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# **A RESEARCH STUDY ON ANTHROPOLOGICAL CRIMINOLOGY: SCIENTIFIC FAILURE AND SOCIETAL HARM**

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## **Abstract**

This research examines the enduring impact of colonial-era anthropological criminology on the policing and social marginalization of Denotified Tribes (DNTs) in post-independence India. While the repeal of the Criminal Tribes Act, 1871 in 1952 marked a formal rejection of hereditary criminality and collective guilt, the study argues that the underlying logic of suspicion and surveillance persisted through administrative practices, policing culture, and social stigma. By analyzing the transition from “criminal tribes” to “denotified tribes,” and the subsequent introduction of Habitual Offenders legislation, the research highlights how legal reform altered terminology without fully dismantling structural bias.

Drawing on sociological and criminological studies, the paper demonstrates that DNT communities continue to face disproportionate surveillance, overrepresentation in arrest patterns, economic marginalization, and barriers to social integration. It further explores how informal institutional knowledge—embedded in police practices such as history sheets and routine suspicion—sustains colonial-era prejudices despite constitutional guarantees of equality and dignity. The research also identifies policy gaps in rehabilitation and welfare implementation, emphasizing the consequences of administrative ambiguity and inconsistent state response.

The study ultimately argues that pseudo-scientific theories, once codified into law and institutionalized through governance, acquire a structural longevity that outlives their formal abolition. The persistence of stigma and systemic bias against Denotified Tribes illustrates the limitations of legal reform in the absence of deeper institutional and societal transformation. By situating the experience of DNTs within broader debates on criminology, law, and social

justice, this research underscores the need to critically reassess the legacy of “scientific” classifications and their continuing influence on contemporary systems of control and marginalization.

## **1. Post-Independence Policing and Denotified Tribes**

### **1.1 Introduction: From “Criminal Tribes” to “Denotified Tribes”**

The repeal of the Criminal Tribes Act, 1871 in 1952 marked a formal rejection of the notion of hereditary criminality in independent India. Communities that had previously been notified under the Act were officially “denotified,” and the legal category of “criminal tribe” was abolished.<sup>10</sup> On paper, this was a decisive break from a century of discriminatory legislation, signalling the new state’s commitment to equality, dignity, and individual rights under the Constitution.

However, the abolition of the statute did not immediately dismantle the structures of suspicion, surveillance, and administrative control that had been built over decades. Colonial practices of policing, registration, and monitoring did not vanish overnight, and the social stigma attached to Denotified Tribes persisted in everyday interactions, employment, and public perception. Families continued to face distrust, their histories of legal labelling casting long shadows over opportunities and social integration.

This chapter thus asks a critical question: did Indian independence truly end the logic of status-based surveillance, or did it simply alter its form? By examining the post-independence continuation of policing practices, the persistence of social prejudice, and the introduction of Habitual Offenders legislation, the chapter explores how structural stigma survived legal reform. It highlights that legal change alone cannot immediately undo deeply ingrained systems of marginalization, and that the human consequences of colonial criminalization continued to shape the lives of Denotified Tribes long after the formal repeal of the Act.

### **1.2 Repeal of the Criminal Tribes Act (1952)**

After independence in 1947, the newly formed Indian state faced the complex task of reconciling inherited colonial laws with the promises of the Constitution, which enshrined equality, liberty, and individual dignity. The Criminal Tribes Act, grounded in assumptions of collective guilt and hereditary suspicion, stood in stark contrast to these constitutional guarantees. It treated entire communities as inherently criminal, ignoring individual conduct, choice, or circumstance—a framework fundamentally at odds with the ideals of a democratic and rights-based legal system.

In 1952, the Act was formally repealed. Communities that had been labelled as criminal for generations were officially “denotified,” and the term “Criminal Tribes” was replaced with “Denotified Tribes” (DNTs). While this legal reform represented a formal acknowledgment of past injustice and a commitment to equality before the law, the lived reality of these communities did not immediately change. Centuries of systemic suspicion, surveillance, and social prejudice could not be erased by statute alone. Families continued to bear the weight of inherited stigma, and public perception, bureaucratic practices, and policing often continued to reflect the biases embedded during colonial rule.

This transition highlights a critical tension in post-independence India: legal abolition of discriminatory frameworks did not automatically dismantle the social and administrative structures that had perpetuated marginalization. Denotified Tribes, despite formal recognition of their rights, continued to navigate a society in which the shadow of “criminal” labelling lingered, shaping opportunities, social interactions, and access to resources across generations.

Significance of Repeal:

- Formal recognition that hereditary criminality had no legal basis.
- Removal of collective registration and settlement provisions.
- Symbolic break from colonial discriminatory classifications.

However, repeal was largely administrative. It did not include:

- Comprehensive rehabilitation programs
- Public campaigns to remove stigma
- Structural reform of policing culture

The legal label changed, but the social perception often remained intact.

## **2. Habitual Offenders Acts: Continuity in New Form**

Soon after repeal, many states enacted Habitual Offenders legislation. These laws allowed police to register and monitor individuals identified as repeat offenders.

Although framed differently from the Criminal Tribes Act, Habitual Offenders Acts shared certain characteristics:<sup>13</sup>

- Preventive surveillance rather than reactive punishment.
- Police discretion in identifying habitual offenders.
- Registration and monitoring mechanisms.
- Restrictions on movement in some jurisdictions.

The key difference was that Habitual Offenders legislation targeted individuals rather than

entire communities. However, in practice, police frequently relied on historical stereotypes when identifying suspects. Members of Denotified Tribes often remained disproportionately represented in such registers.

Thus, while the legal language shifted from “tribe” to “habitual offender,” the operational logic of suspicion sometimes continued.

### **3. Policing Culture and Structural Bias**

Post-independence policing inherited colonial administrative frameworks. Police manuals, local intelligence systems, and crime registers retained classifications developed during British rule.

In many regions, Denotified Tribes continued to be:

- Listed in “history sheets”
- Subjected to frequent interrogation
- Rounded up during theft investigations
- Viewed as “usual suspects”

The persistence of such practices indicates that repeal of a statute does not automatically transform institutional culture.

Policing often operates not only through formal laws but also through informal knowledge systems—shared assumptions, stereotypes, and inherited practices that shape how authorities perceive, interpret, and respond to particular groups. These unwritten understandings, passed down through training, institutional memory, and everyday practice, can profoundly influence decision-making, sometimes working quietly alongside official legal frameworks. In the case of Denotified Tribes, the suspicions and prejudices cultivated during the colonial period became embedded in routine policing practices. Officers came to view entire communities through a lens of inherited suspicion, assuming criminal tendencies based on ancestry rather than individual conduct.

The effects of these informal systems were deeply human. Members of Denotified Tribes often faced repeated stops, questioning, surveillance, and social exclusion simply because of the historical labels attached to their communities. Children grew up internalizing the stigma, while families struggled to maintain livelihoods, travel freely, or participate fully in society. Even after the formal repeal of the Criminal Tribes Act and related colonial laws, the everyday reality of policing reflected a continuity of prejudice, demonstrating how systemic bias can outlast legal reform. In this way, the colonial legacy persisted, not only in lawbooks but in the attitudes,

routines, and discretionary practices of the state itself.

### **3.1 Continued Social Stigma**

Even after denotification, communities previously classified as criminal faced deep social exclusion.

Forms of Continued Stigma:

- 1) Employment Discrimination – Employers were reluctant to hire individuals from stigmatized communities.
- 2) Housing Exclusion – Settlements were often located on the outskirts of villages and towns.
- 3) Educational Barriers – Children faced discrimination in schools.
- 4) Marriage Restrictions – Social stigma limited inter-community relationships.

The label of criminality, once codified in law, proved resistant to erasure.

The transition from “Criminal Tribe” to “Denotified Tribe” altered terminology but did not erase historical memory. In many cases, police and local populations continued to associate certain surnames or settlements with criminal suspicion.

### **3.2 Empirical Studies on Denotified Tribes**

Sociological and criminological research conducted after independence reveals recurring patterns:

- i) Overrepresentation in arrest statistics relative to population share
- ii) Frequent preventive detention during local crime waves
- iii) Lack of access to welfare schemes due to absence of formal documentation
- iv) High levels of poverty and landlessness

Empirical field studies across several Indian states have documented that Denotified Tribes continue to face vulnerability to custodial violence, arbitrary detention, and coerced or forced confessions. These communities often encounter the law not as a neutral arbiter but as a system that presumes guilt based on inherited labels and historical records. Researchers have noted that policing practices frequently rely on “history sheets” and administrative files, many of which trace back to colonial-era records, effectively preserving suspicion across generations. In some regions, entire settlements or neighborhoods are still informally treated as suspect zones, with routine patrolling, questioning, or surveillance targeting the residents.

Such findings highlight that the legacy of anthropological criminology endures not through explicit statutory provisions but through administrative continuity and institutional memory.

The pseudo-scientific rationale that once justified hereditary criminality has been replaced by bureaucratic practices and discretionary policing, which continue to reproduce the same social and legal disadvantages. For the individuals and families affected, this continuity is deeply tangible: everyday life remains circumscribed by suspicion, access to justice is compromised, and social mobility is constrained. In this way, the colonial imprint persists, demonstrating how structural stigma can survive formal legal reform and continue to shape the experiences of marginalized communities decades after independence.

#### 4. Constitutional Promises and Ground Realities

The Constitution of India guarantees equality before the law, protection from discrimination, and personal liberty. In theory, the repeal of the Criminal Tribes Act aligned legal practice with constitutional morality.

However, the lived experience of Denotified Tribes demonstrates a gap between constitutional promise and policing reality.

Key tensions include:

- i) Equality vs. inherited suspicion
- ii) Individual rights vs. preventive surveillance
- iii) Dignity vs. social labeling

The persistence of stigma reveals that legal reform alone is insufficient when institutional culture remains unchanged.

##### 4.1 Economic Marginalization and Structural Vulnerability

Many Denotified and Nomadic Tribes continue to experience extreme socio-economic marginalization:

- Limited access to land ownership
- Informal and unstable employment
- Exclusion from mainstream political representation

Economic vulnerability increases exposure to criminalization. When livelihoods are precarious, survival strategies may be misinterpreted as deviant behaviour.

This dynamic risks creating a cycle:

**Historical labeling** of certain communities as criminal contributed to **social exclusion**, which in turn led to **economic deprivation** and **marginalization**. These conditions often resulted in heightened police suspicion, and such suspicion further reinforced the stereotypes historically

associated with those communities.

The social consequences of colonial classification thus extend across generations.

#### **4.2 Rehabilitation Efforts and Policy Gaps**

Over the decades, various commissions and committees have examined the condition of Denotified Tribes. Recommendations have included:

- Educational reservations
- Identity documentation drives
- Welfare inclusion
- Police sensitization programs

However, the implementation of protective or rehabilitative measures for Denotified Tribes has been inconsistent across states. Many DNT communities occupy a complex position in India's system of affirmative action, often falling between the recognized categories of Scheduled Castes, Scheduled Tribes, and Other Backward Classes. This administrative ambiguity has resulted in confusion, uneven recognition, and gaps in access to welfare programs. As a consequence, individuals and families frequently struggle to secure education, employment, and social support, despite formal legal protections.

The absence of a unified national rehabilitation policy has further prolonged marginalization. Without coordinated interventions, historical stigma continues to influence the daily lives of Denotified Tribes, shaping interactions with law enforcement, employers, and local authorities. Communities remain vulnerable to discrimination, economic deprivation, and social exclusion, demonstrating that legal reform alone—without consistent implementation and comprehensive support—cannot fully undo the legacy of centuries of systemic prejudice. The structural disadvantage, once codified under colonial law, persists in subtle yet deeply impactful ways, affecting opportunities, dignity, and the intergenerational prospects of these communities.

#### **5. Theoretical Reflection: Persistence of Scientific Legacy**

Although modern law no longer makes explicit reference to hereditary criminality, the epistemic foundations of the Criminal Tribes Act continue to cast a long shadow over the administration of justice. The central assumption of anthropological criminology—that certain populations are inherently predisposed to criminal behavior—may no longer be openly endorsed in policy or statute. Yet its residue persists in institutional memory, influencing the way police officers, bureaucrats, and society at large perceive and interact with Denotified

Tribes.

The transformation of the label from “criminal tribe” to “habitual offender” illustrates how categories may evolve while the underlying logic of suspicion remains largely intact. Even as legal terminology changes, the social and administrative mechanisms that mark, monitor, and control these communities continue to reproduce disadvantage. Families and individuals remain subject to heightened scrutiny, discretionary detention, and subtle forms of discrimination, demonstrating that stigma can survive long after the legal language that created it has been abolished.

This continuity underscores a core theme of this research: scientific theories, once translated into administrative practice, acquire a structural longevity that often outlives their intellectual credibility. When pseudo-scientific ideas are codified into law, reinforced through bureaucratic routines, and embedded in social perception, their consequences extend far beyond their original context, shaping the opportunities, freedoms, and dignity of entire communities for generations.

### **Conclusion**

The repeal of the Criminal Tribes Act marked an essential legal correction. However, it did not immediately dismantle the socio-legal architecture constructed under colonial rule.

Denotified Tribes continue to experience disproportionate surveillance, economic marginalization, and social stigma. The persistence of such patterns reveals that the harm produced by anthropological criminology was not confined to the nineteenth century. Its effects endure in post-independence policing and social perception.

This chapter demonstrates that legal repeal alone cannot erase the structural consequences of pseudo-scientific classification.