

BOOK REVIEW- BRANDED BY LAW¹

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Branded by Law is an engaging work on the concept of prejudice and stereotypes emerging out of the 'law of the land' itself. The book deals with the effects of the colonial law of 1871 Criminal Tribes Act, on the lives of the present day Denotified communities in the country. The book is an attempt to make one understand the impact that a prejudice, especially when imposed through the state's legal machinery, can have both on the way society behaves towards, and the concerned community sees itself. The author takes us into a logical journey of understanding how such prejudices work, how do they trigger social relations between people and how, if at all, these prejudices can be overcome. The book does not only dwell into the historical or sociological aspect of the said DNT communities but also gives ample of evidences to prove the continued presence of the said prejudices in the post-colonial times.

Review

The book consists of sixteen brief chapters unfolding the tale of prevailing prejudices against the DNT communities in India. Three communities the author builds his case studies upon are the *Paradhis* of Maharashtra, *Sabars* in West Bengal and the *Vagharis* in Gujrat. Beginning his journey with being introduced to the whole issue of DNT when he met the *paradhis* in Maharashtra, he finds that historically all DNTs in the country are connected through the state's laws and society's attitude towards them.

The author strikes out the difference between being poor and being a DNT which makes one poor as well as a criminal by habit, adding to the marginality of the community. He argues that this makes him further drawn into the shackles of petty crimes because of the stereotypes attached to his identity which is believed by the people as well as the *pradhi* himself. Like the other DNT communities, *Paradhis* have also been marginalised over centuries alleged of being born with criminal instincts, which brings poverty as well as harassment at the hand of police to this community. Suffering prejudices at the hand of the law, these communities are not just kept out of the mainstream development but also not allowed to come out of the labyrinth system and society puts them into.

The author starts with dwelling into the question of how a community becomes a 'habitual offender'. Taking clue from the history, author gives account of the colonial understanding of the caste system while crafting the criminal offenders act by quoting a British officer's book on Crime in India². The inference drawn from this and quoting another historian of

¹ Book by Dilip D'Souza Penguin Books, New Delhi. (2001). 200 pp. (paperback). (ISBN 0141007494)

² The officer being Lieutenant General Sir George MacMunn in his book Underworld of India, published in 1932.

contemporary times, Rajnarayan Chandavarkar³, the author argues that since these communities were nomadic and aloof from society and they were already being seen with suspicion by the settled population, they became easier targets of the colonial police to make it more visible that they work on internal peace keeping. In the wake of growing industrialisation back home in Europe and increasing reliance on farming in its colony, it became necessary for the colonial government, to promote the idea of settling down and grow the agricultural economy amongst the masses here. The emergence of wealthy powerful elites demanding internal security is another reason that made nomadic communities subject to suspicion and to be tackled through a stringent law.

The author presents a similar argument that Meena Radhakrishna proposes⁴, the colonial government used the Criminal Tribes Act of 1871 to derive labour forces out of the otherwise of no use, wandering people. The mission bringing reformations, through reformation jails and forced sedenterization, amongst the otherwise wild nomads and thugs, was a disguise for creating labour forces. The contemporary situation remains not much different, forcing nomadic people to settle down and adapt farming or other 'civilized' ways of sustenance has been a worldwide phenomenon, it does not only give the state a sense of power over the anarchy these communities are used to, but also makes law and order situation looks better. The scene at the 'crime' front is something even more perplexing for the communities which are 'habitual' criminals. The foremost argument of the book is to understand how prejudices work on the personal and social sphere of an individual. A community being declared and treated like a criminal by blood believes in it as much as the society does. Even after the original Act was being repealed, the attitude of the police and lack of opportunities outside makes it difficult for a DNT person to come out of the Shackles of petty crimes to make a survival. They become the first one to be caught by the police even when they haven't committed any crime. The author provides case studies about the torture DNTs goes through at the hand of the police. Even when A DNT is not associated with any criminal activity, the humiliation of being in the suspect list of the police is something grim.

The author tries to understand how the communities looked at themselves by drawing a contrast between how the three communities live and define their identities through their names. The Paradhis in Maharashtra were the clumsiest of all and their names carry a unique identity of their community identity. Assuming that names convey the cultural identity of a person, the paradhi names like pistoliya, policiya, torchiya, rifleya, bandukiya, does speaks volumes about how the paradhis identify themselves vis a vis the police system in the country. Though the author does not provide any data on the educational status of these communities, he does mention the absence of jobs for even the educated ones owing to the stereotypes they carry with their identities.

³ Chandravarkar, Rajnarayan, *Imperial Power and Popular Politics: Class, Resistance and the State in India, c. 1850-1950*, Cambridge University Press, Cambridge, 1998.

⁴ While talking about the Salvation Army in her book 'Dishonoured by History', where she focuses on the Koravas community and their forced sedentarization in colonial Madras.

The author concludes the book with his vision on the possible solution of the situation and he believes until the prejudices are not done away with, even educating these communities won't do much in terms of improving their living conditions. The issue of DNTs is as much a societal problem as it is administrative, which makes both state and the people like us, the society in general, responsible to bring a righteous consciousness alive to make these people be able to get access to their basic human rights. They deserve a life of dignity as much as any other citizen of the country.

The book deals with more than one disciplines including the history, legal dimensions, crime and policing in contemporary India but what lies at the heart of the book is the issue of prejudice and its impact on the prejudiced itself. The book is also meant to introduce the DNTs to whoever wants to learn more about them and it does its job well, does provoke your thoughts about the possible way out of the situation. There are 105 communities in total which were being Denotified under the 1952 act, scattered over several states in all directions of the country. Each one of these communities are different in their cultural and historical as well as social and economic ways but this books connects them into one large group, concentrating their issues into one larger issue of prejudice. Suggesting the state and civil society to narrow down its approach on the way these communities are still seen.