

## *Gender, Family, and the Policing of the ‘Criminal Tribes’ in Nineteenth-Century North India*

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### **Abstract**

In the South Asian setting, the fields of gender history and family history are still predominantly concerned with relatively elite social groups. Few studies have examined issues of gender and the family in the history of Dalit, low-caste, and socially marginalized communities, especially those that were labelled ‘criminal tribes’ from the mid-nineteenth century on. This article explores the ways in which gender patterned criminalized communities’ experiences of everyday colonial governance under Part I of the 1871 Criminal Tribes Act (CTA) in the first two decades that it was enforced in northern India. In this early period, the colonial government did not closely regulate marriage practices, domestic arrangements, or the gendered organization of labour within communities categorized as ‘criminal tribes’. Nevertheless, notions of sexuality and gender underlay colonial knowledge of the ‘criminal tribes’, which emerged in dialogue with middle-class Indian gender and caste politics. Moreover, the family unit was the central target of the CTA surveillance and policing regime, which aimed to produce ‘industrious’ families. Officially endorsed forms of labour had complex implications for criminalized communities in the context of North Indian gender norms and strategies of social mobility. Gender power dynamics also shaped criminalized peoples’ interpersonal, embodied interactions with British and Indian colonial officials on an everyday basis. Meanwhile, different forms of leverage and evasion were open to men and women to cope with their criminalization and so the colonial state was experienced in highly gendered ways.

### **Introduction**

In British India, the nineteenth and early twentieth centuries saw numerous colonial projects to prohibit gendered cultural practices that ‘oppressed’ Indian women and girls—including *sati* (widow-burning), female infanticide, and child marriage—often in alliance with elite

Indian reformers.<sup>1</sup> Yet gender structured the colonial governance of Indian society in broader and more mundane ways than these extensively studied and ideologically charged projects of woman 'rescue' might suggest. Indian women and men's everyday interactions with the laws, institutions, and agents of the colonial state were structured by gender power relations, plural Indian and British gender norms, and varied expectations around domesticity and intimacy.

This article explores the gender patterns of local colonial governance through a study of Part I of the 1871 Criminal Tribes Act (CTA), which targeted diverse, socially marginalized communities whom the British categorized as 'criminal tribes' or hereditary criminals by caste occupation.<sup>2</sup> The marginality of these criminalized groups varied: for instance, some groups were marginal to sedentary societies, while others had extremely low caste status. In the North-Western Provinces (NWP, now Uttar Pradesh and Uttarakhand) in the 1870s and 1880s, the primary aim of Part I of the CTA was to restrict the movements of the so-called criminal tribes and, through sedentarization, to compel them to adopt cultivation or other 'industrious' work.<sup>3</sup> People from communities that were proclaimed as criminal tribes had their names and details recorded on police registers, were subjected to a daily head count, and could not leave their villages without permission.<sup>4</sup>

<sup>1</sup> Lata Mani, *Contentious traditions: the debate on sati in colonial India* (Berkeley: University of California Press, 1998); Andrea Major, *Sovereignty and social reform in India: British colonialism and the campaign against sati* (London: Routledge, 2011); Malavika Kasturi, 'Law and crime in India: British policy and the Female Infanticide Act of 1870', *Indian Journal of Gender Studies* 1, no. 2, pp. 169–93; Satadru Sen, 'The savage family: colonialism and female infanticide in nineteenth century India', *Journal of Women's History* 14, no. 3, 2002, pp. 53–79; Padma Anagol, 'The emergence of the female criminal in India: infanticide and survival under the Raj', *History Workshop Journal* 53, no. 1, 2002, pp. 73–93; Veena Talwar Oldenburg, *Dowry murder: the imperial origins of a cultural crime* (Oxford: Oxford University Press, 2000); Padma Anagol-McGinn, 'The Age of Consent Act (1891) reconsidered: women's perspectives and participation in the child-marriage controversy in India', *South Asia Research* 12, no. 2, 1992, pp. 100–18; Tanika Sarkar, 'Rhetoric against the age of consent: resisting colonial reason and the death of a child-wife', *Economic and Political Weekly* 28, no. 36, 1993, pp. 1869–78; Ishita Pande, 'Coming of age: law, sex and childhood in late colonial India', *Gender and History* 24, no. 1, 2012, pp. 205–30.

<sup>2</sup> Part II targeted 'eunuchs', primarily Hijras (see below). Act No. XXVII of 1871, in British Library (BL)/India Office Records (IOR)/V/8/42.

<sup>3</sup> The NWP was later known as the United Provinces and also incorporated present-day Uttarakhand.

<sup>4</sup> 'Rules under section 18 of the Criminal Tribes Act, 1871', in National Archives of India (NAI)/HD/JB/01/1874/119-21.

Between 1871 and 1890, the NWP government did not closely regulate criminalized communities' marriage practices, domestic arrangements, or gendered organization of labour, though later decades would see such projects. Nevertheless, in this early period, notions of sexuality and gender underlay colonial knowledge of the 'criminal tribes', which emerged in dialogue with middle-class Indian gender and caste politics. Moreover, the family unit was the central target of the CTA surveillance and policing regime, which aimed to produce 'industrious' families. Officially endorsed forms of labour had complex implications for criminalized communities, in the context of North Indian gender norms and strategies of social mobility. Gender power dynamics also shaped criminalized peoples' interpersonal, embodied interactions with British and Indian colonial officials on an everyday basis.<sup>5</sup> Meanwhile, different forms of leverage and evasion were open to men and women to cope with their criminalization and so the colonial state was experienced in highly gendered ways.

In the South Asian setting, the fields of gender history and family history are still predominantly concerned with relatively elite social groups, particularly the emerging middle class of the nineteenth and twentieth centuries.<sup>6</sup> To be sure, there have been several important studies of female sex workers, courtesans, and performers, including women of

<sup>5</sup> On the 'everyday colonial state': Jonathan Saha, *Law, disorder and the colonial state: corruption in Burma c.1900* (Basingstoke, Hampshire: Palgrave Macmillan, 2013); John L. Comaroff, 'Colonialism, culture, and the law: a foreword', *Law and Social Inquiry* 26, no. 2, 2001, pp. 305–14. I am also drawing on anthropology of the state literature: C. J. Fuller and John Harriss, 'For an anthropology of the modern Indian state', in *The everyday state and society in modern India*, (eds) C. J. Fuller and Véronique Bénéï (London: Hurst and Company, 2001), pp. 1–30; Akhil Gupta, 'Blurred boundaries: the discourse of corruption, the culture of politics, and the imagined state', *American Ethnologist* 22, no. 2, 1995, pp. 375–402; Begona Aretxaga, 'Maddening states', *Annual Review of Anthropology* 32, 2003, pp. 393–410.

<sup>6</sup> For example, Judith E. Walsh, *Domesticity in colonial India: what women learned when men gave them advice* (Lanham: Rowman and Littlefield Publishers, 2004); Charu Gupta, *Sexuality, obscenity, community: women, Muslims, and the Hindu public in colonial India* (New York: Palgrave, 2002); Mytheli Sreenivas, *Wives, widows, and concubines: the conjugal family ideal in colonial India* (Bloomington: Indiana University Press, 2008); Swapna M. Banerjee, *Men, women and domestics: articulating middle-class identity in colonial Bengal* (New York: Oxford University Press, 2004); Anshu Malhotra, *Gender, caste and religious identities: restructuring class in colonial Punjab* (New Delhi: Oxford University Press, 2002); Tanika Sarkar, *Hindu wife, Hindu nation: community, religion and cultural nationalism* (Bloomington: Indiana University Press, 2001); Ruby Lal, *Coming of age in nineteenth-century India: the girl-child and the art of playfulness* (Cambridge: Cambridge University Press, 2013).

relatively low social status, such as Devadasis.<sup>7</sup> However, we know very little about the broader ways in which gender structured the interactions of low-status communities—such as Dalit (Untouchable), Shudra (fourth *varna*), and nomadic people—with dominant social groups and the state. Few historians have scrutinized changes in gender and family structures in these marginalized communities. Charu Gupta's recent book *The gender of caste*, which explores representations of Dalits in Hindi print culture, is an important step in this direction.<sup>8</sup> Gupta's study begs the question: how did the gendered experiences of Dalits in general compare with the experiences of those particular low-status communities that were given the denigrating epithet of 'criminal tribe'?

Yet historians of the 'criminal tribes' have not foregrounded gender in their studies. Since the 1980s, a significant body of historical research has examined Part I of the CTA, largely through a legal history lens, and has argued that the CTA primarily targeted peripatetic peoples whom the British associated with criminality.<sup>9</sup> More recent histories have

<sup>7</sup> Davesh Soneji, *Unfinished gestures: Devadasis, memory, and modernity in South India* (Chicago: University of Chicago Press, 2011); Kunal M. Parker, "'A corporation of superior prostitutes': Anglo-Indian legal conceptions of temple dancing girls, 1800–1914", *Modern Asian Studies* 32, no. 3, 1998, pp. 599–633; Veena Talwar Oldenburg, 'Lifestyle as resistance: the case of the courtesans of Lucknow', in *Contesting power: resistance and everyday social relations in South Asia*, (eds) Douglas Haynes and Gyan Prakash (Berkeley: University of California Press, 1991), pp. 23–61; Ashwini Tambe, *Codes of misconduct: regulating prostitution in late colonial Bombay* (New Delhi: Zubaan, 2009); Philippa Levine, *Prostitution, race, and politics: policing venereal disease in the British empire* (New York: Routledge, 2003). On slave women of varying social status: Indrani Chatterjee, *Gender, slavery and law in colonial India* (New Delhi: Oxford University Press, 1999); Ramya Sreenivasan, 'Drudges, dancing girls, concubines: female slaves in Rajput polity, 1500–1850', in *Slavery and South Asian history*, (eds) Indrani Chatterjee and Richard M. Eaton (Bloomington, Indiana: Indiana University Press, 2006), pp. 136–61.

<sup>8</sup> Charu Gupta, *The gender of caste: representing Dalits in print* (Seattle: University of Washington Press, 2016); Charu Gupta, 'Feminine, criminal or manly?: imagining Dalit masculinities in colonial North India', *Indian Economic and Social History Review* 47, no. 3, 2010, pp. 309–42. There is also some historical discussion in Anupama Rao (ed.), *Gender and caste* (London: Zed Books, 2005 [2003]).

<sup>9</sup> Sanjay Nigam, 'Disciplining and policing the "criminals by birth", part 1: the making of a colonial stereotype—the criminal tribes and castes of North India', *Indian Economic and Social History Review* 27, no. 2, 1990, pp. 131–64; Sanjay Nigam, 'Disciplining and policing the "criminals by birth", part 2: the development of a disciplinary system, 1871–1900', *Indian Economic and Social History Review* 27, no. 3, 1990, pp. 257–87; Andrew J. Major, 'State and criminal tribes in colonial Punjab: surveillance, control and the reclamation of the "dangerous classes"', *Modern Asian Studies* 33, no. 3, 1999, pp. 657–88; Stewart

broadened the focus and explanation.<sup>10</sup> For instance, Anastasia Piliavsky has argued that 'robber-police' (who policed a ruler's domains, while raiding rival rulers' territories) were frequently labelled criminal tribes.<sup>11</sup> Yet gender continues to be a peripheral concern of this literature. To be sure, Rachel Tolen has analysed the bodily aspects of the CTA, and Meena Radhakrishna's and Anand Pandian's studies of the CTA in southern India include some passages of interesting gender analysis.<sup>12</sup> However, gender is not a major focus of these authors, and the role of gender in structuring routine, local colonial governance remains a considerable gap in the historiography of the CTA. By comparison, historians of Indian jails and overseas penal colonies like Clare Anderson, Satadru Sen, and Aparna Vaidik have been more attentive to gender.<sup>13</sup> Although the spatial and disciplinary character of 'criminal

N. Gordon, 'Bhils and the idea of a criminal tribe in nineteenth-century India', in *Crime and criminality in British India*, (ed.) Anand A. Yang (Tucson, Arizona: The University of Arizona Press, 1985), pp. 128–39; Anand A. Yang, 'Dangerous castes and tribes: the Criminal Tribes Act and the Magahiya Doms of Northeast India', in *Crime and criminality*, (ed.) Yang, pp. 108–27; Sandria B. Freitag, 'Crime in the social order of colonial North India', *Modern Asian Studies* 25, no. 2, 1991, pp. 227–61; Henry Schwarz, *Constructing the criminal tribe in India: acting like a thief* (Hoboken, New Jersey: Wiley-Blackwell, 2010); Mark Brown, 'Crime, liberalism and empire: governing the Mina tribe of northern India', *Social and Legal Studies* 13, no. 2, 2004, pp. 191–218; Mark Brown, *Penal power and colonial rule* (Abingdon, Oxon: Routledge, 2014).

<sup>10</sup> Dakxinkumar Bajrange, Sarah Gandee and William Gould, 'Settling the citizen, settling the nomad: "habitual offenders", rebellion, and civic consciousness in western India, 1938–1952', *Modern Asian Studies* 54, no. 2, 2020, pp. 337–83.

<sup>11</sup> Anastasia Piliavsky, 'The Moghia menace, or the watch over watchmen in British India', *Modern Asian Studies* 47, no. 3, 2013, pp. 751–79.

<sup>12</sup> Rachel J. Tolen, 'Colonizing and transforming the criminal tribesman: the Salvation Army in British India', *American Ethnologist* 18, no. 1, 1991, pp. 106–25; Meena Radhakrishna, *Dishonoured by history: 'criminal tribes' and British colonial policy* (Hyderabad: Orient Longman, 2001), pp. 13, 60–3, 81–2; Anand Pandian, *Crooked stalks: cultivating virtue in South India* (Durham, North Carolina: Duke University Press, 2009), pp. 37–48, 55–9.

<sup>13</sup> Clare Anderson, 'Writing indigenous women's lives in the Bay of Bengal: cultures of empire in the Andaman Islands, 1789–1906', *Journal of Social History* 45, no. 2, 2011, pp. 480–96; Clare Anderson, 'Gender, subalternity and silence: recovering women's experiences from histories of transportation', in *Behind the veil: resistance, women and the everyday in colonial South Asia*, (ed.) Anindita Ghosh (Houndmills: Palgrave Macmillan, 2008), pp. 145–66; Clare Anderson, *Subaltern lives: biographies of colonialism in the Indian Ocean world, 1790–1920* (Cambridge: Cambridge University Press, 2012); Clare Anderson, *Legible bodies: race, criminality and colonialism in South Asia* (Oxford: Berg, 2004); Satadru Sen, 'Rationing sex: female convicts in the Andamans', *South Asia: Journal of South Asian Studies* 21, no. 2, 1998, pp. 29–59; Satadru Sen, 'The female jails of colonial India',

tribe' villages was quite different from penal colonies in this period—since registered people in the NWP were 'settled' in their own villages through a 'pass system' that restricted their mobility, rather than being forcibly relocated for coerced labour—there were several similarities, as well as divergences, between the CTA project and convict transportation, which add to our understanding of the gender structures of colonial penal systems.

This article defines gender as a pattern of social relations based on perceived differences between gender/sex categories and historically contingent gender norms (for example, models of masculinity and femininity). Additionally, I examine how gender discourses can 'signify ... relationships of power', in particular, class and caste hierarchies and identities.<sup>14</sup> The visibility of gender in the historical records is uneven, despite the colonial archive's verbosity on the 'criminal tribes'. This article analyses Urdu and Hindi newspapers and published English-language ethnologies, but also draws extensively on colonial state records.<sup>15</sup> Colonial ethnography and policy discussions were often overtly gendered and sexualized. Yet the role of gender in patterning criminalized peoples' everyday interactions with the police only emerges in passing comments in official correspondence. There is also a resounding silence in the colonial archives on police violence, including the sexual harassment and abuse of people registered under the CTA.

### **Criminalized communities**

The dominant 'criminal tribe' stereotype that was cemented in the late 1860s was premised on hereditary criminality, understood not in terms of biology, but rather through the colonial understanding of caste as a rigid and unchanging hierarchy. From 'time immemorial', certain castes had apparently had criminal hereditary occupations and were thus

*Indian Economic and Social History Review* 39, no. 4, 2002, pp. 417–38; Aparna Vaidik, 'Settling the convict: matrimony and domesticity in the Andamans', *Studies in History* 22, no. 2, 2006, pp. 221–51.

<sup>14</sup> I have adapted Joan Scott's definition. Joan Wallach Scott, *Gender and the politics of history* (New York: Columbia University Press, 1999), pp. 42–6.

<sup>15</sup> For Urdu and Hindu newspapers, I have used Government of India, *Selections from the Vernacular Newspapers Published in the Punjab, North-Western Provinces, Oudh and the Central Provinces (1868–1875)* (henceforth, *Selections*), from BL/IOR/L/R/5/45-102.

'destined by the usage of caste to commit crime'.<sup>16</sup> The British also frequently equated the 'criminal tribes' with 'wandering tribes', thereby criminalizing peripatetic peoples.<sup>17</sup> The criminal tribe concept was shaped by British metropolitan anxieties about gypsies and Victorian ideas of habitual criminality,<sup>18</sup> as well as the long Indian literary tradition that depicted 'robber castes'—low-caste groups that acquired criminal skills through hereditarily transmitted knowledge.<sup>19</sup>

Experiments with policing the 'criminal tribes' predated the CTA in the NWP and also neighbouring Punjab.<sup>20</sup> In 1863, the NWP relocated around 1,200 Bawariyas to a 'colony' at Bidauli in Muzaffarnagar district. They were given tenancies by the local landlord, Mehndi Hassan Khan, but by 1870 only 704 remained at Bidauli.<sup>21</sup> After 1871, to proclaim a 'tribe, gang or class of persons' as a 'criminal tribe' under the CTA, the NWP needed to prove to the Government of India that the group was 'addicted to the systematic commission of non-bailable offences', largely through ethnographic and anecdotal evidence. However, the NWP also had to specify how the group would 'earn its living' following notification.<sup>22</sup> Since the NWP was unwilling to set up new 'reformatory settlements' or provide work and land, it was difficult to demonstrate that nomadic or landless people would be able to take up 'honest' livelihoods if notified.<sup>23</sup> As such, in the 1870s the central government only approved the notification of four groups in the NWP: the Bawariyas of Muzaffarnagar district, the Aheriyas and Haburas of Etah district, and the 'Sunorias' (Sanorhiyas) of Lalitpur district. Bawariya, Aheriya, Habura, and Sanorhiya became official categories with nebulous boundaries and somewhat ambiguous meaning. As Bajrange, Gandee, and Gould have highlighted, '[c]ommunity descriptors, although not colonial "inventions," often

<sup>16</sup> Nembhard to Assistant Resident, Hyderabad, 2 May 1870, in NAI/HD/JB/10/09/1870/9.

<sup>17</sup> Major, 'State and criminal tribes', pp. 661–3.

<sup>18</sup> Gordon, 'Bhils', p. 139.

<sup>19</sup> Anastasia Piliavsky, 'The "criminal tribe" in India before the British', *Comparative Studies in Society and History* 57, no. 2, 2015, pp. 323–54.

<sup>20</sup> Major, 'State and criminal tribes', pp. 666–9.

<sup>21</sup> G. Palmer, 'Note on the tribe of Delhiwal Bowrecahs', 28 March 1872, in NAI/HD/JB/07/1872/97.

<sup>22</sup> Act No. XXVII, in BL/IOR/V/8/42.

<sup>23</sup> For example, F. C. Daukes to Secretary, NWP, 17 April 1878, in NAI/HD/JB/04/1878/64-66.



obscured fluid, nuanced and inconvenient realities which rendered them clumsy bureaucratic devices'.<sup>24</sup>

The Sanorhiyas were described as a criminal 'fraternity' that comprised people of various *jatis* (birth groups or castes) of high, middling, and low status, who were employed by the small princely state of Tehri or Orchha in Bundelkhand.<sup>25</sup> Thus, unlike most groups designated as 'criminal tribes', the Sanorhiyas were not a *jati* and they were not necessarily low status. Moreover, NWP officials did not consider Sanorhiyas criminals by caste occupation, in contrast to the 'criminal tribe' stereotype.<sup>26</sup> Colonial officials usually used the term 'Sanorhiya' (a Brahman community) to describe these gangs, but they occasionally termed them 'Ootageyrah' (*uthaigira*, a thief, pickpocket, or rascal).<sup>27</sup> The gangs were possibly known as *uthaigiras*, but NWP administrators' insistent questioning of informants on the question of caste produced the answer of 'Sanorhiya', a high-status identity.<sup>28</sup> Though they lived in British territory, the gangs were part of Orchha's security apparatus. Within a ruler's domain, there were 'chains of patronage' running from rulers, to nobility, to landholders and, as Piliavsky has shown, each segment of this chain employed 'raider-protector' groups, which 'protected those who patronized them and plundered those who did not'.<sup>29</sup> Raids allowed patrons to raise funds, to intimidate rivals, and to restore perceived rights. In the case of Sanorhiyas, they apparently shoplifted and robbed at some distance from Orchha, thus undermining rival political powers. The gangs reportedly gifted valuable booty to the Orchha court and paid a tax, thus providing access to high-value stolen items and additional revenue.<sup>30</sup> Meanwhile, the gang leaders or *sarganas*

<sup>24</sup> Bajrange, Gandee and Gould, 'Settling the citizen'.

<sup>25</sup> Sutherland, 'List of a gang of Sunorias', 24 July 1867, in NAI/HD/Police/og/1867/16; Sutherland to Inspector-General of Police (IGP), Central Provinces (CP), 24 July 1867, in NAI/HD/Police/og/1867/16.

<sup>26</sup> C. C. Hicks, 'Past and present history of Sunorians', 22 May 1872, in NAI/HD/JB/03/1873/153-4.

<sup>27</sup> Extract from P. Harris to G. A. Bushby, 31 January 1851, in NAI/HD/Police/og/1867/16; William Crooke, *Castes and tribes of the North Western Provinces and Oudh*, four vols (Calcutta: Office of the Superintendent of Government Print, 1896), Vol. 4, p. 271.

<sup>28</sup> Ibrahim Beg, petition to District Superintendent of Police (DSIP), Sagar, 12 October 1865, in NAI/HD/Police/og/1867/16.

<sup>29</sup> Piliavsky, 'Moghia menace', pp. 754-61.

<sup>30</sup> Harris to Bushby, 31 January 1851, in NAI/HD/Police/og/1867/16; Sutherland to IGP, CP, 24 July 1867, in NAI/HD/Police/og/1867/16; Crooke, *Castes and tribes*, Vol. 4, pp. 271-2; Beg, petition, 12 October 1865, in NAI/HD/Police/og/1867/16.



had policing functions within the Orchha domain. Membership of the gangs fluctuated, as men used an occasional thieving expedition to supplement their incomes.<sup>31</sup> Thus, many sometime-gang members and people who had not been on plundering expeditions were likely to have been caught up in the CTA.

Nineteenth-century colonial sources describe Bawariyas, Aheriyas, and Haburas as 'Untouchable' and today, several Indian states classify them as 'Scheduled Castes' (SCs).<sup>32</sup> However, unpacking these groups' historical identities, occupations, and social practices is a complex task. Criminalizing language pervades the accounts of British administrators, Indian police, and 'respectable' informants. These commentators frequently equated certain sources of livelihood—for instance, hunting and forest gathering—and certain ways of life—especially, seasonal migration—with criminality. Moreover, both elite Indian and British commentators described Bawariyas, Aheriyas, and Haburas in terms of 'occupational stereotypes' that emphasized ritually polluting caste occupations but obscured more diverse forms of labour.<sup>33</sup> Nevertheless, colonial records hint at the varied work and mobility patterns of these communities.

The NWP government portrayed both the Bawariyas and Aheriyas as largely sedentary hunter-gatherers who used land and natural resources in unproductive ways. Colonial officials reported that Bawariyas hunted various animals (such as antelope, birds, lizards, and hares) for subsistence, for sale, and in the employment of European sportsmen.<sup>34</sup> Bawariyas also gathered forest produce and reportedly practised 'peculiar' forms of agriculture, such as the scattering of timber ashes

<sup>31</sup> Sutherland to IGP, CP, 24 July 1867, in NAI/HD/Police/09/1867/16.

<sup>32</sup> Ministry of Social Justice and Empowerment, 'List of Scheduled Castes', published online 26 October 2017, available at <http://socialjustice.nic.in/UserView/index?mid=76750> [accessed 9 December 2019].

<sup>33</sup> On 'occupational stereotypes': Ramnarayan S. Rawat, *Reconsidering Untouchability: Chamars and Dalit history in North India* (Bloomington: Indiana University Press, 2011), pp. 5–12.

<sup>34</sup> DSIP, Muzaffarnagar, to IGP, NWP, 19 January 1872, in NAI/HD/JB/07/1872/97; Palmer, 'Note', 28 March 1872, in NAI/HD/JB/07/1872/97; M. H. Court, Memorandum, 22 February 1865, in NAI/HD/JB/07/1872/97; J. Forbes Watson and John William Kaye (eds), *The people of India: a series of photographic illustrations ... of the races and tribes of Hindustan, Vol. 4* (London: India Museum, 1869), pp. 89–91; J. Wilson, *Final report on the revision of the settlement of Sirsa district 1879–83* (Calcutta: Calcutta Central Press Company, 1884), pp. 20, 110–1, 184; Crooke, *Castes and tribes*, Vol. 1, p. 234.

along with grains at sowing time.<sup>35</sup> Yet some colonial officials described Bawariyas as ‘fairly respectable cultivators’.<sup>36</sup> Bawariya men were also employed as *chaukidars* (watchmen), while Bawariya women often sold gathered medicinal roots and plants, and made patchwork quilts.<sup>37</sup> Many Bawariyas probably combined cultivation (of various sorts) with agricultural labour, *shikar* (hunting), gathering, and other work, depending on their economic needs. Such a mix of economic activities was fairly typical in rural areas.<sup>38</sup> Similarly, colonial officials commonly depicted Aheriyas as a ‘hunting tribe’—indeed, Aheriya comes from *aheri*, meaning a hunter or fowler.<sup>39</sup> Aheriyas also gathered forest produce and sold leaf platters, baskets, and other consumer goods made from gathered materials.<sup>40</sup> Many were tenant cultivators, including the residents of nine of the 12 Aheriya villages that were registered under the CTA in Etah.<sup>41</sup> Hence, Aheriyas had varied forms of livelihood in addition to, or apart from, *shikar*.

Given the well-documented British valorization of hunting,<sup>42</sup> it might appear surprising that the NWP government classified several groups that were associated with hunting as ‘criminal tribes’. However, colonial commentators made a sharp distinction between hunting for leisure, which was manly and sporting, and hunting for subsistence, which they blamed for the destruction of game stocks<sup>43</sup> and disparaged as ‘dirty’ and ‘primitive’.<sup>44</sup> British commentators also criticized the dietary habits of subsistence hunting groups as ‘unclean’ and ‘filthy’, imbibing upper-caste Hindu attitudes.<sup>45</sup> In addition, ‘hunting tribes’ were

<sup>35</sup> M. A. Sherring, *Hindu tribes and castes, as represented in Benares* (Calcutta: Thacker, Spink and Co., 1872), pp. 385–6.

<sup>36</sup> Wilson, *Final report*, pp. 110–1, 184.

<sup>37</sup> R. T. Hobart, annual report on Part I of the CTA (henceforth ‘annual report’), 1 July 1875, in BL/IOR/P/839/A/Jul/2; Crooke, *Castes and tribes*, Vol. 1, p. 236.

<sup>38</sup> Samita Sen, *Women and labour in late colonial India: the Bengal jute industry* (Cambridge: Cambridge University Press, 1999), pp. 54–89.

<sup>39</sup> R. T. Hobart to R. M. Edwards, 25 September 1872, in NAI/HD/JB/08/1873/61; Crooke, *Castes and tribes*, Vol. 1, pp. 40–1.

<sup>40</sup> Crooke, *Castes and tribes*, Vol. 1, p. 47.

<sup>41</sup> Hobart to Edwards, 25 September 1872, in NAI/HD/JB/08/1873/61; L. H. G. Thomas, ‘List of villages’, 20 September 1872, in NAI/HD/JB/08/1873/61.

<sup>42</sup> Anand S. Pandian, ‘Predatory care: the imperial hunt in Mughal and British India’, *Journal of Historical Sociology* 14, no. 1, 2001, pp. 83–9.

<sup>43</sup> Ezra D. Rashkow, ‘Making subaltern shikaris: histories of the hunted in colonial central India’, *South Asian History and Culture* 5, no. 3, 2014, p. 296.

<sup>44</sup> Crooke, *Castes and tribes*, Vol. 2, p. 478; Sherring, *Hindu tribes*, p. 385.

<sup>45</sup> Parker to IGP, NWP, 15 June 1877, in NAI/HD/JB/04/1878/64–66.

criminalized because of the importance of agrarianization to colonial economic and environmental policies.<sup>46</sup> The colonial state sought to encourage taxable and high-yield forms of cultivation and discourage supposedly 'lazy' and 'unproductive' farming, like shifting cultivation.<sup>47</sup> It also attempted to incorporate 'forest dwellers into a political ecology based on taxation and intensive resource exploitation'.<sup>48</sup> Groups that were associated with hunting, gathering, and marginal forms of cultivation challenged the colonial agrarian order.

Meanwhile, colonial officials defined the Haburas of the central Ganges-Yamuna Doab as a 'vagrant thieving tribe'.<sup>49</sup> The colonial association of nomadic groups with criminality was most explicit in relation to the Haburas in this region and period. Uncontrolled mobility prompted fears of porous political boundaries, illicit commerce, and unknowable populations. Peripatetic people also challenged the colonial state's efforts to make subjects legible, governable, and taxable.<sup>50</sup> Colonial officials reported that vagrant Haburas gained 'small sums of money' by 'fortune-telling' for 'the village people'.<sup>51</sup> They also hunted lizards, foxes, jackals, and other animals.<sup>52</sup> Moreover, many Haburas—including several of the people registered in Etah—were tenant cultivators, while the registered Haburas were primarily sedentary.<sup>53</sup> Nevertheless, the association of Haburas with 'vagrancy' stuck.

<sup>46</sup> On agrarianization: David Gilmartin, 'Migration and modernity: the state, the Punjabi village, and the settling of the canal colonies', in *People on the move: Punjabi colonial, and post-colonial migration*, (eds) Ian Talbot and Shinder Thandi (Oxford: Oxford University Press, 2004), pp. 3–20.

<sup>47</sup> Ajay Skaria, *Hybrid histories: forests, frontiers and wildness in western India* (Oxford: Oxford University Press, 1999), pp. 65–8.

<sup>48</sup> Rashkow, 'Making subaltern shikaris', p. 306.

<sup>49</sup> Croke, *Castes and tribes*, Vol. 2, p. 473.

<sup>50</sup> For example, Nitin Sinha, 'Mobility, control and criminality in early colonial India, 1760s–1850s', *Indian Economic and Social History Review* 45, no. 1, 2008, pp. 1–33; Tanuja Kothiyal, *Nomadic narratives: a history of mobility and identity in the great Indian desert* (Cambridge: Cambridge University Press, 2016), pp. 14–5; Radhakrishna, *Dishonoured by history*, pp. 9–12; Neeladri Bhattacharya, 'Pastoralists in a colonial world', in *Nature, culture, imperialism: essays on the environmental history of South Asia*, (eds) David Arnold and Ramachandra Guha (Delhi: Oxford University Press, 1995), pp. 67–85.

<sup>51</sup> Parker to IGP, NWP, 15 June 1877, in NAI/HD/JB/04/1878/64–66. See also G. Lang to Commissioner, Meerut, 14 December 1877, in NAI/HD/JB/04/1878/64–66.

<sup>52</sup> Hobart to Edwards, 25 September 1872, in NAI/HD/JB/08/1873/61.

<sup>53</sup> Croke, *Castes and tribes*, Vol. 2, pp. 478–81.

According to NWP officials, Bawariya, Aheriya, and Habura men all pilfered crops and livestock, while the Bawariyas and Aheriyas also practised highway robbery and, additionally, the Haburas carried out burglary. Reportedly, all three groups committed crime in distant places and were engaged in relationships of patronage and indebtedness with local landlords, in which the patron's protection was exchanged for a cut of the booty.<sup>54</sup> These patronage ties may have taken the form of 'plunder-policing'. Indeed, Bawariyas were often employed as *chaukidars* and such watchmen were frequently 'robber-police'.<sup>55</sup> Yet some British officials doubted that Bawariyas, Aheriyas, and Haburas were more likely to commit crime than other social groups.<sup>56</sup> Moreover, prior to 1871 these communities were frequently the targets of police harassment and were always among the first suspects when crimes were reported.<sup>57</sup>

Regardless of the extent to which they actually committed crime, the diverse groups that were registered in this early period—the Sanorhiyas, Bawariyas, Aheriyas, and Haburas—reveal that multiple concerns intersected in the CTA, including: the challenge to colonial authority posed by raider-protector groups, contests over land and forest use, and fears of uncontrolled mobility. While Piliavsky has recently argued that the criminal tribe project was *not* about controlling peripatetic groups, as most historians have suggested, but *rather* about 'uprooting ... the indigenous policing system', the mix of groups proclaimed in the NWP instead highlights that several preoccupations overlapped in the CTA.<sup>58</sup>

This confluence of various concerns is especially apparent when we consider the second part of the law. Historians of the 'criminal tribes' have failed to explain why the Hijra community was policed under Part II of the 1871 CTA, usually relegating Part II to footnotes, if they mention it at all.<sup>59</sup> Hijras are a discipleship-based community that has traditionally

<sup>54</sup> DSIP, Muzaffarnagar, to IGP, NWP, 19 January 1872, in NAI/HD/JB/07/1872/97; Palmer, 'Note', 28 March 1872, in NAI/HD/JB/07/1872/97; Court, Memorandum, 22 February 1865, in NAI/HD/JB/07/1872/97; Parker to IGP, NWP, 15 June 1877, in NAI/HD/JB/04/1878/64-66.

<sup>55</sup> Piliavsky, 'Moghia menace', p. 754.

<sup>56</sup> Watson and Kaye (eds), *People of India*, Vol. 4, pp. 89–91; Wilson, *Final report*, p. 209.

<sup>57</sup> 'Report of ... Operations for the Suppression of Thuggee and Dacoity' (extract), in NAI/HD/JB/10/12/1870/32.

<sup>58</sup> Piliavsky, 'Moghia menace', p. 751.

<sup>59</sup> For example, Mark Brown, 'Ethnology and colonial administration in nineteenth-century British India: the question of native crime and criminality', *The British Journal for the History of Science* 36, no. 2, 2003, p. 211. Part II was only enforced in the NWP.

performed and asked for donations (*badhai*), especially at births and marriages. Nineteenth-century sources describe Hijras as feminine-identified castrates or 'Hijras from birth'. The colonial government labelled Hijras 'eunuchs' and accused them of being 'professional sodomites', 'obscene' performers, castrators, and kidnappers. The aims of Part I and Part II of the CTA were distinct and could be summed up as assimilation versus elimination. Part I aimed to compel 'productive' livelihoods by policing mobility and thus achieve the assimilation of the 'criminal tribes' into the lower rungs of rural society. In contrast, Part II aimed, in the short term, to erase Hijras from public space through the prohibition of performance and feminine dress, and, in the long term, to gradually render them 'extinct' by interfering with Hijra discipleship and preventing castration (which the British incorrectly considered a prerequisite for Hijra-hood).<sup>60</sup> The colonial government usually viewed Hijras and the 'criminal tribes' as discrete criminal collectives. Nevertheless, both groups were understood through criminalizing discourses that were overlain with issues of gender, sexuality, intimacy, and domesticity. For British officials, deviant femininity and masculinity were aspects of the many-sided 'criminal tribe problem', along with anxieties about mobility, raider-protectors, and resource use.

### **Female sexual 'immorality' and the criminal tribe stereotype**

Colonial commentators paid close attention to the minutiae of 'criminal tribe' conjugal and sexual practices, including marriage and divorce customs, domestic arrangements, and female sexual 'immorality'.<sup>61</sup> This discourse linking criminality and deviant intimate lives was evident from

<sup>60</sup> Hijras were the primary target, but Zanas (‘effeminate’ men), ritual cross-dressers (for example, Sakhis), and performers were sometimes classified as ‘eunuchs’. In 1908, the NWP agreed to repeal Part II from the new CTA (eventually enacted in 1911) because Hijras were apparently ‘dying out’. This impression was largely due to extensive Hijra evasion of the police. The community fortunately survived in North India. Jessica Hinchy, *Governing gender and sexuality in colonial India: the Hijra, c. 1850–1900* (Cambridge: Cambridge University Press, 2019); Jessica Hinchy, ‘The eunuch archive: colonial records of non-normative gender and sexuality in India’, *Culture, Theory and Critique* 58, no. 2, 2017, pp. 127–46; Jessica Hinchy, ‘Obscenity, moral contagion and masculinity: Hijras in public space in colonial North India’, *Asian Studies Review* 38, no. 2, 2014, pp. 274–94; Jessica Hinchy, ‘Troubling bodies: “eunuchs,” masculinity and impotence in colonial North India’, *South Asian History and Culture* 4, no. 2, 2013, pp. 196–212.

<sup>61</sup> Croke, *Tribes and castes*, Vol. 1, p. 42.

the 1860s in government correspondence—in particular, district administrators' ethnographic reports on local 'criminal' communities—and from the 1870s, in the published ethnographies of administrator-scholars, especially the regional glossaries of castes and tribes. However, because the NWP did not seek to regulate 'criminal tribe' marriage and sexual practices in the 1870s and 1880s, discussion of sexuality was less apparent in correspondence on the routine administration of the CTA than in ethnographic accounts. Published ethnographies tended to give a more abstract and homogenous view of indigenous communities, but these tomes were shaped by the relatively 'satisficing' ethnography of district officials. Ethnographic information emerged out of interactions with Indian colonial officials and Indian informants, especially 'respectable natives', including urban *raises* (patrons like banking and business magnates), rural landlords, and educated men from the emerging middle class.<sup>62</sup> The lengthy gendered and sexual commentary on the 'criminal tribes' reflected colonial ethnographers' broader assumption that marriage and kinship practices were central to understanding caste. Colonial ethnographers and linguists also detailed 'obscene' and 'immoral' social practices in the hope of eventually stamping them out.<sup>63</sup> Yet the colonial ethnography of the 'criminal tribes' also highlights the importance of gender and sexuality in historical processes of criminalization.

British officials repeatedly criticized 'criminal tribe' marriages as low-caste practices that did not involve rituals performed by Brahmans. A. O. Hume wrote of the Haburas: 'Marriage seems scarcely to be with them a religious ceremony; it consists in placing four small coins in a figure of diamond shape outside which a circle is drawn, and round this the bride and bridegroom walk seven times.'<sup>64</sup> Colonial commentators also claimed that the marriage customs of criminalized groups indicated their criminality. In the Aheriya community, which contextually practised dowry or bride price, prospective brides were apparently 'stolen' or 'seduced'.<sup>65</sup> This resonated with the wider colonial narrative that 'wandering' communities kidnapped children and trafficked

<sup>62</sup> C. A. Bayly, *Empire and information: intelligence gathering and social communication in India, 1780–1870* (New Delhi: Cambridge University Press, 1999), pp. 167–8, 335–6; C. A. Bayly, 'Local control in Indian towns—the case of Allahabad 1880–1920', *Modern Asian Studies* 5, no. 4, 1971, pp. 289–302.

<sup>63</sup> Bayly, *Empire and information*, pp. 352–61.

<sup>64</sup> A. O. Hume quoted in Crooke, *Tribes and castes*, Vol. 2, p. 479.

<sup>65</sup> Crooke, *Tribes and castes*, Vol. 1, p. 44.

slaves.<sup>66</sup> In particular, British officials portrayed bride price as slavery. G. G. Parker, a police official, reported that Haburas' 'form of marriage is a sale, in which the man buys his wife from her father, for the invariable price of Rs. 25'.<sup>67</sup>

Not only were 'criminal tribe' conjugal practices criminal, but female sexual deviance was the counterpart to male criminality according to British administrators. In 1864, E. Tyrwhitt, a police official, claimed that *lambardars* (village headmen) often carried on 'intrigue[s] with the [Bawariya] women', intrigue being a common British euphemism for adultery.<sup>68</sup> In 1872, G. Palmer, Muzaffarnagar's magistrate, claimed that 'by force of circumstances, generation [of Bawariyas] succeeded generation in which the men were professional thieves, and the women openly immoral'.<sup>69</sup> Examples of this discourse abound in William Crooke's 1896 *Tribes and castes* volume, which synthesized much of the NWP correspondence on the criminal tribes from the previous three decades. For instance, 'in Muzaffarnagar it is extremely rare for a Bâwariya woman to live with her husband. Almost invariably she lives with another man ...'.<sup>70</sup> Similarly, although Haburas strictly punished 'inter-tribal immorality', Crooke alleged that 'the girls have considerable liberty before marriage, and a *faux pas* is not very seriously dealt with'.<sup>71</sup>

Colonial officials contrasted different 'criminal' caste communities, as well as different 'branches' of castes, on the basis of women's perceived degree of sexual morality.<sup>72</sup> Crooke distinguished the relatively respectable 'Eastern branch' of Bawariyas who kept 'their women ... under careful control', from the 'disreputable' 'Western branch' who lived in the Ganges-Yamuna Doab and among whom 'the standard of morality is very low'.<sup>73</sup> Moreover, colonial accounts frequently interlinked peripatetic lifestyles and sexual deviance. Crooke wrote of the 'vagrant' Haburas, '[t]heir women from their vagrant, mendicant life naturally bear an indifferent character', whereas 'settled' Haburas

<sup>66</sup> W. H. Sleeman, *A report on the system of Meghunnaism* (Srirampur: Serampore Press, 1839); C. Hervey, 'General report ...' (extract), 15 September 1863, in NAI/FD/JB/11/1863/9-15; C. Daniell to Commissioner of Agra, 13 January 1870, in BL/IOR/P/92.

<sup>67</sup> Parker to IGP, NWP, 15 June 1877, in NAI/HD/JB/04/1878/64-66.

<sup>68</sup> E. Tyrwhitt, Report, 17 March 1864, quoted in Palmer, 'Note', 28 March 1872, in NAI/HD/JB/07/1872/97.

<sup>69</sup> Palmer, 'Note', 28 March 1872, in NAI/HD/JB/07/1872/97.

<sup>70</sup> Crooke, *Tribes and castes*, Vol. 1, pp. 233-4.

<sup>71</sup> Crooke, *Tribes and castes*, Vol. 2, p. 475.

<sup>72</sup> Parker to IGP, NWP, 15 June 1877, in NAI/HD/JB/04/1878/64-66.

<sup>73</sup> Crooke, *Tribes and castes*, Vol. 1, pp. 234-6.



enforced rules against ‘immorality’.<sup>74</sup> Similarly, police official R. T. Hobart labelled women of the Sansi community—a largely nomadic group that was proclaimed as a criminal tribe in the early 1890s—as ‘prostitutes’.<sup>75</sup> It is difficult to determine the actual conjugal and sexual norms of these communities, given this highly sexualized ethnography.

Sexuality and conjugality were typically an explicit part of the NWP’s case for notifying a group as a criminal tribe. In outlining the ‘customs’ of communities, administrators noted marriage and sexual practices—along with diet, religion, and (licit and illicit) occupations—to ‘prove’ two factors necessary for notification: first, that a community was a ‘distinct tribe’ and, second, that its members were ‘*criminal as a whole*’.<sup>76</sup> If a group’s ‘peculiarities in customs’ and distinctiveness from other low-status communities were in doubt, sexual and marriage practices became especially crucial. For instance, in an 1877 report, Parker emphasized that in establishing the distinctiveness of ‘Baherias’ (Beriyas or Bedias), ‘[t]he chief thing noticeable is their marriage custom’. He also repeatedly highlighted ‘the number of Baheria women in the keeping of zamindars’.<sup>77</sup> In this period, the Government of India accepted the criminality of most communities that the NWP proposed to notify, but, as we saw above, the central government’s perception of a group’s access to work or land cinched the case for notification.<sup>78</sup> Nonetheless, sexual and marriage customs helped to prove that a community was ‘distinct’ and ‘criminal’.

In British India, gender and sexuality were often central to the discourses and practices through which socially marginalized peoples were criminalized. For instance, in the 1860s colonial administrators claimed that female prostitutes purchased kidnapped girls to be brothel workers and, moreover, that their criminality was evidenced by the ‘fact’ of their sexual embodiment: Indian prostitutes were invariably ‘infertile’, therefore all children in brothels must be kidnapped.<sup>79</sup> The

<sup>74</sup> Crooke, *Tribes and castes*, Vol. 2, p. 478.

<sup>75</sup> R. T. Hobart to Secretary, North-Western Provinces and Oudh (NWP&O), 26 March 1888, in BL/IOR/P/3382/A/Aug/1.

<sup>76</sup> Parker to IGP, NWP, 15 June 1877, in NAI/HD/JB/04/1878/64-66; Palmer, ‘Note’, 28 March 1872, in NAI/HD/JB/07/1872/97.

<sup>77</sup> The notification of this group was delayed because of their small numbers in Aligarh. Parker to IGP, NWP, 15 June 1877, in NAI/HD/JB/04/1878/64-66.

<sup>78</sup> Daukes to Secretary, NWP, 17 April 1878, in NAI/HD/JB/04/1878/64-66.

<sup>79</sup> Jessica Hinchy, ‘Deviant domesticities and sexualised childhoods: female prostitutes, eunuchs and the limits of the state child “rescue” mission in colonial India’, in *Divine*

colonial stereotype of the Hijra kidnapper brought together 'wandering' criminality (even though Hijras were largely sedentary), deviant domesticity (the Hijra household was supposedly a brothel), sexual contagion (Hijras were 'addicted' to sex with men), and child sexual abuse (they were apparently the pimps of kidnapped Indian boys).<sup>80</sup> In other settings, historians have also noted that processes of social and legal criminalization frequently involve gender and sexual discourses, though in contingent, context-specific ways.<sup>81</sup>

Female sexuality was also wrapped up with late nineteenth-century middle-class Indian representations of crime. Newspaper reports often linked perceived spikes in crime to an increase in women's sexual immorality. This painted a picture of moral chaos and corruption, usually in distant or rival cities,<sup>82</sup> in a sexualized form of 'inter-regional one-upmanship'.<sup>83</sup> For instance, Lucknow's *Oudh Akbar* reported in 1872 that 'the behavior of the women of Umritsur [Amritsar] continues to be indecent as ever', while '[c]omplaints of theft and swindling are also said to be frequent in the city'.<sup>84</sup>

However, sexualized descriptions of 'criminal tribe' women did not appear in the North Indian press in the 1860s and 1870s. Though Indian commentators called for government action against several groups that the British labelled 'criminal tribes', such as the Bawariyas and Haburas, they did not dwell on the women of these communities.<sup>85</sup> Nevertheless, the colonial narrative of the sexually wayward criminal tribeswoman drew upon middle-class Indian—and especially high-caste Hindu—representations of Dalit and Shudra women as hypersexual. (Recall that most 'criminal tribes' were socially marginalized and many were reportedly 'Untouchable', including Bawariyas, Aheriyas, and Haburas.) In the late 1800s, educated men from high-caste and *ashraf* (high-status) scribal communities increasingly identified as 'middle class'

*domesticities: Christian paradoxes in Asia and the Pacific*, (eds) Hyaewoel Choi and Margaret Jolly (Canberra: ANU Press, 2014), pp. 247–79.

<sup>80</sup> Hinchy, *Governing gender and sexuality*.

<sup>81</sup> Tera Ageypong, 'Aberrant sexualities and racialised masculinisation: race, gender and the criminalisation of African American girls at the Illinois Training School for Girls at Geneva, 1893–1945', *Gender and History* 25, no. 2, 2013, pp. 270–93.

<sup>82</sup> *Mayo Gazette*, 20 July 1872, *Selections*, p. 399; *Urdu Akhbar*, 1 July 1871, *Selections*, pp. 347–8.

<sup>83</sup> Bayly, *Empire and information*, p. 173.

<sup>84</sup> *Oudh Akhbar*, 23 February 1872, *Selections*, p. 132.

<sup>85</sup> For example, *Nijm-ool Ukbar*, 11 March 1868, *Selections*, pp. 154–5; *Julkatoor*, 25 July 1869, *Selections*, pp. 357–8.

in order to distinguish themselves from the 'old elite', especially Indian rulers.<sup>86</sup> Charu Gupta argues that didactic literature aimed at upper-caste, middle-class Hindu women constructed the ideal woman through representations of low-caste women as 'other'. Softly spoken, even-tempered upper-caste women were contrasted with loud, foul-mouthed, and obscene low-caste women. Shudra and Dalit women were also represented as sexually available *kutnis* (vamps or pimps) who corrupted dominant-caste women. Dalit women were particularly prone to sexualization because they usually worked outside the home in mixed-gender situations, whereas femininity and public labour were increasingly seen as incompatible.<sup>87</sup> It is notable that the British did *not* represent mixed-caste Sanorhiya gangs as failing to regulate women's sexuality. Colonial officials only described low-caste 'criminal tribeswomen' as sexually immoral, highlighting the imprints on colonial knowledge of high-caste, middle-class Hindu attitudes.

These discourses had a longer history—ancient Sanskrit texts portrayed low-caste women as polluted, evil, and lustful—but they took on a new salience in the late 1800s.<sup>88</sup> Everyday caste-based practices surrounding conjugality and the management of women's sexuality became central to middle-class Hindu identity and were transformed and hardened in the process.<sup>89</sup> The gendered construction of caste and class identity was propelled by middle-class men's anxieties about threats to their social status due to competition for employment, limited business successes, perceived threats to landowning, and nascent low-caste movements.<sup>90</sup> Tanika Sarkar has argued that in the context of colonial rule, middle-class men made claims to social and political power in the only available domain—their own homes—placing enormous significance on conjugality and women's behaviour. Dominant-caste Hindu men sometimes 'renovate[d]' tradition 'to accommodate spaces for dangerously dissident lower orders'.<sup>91</sup> But support for state intervention into 'criminal', 'immoral', or low-status homes allowed middle-class men to assert that their own homes were morally

<sup>86</sup> Sanjay Joshi, *Fractured modernity: making of a middle class in colonial North India* (New Delhi: Oxford University Press, 2001), pp. 24–31.

<sup>87</sup> Gupta, *Gender of caste*, pp. 30–43. See also Charu Gupta, 'Domestic anxieties, recalcitrant intimacies: representation of servants in Hindi print culture of colonial India', *Studies in History* 34, no. 2, 2018, pp. 141–63.

<sup>88</sup> Gupta, *Gender of caste*, pp. 30–43.

<sup>89</sup> Malhotra, *Gender, caste and religious identities*, pp. 2–3.

<sup>90</sup> Sarkar, *Hindu wife, Hindu nation*, pp. 7–18; Joshi, *Fractured modernity*, pp. 69–74.

<sup>91</sup> Sarkar, *Hindu wife, Hindu nation*, pp. 4–5, 7–18, 29–43, 69, 82–4.

impeccable.<sup>92</sup> Portraying low-caste communities' marriage and sexual practices as contemptible reinforced social hierarchies and constructions of class and caste identity. These wider political currents shaped the information 'respectable' informants provided to the British on the immoral sexuality of the 'criminal tribes'.

For instance, colonial administrator-scholars' critiques of 'criminal tribe' marriage customs resonated with middle-class, dominant-caste Hindu redefinitions of respectable conjugality. In the late 1800s, older ideas about ideal marriage forms narrowed and rigidified. Marriage 'without price' gained new significance as a marker of status, while bride price was condemned as 'dishonourable'.<sup>93</sup> Middle-class Indian commentators termed bride price a 'kind of illegal union', which was merely the 'slave-trade in a disguised shape'.<sup>94</sup> This indigenous politics surrounding marriage influenced colonial officials' denunciation of bride-price and other 'criminal tribe' conjugal practices. The late nineteenth-century trope of the sexually immoral criminal tribeswoman was thus a product of convergence between colonial moralizing discourses and upper-caste, middle-class Hindu gender and caste politics.

### The 'problem' of criminal tribe masculinity

For both middle-class Indians and British administrators, the criminal tribe 'problem' was also a problem of masculinity. In the late 1860s and 1870s, communities that the British considered 'criminal tribes' (such as Bawariyas and Haburas) were represented by the Urdu and Hindi press as *badmash* (people 'of bad livelihood') and, to a lesser extent, as robbers, *dakait*s (bandits), 'tribes of professional criminals', and 'criminal tribes'.<sup>95</sup> *Badmash* was a 'generic term' for rascals and criminals,

<sup>92</sup> Sen, 'The savage family', pp. 54, 71–2. This is a corrective to Chatterjee's argument: Partha Chatterjee, *The nation and its fragments: colonial and postcolonial histories* (Princeton: Princeton University Press, 1993).

<sup>93</sup> Malhotra, *Gender, caste and religious identities*, pp. 2–3, 45–6, 49–50, 61–8.

<sup>94</sup> *Urdu Akhbar*, 16 October 1871, *Selections*, pp. 624–5. See also *Lawrence Gazette*, 15 September 1871, *Selections*, pp. 562–3. On bride price, see Oldenburg, *Dowry murder*; Sen, *Women and labour*, pp. 85–9.

<sup>95</sup> For example, *Anjuman-i-Hind*, 30 April 1870, *Selections*, pp. 184–5; *Marwar Gazette*, 15 January 1872, *Selections*, pp. 40–1; *Marwar Gazette*, 5 February 1872, *Selections*, p. 88. 'Criminal tribe' appears in English in the *Selections* and may be a translation of *aparadhi jati* (criminal caste) or *aparadhi jan-jati* (criminal tribe).

whether low-status or ‘debauched’ respectable people, which evoked the ‘dangerousness’ of illegitimately held power ‘that threaten[ed] person, property, and respectability’.<sup>96</sup> The *badmash* was also a figure of aberrant masculinity. The North Indian press frequently represented *badmashes*, as well as *dakaits* and robbers, as indulging in drinking, gambling, and dancing.<sup>97</sup> As Radhika Singha has pointed out, the *badmash* ‘is vested with a threatening masculinity, one distanced from “proper” work and associated with inappropriate forms of consumption’.<sup>98</sup> *Badmashes* were also portrayed as sexually immoral: the *badmash* of Benares apparently ‘corrupt[ed] the morals of the women’.<sup>99</sup> Moreover, North Indian commentators denounced rapists as *badmash* and, conversely, claimed that robbers and *badmash* committed sexual violence against women in the course of their crimes.<sup>100</sup> To give just one example of many,<sup>101</sup> a report in the *Lauh-i-Mahfuz* of Moradabad denounced the Dom community—which the NWP government increasingly termed a criminal tribe—as ‘notorious robbers and *budmashes*’ and claimed that a Dom man had recently ‘ravished’ an Ahir woman (of comparatively higher-caste status) and then murdered her.<sup>102</sup> Thus, in the newspapers of this period, groups that the British labelled criminal tribes were often described as *badmash*, a figure that evoked improper work, unruly masculinity, immorality, and sexual violence against women.

This association with sexual violence does not appear prominently in colonial narratives of ‘criminal tribe’ masculinity. Nevertheless, British representations of criminal tribesmen resonated more generally with elite North Indians’ concerns about *badmashes*’ inappropriate livelihoods and disorderly masculinity. This was due to the centrality of industriousness and self-discipline to both Victorian British and middle-class Indian notions of masculinity.<sup>103</sup> For the British, the threat

<sup>96</sup> Radhika Singha, ‘Punished by surveillance: policing “dangerousness” in colonial India, 1872–1918’, *Modern Asian Studies* 49, no. 2, 2015, p. 242.

<sup>97</sup> *Lawrence Gazette*, 23 September 1870, *Selections*, p. 366; *Adebe Hind*, 1 February 1868, *Selections*, p. 127; *Dubduba Sekundree*, 13 June 1868, *Selections*, pp. 323–4.

<sup>98</sup> Singha, ‘Punished by surveillance’, p. 242.

<sup>99</sup> *Patiala Akhbar*, 19 October 1874, *Selections*, p. 510.

<sup>100</sup> In the *Selections*, translators used ‘*budmash*’ or, alternatively, ‘bad character’ or ‘persons of bad livelihood’, which are probably translations of *badmash* or possibly *shohda* (rogue or hooligan).

<sup>101</sup> For example, *Oudh Akhbar*, 1 March 1872, *Selections*, pp. 135–6; *Urdu Akhbar*, 16 December 1872, *Selections*, p. 127; *Marwar Gazette*, 15 January 1872, *Selections*, pp. 40–1.

<sup>102</sup> *Lauh-i-Mahfuz*, 28 June 1872, *Selections*, p. 342.

<sup>103</sup> On middle-class gender norms in the NWP: Joshi, *Fractured modernity*, pp. 59–94.

of criminal tribe masculinity was twofold. On the one hand, 'criminal tribesmen' were apparently lazy, idle, and lacked the 'will to work'.<sup>104</sup> J. R. Reid, the NWP secretary, lamented that 'so long as they [the Sanorhiyas] are perfectly happy in idleness and the tranquil enjoyment of their kinsmen's plunder, they will not willingly undertake a life of agricultural labour'.<sup>105</sup> On the other hand, British officials claimed that 'criminal tribesmen' inevitably longed for the adventure and freedom of their criminal expeditions. According to Etah's magistrate, J. Smith, 'the old love of roving, the old longing for a predatory life, would certainly break out and overcome every effort to induce habits of industry and steady perseverance'.<sup>106</sup> In short, sexually immoral femininity and unproductive and turbulent masculinity were reoccurring themes in British formulations of the criminal tribe 'problem', which dovetailed with aspects of middle-class Indian representations of low-caste and '*badmashi*' sections of society.

### Producing productive families

Notions of the family were at the centre of the NWP's plan to reform the criminal tribes. The CTA applied to entire families, including children, and aimed to transform these 'criminal' families into productive households of tenant farmers. Of course, in the NWP everyone registered under the CTA had 'fixed' residences and a substantial number were tenant cultivators, but their agricultural work was apparently a cloak for theft.<sup>107</sup> The CTA provided for two possible methods: first, 'a system of prevention, under which the members of the tribe are prevented, by registration and roll-call, from leaving their homes on predatory excursions' and, second, 'a system of repression by which they are removed from their homes to a compulsory place of residence, and forced to support themselves there by such employment as the Government provides'.<sup>108</sup> The NWP chose the considerably cheaper 'preventive' option. While the Bawariyas would remain in the

<sup>104</sup> C. Robertson to Secretary, Government of India (GI), 23 November 1878, in BL/ IOR/P/1138/A/Dec/5.

<sup>105</sup> J. R. Reid to IGP, NWP&O, 9 August 1882, in BL/ IOR/P/1816/A/Aug/18.

<sup>106</sup> J. Smith to Commissioner, Agra, 2 April 1880, in BL/ IOR/P/1467/A/Aug/8.

<sup>107</sup> Hobart, annual report, 1 July 1875, in BL/ IOR/P/839/A/Jul/2; P. C. Dalmahoy, annual report, 21 September 1878, in BL/ IOR/P/1138/A/Dec/2.

<sup>108</sup> C. A. Elliott to H. L. Dampier, 26 September 1872, in NAI/HD/ JB/12/1872/263.

Bidauli colony established in 1863, this did not formally operate as a 'reformatory settlement', meaning that forced labour was not implemented. Nor would the NWP relocate the other registered groups to new reformatory settlements. However, stopping the 'wanderings' of registered people, would 'force ... [them] to confine themselves to the legitimate profession of agriculture'.<sup>109</sup> Interestingly, this emphasis on reform-through-labour was more typical of British India's penal colonies, such as the Straits Settlements and the Andaman Islands, than the organization of jails in India.<sup>110</sup> The Government of India pointed out that the NWP's 'preventive' approach to the 'criminal tribes' assumed that registered people already had tenancies on sufficient land or, alternatively, some other means of livelihood within the boundaries of their village.<sup>111</sup> Although the NWP claimed that there was easy access to land and a demand for labour in the districts in question, this assumption turned out to be incorrect.<sup>112</sup>

The NWP's rules on the enforcement of the CTA provided that the district magistrate should compile a register of members of the proclaimed 'tribes', which recorded physical appearance, age, place of residence, previous convictions, and other personal details. A registered person could not 'leave the boundaries of the town or village in which he is a resident' without a pass from the magistrate or district superintendent of police. This pass was ordinarily issued for up to 14 days for a specific route of travel and had to be presented on certain dates at particular police stations. The magistrate or superintendent was also required to hold a 'roll call' of registered people at irregular intervals.<sup>113</sup> In Etah, roll call was only held once a month during the 1870s, though it was conducted more often elsewhere.<sup>114</sup> However, the requirement that every registered person had to 'report himself or herself every evening to the village headman or police officer ...

<sup>109</sup> Ibid.

<sup>110</sup> Clare Anderson, 'Sepoys, servants and settlers: convict transportation in the Indian Ocean, 1787–1945', in *Cultures of confinement: a history of the prison in Africa, Asia and Latin America*, (eds) Frank Dikotter and Ian Brown (London: Hurst and Company, 2007), pp. 198–9; Satadru Sen, *Disciplining punishment: colonialism and convict society in the Andaman Islands* (Delhi: Oxford University Press, 2000), pp. 86–9.

<sup>111</sup> H. L. Dampier to Secretary, NWP, 24 December 1872, in NAI/HD/JB/12/1872/263–265; A. C. Lyall to C. A. Elliott, 15 March 1873, in NAI/HD/JB/03/1873/153–154.

<sup>112</sup> C. A. Elliott to H. L. Dampier, 1 October 1872, in NAI/HD/JB/03/1873/153–154.

<sup>113</sup> 'Rules', in NAI/HD/JB/01/1874/119–21.

<sup>114</sup> S. Barrow, annual report, 26 May 1880, in BL/IOR/P/1467/A/Aug/5; R. T. Hobart, annual report, 21 September 1877, in BL/IOR/P/840/A/Nov/12.



appointed ... by the Magistrate' was a much greater intervention into everyday life than an intermittent roll call.<sup>115</sup>

Although the British primarily associated criminality with 'criminal tribesmen', whole families were usually policed under the CTA. Women and children's personal details were recorded on the police registers, their movements were subject to the pass system, and they had to present themselves at the daily head count and periodic roll calls. In addition, section 18(8) of the CTA provided for the 'inspection of the residences' of registered people. Although ostensibly a measure to prevent the concealment of booty, section 18(8) also facilitated the ongoing surveillance of domestic spaces.<sup>116</sup> Meanwhile, the police registers organized individuals according to family, noting the 'Name of the head of family' and 'Names of members of family with their relation to the head thereof'.<sup>117</sup> The NWP also annually compiled statistics on the number of births in registered communities.<sup>118</sup>

The 'criminal tribe' family was regulated and surveilled in these ways partly because the British claimed that 'criminal' caste occupations were passed down generationally within families.<sup>119</sup> But beyond this, the NWP government also aimed to create industrious and settled families. It effectively argued that sedentarization would encourage farming and thereby 'dispose things' in such a way as to create families of productive cultivators who were moral members of society.<sup>120</sup> In 1876, the NWP lieutenant-governor 'trust[ed] that ... it may be found possible to direct the energies of the proclaimed families to honest enterprize [sic]'.<sup>121</sup> Two years later, police official P. C. Dalmahoy argued that '[a]ll of the proclaimed families' should be settled, 'employment sufficient for their support should be found for them, and they must be made to work'.<sup>122</sup>

<sup>115</sup> 'Rules', in NAI/HD/JB/01/1874/119-21.

<sup>116</sup> Act No. XXVII, in BL/IOR/V/8/42.

<sup>117</sup> 'Rules', in NAI/HD/JB/01/1874/119-21.

<sup>118</sup> J. Smith, statement of Aheriyas and Haburas for 1880-1, 23 April 1881, in BL/IOR/P/1614/A/Aug/12.

<sup>119</sup> For example, J. Liston to Commissioner, Jhansi, 12 May 1879, in BL/IOR/P/1281/A/Nov/14.

<sup>120</sup> Elliott to Dampier, 26 September 1872, in NAI/HD/JB/12/1872/263. On the use of laws as 'tactics' in the management of population: Michel Foucault, 'Governmentality', in *The Foucault effect: studies in governmentality, with two lectures and an interview by Michel Foucault*, (eds) Graham Burchell, Colin Gordon and Peter Miller (Hertfordshire: Harvester Wheatsheaf, 1991), pp. 87-104.

<sup>121</sup> B. W. Colvin to IGP, NWP, 17 July 1876, in BL/IOR/P/839/A/Jul/5.

<sup>122</sup> Dalmahoy, annual report, 21 September 1878, in BL/IOR/P/1138/A/Dec/2.

For the NWP government, the ‘success’ of one Habura village in Etah district called Nagla Ram Lal was due not only to its industriousness —‘the residents having taken kindly to agriculture’—but also to the fact that this ‘little colony of ten families’ was based on the institution of the family.<sup>123</sup>

The agenda of creating productive ‘criminal tribe’ families conformed to colonial agrarianization policies that were propelled by the economic imperative of extending the revenue base.<sup>124</sup> However, such agrarianization programmes were also underpinned by the colonial valorization of the Indian peasant family. Colonial officials viewed the patriarchal family as a bedrock of morally respectable Indian village life and thus assumed that any agrarian scheme targeting the ‘criminal tribes’ would have to be family-based.<sup>125</sup> Similarly, in the 1880s in the newly irrigated Punjab Canal Colonies, colonial officials never contemplated recruiting a migrant workforce of single men—despite their demands for ‘sturdy’ male peasants—and instead recruited entire families to create a modern, orderly version of ‘traditional’ village life.<sup>126</sup> Sen has also noted that efforts to create a self-sustaining penal colony in the Andaman Islands through the agricultural settlement of convict couples assumed that ‘a healthy society, one that was based on stable families, created individuals ... [that] were orderly, productive, and politically desirable’.<sup>127</sup> Thus, the family was at the centre of various colonial agrarian schemes in British India.

By the late 1870s, however, NWP officials had concluded that the Sanorhijas were not a community comprising families, necessitating a differently gendered system of policing for them. J. Liston, the deputy commissioner of Lalitpur, argued that the Sanorhijas ‘cannot properly be called a “tribe,” being of no particular caste or family’, demonstrating that a ‘criminal tribe’ was partly defined as a family-based entity.<sup>128</sup> NWP officials reported that Sanorhiya boys were trained to commit crime within gangs, rather than within families.<sup>129</sup> As Quinton, the commissioner of Jhansi, put it, ‘Sanoriahs as such are not

<sup>123</sup> Smith, annual report, 9 June 1883, in BL/IOR/P/2208/A/Jan/26.

<sup>124</sup> Palmer, ‘Note’, 28 March 1872, in NAI/HD/JB/07/1872/97.

<sup>125</sup> H. B. Webster to Secretary, NWP&O, 20 June 1883, in BL/IOR/P/2008/A/Jan/25; Ronald Inden, *Imagining India* (Oxford: Basil Blackwell, 1990), pp. 133, 139–40.

<sup>126</sup> Gilmartin, ‘Migration and modernity’, pp. 11–3.

<sup>127</sup> Sen, ‘Rationing sex’, p. 31.

<sup>128</sup> J. Liston to Commissioner, Jhansi, 24 April 1884, in BL/IOR/P/2208/A/Sep/19.

<sup>129</sup> O. L. Smith, annual report, 13 June 1881, in BL/IOR/P/1614/A/Aug/8.

born but made. The son of a Sanoriah does not necessarily follow the father's calling.<sup>130</sup> Given this, Liston concluded in 1879: 'There is no such thing as a Sanoriah family, properly speaking.'<sup>131</sup> A consensus also emerged that 'it is the males alone who sally out to plunder and the women stop at home'.<sup>132</sup> Female immobility and confinement to the home or village signalled law-abiding behaviour to British officials. The 'settled' character of Sanorhiya women meant that their mobility did not need to be restricted. In 1879, the NWP government ruled that only adult men and 'boys who were found to have been initiated into this thieving fraternity should be registered', while other children and all women were deregistered.<sup>133</sup> Clearly, the CTA regime was family-based—and thus, according to officials, irrelevant to the Sanorhiyas. The CTA usually targeted the 'criminal' family, but in Lalitpur the law narrowly targeted male criminality.

Nevertheless, the NWP government continued to monitor Sanorhiya families through gathering statistics of the annual number of births and the extent of lands tenanted per family.<sup>134</sup> Moreover, the idea of turning male Sanorhiyas' families into industrious and settled domestic units retained its appeal. In the mid-1880s, the NWP government considered whether the relocation of the 'criminal tribes' to reformatory settlements would improve the system of policing. Yet since the Sanorhiya 'fraternity' was not made up of families, the creation of settlements for them appeared an uncertain prospect. Webster, the NWP inspector general of police, opined:

... there is considerably more hope of success in an attempt to reclaim the Aheriahs and Haburahs by colonizing them than there would be in the case of the Sanauriahs. The former are criminal tribes in the real meaning of the term, and not merely criminal associations as are the Sanauriahs. And this fact makes their colonisation feasible, *as they could be settled in families*, while the Sanauriahs could not.<sup>135</sup>

<sup>130</sup> J. W. Quinton to IGP, NWP&O, 4 May 1880, in BL/IOR/P/1467/A/Aug/11.

<sup>131</sup> Liston to Commissioner, Jhansi, 12 May 1879, in BL/IOR/P/1281/A/Nov/14.

<sup>132</sup> Hobart, annual report, 1 July 1875, in BL/IOR/P/839/A/Jul/2. See also J. Liston to Commissioner, Jhansi, 21 December 1878, in BL/IOR/P/1281/A/May/45.

<sup>133</sup> C. Robertson to IGP, NWP&O, 30 April 1879, in BL/IOR/P/1281/A/May/47.

<sup>134</sup> J. W. Quinton to IGP, NWP&O, 27 May 1879, in BL/IOR/P/1281/A/Nov/13.

<sup>135</sup> Italics added. Webster to Secretary, NWP&O, 20 June 1883, in BL/IOR/P/2008/A/Jan/25.

Notwithstanding these doubts, in 1884 the NWP attempted a small ‘experiment’ in which tenancies on two tracts of government-owned, uncultivated land were given to 16 Sanorhiya families who were ‘without visible means of subsistence’ and had volunteered for resettlement.<sup>136</sup> Official accounts are filled with images of smiling, hard-working families who were busy building their homes, clearing the land, and planting crops such as *kodom* (a small millet) and *bhindi* (okra).<sup>137</sup> The officiating commissioner of Jhansi reported in 1885 that, ‘During the rains they hutted themselves in sheds made of branches, straw, and leaves, and on our visit they all mustered in good health and spirits.’<sup>138</sup> Later that year, the deputy commissioner reported that on a recent visit, he had found the families ‘contented and happy: they were busy building their houses’.<sup>139</sup> Both officials suggested that it was through physical labour—particularly the taming of the wilderness and the building of family homes—that the Sanorhiyas had been transformed into happy families.<sup>140</sup> This ‘experiment’ shows that the family was pivotal to the CTA project, but it also suggests that this was not only due to ideologies of hereditary criminality: visions of settled, hard-working peasant families had a much broader appeal among colonial administrators.

Although NWP officials were preoccupied with the labour and livelihood of the ‘criminal tribe’ family, they did not attempt to micro-manage familial relations, such as parent-child relationships, during this self-consciously ‘experimental’, early phase of the CTA. The NWP government paid limited attention to the ‘reform’ of children, notwithstanding their registration under the law. Officials had established a Bawariya school in the 1860s, but after 1871 did not attempt new educational schemes.<sup>141</sup> Moreover, district administrators rarely detailed the extent to which children worked.<sup>142</sup> In contrast,

<sup>136</sup> W. C. Bennet to IGP, NWP&O, 19 October 1891, in BL/IOR/P/8389/A/Oct/27; J. Liston to Commissioner, Jhansi, 16 April 1885, in BL/IOR/P/2460/A/Jul/35; J. J. McLean to Commissioner, Jhansi, 17 October 1884, in BL/IOR/P/2460/A/Jan/11.

<sup>137</sup> Liston to Commissioner, Jhansi, 16 April 1885, in BL/IOR/P/2460/A/Jul/35.

<sup>138</sup> G. E. Ward to Secretary, NWP&O, 17 December 1884, in BL/IOR/P/2460/A/Jan/10.

<sup>139</sup> Liston to Commissioner, Jhansi, 16 April 1885, in BL/IOR/P/2460/A/Jul/35.

<sup>140</sup> See also H. B. Webster to Secretary, NWP&O, 15 June 1885, in BL/IOR/P/2460/A/Jul/23.

<sup>141</sup> Palmer, ‘Note’, 28 March 1872, in NAI/HD/JB/07/1872/97.

<sup>142</sup> Only adult labour was noted in J. W. Williams, ‘B—Statement showing the number of Baurias’, 13 December 1878, in BL/IOR/P/1281/A/Apr/13.

colonial officials devoted a great deal of attention to the work of adult men and women. What, then, were the gendered repercussions of the governance of the family under the CTA?

### Women's work and norms of femininity

Within the NWP's vision of industrious 'criminal tribe' families, adult women were expected to work, both on household and agricultural tasks. Colonial officials did not valorize women's labour, but they nevertheless regarded the toil of women as necessary for the transformation of the 'criminal tribes'. In 1879, the commissioner of Meerut, W. C. Plowden, complained that Bawariya women incited men to go on thieving expeditions and would continue to do so, 'so long as the women do not work'.<sup>143</sup> Families in which women did not have a known means of livelihood were assumed to be criminal, especially if adult men had absconded. A register of Bawariyas noted of one absconded man, Gurdina, that 'none of the family cultivate, and the vernacular report is silent as to how the woman earns a living'. Work on the family farm was the form of female labour that was most acceptable to the colonial state, whereas paid agricultural labour, forest gathering, and the production of consumer goods from gathered materials were suspect.<sup>144</sup>

Colonial officials' insistence that 'criminal tribeswomen' undertake work did not conform to Victorian notions of domesticity. Middle-class Britons saw the home as a feminine domain—separated from the morally corrupting, male world of work and politics—and viewed women's proper role as that of wife and mother, confined to the domestic sphere. Of course, this was a middle-class ideal that did not describe the conditions of most working-class, and even some middle-class, British women's lives.<sup>145</sup> In this light, it is perhaps unsurprising that British

<sup>143</sup> W. C. Plowden to Secretary, NWP&O, 8 January 1879, in BL/IOR/P/1281/A/Apr/11.

<sup>144</sup> Williams, 'B—Statement', 13 December 1878, in BL/IOR/P/1281/A/Apr/13.

<sup>145</sup> Claudia Nelson, *Family ties in Victorian England* (London: Praeger, 2007), Chapter 1; Leonore Davidoff and Catherine Hall, *Family fortunes: men and women of the English middle class, 1780–1850* (Chicago: Chicago University Press, 1987); John Tosh, *Manliness and masculinities in nineteenth-century Britain: essays on gender, family, and empire* (Harlow, UK: Pearson Longman, 2005), pp. 27–50; Susie Steinbach, 'Can we still use "separate spheres"?' *British history 25 years after Family fortunes*, *History Compass* 10, no. 11, 2012, pp. 826–37.

administrators did not prescribe a model of domesticated femininity for criminalized Indian women. However, the NWP's disinterest in managing a gendered division of labour in 'criminal tribe' families differed from the policies implemented in British penal settlements for Indian convicts. In the Straits Settlements and Burma in the mid-1800s, convict labour was organized through a public/private spatial division. Women's work was generally 'indoor labour', within the prison and outside of public view, even when women did physically strenuous work like lime and cement production.<sup>146</sup> The authorities primarily viewed female convicts as potential marriage partners and gave women permission to live outside the prison if they married a male convict.<sup>147</sup> In the Andamans in the late 1800s, certain industries, such as weaving, were designated as women's work.<sup>148</sup> Yet in the context of the early CTA project, the NWP was not concerned with confining female labour to spaces or tasks that were domestic and feminine, according to colonial notions. For instance, in the official view, the fact that Bawariya women were in charge of cultivation in most registered families with tenancies was not a problem because of inappropriate female labour, but rather because it suggested widespread male absconding.<sup>149</sup>

The NWP government failed to impose a gender division of labour due to colonial knowledge of gender and caste, in particular, assumptions about the types of work and public behaviours that were suitable for low-caste women, who were apparently beyond the bounds of feminine respectability. The 1879 removal of Sanorhiya women (of varied caste status) from the register, and thereby from concerted work demands, reinforces this interpretation. British officials viewed agricultural labour

<sup>146</sup> Anderson, 'Gender, subalternity and silence', pp. 145–66; Anderson, *Legible bodies*, pp. 36–9; 'Regulations', in Straits Settlements Records (SSR), H14, 14/05/1825; 1857–58 Straits Settlements administration report in Colonial Office (CO)/275/1; John Frederick Adolphus McNair, *Prisoners their own warders* (London: Archibald Constable and Company, 1899), p. 90.

<sup>147</sup> Straits Settlements proceedings for the fourth quarter of 1855, in National Archives of Singapore (NAS)/NAB/1671/4/1855; Anoma Pieris, *Hidden hands and divided landscapes: a penal history of Singapore's plural society* (Honolulu: University of Hawai'i Press, 2009), pp. 142–3; *Appendix to the report of the Committee on Prison-Discipline* (Calcutta: Baptist Mission Press, 1838), Appendix 4, p. 257.

<sup>148</sup> Sen, 'Rationing sex', pp. 33–4; Sen, *Disciplining punishment*, p. 105.

<sup>149</sup> Plowden to Secretary, NWP&O, 8 January 1879, in BL/IOR/P/1281/A/Apr/11; A. Sells, 'A—Statement showing the Bauria families who have cultivated continuously', 27 December 1878, in BL/IOR/P/1281/A/Apr/12; Williams, 'B—Statement', 13 December 1878, in BL/IOR/P/1281/A/Apr/13.

as entirely appropriate for low-caste, criminalized women, even though this undercut colonial notions of domesticated femininity, demonstrating the complex ways that gender discourses shaped colonial governance.

These colonial assumptions were shaped by the meanings of women's labour in rural India. To be sure, female involvement in agriculture—particularly in transplantation, weeding, and animal husbandry—was reasonably common in late nineteenth-century India. Women of humble means frequently worked in their family's fields or as agricultural labourers. However, relatively well-off social groups demonstrated their status by 'subsum[ing]' women's agricultural work 'within the daily routine of domesticity', outside of public view. Rural Indians increasingly saw female agricultural work outside of household compounds as immoral and not respectable.<sup>150</sup> Thus, one effect of the colonial encouragement of female labour in 'criminal tribe' communities was to circumscribe the ability of these groups to adopt strategies of social mobility that hinged on the domestication of women's work.

### **Making hard-working peasant men**

The 'lazy' and 'turbulent' masculinity of 'criminal tribesmen' continued to preoccupy officials in their efforts to produce industrious families, since masculinity was a constitutive part of how colonial officials envisaged the process of agrarianization.<sup>151</sup> The regulation of mobility would create conditions in which a particular type of man—a hard-working peasant—could emerge.<sup>152</sup> To be sure, prior to the CTA, some NWP officials had doubted whether 'criminal tribesmen' could ever be 'reformed'.<sup>153</sup> Moreover, British officials occasionally suggested other methods of reform, aside from agricultural labour, such as the enlistment of registered men in the army.<sup>154</sup> In 1876, Sladen, the magistrate of Muzaffarnagar, commented on the Bawariyas: 'They

<sup>150</sup> Sen, *Women and labour*, pp. 63–5, 74–83.

<sup>151</sup> I am not suggesting that masculinity was a cause of colonial agrarianization programmes.

<sup>152</sup> Foucault, 'Governmentality'.

<sup>153</sup> Deputy Inspector-General of Police (DGIP), NWP, quoted in 'Report of ... Operations', in NAI/HD/JB/10/12/1870/32.

<sup>154</sup> This idea drew on the earlier establishment of the Khandesh Bhil Corps in the 1820s: Gordon, 'Bhils', pp. 136–8.



would fight well I should say.’<sup>155</sup> Indeed, during the First World War, the army would enlist some men who were registered under the CTA.<sup>156</sup> However, between 1871 and 1890 the NWP administration saw cultivation as the primary route to men’s rehabilitation.

The aim of making ‘criminal tribesmen’ into industrious agriculturalists resonated with broader colonial representations of the sturdy, hard-working Indian male peasant that were constructed in opposition to the lazy, wild, and lawless nomadic pastoralist.<sup>157</sup> Colonial administrators stressed that to become ‘steady’ peasants, ‘unsteady’ registered men needed to habituate themselves to the repetitive, hard physical work of the cultivator and to support their families though their own labour.<sup>158</sup> The NWP particularly underlined the importance of registered men cultivating their own family plots as tenant farmers, rather than labouring on the land of other men.<sup>159</sup> For instance, officials viewed the exploitation of the Bidauli Bawariyas by their landlord, Mehndi Hassan Khan, not merely as a factor that drove Bawariyas to abscond, but also as a threat to the masculinity of Bawariya men. Khan had repeatedly granted Bawariyas tenancies on uncultivated land and once they had cleared the land, replaced them with non-Bawariya tenants, shifting the Bawariyas to new plots of ‘wasteland’, which they were again forced to clear. Several NWP officials wrote that Bawariya men’s independence was threatened by their insecurity of tenure, since they were unable to enjoy the ‘fruits’ of their own labour. Hobart, the deputy inspector-general of police opined, ‘The future prosperity of the colony is truly threatened if men will not be allowed to enter into the fruits of their labours.’<sup>160</sup> Similarly, the commissioner of Meerut, F. M. Lind, lamented that,

<sup>155</sup> J. Sladen to F. M. Lind, 23 August 1876, in BL/IOR/P/840/A/Jan/30.

<sup>156</sup> Hari Singh, *Report on the administration of the criminal tribes in the Punjab for the year ending December 1920* (Lahore: Superintendent, Government Printing, Punjab, 1921), pp. 16–7.

<sup>157</sup> On colonial ideas about peasants and pastoralists: Neeladri Bhattacharya, ‘Pastoralists in a colonial world’, in *Nature, culture, imperialism: essays on the environmental history of South Asia*, (eds) David Arnold and Ramachandra Guha (Delhi: Oxford University Press, 1995), pp. 49–85.

<sup>158</sup> W. C. Plowden to Secretary, NWP&O, 8 January 1879, in BL/IOR/P/1281/A/Apr/11.

<sup>159</sup> Smith to Commissioner, Agra, 2 April 1880, in BL/IOR/P/1467/A/Aug/8; O. L. Smith, annual report, 30 June 1884, in BL/IOR/P/2008/A/Sep/12; J. W. Sharpe to Magistrate, Etah, 16 April 1884, in BL/IOR/P/2008/A/Sep/16; O. L. Smith, annual report, 9 June 1883, in BL/IOR/P/2208/A/Jan/26.

<sup>160</sup> R. T. Hobart, annual report, 17 July 1876, in BL/IOR/P/840/A/Jan/21.

'These men have broken up new lands and rendered them fit for cultivation, and they have done this under the confident expectation of reaping the fruits of their labour only to find that their hopes have been crushed, and their labour expended *for the benefit of another man.*'<sup>161</sup>

The attempts of NWP officials to nurture independence and self-sufficiency in 'criminal tribesmen' drew upon the middle-class Victorian notion of 'manly character', the characteristics of which were independence and a strong work ethic, along with decisiveness, courage, straightforwardness, and social responsibility.<sup>162</sup> Honesty was also central to manly character and colonial concepts of 'honest forms of livelihood' were thus implicitly associated with masculinity. However, the idea of manly independence was premised on individualism, which Victorian Britons saw as a modern condition. As such, NWP officials' hopes of promoting self-sufficiency and autonomy in 'criminal tribesmen' were somewhat at odds with commonplace colonial representations of Indian villages. European commentators generally agreed that there was 'an absence of a free market, of individuals ... and of a competitive spirit' (the characteristics of the 'modern') in the 'ancient community' of the Indian village.<sup>163</sup> Perhaps the emphasis on manly independence in discussions of the CTA was a consequence of the official view that in the case of the 'criminal tribes', the collective was precisely the problem.

Criminalized men sometimes argued for their deregistration so that they could achieve masculine mastery through 'settling' the land. Take, for instance, the complaints of the Sanorhiyas of Lalitpur in 1885: 'The people now have a disliking to being registered and clamoured ... for release. The reason they gave was that *they are never their own masters*; some one is forever looking them up for roll-call, or to be seen by the Inspector ... and that they in consequence could settle nothing.'<sup>164</sup> Criminalized men thus understood that for the colonial government, manliness was bound up with the physical exertion of clearing and cultivating the land and providing for one's family. Was this a strategic deployment of colonial discourse or an articulation of indigenous notions of manliness?

<sup>161</sup> Italics added. F. M. Lind to IGP, NWP, 28 August 1876, in BL/IOR/P/840/A/Jan/24.

<sup>162</sup> Tosh, *Manliness and masculinities*, pp. 86–98.

<sup>163</sup> Inden, *Imagining India*, pp. 137–48.

<sup>164</sup> Italics added. O. L. Smith, annual report, 26 May 1885, in BL/IOR/P/2460/A/Jul/25.

In Tamil-speaking southern India, Pandian has argued that from the medieval period, an ethic of ‘agrarian civility’ was evident, which celebrated the ploughman as ‘agrarian citizen’ and upheld the moral value of working the plough. Some groups that were labelled criminal tribes in the early twentieth century, like Kallars, were seen as the agrarian citizen’s antithesis.<sup>165</sup> However, in northern India, cultivation had a complicated and ambiguous relationship to masculinity. Attachment to the land was linked to rural notions of manliness, honour, and power,<sup>166</sup> but the *labour* of cultivation could damage a man’s status, due to the stigma that was connected to ploughing.<sup>167</sup> For high-status groups like Rajputs, physical involvement in cultivation did not always lower their social rank, at least in regions where they were especially powerful. However, as low-caste people increasingly gained tenancies around the mid-nineteenth century, rural elites further emphasized the status fault line of manual work.<sup>168</sup> Moreover, Lalitpur, where the (mixed-caste) Sanorhiyas were registered, was one of several regions where high-caste groups did not perform manual labour,<sup>169</sup> suggesting that the Sanorhiyas’ attachment to farming was a strategic discourse meant for colonial ears. Since North Indian rural elites did not idealize the figure of the male cultivator, Shudra groups that staked claims to higher-caste Kshatriya identities often relinquished the plough.<sup>170</sup>

Nevertheless, in the second half of the nineteenth century, Dalit communities persistently defended their rights as tenants, illustrating the economic and social importance of cultivation to them, with their often-limited and precarious tenancy rights. Agricultural labour was also vital to the religious practices of Chamar and other Dalit cultivators, including rituals like the worship of the plough.<sup>171</sup> By the early twentieth century, both Dalit and Shudra activists would assert the ‘dignity’ of the ploughman, although many Shudras claimed an Aryan origin narrative,

<sup>165</sup> Pandian, *Crooked stalks*, pp. 19–22, 34–48, 68–75, 84–5.

<sup>166</sup> Malavika Kasturi, *Embattled identities: Rajput lineages and the colonial state in nineteenth-century North India* (New Delhi: Oxford University Press, 2002), p. 25.

<sup>167</sup> This North–South contrast is based on the conflicting conclusions of Pandian, Kasturi, and Pinch. William R. Pinch, *Peasants and monks in British India* (Berkeley: University of California Press, 1996), p. 112.

<sup>168</sup> This was partly due to the Rent Act of 1859, which allowed tenants with limited occupancy rights who could prove 12 years of continuous cultivation to gain ‘prescriptive rights of occupancy’. Kasturi, *Embattled identities*, pp. 53–62.

<sup>169</sup> *Ibid.*

<sup>170</sup> Pinch, *Peasants and monks*, pp. 85–6.

<sup>171</sup> Rawat, *Reconsidering Untouchability*, pp. 80–4.

while Dalits increasingly distanced themselves from the Hindu community.<sup>172</sup> Whether low-caste discourses celebrating agricultural work shaped late nineteenth-century colonial policies is questionable, given the colonial bias towards elite informants. Nevertheless, while high-status communities did not associate the manual labour of cultivation with manliness and honour, many low-caste communities appear to have validated the figure of the ploughman. Low-status criminalized men may have articulated similar discourses, yet the capacity of 'criminal tribesmen' to gain a living solely from cultivation as a tenant farmer was extremely limited under the CTA.

### Failures of policing and failures of masculinity

According to the NWP government, the project to transform 'criminal tribe' families into agriculturalists produced, at best, mixed results. By the late 1870s, there was an official consensus that the Bidauli colony had failed due to Mehndi Hassan Khan's mistreatment of the Bawariyas, their insecure tenancies, and male absconding. As such, the Bawariyas in Muzaffarnagar district were deregistered in mid-1879.<sup>173</sup> The Aheriyas and Haburas remained on the registers until 1892–3, while the Sanorhiyas continued to be subjected to the CTA into the early twentieth century.<sup>174</sup> Yet the NWP doubted that these communities would ever become hard-working agriculturalists.<sup>175</sup> The Sanorhiya colonies set up in 1884 were deemed a failure within six years. Visions of agricultural rehabilitation lingered, but the NWP increasingly proposed that newly notified 'criminal tribes' be 'provided' with 'menial' labour, as watchmen, sweepers, brick-makers, construction 'coolies', and factory workers.<sup>176</sup>

British officials often viewed the disappointing results of the CTA as a consequence of the failed masculinity of criminalized men. In 1878, Tyrwhitt, the inspector-general of police, wrote, the 'criminal tribes are not content to live on the hard fare of the village ryot's coarse bread

<sup>172</sup> Pinch, *Peasants and monks*, pp. 107–11; Rawat, *Reconsidering Untouchability*, pp. 162–3.

<sup>173</sup> H. M. Stanley Clarke, annual report, 22 July 1879, in BL/IOR/P/1281/A/Nov/2.

<sup>174</sup> W. Holmes to Secretary, NWP&O, 2 October 1893, in BL/IOR/P/4514/A/Jan/13;

R. H. Breerton to Secretary, NWP&O, 20 June 1900, in BL/IOR/P/5832/A/Aug/18.

<sup>175</sup> M. Tweedie to IGP, NWP&O, 10 June 1887, in BL/IOR/P/2909/A/Aug/24;

A. Ollivant to Secretary, NWP&O, 23 May 1890, in BL/IOR/P/3606/A/Aug/30.

<sup>176</sup> W. C. Bennet to IGP, NWP&O, 19 October 1891, in BL/IOR/P/8389/A/Oct/27.

and dal, [since] they have been accustomed to get the very best of food without stint ... [rather than] by the sweat of their brow'. So-called criminal tribesmen would never 'value' any means of livelihood 'if it does not include the luxuries of good food for themselves and jewelry for their women'.<sup>177</sup> In 1879, Robertson, the NWP secretary, was 'at a loss to conceive how it could have ever been supposed' that restrictions on Bawariyas' mobility 'would be enough to induce them to desert the lucrative and easy profession of thieving, to which they were born and bred, for the hard and precarious life of an agriculturalist'.<sup>178</sup> Later that year, Robertson complained that the 'reclamation' of Sanorhiya men who 'have no taste for the hard and uncertain nature of agricultural toil' and 'are accustomed to get the best food with a minimum of trouble ... is in fact well nigh helpless'.<sup>179</sup> This discourse of inherent criminality is predictable, given that this was 'colonial common sense'.<sup>180</sup> However, the importance of the part played by bodily dispositions and food habits to the ostensible failure of 'criminal tribe' masculinity is striking. According to colonial officials, these men did not have the will to endure the physically strenuous work of cultivation, nor did they have the character to undergo the sensory and bodily deprivation of coarse peasant food.<sup>181</sup>

Colonial officials also pointed to another failure of masculinity: 'criminal tribesmen' were content to let other men provide for their families. Plowden, Meerut's commissioner, claimed that the Bawariya 'who would be inclined to work if he could eat the fruit of his labour, finds himself burdened with a number of hungry mouths which should be filled by the exertions of others who either sit at home doing nothing or confine their exertions to theft'.<sup>182</sup> Lazy 'criminal tribesmen' had apparently failed to become self-sufficient, industrious householders and had abdicated their duties as husbands and fathers. Indians involved in the administration of the CTA also attributed its failure to criminal tribe masculinity. For instance, Mehndi Hassan Khan, the landlord of the Bidauli Bawariya colony, attempted to divert official

<sup>177</sup> Italics in original. E. Tyrwhitt to Secretary, NWP&O, 27 September 1878, in BL/IOR/P/1138/A/Dec/1.

<sup>178</sup> C. Robertson to Secretary, GI, 10 April 1879, in BL/IOR/P/1281/A/Apr/18.

<sup>179</sup> C. Robertson to Secretary, GI, 14 October 1879, in BL/IOR/P/1281/A/Nov/23.

<sup>180</sup> Ann Laura Stoler, 'Epistemic politics: ontologies of colonial common sense', *The Philosophical Forum* 39, no. 3, 2008, pp. 349–61.

<sup>181</sup> On the CTA's bodily dimensions: Tolen, 'Colonizing and transforming'.

<sup>182</sup> Plowden to Secretary, NWP&O, 8 January 1879, in BL/IOR/P/1281/A/Apr/11.

criticism of his management by pleading, 'I am afraid to put on the screw at all [in discipline and the collection of revenue], as the men are turbulent, and I am afraid of them.'<sup>183</sup>

These critical descriptions of registered men's masculinity ignored the most significant hurdle to the NWP's plan to produce cultivators—the landlessness of many registered people. Between one-third and a half of people criminalized under the CTA were landless. In Etah district in 1881, while 67 Aheriya families were tenant farmers, 64 families did not have tenancies.<sup>184</sup> In Lalitpur, 58 registered Sanorhiya men held land, but 31 were landless.<sup>185</sup> The landless Aheriya and Habura families made their living by 'daily labor' on other people's lands, making strings and baskets, cutting grass and firewood, and extracting *dhak* tree resin for the preparation of indigo.<sup>186</sup> Despite this varied labour, colonial officials claimed that landless people were living off crime. The Indian police consequently kept landless families under close surveillance.<sup>187</sup> Yet the NWP made only halting and limited efforts to solve the problem of landlessness. The disparaging attitudes of rural elites towards socially marginalized peoples who had 'a bad reputation to start with' apparently made it difficult to cajole rural landowners into giving tenancies to landless families.<sup>188</sup> In Etah by the mid-1880s, the authorities had achieved moderate success in securing tenancies for Aheriyas and Haburas, though many still had no land.<sup>189</sup>

### Gendered strategies of evasion and coping

Landlessness was one of several factors that led registered people to abscond, either by leaving without a pass or not returning after their pass had expired. Although entire families sometimes decamped, it was

<sup>183</sup> Mehndi Hassan Khan, statement given to J. Sladen, 3 August 1876, in BL/IOR/P/840/A/Jan/27.

<sup>184</sup> O. L. Smith, annual report, 25 May 1882, in BL/IOR/P/1816/A/Aug/8.

<sup>185</sup> R. T. Hobart to Secretary, NWP&O, 28 June 1882, in BL/IOR/P/1816/A/Aug/7.

<sup>186</sup> Smith, annual report, 25 May 1882, in BL/IOR/P/1816/A/Aug/8.

<sup>187</sup> J. Smith to Commissioner, Agra, 2 April 1880, in BL/IOR/P/1467/A/Aug/8; Smith, annual report, 30 June 1884, in BL/IOR/P/2008/A/Sep/12; Sharpe to Magistrate, Etah, 16 April 1884, in BL/IOR/P/2008/A/Sep/16; Smith, annual report, 9 June 1883, in BL/IOR/P/2208/A/Jan/26.

<sup>188</sup> Smith to Commissioner, Agra, 2 April 1880, in BL/IOR/P/1467/A/Aug/8. See also J. C. Robertson to IGP, NWP&O, 9 April 1880, in BL/IOR/P/1467/A/Aug/7.

<sup>189</sup> Webster to Secretary, NWP&O, 15 June 1885, in BL/IOR/P/2460/A/Jul/23.

common for one or two members of a household to be absent, while the rest stayed behind. Due to the CTA pass system, landless registered people were usually unable to look for work outside their village. Their standard of living was reportedly precarious and, consequently, many left either permanently or temporarily.<sup>190</sup> Even people with land were often in difficult circumstances because of their small or insecure tenancies. For instance, landholding Sanorhiyas held seven *bighas* on average,<sup>191</sup> which ‘it would be impossible for these people to live on’. The inspector-general of police wrote that unless registered people had more substantial tenancies, they would have nothing ‘worth staying home for’ and would abscond.<sup>192</sup> Bad seasons and periods of famine affected registered people particularly badly, because their mobility—and thus their ability to find food and employment—was restricted. The ‘Great Famine’ of 1876–8 drove large numbers of registered people to escape, due to ‘the absolute inability of the people to find a living in their own district’.<sup>193</sup> In 1879, Aheriyas and Haburas were still ‘on the verge of starvation’ in several villages and 67 people consequently absconded.<sup>194</sup> Thus, numerous economic pressures were exacerbated by the CTA and pushed registered people to use mobility as a strategy of evasion and survival. In addition, the increased presence of the police in registered peoples’ everyday lives—a presence that was often harassing and violent—was a major reason why they ran away. W. Kaye, the commissioner of Jhansi, concluded that many Sanorhiyas had fled Lalitpur district because ‘the police are inclined to be too strict’.<sup>195</sup>

British officials generally assumed that absconders were taking part in thieving expeditions.<sup>196</sup> In particular, administrators claimed that absent *men* were engaged in theft, since they primarily viewed male, not female, mobility as an indication of criminality.<sup>197</sup> It was reasonably common for rural people who had fallen on hard times to steal to supplement their incomes.<sup>198</sup> Criminalized men may have celebrated

<sup>190</sup> Smith, annual report, 25 May 1882, in BL/IOR/P/1816/A/Aug/8.

<sup>191</sup> A *bigha* was generally five-eighths of an acre.

<sup>192</sup> Hobart to Secretary, NWP&O, 28 June 1882, in BL/IOR/P/1816/A/Aug/7.

<sup>193</sup> Stanley Clarke, annual report, 22 July 1879, in BL/IOR/P/1281/A/Nov/2.

<sup>194</sup> Barrow, annual report, 26 May 1880, in BL/IOR/P/1467/A/Aug/5.

<sup>195</sup> W. Kaye to IGP, NWP&O, 24 April 1882, in BL/IOR/P/1816/A/Aug/14.

<sup>196</sup> Robertson to Secretary, GI, 10 April 1879, in BL/IOR/P/1281/A/Apr/18.

<sup>197</sup> Plowden to Secretary, NWP&O, 8 January 1879, in BL/IOR/P/1281/A/Apr/11.

<sup>198</sup> Radhika Singha, *A despotism of law: crime and justice in early colonial India* (Delhi: Oxford University Press, 1998), pp. 179–93; Kim A. Wagner, *Thuggee: banditry and the British in early nineteenth-century India* (Houndmills: Palgrave Macmillan, 2007), pp. 100–66.

the masculine vigour of thievery 'for its defiance of restraint' in a 'counter to the moral projects of the state', which Pandian argues some men from the formerly notified Kallar community do in southern India today.<sup>199</sup> While it is impossible to determine the extent to which absconders actually committed crime, it is clear that some were not 'wandering' but had settled elsewhere. For example, in 1875 several Aheriya families escaped from their village, Jagatpur, and 'settled for a time in the Kásanj circle', to the north of Etah.<sup>200</sup>

Interestingly, the gender dynamics of illegal mobility differed between the registered communities. By 1879, women dominated the adult population of the Bawariya colony in Bidauli because of the greater extent of male absconding. Whereas adult males had comprised around 30 per cent of the original 1,200-strong Bidauli population, by 1879 they made up only 13 per cent of the 844 remaining inhabitants.<sup>201</sup> In the majority of tenant farming families, Bawariya women either oversaw cultivation by hiring labourers—generally landless Bawariya men and women or Gurjar pastoralists—or were themselves directly involved in cultivation, which they carried out with the assistance of young people and female relatives.<sup>202</sup> In contrast to largely male mobility in the Bawariya community, Aheriya and Habura women absconded more frequently than men in the 1870s and 1880s. In some years, roughly equal numbers of adult men and women violated the pass system: in 1878, for instance, 28 men, 31 women, and 32 children.<sup>203</sup> Yet in most years, female absconders outnumbered their male counterparts considerably: in 1880, 25 women, 10 men, and 13 children, while in 1881, 40 women, 22 men, and 26 children left without permission.<sup>204</sup>

Prior to the enforcement of the CTA, British officials had reported that Bawariyas, Aheriyas, and Haburas were generally 'settled', but that the men migrated seasonally or periodically.<sup>205</sup> Assuming that these reports

<sup>199</sup> Pandian, *Crooked stalks*, p. 122.

<sup>200</sup> J. D. Young to Magistrate, Etah, 24 April 1885, in BL/IOR/P/2460/A/Jul/32.

<sup>201</sup> Palmer, 'Note', 28 March 1872, in NAI/HD/JB/07/1872/97; Plowden to Secretary, NWP&O, 8 January 1879, in BL/IOR/P/1281/A/Apr/11.

<sup>202</sup> Sells, 'A—Statement', 27 December 1878, in BL/IOR/P/1281/A/Apr/12; Williams, 'B—Statement', 13 December 1878, in BL/IOR/P/1281/A/Apr/13.

<sup>203</sup> C. Robertson to Secretary, GI, 5 June 1878, in BL/IOR/P/1281/A/Apr/10.

<sup>204</sup> See J. Smith, statement, 23 April 1881, in BL/IOR/P/1614/A/Aug/12; Smith, annual report, 25 May 1882, in BL/IOR/P/1816/A/Aug/8.

<sup>205</sup> For example, Palmer, 'Note', 28 March 1872, in NAI/HD/JB/07/1872/97; Hobart to Edwards, 25 September 1872, in NAI/HD/JB/08/1873/61; Thomas, 'List of villages',



were accurate, under the CTA a shift evidently occurred in patterns of mobility among the Aheriya and Habura, as adult women migrated more often than men. In contrast, among registered Bawariyas, men remained more mobile than women. In fact, the predominantly male migration that administrators noticed in these communities prior to the CTA was typical of rural North India and Bengal. In situations where tenancies were inadequate to support a family, men usually migrated, leaving behind their wives and children to take care of cultivation and other subsistence activities, since access to land was an ‘insurance against starvation’. For most rural people, the migration of families and single women was a last resort.<sup>206</sup> The apparent increase in female mobility in the registered Aheriya and Habura populations was largely a consequence of gendered policing practices under the CTA. Compared with Muzaffarnagar, where Bawariyas were registered, the Etah authorities were reluctant to punish Aheriya and Habura women, who apparently did ‘not steal’.<sup>207</sup> In 1879, the magistrate reported that men ‘alone are punished’ for absconding.<sup>208</sup> While Aheriya and Habura women’s high degree of mobility was shaped by the CTA, female migration was hardly unheard of in socially marginalized groups. Samita Sen notes that poorer women ‘constituted a mobile labour force’ that was deployed to the households of various affinal and natal relatives, depending on ‘where the demand was greatest’.<sup>209</sup> When women migrated under the CTA, they probably fulfilled similar labour needs within extended kin networks. Given the gendered enforcement of the CTA in Etah district, women became a more flexible and useful ‘mobile labour force’ than men.

Criminalized groups also attempted to work within the CTA system and co-opt it to their own ends, though different forms of leverage were available to men and women. Men who were recognized as leaders of their communities could increase their status or secure economic benefits. British district officials were always on the lookout for ‘leading men’ who could act as go-betweens and influence their fellow ‘tribesmen’.<sup>210</sup> There is a longer history to these patronage ties: in the

20 September 1872, in NAI/HD/JB/08/1873/61; Crooke, *Tribes and castes*, Vol. 2, pp. 475–8.

<sup>206</sup> Sen, *Women and labour*, pp. 65, 69–73.

<sup>207</sup> J. C. Leupolt to Commissioner, Agra, 8 April 1879, in BL/IOR/P/1281/A/May/52.

<sup>208</sup> Extract of Leed’s letter, 16 April 1878, in BL/IOR/P/1281/A/Apr/7.

<sup>209</sup> Sen, *Women and labour*, pp. 83–5.

<sup>210</sup> Hobart, annual report, 1 July 1875, in BL/IOR/P/839/A/Jul/2.

1830s, William Sleeman had allowed 'thug' police informers whom he considered especially impressive gang leaders to reside in his compound with their families.<sup>211</sup> British officials regarded relationships with powerful men in 'criminal tribe' communities as crucial to establishing 'intimate personal knowledge of and sympathy with' these groups.<sup>212</sup>

Although the British viewed these as paternalistic relationships, 'leading men' sought to manoeuvre these ties to their advantage. For instance, after the CTA was introduced to Etah, the authorities identified a Habura named Ram Lal as an 'influential' man. Subsequently, he led a group of registered Haburas to a tract of uncultivated land where they set up a new village, which Ram Lal named 'Nagla Rám Lál Budduck' after himself. The Etah authorities decided not to proclaim the new village under the CTA and the inhabitants were consequently deregistered.<sup>213</sup> Aikman, the magistrate, felt that this was 'not of great consequence, as from all accounts the colony has been a great success'. In 1883, Ram Lal's relationship with local authorities again came in handy when the magistrate prevented Ram Lal's zamindar from ejecting the Haburas.<sup>214</sup> Being recognized as a 'leading man' allowed Ram Lal to become a village headman, to escape the CTA, and to secure official protection from his landlord. Similarly, local authorities granted a 'farm' to a Sanorhiya named Ghariba Dubey because he was a 'great leader' and a 'noted man among the brotherhood'.<sup>215</sup> However, these relationships of patronage were fragile and conflict prone. In the mid-1870s, a man named Chaturwa, who was the 'leading spirit' of the Bawariya colony at Bidauli, was killed in a hand-to-hand fight with Mr Williams, the district superintendent of police, in murky circumstances. The NWP government feared that this would be a disaster for relations with the Bawariyas, but Chaturwa's son 'was found to be one of the most prosperous and contented of the colonists' and soon took his father's place as the 'leading spirit'.<sup>216</sup> In sum, notions of masculine power and authority shaped the everyday interactions of criminalized groups with Indian and British officials.

<sup>211</sup> Freitag, 'Crime', p. 236.

<sup>212</sup> Hobart, annual report, 17 July 1876, in BL/IOR/P/840/A/Jan/21.

<sup>213</sup> Smith, annual report, 9 June 1883, in BL/IOR/P/2208/A/Jan/26.

<sup>214</sup> R. S. Aikman to Commissioner, Agra, 30 April 1883, in BL/IOR/P/2208/Jan/33.

<sup>215</sup> Dubey was spelt 'Dobey' or 'Doobey'. Liston to Commissioner, Jhansi, 12 May 1879, in BL/IOR/P/1281/A/Nov/14.

<sup>216</sup> Hobart, annual report, 17 July 1876, in BL/IOR/P/840/A/Jan/21.

Aside from 'leading men', other registered men attempted to leverage the CTA regime by becoming police informants or finding employment with the police.<sup>217</sup> Some women were also incorporated into the system of policing as informers. For instance, by 1877, 31 men were arrested at the Etawah train station with 'spoil' from 'wandering excursions' 'through the instrumentality of one Musammát Nirma', a female Bawariya informer.<sup>218</sup> In the late 1880s, news that Bawariya informers had 'played the game of their brethren—repressed reports and [taken] bribes' remained a cautionary tale for officials.<sup>219</sup> Although this lesson was premised on the stereotype of the untruthful native, it also suggests that male and female informers utilized their positions in ways unintended by the colonial state.

Another way for women to manoeuvre within the penal system was to engage in a sexual relationship with a colonial official, usually an Indian policeman.<sup>220</sup> Evidently, gender hierarchies and stereotypes of low-caste women's sexual availability patterned registered women's encounters with agents of the colonial state. In 1879, G. L. Ogilvie, Muzaffarnagar's superintendent, commented in passing: 'I know even Bauriahs living in this district who are not proclaimed. One Bauriah woman even is kept by a constable in this place.'<sup>221</sup> The magistrate's subsequent investigation suggested that, 'The woman living with a constable was kept by a constable before the registration [under the 1871 CTA], and on his death took up with another, and is now living with him at Muzaffarnagar.'<sup>222</sup> It seems that the Bawariya woman's relationship with her first constable partner had begun in the mid-1860s, following the relocation of 1,200 Bawariyas to Bidauli in 1863. Given that this unnamed woman had avoided registration under the CTA, we could interpret this as an example of her agency. Yet that she 'took up' with another constable following the death of her first partner, perhaps suggests that a high level of dependency was involved.

<sup>217</sup> S. Clarke, annual report, 22 July 1879, in BL/IOR/P/1281/A/Nov/2.

<sup>218</sup> R. M. Pocock to DIGP, NWP&O, 17 September 1877, in BL/IOR/P/840/A/Nov/13.

<sup>219</sup> A. Ollivant to IGP, NWP, 27 February 1887, in BL/IOR/P/3382/A/Aug/2.

<sup>220</sup> Reportedly, some European officials had sexual relationships with Sansi women, but registered people were in more regular contact with Indian police. R. T. Hobart to Secretary, NWP&O, 26 March 1888, in BL/IOR/P/3382/A/Aug/1.

<sup>221</sup> C. Donovan to Commissioner, Meerut, 8 May 1879, in BL/IOR/P/1281/A/Nov/4.

<sup>222</sup> J. L. Ogilvie to Magistrate, Muzaffarnagar, 2 May 1879, in BL/IOR/P/1281/A/Nov/5.

Moreover, it is possible that either payment or coercion, or both, played a role in her relationships with the policemen. In the 1870s, there were numerous reports in North Indian newspapers of policemen 'keep[ing] prostitutes near their chowkees'.<sup>223</sup> Such claims were inflected by middle-class Indian journalists' harsh criticism of the police and were made ambiguous by the moralized and amorphous category of 'prostitute'; nevertheless, they suggest the sexual trade that existed around police stations. There is also firm evidence from the early 1900s that 'criminal tribe' women in South India regularly experienced sexual violence at the hands of the police.<sup>224</sup> If the unnamed Bawariya woman had attempted to leverage her sexuality to avoid criminalization and registration, she did so against a broader backdrop of sexual commerce and sexual abuse centred on police stations.

### Conclusion

The criminal tribe 'problem' brought together multiple official preoccupations, including deviant femininity and masculinity. The colonial ethnography of the 'criminal tribes', which was involved in the process of notification under the CTA, was overtly sexualized in its portrayal of female 'immorality'. This official knowledge was partly shaped by Indian middle-class identity politics, especially stereotypes of hypersexual low-caste women. Colonial narratives of 'criminal tribe' masculinity dovetailed with middle-class Indian discussions of *badmashes*' disorderly masculinity, though Indian commentators were additionally anxious about the sexual threat of such men. Elite indigenous and colonial depictions of criminalized men and women were conversant, though not equivalent.

The CTA aimed to make 'criminal' families into industrious peasant families by targeting women, men, and children for registration and sedentarization. However, in the late 1870s, the enforcement of the CTA bifurcated along gendered lines. Since the Sanorhiyas were not a family-based collective, unlike the 'criminal tribes' proper, only Sanorhiya men were registered in Lalitpur, while other districts policed

<sup>223</sup> *Benares Akhbar*, 10 July 1873, *Selections*, p. 477. See also *Roznamcha*, 2 September 1873, *Selections*, pp. 565–7. For police rapes of respectable and 'noble' women: *Matla-i-Nur*, 3 March 1874, *Selections*, p. 99; *Vritt Dhara*, 13 April 1874, *Selections*, p. 145; *Koh-i-Nur*, 19 September 1874, *Selections*, p. 441; *Vakil-i-Hindustan*, 23 December 1874, *Selections*, pp. 650–2.

<sup>224</sup> Radhakrishna, *Dishonoured by history*, p. 62.

family units. Yet the registered Sanorhiya men's families continued to be monitored and enlisted in settlement 'experiments', highlighting the wider importance of the family to the CTA regime. Where women were registered, the NWP did not seek to confine women's work to 'feminine' tasks or domestic spaces, due to gendered colonial assumptions about the sorts of labour that were appropriate for low-caste women. By implication, this closed off a common strategy to improve a family's social location: the domestication of women's agricultural work. Meanwhile, the NWP aimed to transform 'criminal tribesmen' into 'steady', hard-working cultivators. This project had complicated implications for registered men's status and masculinity, given the rural elite's general avoidance of the physical labour of ploughing, along with the socio-economic significance of cultivation to low-caste communities.

While British officials and Indian state agents blamed the apparent failure of the CTA on the aberrant masculinity of registered men, in fact it was criminalized communities' insufficient tenancies, limited means of subsistence, and persistent resistance that frustrated government aims. Gender structured registered peoples' strategies of evasion and survival. Regionally varying policing practices led criminalized communities to deploy women and men's mobility and labour in differing ways. Gender norms and hierarchies—in particular, notions of male leadership and female sexuality—also structured everyday interactions between registered people and police.

There was a striking contradiction in the CTA project in the 1870s and 1880s: the process of notification involved highly sexualized ethnography, yet the NWP did not micro-manage marriage and sexual practices or familial relationships. This was because the NWP initially saw sedentarization and agrarianization as panaceas that would transform not only labour and livelihoods, but also morality. However, from the 1890s, there were intensified official efforts to discipline criminalized peoples' intimate lives. In 1891, the NWP lieutenant-governor, Auckland Colvin, began a 'matrimonial experiment' in the recently registered Sansi population.<sup>225</sup> Girls and young women who were detained in the Sansi settlement at Sultanpur were married to Sansi men (both registered and unregistered) who resided outside the settlement, with district magistrates

<sup>225</sup> 'Citizenising the criminal', *Times of India*, 29 May 1894, p. 4. On marriage expense funds and infanticide campaigns: Sen, 'The savage family', pp. 69–70.

acting as go-betweens for families and finding prospective grooms.<sup>226</sup> In 1894, Captain Weir, who oversaw an institution for Sansi children at Fatehgarh, reported to the *Times of India* 'that in the course of the last year eight boys and girls of appropriately marriageable age were joined in the bonds of matrimony, and have been presented by the Lieutenant-Governor [Charles Crosthwaite] with a marriage dowry of twenty-five rupees each'.<sup>227</sup> The Fatehgarh couples were granted permission to emigrate to British Guiana and Suriname, and were thus exempted from the CTA.<sup>228</sup> British magistrates were thus taking on the role of matchmaker and the lieutenant-governor was assuming the place of the dowry-providing patriarch. Yet, intriguingly, the provincial government did not attempt matchmaking projects in other communities that were designated as 'criminal tribes' in the 1890s. Colonial governance of 'criminal tribe' conjugality was thus highly contextual.

As historians begin to rethink the history of the criminal tribes, examining previously neglected issues like concepts of citizenship,<sup>229</sup> paying sustained attention to gender is necessary. Historians' limited exploration of gender has hamstrung their analyses of the CTA in several ways. For instance, the policing of Hijras under the same law as the 'criminal tribes' does not appear so inexplicable (or irrelevant) when we recognize the role of gender and sexuality in the criminal tribe project. Moreover, the existing literature offers an incomplete picture of the distinct experiences of criminalized women, men, girls, and boys. The CTA project, like the colonial state, was disaggregated and often fragmented; it thus had varied gender dynamics in different contexts.<sup>230</sup> Further research is needed to map shifts over time and localized variations in the management of gender, sexuality, and family under the CTA. Gender histories of multiple criminalized communities are necessary if we are to understand historical transformations in their gender and domestic norms. Only then can we make sense of the ways in which gender shapes the interactions of these still-marginalized groups (now known as Denotified and Nomadic Tribes or Vimukta Jati) with the state and dominant social groups in India today.

<sup>226</sup> J. Woodburn, to all Commissioners (except Kumaon and Jhansi), 16 June 1891, in BL/IOR/P/4071/A/May/320.

<sup>227</sup> 'Citizenising the criminal', p. 4.

<sup>228</sup> One 'girl' was returned from the emigration depot as 'unfit', however, and sent to Sultanpur. J. B. Thompson, annual report, 1 October 1894, in BL/IOR/P/4711/A/Jan/5.

<sup>229</sup> Bajrange, Gandee and Gould, 'Settling the citizen'.

<sup>230</sup> Comaroff, 'Colonialism, culture, and the law', pp. 305–14.