from a set of circumstances. In the case of the de-notified tribes, the population faces similar forms of exclusion. The tribal population is not an active part of any policy interventions

in India. Although the de-notified tribes are long decriminalized, they are not scheduled in the constitution in the list of scheduled castes and scheduled tribes. The de-notified tribes are also not protected from atrocities under the Prevention of Atrocities Act. Although a DNT Commission has been established to understand the situation of DNTs in India, no constructive effort has been generated so far at the policy or advocacy level to bring about striking change in the situation of the tribes. They also suffer at the hands of state machinery such as the police officials and courts. Hence, they continue facing active exclusion. The tribes face passive exclusion through unfair treatment from their peers and dominant villagers from other castes. The stigma of criminality continues leading to several experiences of exclusion among the tribes. The de-notified tribal groups are treated differently by the state and the people.

## Conclusion

Although the De-notified tribes in India have been decriminalized post-independence with the repeal of the CTA, 1871, the population continues to live with spoiled identity, criminal stigma, and social exclusion even today. The population got deeply affected due to the history attached to the community during the British colonization period. The changing law and order during the British period affected the livelihoods of the population then but continues to affect the present generation of de-notified tribes in terms of their education, employment, livelihood, acceptance in society, and denies their basic rights. Although the population was decriminalized post-independence, no efforts were taken to improve

the situation of the tribes, with any amendments in the constitution providing safeguards considering them as separate groups. The process of ancestral labeling began with the declaration of the CTA, and the process continued affecting the population over generations. The participant's responses elaborate on the ill-treatment of the local police officials and other dominant castes in the village towards these tribes. However, no provision has been made so far for protecting the population from the atrocities. The population being wandering in nature traditionally continues to move from one to the other, even today. Those who have gradually settled down in villages majorly reside in hilly or drought-prone areas

and keep wandering for earning their livelihoods. They are not house listed and remain excluded from the census. They lose their voting rights, and their voices are hardly reflected in the democracy. Representation of the population even at Panchayat levels is very poor. They live in temporary huts or sheds outside the villages and not much involved in the village activities or Panchayat meetings. Their under-representation in governance, even at village levels, restrain their opinions from being considered in democracy. The population continues to struggle earn their basic livelihoods, and entitlement of the rights of the de-notified population is still a far achieved dream.

---

## REFERENCES

- Chacko, P. (2005). *Tribal Communities and Social Change*, Sage Publication. New Delhi, pg- 203.
- Rathod, M. (2000) 'De-notified and nomadic tribes in Maharashtra, DNT Rights Action Group, Vadodara, India [http://sickle.bwh.harvard.edu/india\\_tribes.html](http://sickle.bwh.harvard.edu/india_tribes.html)
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. New York, NY: Simon and Schuster.
- Jacoby et al. (2005). Epilepsy and Social Identity: The Stigma of a Chronic Neurological Disorder. *Lancet Neurology*.
- Franzoi, S. (1996). *Social Psychology*. London: Brown and Benchmark.
- Mason et al. (2001), *Stigma and Social Exclusion in Health Care*. London: Routledge.
- Simhadri, Y. (1991). *De-notified Tribes*. Classical Publishing Company. New Delhi.
- Dandekar, A. (2009). *Disenfranchised by History: The Tribes and their narratives*. Muukt-Saad.
- Khan, S. (2012). *Social Exclusion: Guide*. U.K: Governance and Social Development Resource Centre, University of Birmingham.
- Thorat, S. (2007). Caste, social exclusion and poverty linkages — concept, measurement, and empirical evidence. <http://www.empowerpoor.org/downloads/caste.povertypaper.pdf>

Sen., A. (2000). 'Social Exclusion: Concept, Application and Scrutiny', Asian Development Bank.

Bokil, M. (2002). De-Notified and Nomadic Tribes: A Perspective, Economic and Political Weekly, Vol. 37, No. 2 (Jan. 12-18), pp. 148-154.

D'souza, D. (2001). Branded by Law, Penguin Books India. New Delhi.

Criminal Tribes' Act, 1871: Act XXVII. British Library, Oriental and India Office Collections, shelf mark V/8/42.

**This Article may be cited as:**

Bhandalkar, D.(2021) Spoiled identity and Stigma: A Case of Ex-Criminal Tribes of India. *Fourth World Journal* Vol. 21 N1 pp. 47-56

## ABOUT THE AUTHOR



## Dattatreya Bhandalkar

Dattatreya Bhandalkar received his PhD from Tata Institute of Social Sciences, Mumbai India in May 2017. His research interests are indigenous communities, human rights, resistance and social exclusion. He has published articles about the issues of ex-criminal tribes of India in national and international journals. Prior to joining as Research Fellow at IAS Central European University (CEU) Budapest Hungary, he was working as a Research Officer at Tata Institute of Social Sciences, Mumbai on an anthropological study funded by Government of Maharashtra India. He was also leading two major projects about scheduled tribes in India, focused towards understanding their educational status and study the Asharam Schools (residential schools) for children from schedule tribe communities. Both the projects were funded by Indian Council for Social Science Research (ICSSR), Government of India. He has completed a Masters in social work from Pune University, India and a MPhil in social work from Tata Institute of social science, Mumbai. He is an Indian Council of Social Science Research (ICSSR) fellow (2012) as well as University Grant Commission (UGC) Senior Research Fellow (2014). Presently working as Asst. Professor Amity Institute of Liberal Arts (AILA), Amity University Mumbai Maharashtra India.