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# **Caste and Colonial Legacy: De-Notified Tribes' Long-Standing Struggle with Criminal Justice System**

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## **ABSTRACT**

De-notified tribes (DNT) are the ex-criminal tribes of India. These tribes were labeled criminal tribes under the Criminal Tribes Act (CTA) 1871. In 1952 CTA was repealed and replaced with the Habitual Offenders Act (HOA). These acts were draconian and complied with the caste consciousness of Indian society. These tribes' association with these laws kept them in the loop with Criminal Justice System (CJS) for more than a century. The stigma of criminality, labeling, and social stratification are rampant social problems in the DNT communities. It is essential to understand how minority groups like DNT still face the act's consequences, representing the colonial legacy of settlers. This research aims to explore into experiences of ex-convicts from the De-notified community. The researcher adopted a qualitative approach with a cross-sectional study design. The participants were ex-convicts or accused who had at least spent six months in police or judicial custody. Eight interviews were conducted in the local language, recorded and transcribed verbatim, and translated by the researcher. Thematic analysis was applied to analyze the data collected. The results revealed that involvement in crime by DNT community members has evolved into resistance against violence against them, the prejudiced and discriminatory nature of police departments towards these communities remains the same, and responses to law and court procedure revealed the influence of social, political, and economic capital in justice delivery. It expounds upon their experiences from prison too. The research paper explores the Ramoshi community's experiences with Criminal Justice System in western Maharashtra. Additional research on the collective experiences of DNT communities in other regions is recommended.

Keywords: de-notified tribes, criminal justice system, caste violence, criminal tribes act

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## **1. Introduction**

Every regime has a set of populations that are bearers of injustice by people in power. This injustice is more disastrous when these bearers of injustice are left with no space and access to means to help them emancipate themselves. This leaves them on the periphery from where it is not only impossible to participate in the structure of power but to even understand it. The communities brought under the Criminal Tribes Act (CTA) are now known as De-notified and Nomadic Tribes, not to be mistaken with Adivasi's. Mostly nomadic in habit, these tribes have suffered the worst humiliation in the history of modern India (Devy, 2021). Nomadic and Semi-nomadic tribes did all types of works that supported the village, e.g., stone cutters, foot soldiers, artisans, snake charmers, etc. (Renke Commission Report, 2008). These communities were already looked upon suspiciously due to their wandering nature, and the uprising of 1857 made their suspicion of wandering nomadic communities even deep (Misra, 2008). It gave rise to the draconian Criminal Tribes Act of 1871. In those times, whoever opposed in any manner British colonial expansion was perceived as a potential criminal. Mainly, if any attempts were made to fight the government by using arms, the charge of criminality was a certainty (Heredia, 2002). Many of the wandering minstrels, fakirs, petty traders, rustic transporters, and disbanded groups of soldiers were included by the British in their list of criminal groups (Devy, 2000). The Criminal Tribes Act was meant for surveillance and monitoring of tribes that posed a threat to the British Empire (Bokil, 2002). After independence, CTA was replaced with the Habitual Offenders Act (HOA). HOA retained most of its clauses from CTA, making it just another version of its predecessor. HOA is still effective and haunts ex-criminal tribes on their way to emancipation (Bhukya & Surepally, 2015)

Due to historical association with the CTA and now HOA, these tribes were consistently found to be in the loop of the Criminal Justice System and have been exposed to the phenomenon of the Criminal Justice System more than any other sedentary communities (R. S. Singh, 2015). The definition of CJS is the law enforcement system directly involved in apprehending, prosecuting, defending, sentencing, and punishing those suspected or convicted of criminal offenses (Waldron et al., 2009). It includes police, prosecution, court procedure, and jail. It follows the ascending pattern of inquiry. The same system established to control and impose penalties on people who violate the prescribed law has always been questioned with their due treatment to de-notified tribes (Radhakrishnan, 2000). The tag of criminality on de-notified tribes has survived even after being a citizen of independent India (D'souza, 1999). To understand how the Criminal Justice System responds to communities vis-à-vis unlawful behavior, it is significant to understand the experiences. These experiences show how crime variations are treated concerning the social order and power structure. Especially the role of police in CJS about the de-notified community has been of labeling perspective because the notion that these tribes are criminal tribes is so ingrained and is a result of administrative saturation of the earlier act (Brown, 2017). A general stringent stigma is attached to the individual affiliated with a stay in jail or custody.

Jails are also representations of deviant behaviour in society. Tribal and Muslim share in the population of Indian jails is strikingly huge concerning their proportion of the population (Ahmad & Siddiqui, 2017). Experiences of jail or custodial stay are of significant value to understanding the underpinnings of involvement in crime by de-notified tribes.

Ramoshi community is one such community that was notified as a criminal tribe under CTA. Mainly residing in parts of Maharashtra and Karnataka, it has improved its socio-economic status by adopting the obvious livelihood pattern of sedentary societies (Bhosale, 2000). Their role in making Shivaji's kingdom and rebellion against British colonialism is a little known fact (Draxe, 2005). There were very few mentions, particularly about the Ramoshi community. (Abraham, 1999) Has mentioned how Berad/Ramoshi communities resorted to armed dacoits to loot armories and treasuries. Ramoshi community is a warrior community, and their opposition to the British empire made it evident for British rulers to notify them as Criminal Tribe (Ahire, 2022). This study will try to understand the experiences of the criminal justice system with particular reference to the Ramoshi community. According to the literature review, no study was carried out to explore the experiences of members of the De-notified community who were convicted or accused of a crime; this study, in part, pursues to address this research gap. Given the backgrounds described above based on the erstwhile literature, this study explored the experiences of members of the Ramoshi community who were convicted or accused. Satara district is situated in western Maharashtra. The results are crucial to understanding how CTA's and then HOA's inception still impacts people's lives from De-notified communities.

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## 2. Methods

### 2.1 Study Design

The qualitative study approach was adopted with a cross-sectional design amongst the participants who have experience of police custody or judicial custody for at least six months from Phaltan Taluka of Satara district, state of Maharashtra. This study design applied thematic analysis to explore the experiences of being convicted of a crime. A research design is the arrangement of conditions for data collection and analysis of data in a way that aims to combine relevance to the research purpose and relevance. Data collection, measurement, and analysis are all guided by the research design, which is the conceptual framework within which research is conducted (Kothari, 2004).

### 2.2 Study Settings and Participants

The Phaltan Taluka of Satara district is located in western Maharashtra. It falls on the border of the Satara and Pune district. The study included eight subjects who were aged 24-59 years. The average age was 35 years; all the research participants were found using the snowball sampling technique and were from the Ramoshi community. Inclusion was restricted to participants who spent more than six months in prison.

### 2.3 Data Collection

The researcher collected data in two phases. The first phase was conducted in June 2018, and the second was in December-January 2019. The researcher initiated the data collection process by looking for key community informants. The researcher collected two in-depth interviews during the pilot study and, implied the snowball sampling method, received contacts for further participants from the first contact. The second data collection phase occurred in the last week of December 2018 and the first week of January 2019. For the second phase, the researcher used the same people who were in the loop of an earlier pilot study. There were six in-depth interviews collected during the second phase. Rapport building in the first phase of data collection helped link participants for the second phase of data collection. The researcher followed the same sampling technique throughout the data collection process.

All the interviews were conducted in the local language 'Marathi,' which is the native language of the state of Maharashtra. The researcher used an interview schedule while interacting with the respondents. Six out of eight interviews took place at their home or natural setting. There were no attempts of negotiation or inquiry done while listening to respondents. The flow of every narrative was recorded as it and according to the will of the participant. Participants were made aware of the objective and spectrum of the study. Their choice of participation and consent for recording the interview was well respected. Some participants were not bothered about their identity, while some were particular about the confidentiality and anonymity that emerged during the data collection process.

### 2.4 Data Analysis

As the current research is exploratory, data analysis resembles the general inductive model aiming at theory generation. After the data collection, all the records were transcribed verbatim before the researcher performed translation from the local language to English for data analysis. The researcher used the thematic analysis technique.

### 2.5 Ethics

Meeting all the participants in their natural settings was necessary. The informed consent of the subjects was obtained before visiting them. Along with informed consent, information about the purpose of the visit, the timing of the visit, and persons to come was provided beforehand. Before data collection, the researcher elaborated the purpose spectrum of the study to avoid any misconceptions from the participants. They were made aware that this study

would not change their life or experiences, but it will be added to a more extensive spectrum of studies required from the research front. Codes instead of names are used to identify participants and maintain confidentiality. Confidentiality is a social responsibility of the researcher toward the ethics of research.

### 3. Experiences with the criminal justice system

The Criminal Justice System is a broad spectrum. The researcher has tried to discuss experiences based on narrative rather than pondering legal complexities. As a spectrum, specific themes came up during the analysis. Experiences with the Criminal Justice System form a significant part of the discussion while studying aspects of the De-notified community. DNT's prolonged inclusion in CTA and HOA has made them vulnerable to continue the constant interaction with CJS. Sub-themes will elaborate upon the prejudiced nature of the police, which mirrors the colonial mindset, responses to law and court procedure, and how experience in jail shapes the convict's attitude. Before these sub-themes, the researcher will try to emphasize the pattern of involvement in the crime observed among the participants.

#### 3.1 Variation in involvement in Crime over the years

The type of involvement in crime has evolved with time and changing socio-economic profiles. An argument focuses on the inception of crime due to a lack of livelihood. In a phenomenon studied over three decades, it is observed that every involvement in criminal behavior does not justify the absence of livelihood. Almost all participants are found to be uneducated. Among all participants, only one was a graduate. Either they farmed or worked as daily wage labourers.

Participants P2 and P1 represent the experience of the Criminal Justice System in the decade 1990. They were accused of organized robbery and spent their productive youth years in the loop with CJS. P2 has talked about their involvement in the crime. He blamed his peer group for the participation. [Even earlier, I had nothing to do with it. This, too, they took me while I was drunk, or why else I would get myself in such a thing. Anyway, whatever was supposed to happen has happened; we cannot do anything about it." [P2]

It is derived from the in-depth interviews that youth's peer group and social conditioning significantly influence their crime participation. Most participants were in their early 20s when they committed these crimes or were accused. Participant P4 narrated how he was involved in a crime. He also mentioned that the related experience is four years old.

*["It happened like this, I was in MIDC when I received a call from college. I went there to fill third-year graduate admission form. When we went there, we had a fight. I only went in to solve it, but they put my name too. That is why my name got into it; they take every name from that fight. They took six boys from our community." ] [P4]*

Cities have always helped or worked as catalysts to provide space for criminal activities. Cities do not hold stigma and label character criminals based on their place in their social order. Criminal gang formation and criminal profile are found to be not influenced by social identity among the one who is involved. Again, the economic character of cities has been of class character, which works as diluting element of historically ascribed social identities, mainly related to criminal identities. Participants who spent some years in cities as an active members of some gang came out with elaborate gang formations which included people from all places. It turned out to be a group of individuals representing very diverse populations with innate characteristics. In these groups, bravery and strength are rewarded.

Participant P7 spoke about his experience of being involved in crime.

*["I was around 20 when I went to Pune for the first time to work. I used to work in the catering business; it used to pay quite well. Our working time mainly was at midnight. During Ganapati visarjan, police petrol becomes more regulated and strict. I was picked up by the police at midnight while I was returning from work. There were many in custody during this time. Some were like me, who had no idea why we were brought up there, and some were actually involved in some mischief. We were out the next day. It was my first instance to get in touch with people related to these activities; I kept in touch with them." ] [P7]*

Most of the time, crime reported in the community and rural areas denotes political interest and caste consciousness elements. Due to their historical trauma, the conflict-oriented nature of the De-notified community makes it a target of political interests. Cities might have adopted the class character of a person. However, when it comes to rural regions, a hierarchical system is still fresh in the elite residential of the rural economy in India. Regarding the conflict based on caste lines and interest in domination, the crime reported might not be the actual crime. The difference between the crime committed by members from dominant communities and De-notified communities is the stigma of the Criminal Tribes Act and Habitual Offenders Act. Most of the time, the incident and the actual reported crime vary. It emerged from the in-depth interview of Participant P6,

*["While we were on our way to procession, they beat down two members of us. So we had to reply hard; how could they do this on such a day? We 25 people went around, and 6-7 were hospitalized with 16-17 stitches each. We tried to compromise, but they showed their power with money." ] [P6]*

Such a spontaneous act of violence is neither the result of immediate causes nor the declaration of someone as a criminal. The feeling of injustice is also responsible for these acts. If we look at the variation and dimensions of involvement of de-notified/marginalized youth in crime, we must differentiate

between action and reaction. It is observed from consecutive interviews that it is common practice to use poor and people from vulnerable communities to blame for their illegal acts. P5 explains this phenomenon in rural regions of Phaltan taluka.

*["It is our enthusiastic attitude of ours. Someone hires you for petty crimes. It also helps you initially to get out of it. There are numerous cases of people becoming rich because of the assistance of our youth." ] [P5]*

However, as observed, when the economic vulnerability is not a question, it will lead to political consciousness. This consciousness results from violence against de-notified communities normalized due Criminal Justice System and, at the same time, a lack of efforts from consecutive governments.

### 3.2 Colonial prejudices of police

Police form out to be the most influential part of a triad of experiences criminal justice system. Police treatment of criminals, including criminals belonging to de-notified tribes, has always been a subject of discussion by contemporary and classical researchers. Labeling and stigma around de-notified tribes is an innate administrative character in India. Personals from de-notified communities feel the impact on their life even if they are accused just once. They become part of the loop.

Participant P1 signifies how labeling and the presence of pre-conceived notions in one of the most significant representations of the criminal justice system lead to disaster for people who are tagged. Though the investigative process of the police department is justified with their subject matter of sensitive issues, it has been a common practice to torture criminals in custody to find traces and linkages between various cases and criminals. The actual crime incident and the investigation process are two sides. Information received during the investigation process has proved crucial in their further investigations. However, actual conflict arises when a pre-conceived notion does the same investigation.

Participant P1 narrates how the accused were handled and how they were treated during the investigation period.

*["I was given 55 days' remand in total. Police were taking me to many police stations around the same district and adjacent districts too. They did not put big crimes on me but all petty looting around the place. To file a big case, they need proof of linkages and evidence of involvement. But putting on small cases is relatively easy as there's a lot of ambiguity in such cases. At the end of the remand, a court hearing at Tembhumri fired at the inspector in charge that even after 55 days of remand, you could not produce anything. How did even this person survive?"] [P1]*

In the following case accused was charged with numerous cases of loot. Police involved his name in every crime where his acquaintances' names were enlisted. They moved him around 7-8 police stations to verify and make him accept the crimes in respective areas of police administration. To compare the brutality of torture and beatings which the accused went through in the respective era can easily be understood if we look at the jurisdiction process now. Rules of remand and the legal complexities it carries have changed over time. Compared to the previous cases, current laws do not allow more than 15 days of remand. It requires a particular procedure to extend it for reasonable cause.

A variation in police treatment of police is discussed during in-depth interviews. Police treatment of criminals varies according to different aspects, money, criminal profile, and caste. Rules of torture and beatings have an almost typical pattern.

*["It was different earlier, once they get the accused...There is no way out for him. But now, you know there's a kind of book, a book of rules. It's fixed which criminals should be tortured and which should not. They never used to touch cases of 302, no way. If 302 is combined with 376, 394, 379, then also you are tortured. But if 302 and 307 are evidently clear, then they should not be beaten up. 379 was worse; the whole police station used to beat them." ] [P4]*

In one of the in-depth interviews of participant P5, it emerged that there is variation in the involvement of crime amongst youth in the Ramoshi community. One of the arguments stresses that despite various sources of livelihood, youth is getting involved in criminal activities. He clarified the type of crimes in which youth is involved.

*["Its pattern is different. There are around 4-5 cases every week at all Taluka police stations which involve our young people. Their presence is undeniable; they will be there. Cases like hit someone hit that one... This fight and that fight are all only fights. And none of these fights or conflicts is for themselves; they will be for others most of the time. Boys who earn or have some setup are also involved in such matters. Can't they eat with peace?"] [P5]*

An experience of general biasedness based on money and power is observed from participants. It underlines the vulnerability of the police department to practice stigma and labeling against the criminals from de-notified tribes. At the same time, we could not deny changing the nature of involvement of individuals from the Ramoshi community in crime.

Instances of police brutality are not limited to convicts but also their families. There are occasions when the whole family of the accused is detained and tortured for the information. There are regular inquiries about the accused in their neighbourhood. It is especially disastrous for the women in the family. It creates an environment of suspicion in the neighbourhood, breaking the community's social fabric. No one wants to be under surveillance by police all the time. Even after the accused is left without charge from jail, police do keep track of their activities. If some major crime or violence happens in the area of their residence, these accused are the primary target of police. They must provide proof of their whereabouts during the hours of crime or violence. Children of these families have to carry the same stigma in schools and social life. It highlights the already existing stigma against the community.

In the case of violence, as mentioned in the interview transcript, police targeted individuals from DNT communities. They are the easy scapegoats. This routine and colonial stigma of police lead to inevitable court procedures. It is the next element in the spectrum of the Criminal Justice System. These systems are interdependent and function in synchronization with each other.

### 3.3 Responses on Law and Court Procedure

Law and court procedures form the secondary and most often tiring process for the convicted and their family members. Because of its complex nature, law and court procedures within Criminal Justice System affect individuals the most. As police differ in their treatment concerning criminal profile, court procedure also applies the same rules. Police play a role in creating the criminal profile of the accused, and the court decides how it will impact the individual and their surroundings.

The phenomenon of false cases is a standard narrative observed in all the in-depth interviews and focus group discussions. As the experiences have observed the changing nature of the crime, the scenario of false cases is observed amongst them. The researcher will try to put forward a discussion around the impact of false cases. Changing records is difficult after a criminal profile has been prepared.

Participant P1 elaborated on how he faced false cases and court procedures.

*["After getting out on bail from there, they put three roll calls a week for me. But I could not make it possible to visit all places thrice a week. And then torture was exhausting; anyway, I missed all dates in the initial three months. They obliged me to visit Solapur, Mhada, and Pandharpur thrice a week, so preferred to spend next nine years as a wanted."] [P1]*

Participant P6 narrated how police personnel uses the present accused in custody to let go of their inefficiency in getting hold of actual criminals. Court procedure has no mechanism to check the validity of cases put upon these accused because of how the police frame the cases.

*["Earlier, the amount of crime was so much that even police used to fed up while tracking down criminals. So what they used to do, if someone is already in custody, they won't put many cases on him. And during court procedures, they used to put them as accused or related to other cases. Police will tell this. They will put cases according to their will and ease. They will put cases on us in their respective police station and will ask us to deny the crime in court. We were only allowed to speak as much as asked by police."] [P6]*

Another experience shared by one of the participants talks about the phenomenon of false cases where he had ten court dates per month due to numerous false cases filed against him. Three court attendance a week or ten court attendance a month is an uncommon phenomenon for those accused who had no connection with a crime. Families of the accused have to look after the expenses of lawyers. More the cases, more the expenses. If the cases have been lodged in different police stations and jurisdictions, they have to employ multiple lawyers or a single lawyer for all the cases. Lawyers must travel to these places; their stay, travel, food, everything has to be paid in sum other than their actual fees.

Another variation in experiences is observed when the type of crime and person involved changes; it becomes more flexible or works smoothly. One aspect of it is organized crime, and another is white-collar crime. When a crime is professionalized, it creates its mechanism. Concern for conflict arises when police and court procedure adopt this mechanism.

Participant P7 presented a narrative on how they used to manage court procedures.

*["We had a good sum of amount with us that time. And we had one special person, who used to look after every sort of this. As we go in, he will take us out; as we go in, he will take us. That's the only work he had; he won't do anything else other than this."] [P7]*

Also, due to the time taking character of court procedure in India, it takes a toll on the convict's economic resources. Participant P7 also discussed how times have changed and how compromising on crime has become more complex.

*["It is challenging now. Earlier, if you didn't have a lawyer, they used to provide a government lawyer. Now you have to bring your own. And earlier case registration used to take place on paper, but now they do it on the computer as soon as they put it here, it's visible there in Delhi. It's directly visible in Delhi that's why there is no change possible regarding the case. Otherwise, what used to happen before is that once the case is filed in the police station, it was very easy to manage with money."] [P7]*

Paying for lawyers' fees is a colossal setback for individuals and families. Sometimes cases go on for a long time, and they have no end. It keeps the lawyers in business, and they take benefit of illiterate family members of the individual. Family members do anything to get bail. Lawyers are no less than god for them. P6 talked about how government lawyers and lawyers on their side work in nexus. The cases go on because government lawyers don't show up for the hearing until they get their share of the amount. The lawyer of the accused provides this. So until the party pays the full payment, cases don't move forward. These communities, which already lacked economic resources and means, have to lend some quick money from local moneylenders. Interest on unofficial loans keeps on building, and in some cases, family members of the accused also had to surrender their properties.

The time and resources spent on court procedures by the families of the accused lead to sinkholes for the upcoming generation. P1 mentions that none of his children could pursue education or any skill-based course because most of the resources went into looking after his court procedures. He said it had taken their family back to its original position where they had nothing. Now his son does cattle rearing, which is only enough to sustain the family. Their children's future in education looks grim as well.

### 3.4 Influence of Jail or custody

Jail/prison is the next element in the spectrum of the Criminal Justice System which completes it. The analysis includes accounts of experiences of various jails in the region, which were received during the focus group discussion and in-depth interviews.

When asked about their experiences in their respective jail, a common theme emerged: stigma and labeling. Central jail represents criminals from all over India. However, local police custody has a typical pattern of treatment based on the accused social and economic backgrounds. The intensity of stigma and labeling diminishes as individuals move from local custodies to central jail. Also, participant P3, who spent a considerable amount of time in Yerwada Central Jail, came out with the argument that it's the most regulated jail compared to any of the Taluka-based jails.

*["There's no relation of crime and their respective treatment in central jail. Be it any crime, be it murder, or be it theft...they will treat you the same. They treat us like the accused only. The only reason people around might fear us is because of strength and terror. The ones who have lot of money are the most chilled ones."] [P6]*

When asked about any difficulties they faced during their stay in jail, some interesting insights came in. Generally, when it comes to sharing space, such a diverse population where strength has primary importance is regarded as a point of conflict. This strength-based need for the character has been observed to be a product of an individual's conditioning while in jail.

In-depth interviews and focus group discussions involved participants representing different timelines. One typical pattern which evolved in the discussion was the presence of other Ramoshi community people in jail during their stay. It also observed that there were different group formations based on their intensity of crime. Focus group discussion derived that specific decades represented the presence of different types of crime. P8 stated that in 2002 when he was in jail, most of the members of DNT communities had a murder or half murder cases on them. P6, accused of community violence, presented that most of the inmates from the DNT community he met while in jail were either for fraud or the same community violence.

*["At that time, being a Ramoshi was not even a subject for us. We had people from all over, and I did not have any connection with people from that region. No connection at all; they did not even know that I belonged to the Ramoshi community. It was never a matter of concern inside the jail. But we used to stick together to known ones; they used to do the same. You'll find many Ramoshi and Muslims from these two Satara and Sangli regions. Mostly from Sangli, they came from all of its Taluka's, and Phaltan and Karad of Satara."] [P7]*

When a minority shares a definite geographical location regarding population and influence, inter-linkages between community members of different sub-regions are apparent. All the participants had at least one or other person whom they knew or were somehow related to them met during their stay in jail. Most prisons representing the population from respective areas have a substantial representation of people from the DNT community. It is observed to have equal influence compared to criminals from other communities. It is necessary to understand that this equality compared to number is in terms of space they share with other communities. The point of discussion is that despite the minority, the share of the population of DNT community members in jail is almost equal.

Stay in jail becomes smooth when someone or the other you already know accompanies you. One of the participants in the focus group discussion, who was 60 years old when he went through police custody in one of the district jails, shared his experience about how he came across one of his relatives in jail, which helped to ease the stay for him. Participant P8 shared another experience about how his earlier association helped him in prison.

*["As I went in, what happened, you know? As I went in, people with whom I practiced for police bharati, two of them who got recruited, were there only. They took good care of me throughout the time. There were many boys from our community. I met many related people as I went in. you don't need to look out for anything. Yerwada is small or what? Still, there was at least one-two two in every barrack which we knew."] [P8]*

It is observed from interviews of participants that it is a common practice to form alliances with people from the same community during their stay in jail. It helped them sustain through their tenure and provided a sense of security. For someone attending judicial custody and not yet proved of their crime, staying in jail can make much difference. For example, participant P4 was a graduate who was working while put under police custody. For someone like him, staying in jail can ruin his social reputation and make it difficult to sustain his job afterward. It emerged from the focus group discussion that staying in jail was far easier than living in police custody.

## 5. Discussion

In his essay (Ambedkar, 2004) highlights the mechanism of caste and how it is ingrained in Indian society. It is difficult to break the caste hierarchy because it is a self-sustainable entity. Stigma and role attached to caste are dominant features and difficult to annihilate. It is a storey with no stairs, so one born in one tier has no access to uplift themselves and, even if they try caste above them, won't let them replace themselves (Ambedkar, 2014). The economic character of caste hierarchy blocks ways to develop the economic capital necessary to develop a community. Members of sedentary society carried out the colonial legacy of criminal laws and their implementation. Under the British exploitation of the peasantry and marginalized communities, Brahmin was in control of state bureaucracy (Omvedt, 1991). Caste discrimination and its economic character are responsible for the state of DNTs in India, and they cannot break the loop of CJS.

Crime as a concept is comprised of different variables (Hulsman, 1986). Reference of CTA forms a significant role while studying any phenomenon of crime that is related to De-notified Tribes (Abraham, 1999). The researcher discovered a changing pattern of involvement in crime by the participants. There are various types of crime (Hagan, 2009). Lack of education is common amongst all the participants. De-notified students still face the stigma of

criminality in schools, it hinders their aspiration for education in the early years of schooling (Japhet & Diwakar G, 2015). All of them were accused or convicted for their crimes in their youth. (Raghavan, 2012) has presented a scenario of youth involved in gangs in Mumbai. It also represents a scenario of a city as a structure for youth gangs. Crime based on lack of livelihood has adopted the crime instigated because of community conflict. Despite having access to livelihood opportunities, DNT youth find themselves in the loop of CJS. Violence against DNTs never receded from its precolonial pattern, and it still experiences blatant use of force against them (Kolekar, 2008). If the community members react similarly against it, they come under the radar of CJS. These experiences signal that the CJS system is biased toward money and political influence. In case of big robberies, DNT communities did not have the means to carry them out and dispose of them successfully (REF). It always worked in a nexus involving stakeholders from the dominant community and police.

The second theme on experiences with Criminal Justice System elaborated upon colonial prejudices in police departments against the DNT communities. Experiences gave insight into the phenomenon of false cases. DNT communities still face social exclusion due to their tag of criminality (B. Singh, 2010). And Social exclusion becomes a significant issue when inequality and prejudice are the foundation of society (Haluwalia et al., 2022). It is easy to manage violence or crime if one is economically settled. DNT communities lack means of social and economic capital, and the stigma of criminality makes it tough for them to access these resources (Gandhi, 2018). This background makes it grim for community members to challenge the phenomenon of false cases. Most of these false cases happen due to the influence of the dominant community and the inefficiency of the police department. False cases make it easy for police. In terms of crime reported based on violence, police were found to take up the cause of dominant communities. This pattern is not new for marginalized communities in India. Police have been playing the role of enforcer for the people occupying higher positions on the hierarchy before independence (Jauregui, 2013). The difference in police treatment of members of a minority community and majority community was evident in previous studies and is highlighted in the current research. A simple police case disrupts not only the individual but also the social fabric of their family members. For the most part, the police are responsible for this to happen. Families of the accused or convicted suffer a lot due to police surveillance and its enforcing nature. It becomes arduous for family members to continue with their routine life due to the constant threat of police actions. Incidences of police torture of the family members of the accused are common in India (Bokil & Raghavan, 2016), and it is disastrous for DNT communities that are already on the lower rungs of society.

Police cases, be false or actual, leads to court procedure. It is observed that discriminatory practices and social exclusion affect accused and convicts more than police torture. This part of the Criminal Justice System is lengthier and more draining. The struggle revolves around finding a lawyer if one can afford it and keep on feeding them till there's nothing left. For the ones who can't afford a lawyer, it's difficult for them to get back to routine in life. Especially pending cases on youth from marginalized communities never stop rising. The significant backlog in the courts has been discussed in several reports, parliamentary and state legislative debates, judicial conferences, and media outlets (Kumar, 2012). Even if one gets a lawyer, justice is not served until everyone is paid on time. The lawyers appointed by the government and private practitioners work in nexus on judicial cases. Everyone gets a share. When it comes to organized crime, where criminals are backed up by economic means and political influence, the Criminal Justice System works smoothly without any barriers. In case of community violence, there is always pressure from the dominant community, and even lawyers are hesitant to take the case. Law and court procedures take a more extended toll on the families of the accused or convicted. In the absence of earning members from the family, women have to play multiple roles like following the court procedure, feeding the family, and paying lawyer fees. There is no account of how much it takes on their physical and mental health. Drained economic and social capital due to the stigma of caste and criminality endangers the future of the family and kids. Experiences of prison turned out to be contradictory compared to experiences of police and court procedure. Prison systems act as a learning ground for newcomers to crime. The stigma and caste consciousness levels dissolved as participants moved from local to central prisons. Through analysis, it occurred that due to the constant loop in Criminal Justice System, these communities have developed resilience to such experiences and have been desensitized throughout these decades. It is essential to note that a considerable amount of stay in prison for a person with a background of socio-economic vulnerability and low self-esteem might lead to identity and role confusion.

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## 6. Conclusion

It can be concluded that DNT communities in India still suffer the brunt of the colonial act and its post-independence successor. Their experiences concerning CJS denote the influence of the stigma of criminality and caste. These factors play an essential role in maintaining the discriminatory nature of police towards these communities. It makes it impossible for DNT communities to break the loop of CJS. These experiences highlighted that it takes a significant toll on community aspirations and leads to the desensitization of community members towards the CJS. The notion of caste adopts every change in society and regenerates itself. DNTs are not included under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, and the colonial legacy of treating DNTs as scapegoats continue. The change in nature of their involvement in crime has changed. It is more reactive than merely marginalized. Inefficient police and judiciary make it difficult for members of these communities to break the cycle, and generations after generations end up being a part of CJS.

To conclude Habitual Offenders Act should be abolished, and a more efficient way of handling the crime involving DNTs should be devised. These communities should be given the chance and means to uplift themselves by bringing them under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 rather than being ostracised from the colonial legacy of rulers.

### **Research involving human participants**

Human beings (ex-convicts or accused) were the participants of the study. Oral consent was obtained from all the participants regarding interviews, audio-recording and field notes.

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