

Declared Criminal at Birth: Imposition of Stigma of Criminality with special reference to Kharia Sabaras of Purulia, West Bengal, India

Sarbajit Kumar Ghosh¹, Dr. Sanat Kumar Guchhait²

¹ Research Scholar, Department of Geography, The University of Burdwan, West Bengal, India

² Professor, Department of Geography, The University of Burdwan, West Bengal, India

Abstract: Being one of the earliest residents of India Sabaras are engraved in the deep darkness of human civilization even at the first quarter of 21st century. The Kharia Sabaras, one branch of Sabaras are concentrated in the hills, plateaus and infertile rugged terrain of West Bengal, Jharkhand and Orissa. They are the earliest as well as most backward tribe of India. Archival studies prove that Kharias origin is much older than Aryan civilization like other Kolarian tribes. Contrary to the other Kolarian tribes they are most backward. Social ostricities and stigma have kept them away from the mainstream civilization. Therefore, they are easily subjugated and exploited by the surrounding permanent settlers. They were stigmatized as criminal tribe by the British rulers that is still continuing even after seventy years of Independence. Thus, they were thrown away from the mainstream civilization.

Keywords: Engraved, Kolarian tribes, mainstream, subjugated, exploited

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I. Introduction

Kharia Sabaras faced tremendous jerking in their social and economic life due to Regulation of Forest Act and imposition of Criminal Tribes Act (1924). The changes in their livelihood and economy may be considered as a part of forced adaptation, an exogamous pressure which haltered the main current of their life. Their social life and economy revolved around forest resources. They had the capacity to face adverse environmental condition like severe drought due to their unique adaptive mechanism based on traditional ecological Knowledge (TEK). They never starved for mar rice as they now are. Ball (1868) mentioned their unique adaptation to severe drought condition. They felt absolute helpless when they were dislodged from their forest abode. They were found ill adapted to the new economy. The stigma of criminality is persistent even now. There are many instances where under slightest pretext of suspicion the Kharia Sabars were tourchered severely. Mukhopadhyay (1998) drew the terrible consequences of Stigma inflicted on Kharia Sabaras. They have suffered abject poverty, neglect in education, employment and humiliation from the villagers. It is apparent from the study of Dr. Mukhopadhyay that there is duality in the stigma traditionally attached to the Kharia Sabaras. On the other hand, there is the perception of 'group hierarchy', on the other hand branding them as 'born criminals'. He further opines that the first type of stigma may have emanated from relative isolation or social distance, the second type is still kept alive by reported instances of deviant behavior or stigma attached to them. He points out that the discrimination in economic & social situations, physical attack, beating, lynching, occasional arrests by police are the important consequences of stigma.

The traditional economy of Kharia Sabaras was an undifferentiated one, revolved around hunting and gathering. Sinha (1984) pointed out they were secondary primitivized descending down to the evolution scale from shifting cultivation to hunting and gathering stage. With the diminishing of vegetational cover, progressive restrictions on forest resources the Kharia Sabaras were compelled to resort to alternative economy. They were found in absolute juxtaposition between traditional economy and popular culture. With dislodgement from forest resources they started to move towards a ruined community, labeled with stigma of Criminality they lost their self-respect.

II. Literature Review

Risley (1891) refers the Kharias as a Dravidian tribe of Chota Nagpur belongs to Kolarian linguistic group. Ball (1868) referred that the Kharias living in the hilly tracts of Manbhum are in complete isolation from civilized community. Driver (1891) classified Kharias among Kolarian groups. He mentioned two divisions of the Hill Kharias, 'Pahariya' and 'Neosa'. Dalton (1872) mentioned that the Kharias are linguistically most allied to the Juangs. Chatterjee (1931) discussed about their socio religious life in great detail. about the Kharia

economy, their society, socio religious systems, taboos, beliefs and omissions, language and racial affinity and comparative measurement on Physical anthropometric indices of three sections of Kharias. Roy's (1935) account is very important from the perspective of natural History Research of Cultural Anthropology & Physical Anthropology. He first provided a comparative account of morphometric parameters on the different sections of Dhelki, Dudh and Hill or Erenga Kharias. Archar (1946) mentioned that the Kharias are important tribe of Chota Nagpur closely allied to Mundas, Hos and Santals. Vidyarthi and Upadhyay (1980) dealt a comparative account of Dudh, Dhelki and Hill Kharia based on study and re – study. Sinha (1984) stressed upon how elemental hunger and deprivation led the Kharias towards the dark world of criminality. Sinha mentioned that the Hill Kharias of Purulia and Singbhum underwent Secondary Primitivization descending down the evolutionary scale to shifting cultivation from hunting and gathering economy. H.N. Banerjee made a special study on the inter-ethnic contact among the Kharias of Modhupur in Chandil Police Station in the District of Singbhum. Their ancestors used to practice shifting hill cultivation (*Jara- Kata-Chas*) with primitive implements like *Khonta* (digging stick with iron-tip) and produced *roma* (a kind of pulse) , *bajra* (a kind of millet). Besides they also practiced rearing of lac in the jungle. **Dr. Chandidas Mukhopadhyay** (1998) deals with special references to their age old burden of being stigmatized as a crime prone people. The previous journals and books so far dealt with their socio-economic life but rather took little effort to unfold the dark segment of the society. Data collected by Dr. Mukhopadhyay is mainly based on his rigorous field work and from the research perspective the data and documents are very informative. Vivek **Upadhyay and Lalita Prasad Vidyarthi** (1980) deals with a comparative account of the Dudh, Dhelki and Hill Kharia based on Study and Re Study. This excellent monograph represents the dynamic and holistic overview of the three different sections of kharias. The re-study has taken up at two levels: methodological and factual or substantive. The changes in the cultural pattern of Kharia have been plotted out in terms of spatial inter sectional and temporal (from S.C. Roy 1937, T.C. Das 1931) comparisons. They discussed about diffenet facets of their social and religious life, linguistic and racial affinity, ethno economics, political and social organization, folk tradition and cultural change.

III. Location of Kharia Sabaras in Purulia

The Kharia Sabaras are mainly concentrated in the hilly and forested areas of Bankura and Purulia in West Bengal. They are mainly concentrated in the south-eastern parts of Purulia in the Blocks of Bundwan, Manbazar I and Manbazar II. They are concentrated also in the Blocks of Puncha, Hura, Barabazar, Balarampur, Purulia I Block. Their major concentration is found in the Bundwan Block.

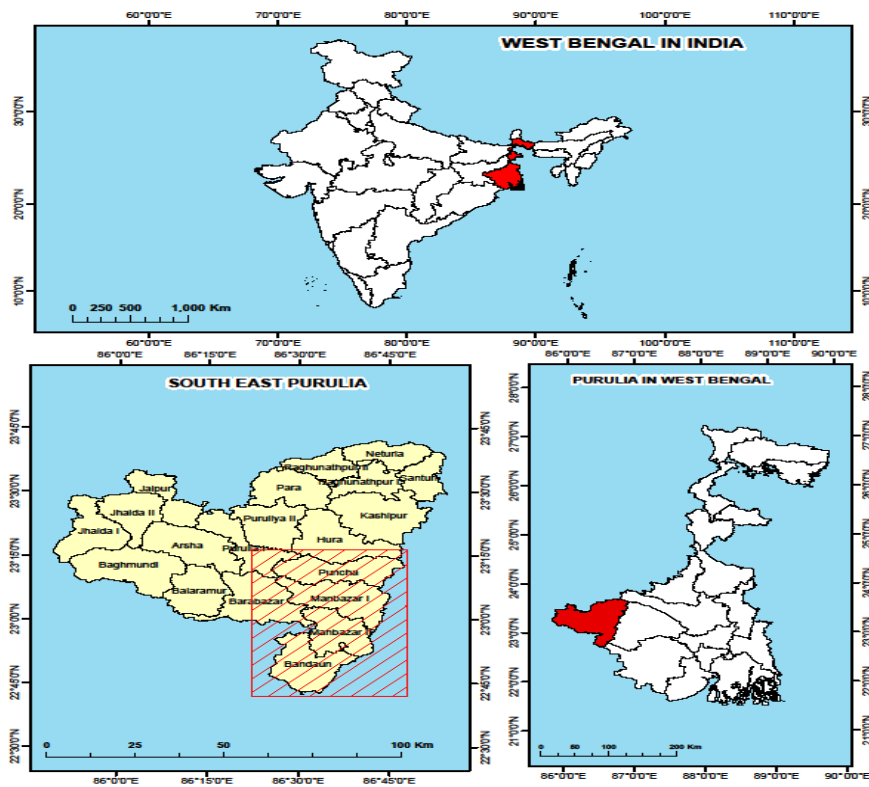


Fig 1. Location of Kharia Sabaras in Purulia

IV. Conceptual Aspect of Stigma

The term stigma was used by ancient Greeks to dishonor a person, to rendering something unusual and moral status of the signifier. Later in Christian period, two layers of metaphor were added to the term. The first referred to bodily symbols of holy grace that took the form of eruptive blossoms on the skin; the second, a medical allusion to this religious allusion, referred to bodily signs of physical disorder. Erving Goffman made an elaborate study on the implication of Stigma. Goffman (1962) incorporated both psychological and social elements but his ideas are primarily anchored on the psychological effects of stigma on individual. According to Goffman *Stigma* is a situation where normal and abnormal meet, and of the ways in which a stigmatized person can shore up his social and personal identity. Erving Goffman argues that stigma is intimately associated with *stereotype*, and that both are related to the unconscious expectations and norms that act as unseen arbiters in all social encounters. But modern Sociology deals with multi-faceted implication of stigma on different fabric of society and personhood. Research works of Javier Trevino (2003), Paul Jay Fink et al (1992), Greg Smith (2006) elaborated the term and modified the earlier concept of the term. The model of Link and Phelan (2001) includes a component of structural discrimination, or the institutional disadvantages imposed on stigmatized groups. Research work of Laar & Levin et al (2006) showed that stigma has profound effect across a wide range of outcomes including social well-being & self-esteem, group identification, task performance and social integration. As the research shows stigmatized groups may be devaluated, ignored and excluded and suffer a wide range of social pathology. 'Repeated negative experiences with stigma can lead members of stigmatized groups to anxiously anticipate similar treatment in future situation, straining cognitive resources that would otherwise be devoted to other tasks' (pp.2). They opined that stigmatized groups may have difficulty to establish an accurate, stable, and clear self-concept, particularly with regard to domains that are relevant to stereotypes about their groups.

Following Sullivan's version Goffman wrote "The awareness of inferiority means that one is unable to keep out of consciousness of some chronic feeling of the worst sort of insecurity, and this means that one suffers anxiety and perhaps even something worse, if jealousy is really worse than anxiety. The fear that others can disrespect a person because of something he shows means that he is always insecure in his contact with other people; and this insecurity arises, not from mysterious and somewhat disguised source, as a great deal of our anxiety does, but from something he cannot fix. Now that represents almost fetal deficiency of the self-system, since the self is unable to disguise or exclude a definite formulation that reads 'I am inferior. Therefore people will dislike me and I cannot be secure with them'".

Durkheim (1895) explored the idea of deviance in relation to social stigma in society. According to him stigmatized individual and groups are those who deviate from the norm.

Heatherton et al (2000) defined stigma, as 'Stigma is a powerful phenomenon, inextricably linked to the value placed on varying social identities. It is a social construction that involves at least two fundamental components: (1) the recognition of difference based on some distinguishing characteristics and (2) a consequent devaluation of person' (pp.3). They stressed on socio psychological approach with consistent emphasis on the immediate social & situational context of the stigmatized and stigmatizer, subjective or behavioural outcomes. They asserted that stigma is a term that involves both deviance and prejudices but has greater dimension. Because stigma is socially defined there is considerable variation across culture and over time.

Eminent German Psychologist Gerhard Falk (2001) describes stigma based on two categories, External stigma & Achieved stigma. External stigma is stigma deriving from a condition which the target of the stigma either did not cause or over which he has little control. Such conditions include mental illness, sexual identity, race. He defines achieved stigma as stigma that is earned because of conduct and / or because they contributed heavily to attaining in question. Here Falk describes stigma associated with achievement, immigration, homelessness, addiction and cultural conviction. He writes '... stigma & stigmatization can occur whenever & wherever some people find behavior or characteristics of other people offensive and /or reprehensible' (pp.182). Elizabeth Mason – Whitehead & Tom Mason (2007) remarked ' Stigma is not an isolated social concept but one that is more closely wrapped up with many aspects of the human condition, leading to prejudices & marginalisation' (pp.60). They opined that discrimination and prejudice in any form serve to separate & exclude individuals from society and from the benefits from society. Discrimination in this way is a form of social exclusion.

V. View of Stigma of Criminality

Stigma of Criminality leaves a strong imprint upon the social fabric of a community, disgrace the well being and self-esteem of a society. Stigma disgrace also affects intercourse and assimilation. Stigmatized group withdraws themselves slowly from their neighbouring groups and confines themselves to a narrow sell. Roy Burman (2010) mentioned that although legally the legal stigma attached to the criminal tribes was removed, the social stigma has persisted until today.

Berge Swetha (2012) explored the impact of stigma on social, economic and judiciary aspect of Pardhis, AN EX Criminal Tribe of Maharashtra. Most of the harassment they face is by police & upper caste. Pardhis due to their distinct history carry much burden of stigma and social insecurity. Stigma in turn generates stereotypic image of hostility among the popular mind, left themselves isolation and victims of exploitation.

Dixit Sinha pointed out that “Among the peasants there are various kinds of stories current about the amazing quality of the Hill Kharia which enable them to perform crimes. Thus, they are believed to be capable of moving to far off places to commit decoity and come back the same night else than their two legs. Another story holds out the belief the belief that they have elaborate network of underground tunnels which enable them to move from one place to another with impunity. But the most significant aspect of the social relevance of stigma is that it is often coerces people into social performance which creates a vicious circle. Often the stigmatized person has no other recourse but to play social game with cards stacked against him. The Hill Kharia of Purulia too frequently find that they have no other alternative but to act the way other people want to act”

VI. Imposition of Criminal Tribal Act and Habitual Offenders Act (HOA) : Historical background

The declaration of CTA was a part of colonial policy to dominate over the barbarian and nomadic communities in India. Bates (1995) noted that the criminalization of certain tribes, for example, provided a means of controlling turbulent populations in the more inaccessible or lawless parts of the subcontinent. The Britishers made military operations against Pindaris and Thugs. Pindarias were known as a warrior group roamed in Rajputana and Maratha. Confession of A Thug by Meadows Taylor (1839), The Thugs or Phansigars of India Comprising a History of the Rise and Progress of that Extraordinary Fraternity of Assians by W.H. Sleeman (1839), A Popular Account of the Thugs and Decoits; the Hereditary Garotters and Gang Robbers in India by James Hutton (1857) depicted the horrific picture of the Thugs. According to Singh (2010) the prescription of the W..H. Sleeman and others connected with thuggee and decoity operations in Central India led to the enactment of Criminal Tribes act of 1871.

According to Piliavsky (2015) also Captain Sleeman is the key colonial source of the idea of criminal tribe, an idea dating back to the early nineteenth century and the persecution of Thugs, or robbers who purportedly strangled their victims to death on the road side, and whom Sleeman claim to discover and later to obliterate. Sleeman described Thuggee as a pan – Indian fraternity of felons united by profession, heredity, and divine sanction in pursuit of their macabre trade.

The Hon’ble Mr. T.V. Stephens, the then member of Law and order the architecture of Criminal Tribes Act of 1871 wrote while introducing the bill: The Act notified as being “Addicted to the systematic commission of the non-bailable offences”.

The special feature of India is caste system. As it is, traders go by caste: a family of carpenters will be carpenters, a century or five centuries hence, if they last so long. Keeping this in mind the meaning of professional crime is clear. It means a tribe whose ancestors were criminal from time immorial, who are themselves destined by the usages of caste to commit crime and whose decedents will be offenders against law, until the whole tribe is exterminated or accounted in the manner of the Thugs. When a man tells you that he is an offender against law, he has been so from the beginning, and will be so to the end, reform is impossible, for it is his trade, his caste, I may almost say his religion to commit crime.

According to Section 4 of this Act. If such tribe, gang or class has no fixed place of residence, the report shall state whether such tribe, gang or class follows any lawful occupation, and whether such occupation is, in the opinion of the local Government, the real occupation of such tribe, gang or class, or a pretence of the purpose of facilitating the commission of crimes, and shall set forth the grounds on which such opinion is based: and the report shall also specify the place of residence in which such wandering tribe, gang or class is to be settled under the provisions hereinafter contained, and the arrangements which are proposed to be made for enabling it to earn its living therein. Section 6 of this act clearly specified that

. (Hollins,2005) mentioned about some provisions in the draconian CT Act

‘No court of Justice shall question the validity of any such notification on the ground that the provisions herein before contained, or any of them, have not be complied with; but every notification shall be conclusive proof that the provisions of this Act are applicable to the tribe, gang or class specified therein.’. The Criminal Tribes of the United Provinces have for many years been the great stumbling-block in the path of law and order, and the various measures adopted to reform and reclaim them have been attended with little success. Their racial vagaries have given rise to much anthropological speculation, whilst their exploits have been a source of perpetual worry and anxiety to district officers. Some of these tribes were brought under the Criminal Tribes Act of 1871, but the results were far from satisfactory. The reason for this was partly because the act could only be applied to the more settled members of the tribes in question, and partly because it was badly administrated

Gouri Sankar writes 'The Criminal Tribes Act 1871, which was amended in the years 1876,1886 and 1887, was criticized by the Police Commission appointed in 1902. The first two amendments had given power to the Government to restrict the area of movement of the gangs of Criminal Tribes. On suggestion of the 1902 Police Commission, the Government of India agreed to introduce a Bill in the Governor General's Council to enquire into the shortcomings of the Criminal Tribes Act. Mr. Jenkins sent the Bill, first to a select committee whose members were Hon'ble Sir Gopal Krishna Gokhle, Hon'ble Sir Ali Iman and Hon'ble Chitan Bose. As a result of their recommendation the Criminal Tribes Act, as it then existed was made stiffer'

The enactment of criminal Tribes act was misused by the local authority and it generated stereotypic image of the tribes among popular mind. After Independence, however the Criminal Tribes act was modified to Habitual Offenders act (1952), it still carried most of the provisions amendments made by the earlier act.

Prasad and Sinha (2012) writes

Although the Criminal Tribes Act were repealed across India in 1952, these communities continue to carry with them the stigma of criminality. DNT – NT communities must have looked forward to an independent India that afforded them protection under the fundamental right section of the Indian Constitution. However, the promises of Articles 14 (equality before the law), Article 15 (prohibition of discrimination), and Article 21 (protection of life and personal liberty) have yet to extend their full reach over DNT – NTs. Further, following the repeal of the Criminal Tribes Acts was passed by State governments across India which mirrored the Criminal Tribes Acts in significant ways.

VII. Sufferings of Kharia Sabaras for alleged criminality

Coupland in Bengal District Gazetteers of Manbhum (1911) first mentioned about the involvement of Kharias in criminal activities. But he didn't clarify the nature of their crime and the motif behind the crime. He writes 'Of the Mundas and Kharias, whose main habitat is in other districts, no doubt description is required here. The Mundas, as has already been stated are mainly confined to the southwestern corner of the district bordering in Ranchi; the Kharias are found in largest number in Barabhum, their settlement being along Dalma range, they have now lost, if the census figures are to be trusted, their distinctive language, though nearly half of their number are still shown as animists. As a caste, they are classified as cultivators, but outside the hill villages they are for the most part mere day-labourers, and from an administrative point of view, they have an inevitable reputation of professional thieves and burglars. (p.82). 'As a consequence of this stigma they came under the preview of 'Criminal Tribe Act' of 1924 declared by then British Government' (Dixit Sinha, 1984: 4,5). F.C. Daly, Dy. Inspector General of Police in his book 'Manual of Criminal Classes Operating in Bengal' (1916) mentioned elaborately about different criminal classes operating in Bengal. He mentioned about Bediyas, Dhekarus, Gains, Lodhas, Sandars, Pods & Khores etc. He however didn't mentioned about the involvement of Kharia Sabaras of Manbhum in criminal activities. Rather he mentioned about involment of Bhumij tribe of Manbhum, Bihar and Orissa in criminal activities. In 1987 the Police discovered the existence of very formidable gang headed by one Halakha Bhumij which had been responsible for much of the crime of Bankura and Manbhum. Bhupendranath Dutta in his 'Ethnological notes on some of the casts of West Bengal' (1935) mentioned about the Kharias of Ranibandh Police station of Bankura. The information was collected from the Officer in charge of Khatra Police Station, Bankura. He writes 'the police report is if the Kherias steal they will steal cloths, rice and stalk of rice from the field. (p. 219). H.N. Banerjee (1959) noted that though Criminal Tribes Act had been repealed though the Kharias of a number of villages in Patamda P.S was tortured by local Zamindars, Tarif Sardars being member of Criminal Tribes. 'So, the neighboring Kharias were taken as the suspected criminals in any case of offence' Dixit Sinha (1984) writes "The Hill Kharia we found, were accustomed to hunting and gathering economy and later on also began practicing shifting cultivation. But their mode of economy was interrupted and they had to fall back on hunting and gathering exhaustively. Later, with the depletion of forest, they began to search for new mode of existence and had to remain content with the role of agricultural labours. Even agricultural labour provided them with only partial employment. Their participation in criminal activities, under circumstances described before, and subsequent prosecution as criminal make them believe that they cannot hope to get support and help either from the surrounding peasentary or from the institutions of the state" (pp.79). Kharia Sabaras have to suffer tremendous tourcher from the side of the villager's also. The Kharias found guilty in village judiciary system named Sholoana were penalized severely, even they were beaten to death. Some cased of severe human right violation and torture on Kharia Sabaras are mentioned below

On 31.8.1993 in Pitharadi village under Boro Police Station the hand and legs of Sahan Sabar was broken with stone. The allegation against him was that he stoled a goat from the house of Haripada Mahato. On 05.9.1993 Hari Sabar was brought before Sholoana committee in Boro village under Boro Police Station. He was allegedly theft a goat. As per the verdict of the committee the villagers presented there beaten him to death with stone and stick.

On 01.6.1996 in Jaramahul village under Barabazar P.S a Sabara named Nalit Sabar was called for Sholoana. He guarded in the village at night. In case of allegedly involved in case of a theft his right hand was cutted. Nalit is still living.

In 1994 in Bijoyadi village under Manbazar I two Sabaras named Mangal and Falari were severely beaten. The charge against them was that they stoled lac from Palash forest. Mangal Sabar was beaten to death on the spot. His father Falari Sabar was left beaten in the forest after crushing his hands and legs. After bail he survived almost one year.

VIII. Conclusion

Kharia Sabaras are passing through a very critical & challenging situation. Alleged stigma of criminality created a wretched condition to them and struck hard to their social life and economy. The study Kharia Sabaras are suffering from plethora of issues. Stringent banning for collection of forest products from the core area, miserable poverty, near hunger of many houses during time of unemployment or lean season, draconian tortuure by the upper caste people for suspicion of alleged involvement in criminality, exploitation by money lenders, enforced grabbing of land are major issues the Kharia Sabars are encountering now. They still are neither feeling secured nor in a position to get their basic needs. There is utter lack of coping up with the present situation. The passing of Indian forest Act of 1892 made the Kharia partially crippled as they had no other alternative source of economy. The passing of CTA of 1924 became a mode of oppression of the wider community. The damage inflicted on the Social and Human capital as well as the economic potential of the tribe has been horrific. They feel the effect environmentally and socially. It has badly effected to their social cohesion. It is a sociological fact that the criminals are not born but they are made either due to adverse sociological condition or environmental crisis which have been prevalent since ancient times. However, they have to pay till now for the stigma of criminality leading a hydra headed life with great deal of psycho somatic stress.

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