

Denotified Tribes in India: A Sociological Study

Dr. Manoj Sharma ^{1*}

ABSTRACT

Denotified Tribes, also known as Vimukta Jati, are the tribes that were listed originally under the criminal tribe's act of 1871, as criminal tribes and addicted to the systematic commission of non-bailable offences. Once a tribe become "Notified" as criminal, all its members were required to file with the local magistrates failing which they would be charged with a 'crime' under the (I.P.C). The Criminal Tribes Act was repealed in 1949 and thus 'de-notified' the tribal communities. The UN's anti-discrimination body committee on the remove of racial discrimination asked India to repeal the Habitual Offenders Act (1952) and effectively resettled the denotified and nomadic tribes on 9 March 2007, for around 110 million people belonging to the denotified tribes, nomadic or semi-nomadic remote area in India.

Keywords: Denotified Tribes, Nomadic, Semi-Nomadic, Criminal Tribes

India's is a plural society and the central thread that seems to weave it together is 'co-existence' of groups that vary in economic-socio-cultural and intellectual development. However, the balance keeps oscillatory between confrontation and harmonization among different peoples. The co-existence of established states and independent tribal communities living according to their own rules and customs dates back to the earliest times of recorded Indian history: Tribals are generally called adivasis implying "original inhabitants" of the land. There are nearly 705 tribes spread all over the country. As per the 2011 census, of the 104 million tribals, about 80 percent live in the central Indian belt of Andhra Pradesh, Odisha, Jharkhand, Chhatisgarh, Madhya Pradesh and Northern Maharashtra, There are also 'denotified and nomadic tribes' who have never been counted by India's Census.

Tribes may be defined as collection of families or groups of families bearing a common name which as a rule does not denote any specific occupation generally claiming common descent from a mythical or historical ancestor and occasionally from an animal but in some parts of the country held together rather by obligation of kinship; usually speaking the same language and occupying, professing, or claiming to occupy a definite tract of country. The tribes in India are of two kinds:

1. Criminal Tribes – are made up of those people who traditionally follow criminal activities as their profession. This category is called as Denotified tribes or Vimukta Jatis after the result of the Criminal Tribes Act and enacting the Habitual Offenders Act of 1952.

¹ Assistant Professor MSW Programme (Sociology), Veer Narmad South Gujarat University, Surat, Gujarat.

* Corresponding Author Email: manojvnsu05@gmail.com

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2. Non – Criminal Tribes – are those groups of families bearing a common descent from a mythical or historical ancestor. However these tribes do not accept criminal means of livelihood as their profession. This category constitutes the present Scheduled tribes who enjoy special privileges under the present constitution.

The term “Backward Classes” include Scheduled Tribes (STs), Scheduled Castes (SCs), Denotified Tribes and Other Backward Classes (OBCs). These classes of Indian population have laboured under different and distinct disadvantages in the Indian social system. They have suffered from social and economic disabilities and have come to be known as Backward Classes. The SCs and STs are identified as a result of different lists revised and issued under the scheduled castes and scheduled tribe lists modification order, 1956 whereas the Denotified tribes are defined under the Criminal Tribes Act, 1924.

From many centuries these criminal tribes existed in India, becoming marauders, living by illegal methods chiefly robbing and thieving. Because their modus Vivendi was by criminal propensities, they were called “criminal tribes”. Criminal tribes can be defined as those sections of the people of India traditionally follow criminal activities for example stealing, robbery and decoity, and such criminal acts which serve approved occupations to gain their livelihood.

Criminal tribes were treated as born criminals and were subject to vigilant watch by government officials beginning in 1871, the year the First Criminal Tribes Act was enacted. Their freedom of movement was restricted until the Criminal Tribal Act was repealed in 1952.

The Year 2020-21 is significant for Denotified, Nomadic and Semi-Nomadic Tribes. A hundred and fifty years ago in 1871, the British Parliament passed the notorious criminal Tribes Act. The Criminal Act stigmatised generations of this community once and for all. Union Budget 2020-21, the community had hoped would address its problem comprehensively.

As Union finance minister Nirmala Sitaraman started her budget speech in February 1, 2020, hope soared at the mention of three key themes. Aspirational India, economic development and above all, a caring society. Soon it became clear, however, that like past budgets this also had little new to offer the marginalised sections, especially the DNT community.

The DNTs are a heterogeneous group engaged in various occupations such as transport key making, salt trading, entertaining-acrobats, dancers, snake charmers, jugglers and pastoralists. These communities were branded 'born criminals' under the colonial-era Criminal Tribal Act, 1871.

They were denotified in 1952 when independent India repealed this act. But the Habitual Offenders Act, 1952, kicked in soon after.

There are nearly 1,500 nomadic and semi-nomadic tribes and 198 denotified tribes. Comprising 15 Crores Indians, according to the Renke Commission, 2008. These tribes remain socially and economically marginalised even now, depriving many of them of basic human rights.

OBJECTIVES:

The present study aim at sociological approach of denotified tribes in India and the main purpose of the study is a brief history of criminal tribes or denotified tribes in India.

METHODOLOGY OF STUDY:

The research paper is based on secondary data. Secondary data were also collected from the books, journals census and officials of the social welfare department etc.

A Brief History of Criminal Tribes or Denotified Tribes:

The earliest history of the criminal tribes is not known. However we have the views of Risley, Ghurye and others who conclude that the tribes were the original inhabitants of the country in which they lived.

Elwin Verrier called the Baigas, one of the criminal tribes as original owners of the country. The exact origin of the criminal tribes is unknown. Our purpose here is not concerned with the tribal origin but to know when these tribes came to be considered as criminal. Sher Singh noted that the criminal tribes were first dealt with by the regulation of 1773 and finally in the year 1871 officially recognized as an illegal social organization. They were shown as a separate category for the first time in the 1911 census.

In the Criminal Tribes Act of 1871, the Government proceeded on three basic assumptions:

1. First, all persons born in a particular group or caste would become criminals from the birth because they take up the father's profession;
2. Second, when once they learn such law violating behaviour, they will always continue to be criminals because they believe it to be a profession; and
3. Third, because of continuous criminal practices, they become hardened criminals.

The Act is provided for registering all the members of the tribes declared as criminal tribes. The Act also required that the registered members have to report themselves at the police authority and notify their place of residence. The Act authorized the authority to restrict any criminal tribe or his movements to any specified area and whenever he crosses the limits to which his movements were restricted even for few hours or for an innocent purpose. They were subject to punishment of imprisonment for longer duration and also a fine which may extend to Rs 500 or \$67.

However, this approach of the government was wrong. It postulated that the criminal tribes represented a group of born criminals and that crime was hereditary with their members, and that criminals, could be reformed by ruthless punishment and life – long harassment.

Denotified tribes were of two kinds which may broadly be classified into nomadic groups and settled communities. The nomadic group includes gypsy like people, while the settled and the semi – settled groups trace their descent irregular fighting clans, who were uprooted from their original homes on account of invasions or political upheavals in the distant past. Before settlement in colonies, they used to make a living out of hunting, snake charming, selling medicinal herbs and other goods. The innate spirit of adventure coupled with extreme poverty, lack of openings for better economic conditions and also other psychological factors led them to take to criminal practices which later became a tradition and a part of their heritage.

Under the Criminal Tribes Act, 1924, these groups which numbered about 127 and whose population was 24.64 lakhs in 1951, were dubbed as criminal tribes. Thus, when a child was born of these tribes, he was considered to be criminal, even though he might have been totally innocent. These peoples were kept in colonies, sometimes fenced with barbed wire and under

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strict vigilance of the police. Quite often, they were made scapegoats for undetected crimes. In these settlements, the registered persons were interned for a prescribed period during which they were taught agriculture or certain handicrafts. The movement of these settlers was restricted within that area. Thus, these notified groups had to wear dark cloak of notoriety around them. This deprived them to all channels of employment.

These people were bound by their own morals. They were physically well – built and mentally sound. They seem to have their own standards which they observed scrupulously. The Bampta steals neither during the daytime nor from the body of a person asleep. The Tagoos of Karnal, the Sonarias and the Oudiahs, on the other hand steal in the daytime, near in the night. The Bamptas and the Sonarias never steal in their own villages. The Burias usually rob the well-to-do as they detest depriving the poor of their hard-earned income. Minas of Shahjahanpur in the Punjab give plenty to all those who come to them for alms. The charity of the Minas in Saddabarat, is perpetual, and invites all comers to partake of it.

They have their own code of conduct and secret dialect to communicate with each other in the performance of their work. This code of conduct was strictly followed. Contravening these rules met with severe social disapproval, which was a stronger sanction than laws.

After independence, the national government realized the injustice of dubbing the whole community as criminal without exception. Apart from being repugnant to the fundamental principles of jurisprudence, it was socially unjustifiable and nationally wasteful to maintain a whole community, generation after generation, in bondage. The Government therefore appointed a Criminal Tribes Enquiry Committee in 1949 and on its recommendation repealed the Criminal Tribal Act with effect from August 31, 1952 and the restrictions imposed on those people were withdrawn.

CONCLUSION:

The hallmark of Indian society has been described as diversity and heterogeneity. Indian society could be characterized in the form of religion, caste, region, ethnicity, tribe and denotified tribes. The criminality of these tribes was a social product, and it did not evolve overnight. It was neither inherited quality nor was it planned with malicious intention. Most of the criminal tribes seem to be original inhabitants of the respective areas in which they lived. Most of them adopted Hindu practices with tribal identity. Some embraced Islam and other turned to other cults. All these people gradually, after a generation or so, identified themselves as tribal criminals. But when legally recognized as tribal criminals in the year of 1871, after the enactment of the Criminal Tribes Act in that year, these tribals lost their lands and properties to foreign invaders such as Aryans, Dravidians and Muslims. They became helpless, hapless and hopeless due to the defeat by the invaders. Having lost their lands and properties, they were left with no source of income, and therefore resorted to illegal means for earning a livelihood. These people had no particular profession, but they lived by means of nefarious activities. Socio – economic conditions of these Denotified tribes are responsible for becoming the criminals. Though originally, they were not criminals, were a period of time through changing circumstances, they became poor. As such they were forced to take up certain activities which were easy for earning their livelihood. And gradually caste system strengthened and the exclusive groups have been developed, thus keeping them in their social groups continuing their criminal activities.

There is also the need to identify their complex problems which vary from state to state due to their habitation, ecology, tradition and cultural ethos, and to find their remedies especially to

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their rehabilitation in vocations suited to their genius and to wean them away from their criminal tendencies, particularly the children. This can be achieved to a great extent by formulating comprehensive and integrated plans to provide them land and the financial facilities in the form of loans/subsidies for agriculture, agro-based cottage industries, housing education etc. Voluntary organizations have been playing appreciable role in their rehabilitation and welfare. They need to be involved in larger measure to complement the government efforts in ameliorating the lot of the Denotified tribes with a view to integrating them in a mainstream of the Indian society and enabling them to live as respectable citizens of the country.

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Conflict of Interest

The author declared no conflict of interest.

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