

Sticky policy narratives: A case study of India's 'criminal tribes' policy

(Draft paper prepared for presentation at the 3rd International Conference on Public Policy at the Lee Kuan Yew School of Public Policy, Singapore. June 28-30, 2017. Please do not cite.)

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Nomadic people present special challenges to colonial regimes. Nomads make it harder for these regimes to monitor and control their subjects (Scott, 2010). The British colonial regime in India dealt with this in a variety of ways the most prominent of which is the classification of certain groups as 'criminal tribes' in order to force them to settle. In terms of the long-term impact of a public policy, and in terms of enduring misery caused, this is arguably one of the most influential public policies of British India. An important feature of the narrative promoting this policy is the character of the 'criminal tribal'. The narrative presented these individuals as people that have innate criminal tendencies. Further, the individual tribal is presented as operating among and supported by other members of the tribe. Hence, criminality is both an innate and a collective defect. Such a presentation in the narrative justified and enabled extraordinarily harsh control mechanisms, even by the standards of colonial regimes.

The goals of this paper are two-fold: to explain why the policy narrative regarding criminal tribes took hold so powerfully, and to examine why the narrative outlasted the policy itself. I argue that an important reason for the power of the narrative is how it developed the

character of the 'criminal tribal'. It involved systematically stripping the person of dignity. The goal of the narrative was to present a character that is less than equal to 'normal' human beings. This portrayal is essential to what followed the passage of the policy – the forcible settlement of millions of people, their integration into settled communities in a marginal position, and the creation of indelible stigma on these people. Another reason is the way the narrative used metaphors to tap into cultural norms and prejudices.

In the next section I present an overview of the Criminal Tribes Act (CTA). This is followed by a summary of the Narrative Policy Framework (NPF). Following this, I discuss how the character of the 'criminal tribal' is developed in the CTA, and show how this is linked to the policy solution brought about by the law. I then show how this narrative persisted even after the policy has ended because it tapped into deep-seated cultural notions regarding inherited attributes, because it created bureaucratic habits that persisted in the long-term, and because the narrative reinforced a dangerous and lazy stereotype about wandering thieves who will never reform.

The Criminal Tribes Acts

The first Criminal Tribes Act (CTA) was approved in 1871 by British India's Governor General (the colonial administration's supreme ruler). This law was fairly broad in scope and much discretion was given to local administrators and village elites to decide who should be subjected to the law and how to enforce punishments. The policy, initially applied in northern India, was expanded several times through 1924 by which time it covered most of the colonial state. At its peak, the law applied to millions of people belonging to over 120 groups.

After independence from the British in 1947, the law was repealed and the tribes were “denotified”. Descendants of these tribes were, and still are, called “denotified tribals” in Indian policy and political discourse. In that sense, the label has changed but the stigma associated with the original CTA is still carried by members of the tribes about 150 years after the original policy was enacted. Especially at the village level, members of these denotified tribes still face stereotyping at the hands of village elites, local police, and administrators. It is estimated that there are about 100 million people today living under the cloud of the CTA.

There are two aspects in the colonial administration’s attitude towards Indian society that need mentioning and which are relevant to the CTA. The first is the assumption that India society was lawless. A member of the British Viceroy’s council in the 1860s remarked that India was a land “singularly empty of law” (Solanki, 2014). Colonial rulers missed the fact that long established social norms, customs, and rules regulated Indian society for centuries before the arrival of the British. The second aspect is the need for colonial administrators to have people settle down in one place to facilitate taxation and control. Social scientists have argued that the real intention of the colonial administration was not the introduction of rule of law but the uncontested assertion of its power over all people living in its territory (Schwarz, 2010).

The Narrative Policy Framework (NPF)

Since the early 1990s there has been a growing interest in narratives in the literature on public policy (see for example, Roe, 1994; Fischer & Forester, 1993; and Stone, 1989). The NPF is a part of this tradition and it offers us a set of concepts, definitions, and proposition to explore the influence of narratives on policy outcomes (Jones, Shanahan, and McBeth, 2014).

Humans are essentially story telling creatures and hence find stories to be as compelling, if not more compelling, than 'data'. Jones, Shanahan, and McBeth (2014) built the NPF on the model of the 'homo narrens' – the individual in the policy world that seeks to influence through, and is influenced by, narratives.

The NPF argues that policy narratives contain certain core elements. These include the context or setting (the milieu in which a policy issue plays out), characters (typically victims, villains, and heroes), a plot through which the narrative moves forward, and a policy solution. A policy narrative is expected to contain at least one character and a stance towards a policy issue (Shanahan, Jones, McBeth, and Lane, 2013).

Policy narratives occur at three levels – micro, meso, and macro (Jones, Shanahan, and McBeth, 2014). Studies looking at micro level narratives examine how individual level policy choices are influenced. Meso level studies examine how coalitions use narratives. Macro level studies examine the connections between policy narratives and broad social or cultural phenomena. The majority of NPF studies thus far have been at the micro and meso levels.

Policy actors use a variety of narrative strategies to influence the outcomes of policy contests. One strategy involves expanding or containing an issue broaden to one's coalition of support and shrink the opposition's coalition. Another strategy is to invoke loaded symbols and metaphors. Yet another strategy involves angel shift and devil shift. Angel shift is when a narrative bestows power to a hero character to solve a policy problem (Shanahan, Jones, McBeth, and Lane, 2013). Devil shift is when a narrative emphasizes the power, usually an exaggerated power, of a character to cause harm (Sabatier, Hunter, and McLaughlin, 1987).

The literature in NPF primarily focuses on the connection between a narrative and a specific policy outcome. An underexplored area is whether narratives can have life beyond the policy outcome itself. This project seeks to understand how and why policy narratives become sticky and have an impact on people's lives even after a specific policy has ended.

The narrative on 'criminal tribes'

The colonial administration's narrative had dual goals -- to delegitimize nomadic tribal people and to impose a harsh policy solution on them. The delegitimizing was done through a variety of means and the imposed policy solution required the targeted tribals to be forced to settle at the margins of existing towns and villages.

A Draconian policy such as the CTA would require, one would think, a thorough explanation as to why the targets of the policy deserve to be targeted. The problem, according to the policy, is that these nomadic tribals are "addicted to the systematic commission of non-bailable offenses" (Criminal tribes, 1871). Several aspects of this claim are worthy of discussion. First, the nomads allegedly are 'addicted' to crime. By presenting the problem as an inherent dysfunction, and further by ascribing it to an entire group, the policy implies that punishing and controlling the subjects is but inevitable.

Second, they allegedly commit crimes 'systematically'. Characterizing the nomads in this way was necessary for the policy to implicate the collective in the failings of any individuals. The systematic committing of crimes requires the coordination of, and help from, several others. Further, in accordance with existing stereotypes of the time, many of these groups of nomads are alleged to have specializations and signatures vis-à-vis their crimes. For example, some

allegedly preferred robbing trains while others allegedly were cattle lifters. Because these nomadic groups are allegedly addicted to committing crimes, and because those crimes involve coordination at the group level, policy makers chose to label and punish entire groups of people. Third, the groups allegedly commit "non-bailable" offenses, hence signaling to the public, in a bureaucratic language, that the crimes are serious.

The notion that there is something deeply defective with entire groups of people is evident in the claim by a colonial writer that members of these wandering tribes are "broken men and fallen women" (Solanki, n.d.). The metaphor of fallen women is highly charged in a society that attaches symbolic value to family honor. This is another way in which the policy narrative delegitimizes any potential claim of the targeted groups of people to being treated with dignity.

The discussions of colonial officials surrounding the passage and implementation of the CTA reinforce the narrative that these tribal members are crooked and deserve to be controlled and punished. One administrator called members of a certain tribe as "dirty, ragged, (and) walking with a sneaking gait" (D'Souza, n.d.). Another colonial military official, George MacMunn, called members of 'criminal tribes' "absolute scum" and compared them to "beasts of the field" (Bijral, 2017).

The narrative worked hard to reinforce the notion of collective guilt, and hence lay the ground for collective punishment. One strategy adopted by the proponents of the policy is to invoke caste to make the claim that all members of these tribes are criminals. A crude interpretation of the caste system is that the various castes are divided based on the vocation

of the members of each caste. In this simplistic model, a child (especially a male child) born into a caste will eventually take on the profession of his father and grandfather. By drawing an analogy to caste, proponents of the policy narrative made the case that members of 'criminal tribes' are all criminals and further, that they will pass on the 'profession' to their children. In this bizarre logic, children become criminals just by being born into one of these tribes, even if they have never committed a crime. T. V. Stephens, a colonial jurist argued (Kapadia, 1952),

The special feature of India is the caste system. As it is, traders go by caste: a family of carpenters will be carpenters, a century or five centuries hence, if they last so long.

Keeping this in mind the meaning of professional criminal is clear. It means a tribe whose ancestors were criminals from times immemorial, who are themselves destined by the usages of caste to commit crime and whose descendants will be offenders against law, until the whole tribe is exterminated or accounted for in the manner of the Thugs. When a man tells you that he is an offender against law, he has been so from the beginning, and will be so to the end, reform is impossible, for it is his trade, his caste, I may almost say his religion to commit crime.

Another delegitimizing move that the policy statement makes is to lump these tribals along with other groups in society that are considered marginal and having very low status. Policy documents frequently mention "tribes and gangs", referring to criminal gangs that roam the countryside. The Criminal Tribes Act of 1871 is divided into two parts; the first part deals with 'criminal tribes' and the second with eunuchs. In addressing the "problems" of nomadic tribes, criminal gangs, and eunuchs together, the policy seeks to signal the marginal and deviant status of all.

In an anticipatory move, the policy states that even if a tribe appears to have an obvious occupation (thereby, prima facie, making it appear that they are not criminals) such an occupation may in fact be just a front. The text warns that members of such a tribe might indeed be criminals even though they appear to have a “legitimate” occupation (Criminal tribes, 1871).

Policy solution

Because, according to the Criminal Tribes Act, the wandering tribes are addicted to crime, commit crimes in groups, are born into criminality, and cannot be trusted even when they have an obvious legitimate occupation, the policy proposes harsh solutions to deal with them. The solutions proposed have two broad themes -- forcing nomadic tribes to settle down, and ensuring control and monitoring of these settled tribes.

James Scott (2010) argued that colonial administrators detest and distrust nomadic peoples. They need to know where their subjects are, for taxation and political control purposes. Further, colonial regimes prefer settled people because they provide a predictable labor supply to colonial enterprises while nomadic people are unreliable laborers.

At the time when this policy was passed, the colonial regime in India did not yet have a detailed (much less a nuanced) view of Indian society. Hence, those drafting the law did not know which tribes, specifically, were the targets of this policy. Local officials like village headmen (they were invariably men), and police officials were given enormous discretion to identify, monitor, and punish individuals and groups that they deemed would fall under the purview of this policy.

The policy states that local officials will make lists of all members of criminal tribes in their areas. Once an individual's name appears on such a list, that individual does not have any recourse to having it removed. The policy states that an official's list may not be challenged in court, thereby doing away with even symbolic checks and balances. Tribal members are required to stay in the area in which they have been forcibly registered by authorities (Criminal tribes, 1871). A pass issued by local police will be needed if they need to travel. When they arrive at their destination, they need to report again to the local police.

It is worth pausing to ponder the cruelty of these rules in the context of how these nomads lived for centuries. These rules forbid them to travel for family, religious, or work reasons, unless they have the approval of local police officials. In some areas, the local official set up 'reform settlements' where the nomads were taught to practice 'legitimate professions'. Some of these settlements were handed over to missionaries for 'reform' and proselytizing purposes. The cruelty of the policy is further evident in the punishment prescribed for those violating the rules of being monitored – imprisonment and whipping.

As bad as the policy's intent was, it was worse in its implementation. Those that were assigned to monitor the tribals ended up exploiting them. Because the tribal people were forced to settle, often in new areas and often on the edges of existing villages and towns, they did not have access to their traditional means of living. Their desperation for work created opportunities to be exploited. In some cases, village leaders used the tribals to steal from or beat up their rivals. If caught, things would conveniently be consistent with the tribals' reputation as criminals and thugs. In other cases, the newly settled tribals were forced to become manual scavengers, cleaning the homes of upper caste villagers. They lived at the

periphery of society, both geographically and in terms of the social order. There were cases where low level police officials used the newly settled tribals to steal property and share the loot. Tribal women were exploited when they needed favors like passes to travel.

Forcing people to settle down was also convenient to emerging industries like jute mills because it created a labor force that needed 'honorable work' and which was barred from moving anywhere else. Similarly, newly settled men of 'criminal tribes' were used by railway companies practically as captive labor.

Innate criminality – A sticky policy narrative

After India became independent of British rule in 1947, politicians and activists started campaigning against the various Criminal Tribes Acts. The Criminal Tribes Act of 1952 repealed the colonial government's Acts and officially "denotified" the tribes that they are not considered criminal anymore. However, since 1952, various Habitual Offenders Acts were introduced and aimed at groups that were alleged to be habitually committing crimes. The new laws ended up being applied to some of the same groups of people targeted by the colonial criminal tribe laws. Various governments have appointed committees to study the 'problem' of denotified tribes. Although some welfare programs were initiated sporadically, not much material difference has been made to the lives of these tribal peoples. These people continue to carry the stigma of being 'born criminals', and receive more negative than positive attention from local government officials and social elites. An especially pernicious aspect of the policy is that some of these tribal people internalized and accepted the label of 'born criminal' as their identity.

An important reason why the narrative on 'criminal tribes' took hold and persisted is because it invoked a false similarity to Hindu society's caste system. As explained above, British colonialists believed that caste is the central organizing social principle in India. They understood caste as something organized around a profession. Individuals inherited a caste and a profession, and they kept it for the rest of their lives. There was a relentlessness to this logic around caste. By making the argument that nomadic tribes are like castes and that criminality is both inherited and inescapable for these tribes' members, the narrative paved the way for a ruthless policy solution. Because of the false similarity made between tribes and castes, the narrative became one that most people could understand easily. Even when the policy was withdrawn, after independence from Britain, people at the village level (and administrators at the local level) continued to accept the premise that members of the 'criminal tribes' were born into criminality and that they would pass it on to their children.

As discussed earlier, the implementation of the CTA was harsh. It led to significantly restricting the movement of people that have been nomads for centuries. When the policy was withdrawn in 1952, the situation did not reverse itself for these people. Members of these tribes continued to face harassment and prejudice at the hands of local government officials. When police investigate crimes, they routinely suspect and arrest members of these tribes even without evidence. In a particularly tragic case, a small-town jeweler belonging to one of the 'denotified tribes' was arrested and tortured in police custody because of a complaint against him from an upper-class business associate from a big city. The jeweler died in police custody forcing the national media's attention on the case (Torgalkar, 2016). Events like this, unfortunately, are not uncommon. This attitude is epitomized in a tweet by a prominent female

law-enforcement officer and political leader: “Ex-criminal tribes are known to be very cruel. They are hardcore professionals in committing crimes. Rarely caught and/or convicted” (D’Souza, 2016). D’Souza (2016) also reports a conversation with a police official who claimed that members of these tribes invite torture and punishment because they can’t stop thieving.

The exploitation of the tribals continued because of the stigma associated with being labelled as ‘born criminals’. Some attempted to escape to cities where they took to begging in bus stations and on streets (Welfare measures, 2017). There are several examples of the perpetuation of stereotypes, and the tragic implications for members of the so-called denotified tribes but here is an especially tragic one. A district court in the Indian state of Tamil Nadu sentenced five members of what used to be called a criminal tribe (the Irulars) to life in prison for allegedly looting and murder. The basis for the judgment was that these individuals must have committed the alleged crimes because they are members of a ‘criminal tribe’. No actual physical evidence was needed. Fortunately, a higher court reversed the judgment (Sen, 2017). D’Souza (n.d.) mentions the case of an Indian state’s chief minister who dismissed the usefulness of welfare programs aimed at members of these tribes. The claim made by that state’s highest elected official is that members of these tribes are addicted to crime and hence welfare programs directed at them are a waste. As a member of one of these tribes said, people see them “through a different eye” once they know that they are members of a ‘criminal tribe’ (Torgalkar, 2016).

Because of the stigma associated with their connection to the Criminal Tribes Act, because of widespread acceptance of the narrative that members of these tribes habitually and

collectively practice crime, and because these people are useful to village level police and other elites, their exploitation continues long after the official criminal tribes policy has ended.

Conclusion

The colonial narrative around the so-called criminal tribes exhibited considerable power and longevity. An important reason for this is its use of symbols and metaphors that had resonance among the social elites and public administrators. Calling members of these tribes “broken men and fallen women” is an example. This reference automatically condemns people to low status and dignity in a social milieu that places overt value on personal and family ‘honor’. Another, and an even more powerful strategy, was the false claim that criminal tribes are like castes. This made it easier for non-tribal people in communities where these tribes were forcefully settled to accept the premise that criminality is an inherited trait. More tragically, people made it nearly impossible for members of these tribes to shun their ‘criminal tribe’ identity even when the policy regarding such tribes was disbanded. Much like most Hindu Indians carry their caste labels with them permanently, these tribals could not escape their ‘criminal tribe’ label. The cleverest ploy in the criminal tribes policy was in forcing a connection between the so-called criminal tribes and the caste system that existed in Hindu society. Although many of these tribals are outside the caste system, and they did not consider themselves as Hindus, the colonial administration made this connection.

Further, the colonial policy found influential supporters among people who benefitted from it. By forcing the tribals to settle, often on the peripheries of villages, the policy created cheap labor for village elites and for emerging industries like jute mills. The tribals had to do

tasks like manual scavenging that local elites would never do. This policy effectively reinforced the superiority of village elites in local social hierarchies.

What we found here is consistent with what the NPF says regarding influential policy narratives. Policies then to take hold and have an impact when they use metaphors effectively. Also, policies that end up expanding the coalition of support will sustain themselves, especially when that coalition includes social and administrative elites. This case has implications for how NPF posits the role of narratives at the macro level (Jones, Shanahan, McBeth, 2014). Invoking deeply accepted and taken for granted images, metaphors, or themes will increase the likelihood that a policy narrative will be accepted broadly and that it will take hold for a long period of time. This case indicates that policy narratives which invoke broader cultural tropes can persist beyond the original policy itself. Future studies may examine other cases where narratives outlast the actual policies they engender.

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