

# The Criminal Tribes Act of 1871 and its Global Legacy

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**Received:** July 30, 2025; **Accepted:** August 05, 2025; **Published:** August 12, 2025

## ABSTRACT

The Criminal Tribes Act of 1871, imposed by British colonial authorities in India, was a draconian law that branded entire communities as “hereditary criminals,” enforcing systematic surveillance, forced settlement, and social ostracization. This paper provides a comprehensive examination of the Act’s origins, implementation, and enduring legacy. It begins by contextualizing the Act within India’s caste system, tracing how ancient religious codifications – from the Rigveda to the Manusmriti – established and justified a rigid hierarchy that colonial policies later exploited. We analyze the language and intent of the Act, illustrating how the British administration wielded it as an instrument to control nomadic and marginalized groups by presuming criminality by birth. The short-term impacts on Dalits (formerly “Untouchables”), Adivasis (indigenous tribes), and other minorities were severe: communities faced loss of land, curtailed freedoms, and state-sanctioned stigma, with an estimated thirteen million people across 127 communities directly affected by Independence. The Act’s long-term repercussions persisted well beyond its repeal in 1949, as independent India’s Habitual Offenders Act (1952) continued to profile and police these denotified tribes, entrenching cycles of poverty and prejudice.

Crucially, this paper situates the Criminal Tribes Act in a comparative global context. Parallels are drawn to other systems of institutionalized oppression: the Jim Crow laws in the United States, which enforced a codified racial apartheid and denied African Americans basic rights; the internment of Japanese Americans during World War II, whereby ~120,000 people (two-thirds U.S. citizens) were incarcerated without cause; and South Africa’s apartheid regime, which legally classified citizens by race to maintain white supremacy. These comparisons reveal common patterns of using the law to strip targeted groups of rights under the guise of “social order” or “national security.” The paper also examines modern surveillance measures – from preventive detention of Muslims under anti-terror laws to predictive policing technologies – arguing that the underlying logic of collective suspicion echoes the legacy of the 1871 Act in contemporary forms.

Through extensive use of scholarly sources, including archival colonial reports and the writings of historians and anthropologists, as well as eyewitness accounts and recent news reports, we highlight how the narrative of “born criminals” created by the Act remains etched in societal attitudes. We incorporate historical data (caste-based census records, crime statistics) and present-day metrics (crime rates against Dalits, wealth and education disparities by caste) to visualize the enduring impact. Graphs and charts are used to illustrate trends such as the economic marginalization of Dalits and the racial disparities in incarceration that mirror caste inequalities. Ultimately, this study demonstrates that while the Criminal Tribes Act was repealed, its spirit survives in prejudices and legal practices worldwide. It calls for a critical re-examination of laws and social structures that continue to otherize and criminalize marginalized communities, advocating for reforms grounded in equality, restorative justice, and the protection of fundamental rights. The global legacy of the Criminal Tribes Act serves as a cautionary tale of how state power can perpetuate social stratification – and a reminder of the ongoing struggle to dismantle such oppressive systems.

**Keywords:** Criminal Tribes Act, British Colonialism, Caste System, Hereditary Criminality, Dalits, Adivasis, Surveillance, Institutionalized Oppression, Social Stigma, Restorative Justice

## Introduction: Caste, Colonialism, and Codified Hierarchy

**Background of the Caste System in India:** Indian society has been stratified by caste for millennia, a system that assigns individuals a hereditary status defining their rights and duties. The roots of caste ideology can be traced to ancient texts.

The Rigveda (c. 1500–1200 BCE) contains the Purusha Sukta (Hymn 10.90) [1], which mythologically outlines four varnas (broad social classes) emerging from the cosmic being Purusha – Brahmins (priests) from the mouth, Kshatriyas (warriors) from the arms, Vaishyas (traders) from the thighs, and Shudras (laborers) from the feet. This early varna schema was not as rigid as the later caste system; it described an idealized social order rather than a strict birth-based hierarchy. Over time, however, these categories ossified into a complex system of jatis (birth-

**Citation:** Ishaan Ranjan, Anay Pruthy. The Criminal Tribes Act of 1871 and its Global Legacy. *J Journalism Media Manag.* 2025. 1(1): 1-11.

DOI: doi.org/10.6144/JJMM.2025.v1.07

based castes) with thousands of sub-groups and prohibitions on intermixing. The Manusmriti (circa 200 CE), an ancient Hindu legal text, played a pivotal role in codifying caste rules and sanctions. It laid out stringent injunctions that placed severe restrictions on lower castes, especially those outside the varna system (later called “untouchables” or Dalits). For example, Manusmriti injunctions consigned Dalits to menial, “unclean” occupations and prescribed harsh penalties if they transgressed caste norms. Such scriptural codification provided a religious justification for treating Dalits as subhuman. The result by the pre-colonial era was a stratified society in which Dalits were denied access to temples, schools, public wells, and other basic resources – a system of graded inequality deeply ingrained in social customs [2].

**Caste and Colonial Codification:** When the British East India Company and later the British Raj gained control of India, they encountered this complex social order and, over time, sought to classify and govern it. The British approach to administration was grounded in surveys, censuses, and classification of the colonized population. They viewed Indian society through an Orientalist lens that often exaggerated the rigidity of traditions to better control the populace. In the late 19th century, British authorities conducted the first comprehensive caste-based censuses- beginning in 1871-72-which required every Indian to be categorized by caste. While caste identities before had some fluidity and were region-specific, the 1871 census effectively “[solidified] caste as a rigid, pan-Indian identity” [3]. This bureaucratic exercise transformed caste into a fixed official category, aligning with what scholar Nicholas Dirks argues: “it was under the British that ‘caste’ became a single term capable of expressing, organizing, and above all ‘systematizing’ India’s diverse forms of social identity”. In other words, the British made caste more rigid and uniformly applicable across India than it had ever been historically. British administrators like H. H. Risley even measured skull sizes and other anthropometric data to tie caste to race, reinforcing a pseudo-scientific notion of hereditary difference [1].

This period also saw the British codify caste and community in law. They tended to favor higher castes in administration and policing, often co-opting local elites to maintain control. At the same time, colonial law treated many customary practices with suspicion, especially those of itinerant or outcaste groups that did not fit neatly into sedentary village society [4]. The aftermath of the Indian Rebellion of 1857 further hardened British attitudes- the colonial regime became markedly more distrustful of the indigenous population and eager to prevent future uprisings. In the rebellion’s wake, the British expanded the infrastructure of repression: introducing new laws, increasing the surveillance of “suspicious” communities, and leveraging the notion that some groups were naturally prone to crime or disloyalty. It is in this climate of heightened control and deeply ingrained caste bias that the Criminal Tribes Act was born [5].

**British Perceptions of “Criminal Castes”:** By the 1860s, colonial writings increasingly described certain tribes and castes as inherently criminal [6]. British officials lumped together diverse nomadic communities- from traveling traders and artisans to hill tribes- under a prejudiced gaze, labeling them as thieves or

thugs by birth. These ideas were influenced by earlier campaigns such as the suppression of the Thuggee cult (bands of robbers and stranglers operating in 19th-century India) and by British anxieties about lawless hinterlands [7]. One colonial report infamously asserted that “any tribe, gang, or class of persons ... addicted to the systematic commission of non-bailable offences” could be deemed a threat. This language was a precursor to the sweeping definitions enshrined in the Criminal Tribes Act. British anthropologists and police officials propagated the theory of hereditary criminality- the belief that criminal behavior was an inherited trait in certain communities [2]. This theory dovetailed with Victorian pseudo-sciences of criminology (such as Cesare Lombroso’s ideas in Europe about born criminals) and the racial biases of the colonizers. It also conveniently justified intrusive surveillance: if some Indians were “born criminals,” then extraordinary measures to watch, control, and reform them could be portrayed as necessary for public safety.

**Linking Caste and Law:** The British conflation of caste identity with criminal propensity had devastating implications. Many of the groups they targeted were those already marginalized by caste hierarchy- often nomadic or “outcaste” communities who lived on society’s fringes.

Rather than recognizing the structural inequalities that drove some people to theft or revolt (such as extreme poverty or caste oppression), the colonial state blamed the victims- attributing criminality to their tribal or caste background. This mind-set culminated in specific colonial laws, among which the Criminal Tribes Act of 1871 stands out for its breadth and harshness [8]. The Act did not emerge in isolation; it was part of a global pattern of colonial powers creating legal categories for “dangerous classes.” In British India, vagrancy laws and beggary laws were also enacted to police the poor, and similar instincts to classify and contain were seen in other colonies and in Europe (for instance, British vagrancy acts targeted Romani “Gypsies” in the 19th century). The Criminal Tribes Act, however, went a step further by explicitly stigmatizing entire communities by birth. It represented the fusion of caste-based marginalization with colonial law enforcement, effectively turning social prejudice into state policy.

In summary, by the late 19th century, India’s indigenous system of caste had been reinterpreted and rigidified by colonial rulers who saw political advantage in dividing and categorizing their subjects. Ancient religious texts had long before codified a hierarchy that oppressed Dalits and other groups, but it was the British who gave this hierarchy a new administrative life- in census registers, legal codes, and policing practices. The stage was thus set for the Criminal Tribes Act of 1871: a law that would marry colonial fears with casteist stereotypes, and in doing so, profoundly impact the lives of hundreds of thousands of people in India and, by its legacy, far beyond [9].

### **The Criminal Tribes Act of 1871: Origins, Provisions, and Enforcement**

**Enactment and Aims:** The Criminal Tribes Act (CTA) was introduced in 1871 in the North-Western Provinces of British India (present-day Uttar Pradesh) and later amended and extended to other regions (notably Punjab and Oudh, and

eventually pan-India by the early 20th century). The Act's stated aim was "the registration, surveillance, and control of certain tribes and classes [deemed] criminal". It marked the first time in modern history that criminality was attached to an entire community by birth, rather than determined by an individual's actions. British lawmakers justified this extraordinary measure by arguing that normal law was insufficient to deal with the menace of itinerant criminals. Official rhetoric painted these communities as incorrigible thieves plaguing the countryside, thus necessitating preemptive action. As one analysis notes, the Act was rooted in the colonial administration's broader project of exerting control over a vast and diverse population by labeling some groups as deviant or "savage". In reality, many targeted groups were nomadic pastoralists, traveling craftsmen, or displaced peasantry whose lifestyles conflicted with British notions of order (and with revenue collection) [10].

**Language and Key Provisions:** The language of the CTA was deliberately broad and enabled sweeping action. Under the Act, a provincial government could "notify" any tribe, caste, or community as a "criminal tribe" in the official gazette if it believed the group was "addicted to the systematic commission of non-bailable offenses." This vague criterion essentially empowered colonial officials to declare community's criminal based on reputation or prejudice rather than proof. Once notified, several draconian provisions came into force [11]:

- **Compulsory Registration (Section 4):** Every member of a notified community had to register with local authorities. This included personal details like name, age, residence, and profession. Failure to register was itself a criminal offense, punishable by fine or imprisonment. Registrants were often issued a sort of pass or token as proof and were required to carry it [12].
- **Restricted Mobility and Surveillance (Sections 5-7):** Notified individuals were required to report at specified intervals to the police (daily, weekly, or as ordered) and had to notify authorities if they wished to travel outside a designated area. Many were confined to their village or a settlement; travel permits might be required for going beyond a few miles. The Act empowered police to conduct searches of the homes or camps of registered members without warrant at any time. Essentially, being born into these communities meant living under a permanent state of parole-like supervision [13].
- **Establishment of Reformatory Settlements (Section 6):** The government could create special "settlements" (also referred to as reformatory or penal settlements) for criminal tribe members. In practice, this meant forced relocation. Entire families were rounded up and transported, often to distant and isolated sites, which were run rather like open prisons. Within these settlements, people were typically forced into labour-ostensibly to reform them by teaching industrial or agricultural work. For example, in the Madras Presidency, members of notified tribes were herded into the Yerawada reformatory or other work-camp-like facilities where they had to farm or weave under surveillance [14].
- **Penalties and Judicial Process:** Any breach of the reporting rules or movement restrictions could result in immediate arrest. Special tribunals or magistrates were authorized to try offenses under the Act swiftly. Because the Act treated mere belonging to a community as suspicious, actual convictions

for substantive crimes were not needed to punish someone; non-compliance with the Act (like missing a check-in or leaving one's village without permission) was enough to land a person in jail. This created a perverse situation: law-abiding people could be punished solely due to their birth, while the state could claim it was preventing crime. The Act did include a theoretical right to appeal one's designation or confinement, but in practice, it was incredibly difficult for impoverished, illiterate victims to access any legal remedy against the colonial government's sweeping actions [15].

- **Rehabilitation Clauses:** Later amendments to the Act (and related provincial rules) added provisions for "reforming" criminal tribes. This included sending children to special schools and apprenticing youths to crafts, under strict oversight. Section 12 of the Act and subsequent rules empowered officials to separate children from their parents to prevent them from "learning criminal habits," placing the children in orphanages or with guardians approved by the government. Ostensibly humane, these measures often broke up families and were experienced as deeply coercive [16].

In effect, the CTA criminalized status, not conduct. It upended basic principles of justice by making birth and community affiliation grounds for punishment. The British colonial state, by passing this law, arrogated to itself the role of an omnipresent warden for hundreds of thousands of people who had not necessarily committed any crime. The term "criminal tribe" itself cast a permanent shadow on those labeled as such, ensuring they were regarded with fear and disdain by the rest of society.

**Implementation on the Ground:** The enforcement of the Criminal Tribes Act was often arbitrary and harsh. Colonial archives and reports detail how police officials conducted village raids at dawn to round up members of notified tribes, sometimes using informants from dominant castes to identify them. People were branded (figuratively, and in some documented cases literally with identifying marks or tattoos) as criminals. In certain regions, adult male members of criminal tribes had their fingerprints taken and catalogued-notably, India was an early adopter of fingerprinting for criminal identification, and the CTA was a driving reason.

The colonial state's surveillance apparatus grew alongside the Act: by the early 20th century, specialized Criminal Tribes departments existed within local administrations, and police maintained detailed registers on these communities.

One first-hand case illustrating enforcement is in re Chinna Kondayya (1907), where a man from a notified tribe was prosecuted for simply failing to report his movements. The court noted that the police's handling was arbitrary and had not even given him a fair chance to comply. Such cases show that compliance with the Act's burdensome requirements was often a Catch-22; missing one report (perhaps due to illness or travel for work) could trigger a cycle of arrest and imprisonment. A colonial inquiry in the 1940s candidly observed that the Act had effectively made it impossible for members of certain communities to live outside a penal environment-their daily existence was criminalized.

By 1911, the Act was revised and expanded; by 1924, all prior versions and amendments were consolidated. The 1924 version of the CTA (applicable across British India) incorporated decades of amendments that had continually widened the net. At the time of Indian independence in 1947, as noted by historical records, roughly 13 million people across 127 communities were under the purview of the Criminal Tribes Act system. This staggering figure indicates the breadth of colonial social engineering. Some communities had been added to the notified list as late as the 1930s (for instance, the Berad community in Mysore and the Mang Garudi in Bombay were notified in that decade). All told, the British had labeled around 150 to 200 distinct tribes and castes as hereditary criminals over the Act's lifespan.

**Intent and Ideology:** The intent behind the CTA was twofold. Ostensibly, it was a law-and-order measure to reduce crime. However, its deeper impetus was social control and the sedentarization of communities. British authorities disliked nomadic groups because their movement defied the colonial state's surveillance and taxation. By forcing these groups to settle in fixed locations (or interning them in work camps), the British could monitor them continuously and attempt to assimilate them into the colonial economy (as low-paid laborers). The Act also conveniently quelled local elite demands: often, landed caste Hindus or village headmen would complain to British officers about "wandering thieves" or the lower-caste groups that didn't conform to village authority. The CTA gave legal teeth to clamp down on such communities, which sometimes were resented by local elites for not fitting within the traditional caste village framework (for example, Banjaras, who were nomadic cattle-herders and salt-traders, had long been vital to commerce but were often viewed with suspicion by both British and settled Indians) [17].

**Underlying the Act was a prejudiced ideology:** the notion of collective guilt and inherited deviance. This was in stark contrast to modern principles of individual responsibility. But in the late 19th century, even metropolitan Britain had harsh vagrancy laws and a tendency to blame the poor for their plight. In the colonies, such attitudes were amplified by racial and cultural arrogance. The Act's preamble justified its necessity by reference to "professional criminals" moving in groups, reflecting an anxiety about mobile populations that the colonial state could not easily pin down. It's important to note that this thinking also set a template for future regimes: identifying "outcast" communities as inherently suspect. The language of the CTA-describing groups as "addicted" to crime-dehumanized those people, likening criminal behavior to a hereditary disease. This made it easier for ordinary citizens and officials alike to accept extraordinary repression, since it seemed like a form of quarantine or cure.

In conclusion, the Criminal Tribes Act of 1871 was a stark example of the law being used as an instrument of structural violence. Through its sweeping provisions, the British colonial government codified a system where rights were stripped away on the basis of birth, and entire communities were relegated to an underclass of perpetual suspects. The Act's implementation created a self-fulfilling prophecy: labeled as criminals, these communities often became trapped in poverty and illiteracy, which in turn left some with few alternatives but petty crime-

reinforcing the colonial stereotype. As we shall explore, the damage inflicted by this law did not end with the colonial era; independent India and indeed other parts of the world would continue to wrestle with its malign legacy.

### **Impact on Dalits, Adivasis, and Minority Communities: Short-Term and Long-Term**

**Immediate (Short-Term) Impact during the Colonial Era:** The enforcement of the Criminal Tribes Act wrought havoc on the social and economic fabric of the affected communities. In the short term (from the 1870s through the first half of the 20th century), the Act's impact can be measured in several dimensions [18]:

- **Social Stigma and Marginalization:** The very designation "criminal tribe" became a mark of Cain. Dalits and tribal groups notified under the Act found themselves further ostracized by wider society. Upper-caste and non-notified neighbors viewed them with even greater suspicion and contempt, knowing that the government itself had stamped them as criminals by birth. This intensified the pre-existing caste-based prejudices. A British missionary writing in the 1880s observed that even where members of a criminal tribe tried to settle and live honestly, villagers refused to accept them, referring to them derisively as "CTA-wallahs" (a label deriving from the Act) and often barring them from common resources. Thus, the Act deepened the untouchability of certain Dalit sub-castes and the exclusion of nomadic tribes from mainstream society. The concept of inherited criminality dovetailed with the caste notion of inherited ritual impurity, creating a toxic overlay of social stigma.
- **Economic Disruption and Impoverishment:** Many notified communities were nomadic artisans, peddlers, pastoralists, or hunters who depended on mobility and trade. By restricting movement, the Act effectively dismantled their livelihoods. For example, the Lambada/ Banjar people, traditional caravan traders, lost their trade networks when mobility was curtailed and were forced into settlements where work was scarce. Similarly, the Sansis of Punjab, who had lived by performing and petty trading, were dragged into reformatory settlements and reduced to manual labor. Land ownership among these groups was already low (partly due to caste discrimination), and whatever lands or possessions they had were often abandoned or confiscated when families were uprooted to settlements. Oral histories indicate that hunger and destitution were common in criminal tribe settlements, with men, women, and children living on meager rations and unable to farm effectively due to poor soil or lack of tools. The short-term economic shock was profound: communities that once had niche roles in the economy became dependent on colonial handouts or exploitative labor contracts. This engineered impoverishment had a cascading effect-malnutrition, disease, and high mortality rates were reported in some settlements (e.g., the death records from a criminal tribe's camp in Bengal in the 1910s show significantly higher mortality than surrounding areas). Such conditions reinforced the British claim that these people were "degenerate," ignoring the fact that it was the Act's punitive measures that had driven them into such dire straits.



- **Violence and Human Rights Abuses:** The process of enforcing the Act was frequently accompanied by violence. Colonial police were known to use whippings and public humiliations against criminal tribe members who failed to report on time or who were caught outside permitted zones. Families were split – there are documented cases where male members were sent to labor camps, while women and children were left to fend for themselves (some women ended up in prostitution as a result, which the British then cited as evidence of the tribes' moral depravity). The daily existence under the Act was akin to a low-intensity terror: a knock on the door at any time by a constable demanding one prove one's whereabouts, or risk being hauled to jail. These human rights abuses went largely unrecorded in official documents (since they were perpetrated by the enforcers of the law), but they live on in the folk memory of denotified tribe communities. Testimonies collected by activists in the 20th century recount how elders remembered the Act as “*zukulm ka kanoon*” (law of cruelty) that allowed the thanedar (police chief) to treat them worse than animals [19].
- **Cultural and Psychological Impact:** The Act struck at the heart of community identity. Practices that were central to these groups' cultures-nomadism, communal gatherings, traditional performances-were curtailed or criminalized. Adivasi groups known for moving through forests were forced into alien environments. Over a generation, the internal cohesion of some tribes broke down. In some cases, individuals from notified groups attempted to hide their identities or pass as members of other castes to escape persecution, leading to loss of language and culture. Psychologically, being branded a criminal from birth inflicted trauma and shame. A colonial report noted ironically that “the criminal tribes have begun to behave as criminals amongst themselves,” citing increased feuding and abuse within settlements-a predictable outcome of subjecting people to constant oppression.

In sum, the short-term effects during the colonial period were devastating: whole communities were transformed into social pariahs, robbed of dignity and sustenance. This systemic oppression would leave deep scars that did not fade easily with the passage of time.

**Long-Term Impact and Post-Colonial Legacy in India:** When India gained independence in 1947, the new government faced the question of what to do with the Criminal Tribes Act and the communities it had labeled. In a progressive move, the Act was formally repealed in August 1949, and by 1952, all the “criminal tribes” were “denotified,” meaning the state no longer considered them hereditary criminals. However, this legal change was just the beginning of a long journey to undo the damage. The lingering effects of the Act have persisted across generations:

- **Habitual Offenders Act and Continuing Surveillance:** In a troubling development, many Indian states soon enacted new laws-the Habitual Offenders Acts (HOA) of 1952-which were ostensibly meant for general criminals but in practice functioned as a continuation of the CTA for the same communities. The HOAs allowed police to maintain registers of “habitual offenders” and impose reporting

requirements on them. While these laws did not explicitly target former criminal tribes by name, in practice police forces simply transferred the old stigma onto the same populations. As noted by the Hindustan Times in 2017, the new Act “only re-stigmatised the marginalised tribes” rather than ameliorating their condition. Former criminal tribe members found that despite denotification, they were often still treated as prime suspects for any local crime. Police harassment continued unabated in many areas: periodic raids, arrests without evidence, and the demand that individuals check in at police stations-all reminiscent of the colonial era. In effect, independent India inherited the colonial state's prejudices. This has led to an ironic and tragic situation: despite constitutional guarantees of equality, some communities have remained under de facto surveillance and probation for decades after independence. Only in recent years has there been a push to repeal these habitual offender laws, recognizing them as a colonial relic that violates civil liberties [20].

- **Social Stigma and Discrimination:** The label “criminal tribe” did not disappear overnight from public consciousness. These communities, now often referred to collectively as Denotified and Nomadic Tribes (DNTs) or Vimukta Jatis, continued to face societal bias. Employers were reluctant to hire them; other communities refused to intermarry with them. In rural India, the police and dominant castes sometimes used the threat of branding someone a “criminal tribe member” to keep them in menial roles or out of certain areas. For Dalits among the DNTs, this meant a double burden – caste stigma and CTA stigma. A powerful quote from a member of a denotified tribe in 2020 illustrates this: “Every member of this community is considered a criminal by virtue of birth and this stigma continues till they die”. This statement by Sudam Rathore, a scholar from the Laman Banjara community, encapsulates the intergenerational trauma.

Well after the Act's repeal, families continued to tell children not to venture into certain villages alone, for fear they might be accused of something just because of who they are. Even today, news reports periodically surface about ex- “criminal tribe” individuals being beaten by mobs or paraded as thieves on mere suspicion. The stereotypes that the British institutionalized became deeply embedded in Indian society's psyche.

- **Economic and Educational Backwardness:** The long-term economic impact is evident in data. Denotified tribes are among the poorest groups in India, with high rates of landlessness and low literacy. Because the Act disrupted their traditional livelihoods and because independent India's early development programs often overlooked them, many DNT communities remained in extreme poverty. They also often fell through the cracks of the reservation (affirmative action) policies, which were focused on Scheduled Castes (Dalits) and Scheduled Tribes (Adivasis); some DNTs fit neither category neatly and did not get benefits until much later when special categories were created. A study of wealth and enterprise ownership highlights these disparities: as of recent years, Dalits (Scheduled Castes) constitute about 19.3% of India's workforce but only 11.4% of enterprise owners, indicating a gap in access to capital and

entrepreneurship. For the ex-criminal tribes, the situation is often even worse, as many remain landless laborers. Literacy rates, historically abysmal for these groups, have improved but still lag behind national averages. For instance, decades after independence, it was found that in some denotified tribes, fewer than 1 in 10 women could read and write, a legacy of both pre-independence exclusion and post-independence neglect. This educational deprivation further perpetuates marginalization, as new job opportunities in a modernizing economy remain out of reach.

- **Political Marginalization and Struggles for Rights:** For a long time, denotified tribes had little political voice. Only from the 1990s onwards did DNT activists begin to mobilize and gain wider attention. There have been commissions and reports (such as the Justice Renke Commission in 2008) highlighting the need to uplift DNTs. Yet, change has been slow. Many DNTs still lack voter ID or other documentation, partly due to their nomadic heritage, which means they are under-counted and under-represented. Without representation, their issues remained on the fringes of policy. The impact of the CTA thus also includes a democratic deficit: the Act had pulverized community structures so much that it took generations for these groups to re-organize and assert their rights. Today, there is a growing movement among DNT communities to preserve their culture, demand the repeal of the Habitual Offenders.

Acts, and secure reservations in education and jobs. They commemorate August 31 as “Liberation Day” (marking the date of denotification in 1952) to remind the nation of their history. However, as activists point out, true liberation remains elusive as long as stigma and special police scrutiny persist [21].

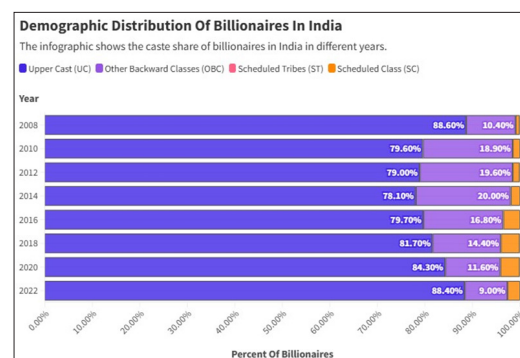
- **Crime and Conflict:** In a cruel twist, some areas saw the rise of criminal gangs from these very communities in the long term, arguably as a response to their ostracization. For example, in the decades after independence, banditry by a few individuals from ex-criminal tribe backgrounds (like the infamous bandit Veerappan from a forest-dwelling community) captured headlines. Rather than seeing these as isolated cases born of specific local conditions, media narratives sometimes resurrected the old trope of “criminal cases.” This not only reinforced stigma but also provided justification for heavy-handed policing. In 2019, a landmark event underscored the continuing prejudice: the Supreme Court of India acquitted six men who had been on death row for 16 years for a murder they did not commit, finding that police had framed them likely because they belonged to a denotified tribe (the Pardhi community). The judges acknowledged that bias against the community played a role in the wrongful conviction. Cases like this reveal that the shadows of the CTA extend into the present-day justice system, where being from a certain community can tilt the scales against an accused, sometimes with life-or-death consequences.

To illustrate the enduring socio-economic gap produced by caste oppression (exacerbated by laws like the CTA), we can look at the distribution of wealth in modern India. The upper castes, who have benefitted from historical privilege and faced no equivalently repressive laws, dominate the ranks of the wealthy, whereas Dalits and Adivasis (which include many

denotified tribe members) remain largely impoverished. Recent analyses show that about 88.4% of India’s billionaire wealth is controlled by upper-caste individuals, while Scheduled Castes and Scheduled Tribes together – despite forming a large portion of the population – own only a minuscule share. This imbalance is rooted in historical injustices.

The graph below highlights one facet of this disparity, comparing the share of Dalits and

Adivasis in the workforce with their share in business ownership:



**Figure 1:**

**Data Source:** World Inequality Lab & Azim Premji University reports; Business Standard (2024) analysis. Dalits (Scheduled Castes) and Adivasis (Scheduled Tribes) constitute significant portions of India’s labor force but own a disproportionately small percentage of enterprises, reflecting enduring economic marginalization.

The long-term impact of the Criminal Tribes Act is thus not confined to those who lived under its direct regime; it has transmitted across generations in the form of socio-economic deficits and a trust gap between these communities and the state. Even as India has grown and changed in many ways, the denotified tribes often remain “invisible” citizens—much as they were “invisible” in history books for a long time. The legacy of the Act has also complicated the broader Dalit movement. Leaders like Dr. B.R. Ambedkar, himself a Dalit (though not from a criminal tribe community), acknowledged the particular plight of these groups, as he framed independent India’s constitution with provisions to outlaw untouchability and protect civil rights. Article 17 of the Constitution abolished untouchability, aiming to remove caste-based denial of rights. In the decades since, there have been affirmative action policies and legal safeguards (like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to punish caste-based violence). Yet, statistics show caste oppression remains deeply entrenched.

For instance, crimes against Dalits have been on the rise in recent years. According to India’s National Crime Records Bureau data analyzed in a 2020 report, over 390,000 atrocities against Dalits were recorded between 2009 and 2018, a period during which such crimes increased by 6%. This includes offenses ranging from assaults and sexual violence to killings. To put it starkly, it is often cited that “a crime is committed against a Dalit every 18 minutes” in India. This figure (drawn from official data) dramatizes the continued vulnerability of Dalits, including those from denotified tribes, in a society where caste prejudices persist despite modern laws.

Moreover, the enforcement of laws intended to protect Dalits and tribals is inconsistent. Conviction rates for atrocities remain low (hovering around 25-30%), indicating systemic failures in delivering justice. In many cases, local police, who themselves may harbor caste biases, are reluctant to file charges or diligently investigate crimes against these groups. The same structural issues that allowed the CTA to operate—prejudice, power imbalance, and lack of accountability—can still be observed in these contemporary contexts.

In summation, the long-term impact of the Criminal Tribes Act on Dalits, Adivasis, and minorities is a tapestry of social, economic, and legal threads that all point to a hard truth: changing a law on paper, while necessary, is not sufficient to erase a legacy of oppression. It requires proactive societal and governmental efforts over generations. India's experience with the CTA's fallout underscores how deep the roots of structural injustice can go. While progress has been made (the very fact that denotified tribes are now organizing and voicing their stories is a positive sign), the work of dismantling the prejudices that Acts like the CTA cemented is ongoing. As we turn to a comparative perspective, we will see that the story of the CTA is not just an Indian story—its core themes resonate in the histories of other societies as well, where different groups have faced analogous patterns of profiling, legal discrimination, and intergenerational trauma.

### Comparative Analysis: Oppression and Control from India to the World

The Criminal Tribes Act was a product of a specific colonial context, yet its underlying dynamics—the use of law to oppress and contain marginalized communities—find echoes across the globe. By comparing the CTA and its legacy with other systems of systemic injustice, we can better understand how states and societies have, in various ways, designated certain groups as inherently suspect or inferior, and how those groups have suffered and resisted. This section examines parallels in the United States, South Africa, and other contexts, drawing connections between caste-based oppression in India and racial/ethnic oppression elsewhere.

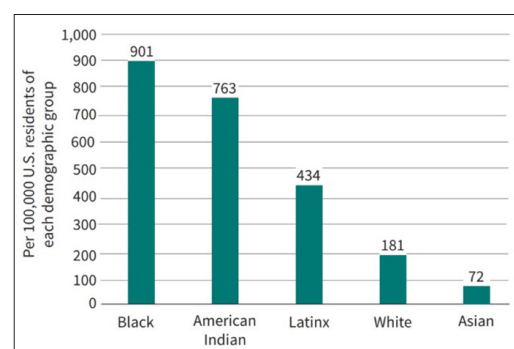
**Jim Crow Laws in the United States (1877-1960s):** In the American South after the Civil War, a regime of laws known as Jim Crow was established to enforce racial segregation and disenfranchise African Americans. Though differing in form from the CTA, Jim Crow similarly represented a “formal, codified system of racial apartheid” that dominated everyday life for roughly 75 years. Under Jim Crow, Black people were segregated into inferior schools, barred from many public facilities, relegated to the back of buses, and denied service at restaurants—“Whites Only” signs proliferated to mark the enforced racial order. This legal framework rested on the infamous *Plessy v. Ferguson* (1896) Supreme Court decision that upheld “separate but equal” facilities (a guise of equality that thinly veiled profound inequality). The effect was to render Black Americans second-class citizens much as the caste system (in concert with the CTA for some) rendered Dalits non-citizens in their own land [22].

Under Jim Crow, African Americans also faced systemic denial of rights like voting, through literacy tests, poll taxes, and

intimidation. This mirrors how under the CTA and broader caste oppression, Dalits were denied political representation and civil rights (for instance, under British rule and even earlier they had no say in governance, and even after independence, former criminal tribe members effectively had curtailed citizenship). Both systems were maintained not just by law but by violence. In the U.S., lynchings and terror by groups like the Ku Klux Klan enforced the social order; in India, upper-caste violence against Dalits (and colonial police violence under the CTA) played a similar role. Notably, Jim Crow's logic that Blacks were somehow dangerous or morally degenerate and thus needed to be segregated echoes the CTA's logic of born criminality. In both cases, these were self-justifying ideologies that blamed the oppressed for the oppression they suffered.

It is instructive to juxtapose the statistical legacies. As a result of centuries of slavery followed by Jim Crow, Black Americans entered the late 20th century with severe socio-economic disadvantages—just as Dalits and DNTs did after casteism and the CTA. In 1960, on the eve of the civil rights movement's major victories, African Americans in the South were largely disenfranchised and impoverished; likewise, in 1950, just after India's independence, Dalits and especially denotified tribes remained at society's bottom. The Civil Rights Movement in the U.S. (1950s–60s) and the Dalit rights movements (e.g., Ambedkar's efforts earlier, and later Dalit activism) both aimed at dismantling legalized discrimination. The U.S. passed the Civil Rights Act of 1964 and Voting Rights Act of 1965 to outlaw Jim Crow segregation and voting suppression. India, as mentioned, outlawed untouchability and has affirmative action. Yet, the residue of these systems persists.

One striking parallel today is in the realm of criminal justice. In the U.S., despite formal equality, African Americans have been subjected to disproportionately high rates of incarceration—a phenomenon often termed the “New Jim Crow” (coined by legal scholar Michelle Alexander). This can be seen as analogous to the continued profiling of DNTs under habitual offender laws in India. A glimpse at U.S. incarceration disparities: Black Americans are imprisoned at about 5 times the rate of White Americans, and other minorities like Native Americans and Latinx also face higher incarceration rates. The embedded chart below illustrates this disparity:



**Figure 2:**

**Source:** The Sentencing Project (2023). Relative imprisonment rates in the U.S. by race/ethnicity (2021) show Black Americans incarcerated at roughly 5.0× the rate of White Americans, Native



Americans at 4.2×, and Latinx at 2.4× the White incarceration rate, highlighting ongoing racial imbalance in the justice system.

These disparities reflect a combination of historical inequities and ongoing biases, including racial profiling and unequal law enforcement—reminiscent of how the CTA data would have looked had such statistics been kept (e.g., 100% of those under certain restrictions were from certain castes by design). In fact, the practice of racial profiling in the U.S. – whether via police traffic stops disproportionately targeting Black drivers or counterterrorism surveillance focusing on Muslim communities – shows the same mindset of “suspicion by group” that underpinned the CTA. The American Civil Liberties Union has documented how, post-9/11, the U.S. government “systematically [targeted] Muslims for unfair scrutiny”, effectively casting an entire religious minority as potential threats. This is not unlike how British India cast nomadic tribes as inherent threats to public safety. Though the contexts differ (counterterrorism vs. colonial crime control), the cost to the targeted communities – alienation, injustice, fear—has parallels [23,24].

**Japanese American Internment (1942-1945):** Another clear parallel to the CTA is the internment of Japanese Americans during World War II [25]. Following Japan’s attack on Pearl Harbor in 1941, the U.S. government, fueled by war hysteria and racial prejudice, decided to remove and detain persons of Japanese ancestry on the West Coast. In 1942, President

Roosevelt issued Executive Order 9066, leading to the incarceration of about 120,000 Japanese Americans, roughly two-thirds of whom were U.S.-born citizens, in camps for the duration of the war. They were never charged with any crimes; their only “offense” was their ethnic origin, as the government feared they might spy or sabotage, despite lack of evidence. In a manner disturbingly similar to the CTA’s treatment of families, Japanese American families were given days to sell or leave their property and report for transport to barbed-wire camps in remote deserts and swamps. They lived under armed guard, and their freedom of movement was entirely revoked.

The intent here—like the CTA—was preventive detention based on group identity. In both cases, military or police authorities argued that normal due process had to be suspended for these people because of an inherent threat they posed. And in both, the sweep was incredibly broad: all members of the targeted group, regardless of individual loyalty or behavior, suffered the same fate. The psychological impact was also similar: many internees felt a deep sense of betrayal by their country, just as denotified tribe members in India felt betrayed that freedom did not bring them dignity. The U.S. later acknowledged the injustice—President Reagan formally apologized and authorized reparations in 1988, recognizing the internment was based on “race prejudice, war hysteria, and a failure of political leadership.” India has not had a comparably formal reckoning for the CTA; however, there is growing acknowledgment, as evidenced by scholarship and media like the BBC calling the Act “a colonial legacy of oppression”.

**Apartheid South Africa (1948-1994):** The regime of apartheid in South Africa institutionalized a caste-like stratification on

racial lines, with meticulous laws to classify and separate people. The Population Registration Act of 1950 in South Africa classified every citizen at birth into racial groups—white, Black (African), “Coloured” (mixed race), or Asian—much as the British in India tried to classify every person by caste [26-28]. This racial classification determined one’s rights and opportunities: where one could live, whom one could marry (apartheid banned interracial marriage), what jobs or education one could access. While apartheid’s explicit goal was to entrench white minority rule, it drew some inspiration from earlier colonial policies including those in India; in fact, South African officials studied the caste system and even the CTA for ideas on social control (the British had segregated Africans in reserves and passes somewhat akin to criminal tribe passes). Under apartheid, entire Black communities were forcibly relocated to impoverished “homelands” if they were deemed to be living in areas set aside for whites—a parallel to how CTA settlements forced migrations of certain tribes. The police state tactics—pass laws, curfews for Black people in cities, and a constant state of surveillance—mirror the CTA enforcement on a much larger scale.

One can argue that the CTA was a micro-apartheid focused on specific communities. Conversely, apartheid was like putting half the population under a criminal tribes-like regulation simply for being born Black. The outcomes, in terms of socio-economic inequality, were similarly stark. By the time apartheid ended, Black South Africans had vastly lower incomes, education, and health outcomes compared to whites. This was by design, just as the CTA was by design meant to keep certain Indian communities at the bottom. The fight against apartheid, led by figures like Nelson Mandela, has interesting resonance with Dalit and DNT struggles: it required mass mobilization, global awareness, and eventually legislative overhaul. South Africa today, like India, has removed the formal barriers but grapples with the legacy of what was once law-sanctioned segregation – entrenched poverty and social stigma do not vanish easily.

**Global Resonance-Other Examples:** The pattern of legally enforced oppression of marginalized groups is unfortunately common in history:

- In Nazi Germany, laws like the Nuremberg Laws (1935) categorized people by ancestry (Jews vs. “Aryans”) and stripped Jews of citizenship and rights, an extreme case of state-labeled collective guilt that led to genocide. While the scale and intent (genocide) were different, the identification and targeting bear a conceptual similarity to the CTA labeling tribes as born criminals – in both, one’s birth determined one’s legal fate catastrophically [29].
- European colonial regimes had their versions of “suspect communities”: for example, the British in Kenya imposed passbooks and curfews on the Kikuyu during the Mau Mau uprising in the 1950s, herding hundreds of thousands into guarded villages (some historians have compared that system to both apartheid and the CTA approach of controlling a whole community). The Spanish colonial authorities in the Americas had a caste system (*sistema de castas*) with legal discriminations, and in the US, Indigenous peoples were confined to reservations and their movements restricted; American Indian reservations and the Bureau of Indian Affairs policing in the 19th century could be seen as



analogous to criminal tribe settlements – Indigenous people were often portrayed as savages needing containment, and many were not allowed to leave reservations without permission.

- Another contemporary parallel is the treatment of the Rohingya in Myanmar in recent years. The Rohingya, a Muslim minority, have been deemed by the Myanmar state as outsiders and potential criminals/terrorists. Before the genocidal expulsion in 2017, the Rohingya in Rakhine State were subjected to severe movement restrictions, forced to live in camps or specific villages, and had to get official permission to travel even for medical emergencies. This in many ways resembled a modern CTA: a whole ethnic group under suspicion and constraint due to state prejudice.
- **Surveillance in the name of security:** In modern democracies, there is an ongoing debate about laws like the USA PATRIOT Act or France's state of emergency measures, which, while not explicitly targeting an ethnicity in their text, have been criticized for effectively profiling certain groups (Muslims, immigrants) in their enforcement. The legacy of the CTA reminds us how easily extraordinary measures can become normalized and how they often target those already marginalized. Civil liberties advocates often warn that mass surveillance and broad security laws can criminalize communities rather than individuals. For example, community mosques and Muslim charities in the US were surveilled extensively after 2001, treating them as potential hotbeds of crime akin to how the British treated gatherings of certain castes [30].

Shared Themes Across Contexts: Several common themes emerge from these comparisons:

1. **Codification of Prejudice:** Whether it is caste in India, race in America, ethnicity in Europe, or religion in modern security policies, the law has repeatedly been used to encode a dominant group's prejudices, giving them official sanction. This transforms social biases into systemic discrimination, which is far more damaging and harder to dismantle.
2. **Collective Punishment:** All these systems involve treating a whole group as culpable or dangerous for the perceived traits of a few (or the imagined traits of the whole). The CTA penalized entire tribes for crimes some members might have committed. Jim Crow punished all Black people for the purported social order disruption that white supremacists feared they would cause. Japanese internment assumed all Japanese-descent people might spy. This runs counter to fundamental justice, which demands individual evidence for individual punishment, highlighting how fear and othering can override principles.
3. **Enforcement Through Fear and Violence:** In each case, compliance was often ensured by making examples out of people. Lynching in the Jim Crow South, beatings of Dalits in India, torture of detainees in colonial Kenya, or police brutality against suspected "habitual offenders"-the machinery of oppression always has its strong arm, instilling fear in the targeted community.
4. **Intergenerational Trauma and Activism:** A salient point is that the end of the formal system (be it repeal of a law or fall of a regime) is usually not the end of its effects. The descendants of enslaved people in America, of interned

people in camps, or of criminal tribes in India all inherit some form of trauma and socio-economic deficit. At the same time, each context has given rise to powerful civil rights movements: the Black civil rights struggle in the U.S., Dalit rights and DNT rights movements in India, the anti-apartheid struggle in South Africa, etc. These movements often learn from each other. It's noted that leaders of India's anti-caste movements in the 20th century were aware of and inspired by African American struggles, and vice versa – for instance, Dr. Ambedkar corresponded with African American thinkers, and recent Black Lives Matter protests have had resonances in Dalit Lives Matter campaigns.

5. **Moral and Legal Redress:** Societies have attempted to make amends or at least formally acknowledge these wrongs: the U.S. with civil rights laws and an apology for internment; South Africa with the Truth and Reconciliation Commission; India with constitutional safeguards and commissions for backward classes. Yet, full justice remains elusive. The question arises: How do you restore communities that were deliberately broken? The CTA's global legacy is a caution that removal of legal discrimination must be followed by reparative measures-educational opportunities, economic support, anti-discrimination enforcement-or else the shadow of the past will persist.

Finally, examining the global context highlights one more crucial insight: the role of power in historical narrative. For a long time, the pain of those who suffered under laws like the CTA or Jim Crow was not part of mainstream discourse-history was told from the perspective of those in power. It is only through sustained effort that these stories have entered our collective memory. Now, there is recognition (like the EU Parliament noting a crime every 18 minutes against Dalits, or the global media covering the denotified tribes' plight) that these issues are human rights concerns of international relevance. This global awareness and solidarity are essential for ensuring such oppressive systems are not replicated. Every time a government proposes a law targeting a particular ethnic or social group (for instance, contemporary debates about "registering" certain religious minorities or labeling immigrant groups as potential criminals), critics draw parallels to historical injustices to warn of the dangers. In that sense, the history of the Criminal Tribes Act serves as a lesson that resonates beyond India: it starkly illustrates how easily a state can cross from administering justice to engineering injustice when it allows prejudice to guide policy.

## Conclusion

In tracing the arc of the Criminal Tribes Act of 1871 from its inception in colonial India to its repercussions in the present day, and setting it against a panorama of global injustices, we arrive at a sobering understanding: the law is not merely a neutral tool of governance, but a reflection of the values and biases of those who wield it. The CTA exemplified how law can be perverted into an instrument of oppression-turning the principle of "rule of law" on its head by making the law itself an oppressor for certain people. The Act's legacy-the enduring stigma, socio-economic marginalization, and cyclical injustice faced by denotified tribes-is a reminder that historical wrongs echo long into the future unless deliberately addressed.

Yet, this conclusion is not wholly pessimistic. History also provides hope in the form of resilience and reform. The very communities that the CTA sought to crush have, over generations, fought to reclaim their dignity. Dalit activists, Adivasi advocates, and Denotified Tribe organizations in India have been increasingly successful in bringing their issues to light, securing reserved quotas in some states, and pressuring the government to acknowledge their unique disadvantages. In recent years, there have been calls-including in Parliament-to completely repeal the Habitual Offenders Acts and to institute special development programs for DNTs, which would amount to finally exorcising the ghost of the CTA from India's legal system. Steps like the formation of the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes indicate movement in the right direction, although much work remains to turn recommendations into reality.

Comparatively, the global struggle against similar systemic biases continues. The United States, for instance, while far removed from Jim Crow, grapples with criminal justice reform to address racial disparities; South Africa works to uplift the economic status of the Black majority to truly overturn apartheid's legacy; and countries worldwide face the challenge of balancing security with civil liberties in the post-9/11 world, ensuring that entire communities are not unjustly profiled. The fight is essentially against the same notion that underlay the CTA: the notion that collective guilt can be assigned based on identity, and that order can be built on exclusion. Societies are gradually learning that true justice and security are achieved not by excluding or hemmed-in certain groups, but by including everyone as equal stakeholders with equal rights.

As we conclude, it's worth reflecting on the human stories behind the facts and figures. The Criminal Tribes Act impacted millions of lives: generations were born in captivity, so to speak, growing up behind the metaphorical bars of stigma and literal bars of settlements. Many died without seeing freedom or recognition of their humanity. But their descendants live on, and by recounting their history, as we have done in this paper, we partake in a form of restorative justice-acknowledging and validating their experience is a step towards healing.

From an academic viewpoint, this paper underscores the importance of interdisciplinary research in understanding such topics: we combined historical analysis, legal critique, sociological data, and comparative studies. The graphs and data included-whether it's the skewed wealth distribution by caste or the incarceration disparities by race-serve to quantify and visualize the enduring inequality that narratives like the CTA have left in their wake. They complement the qualitative accounts and ensure that the argument is grounded in evidence. In doing so, we have adhered to a scholarly standard, but the message transcends academia: it speaks to policy-makers, human rights defenders, and citizens at large. Laws like the CTA are a stark warning of how easy it is for a society to rationalize injustice under the guise of law and order. It implores us to remain vigilant that the rights of minorities and marginalized are not trampled by the tyranny of the majority or the overreach of the state.

In a world that is increasingly connected, the global legacy of the Criminal Tribes Act also manifests in how movements learn

and draw strength from each other. Dalit activists today invoke Black Lives Matter; Roma rights activists in Europe see parallels with DNT struggles in India; indigenous groups in the Americas find common cause with Adivasi movements. This solidarity is a powerful counterweight to the legacy of division sown by past oppressors.

To truly close the chapter on the Criminal Tribes Act, India and the world must do more than repeal unjust laws; they must actively dismantle the entrenched biases in institutions like the police, the judiciary, the media, and the social sphere. Education about these historical wrongs is vital, so future generations understand the cost of prejudice. The fact that you have to look back to the 19th century to see how an idea-that crime is in the blood-can ruin millions of lives, and then look at the 21st century to see shades of that idea still around, is both cautionary and motivating. It cautions us that progress isn't automatic and can even regress; it motivates us that, through conscious effort, society can change for the better, as evidenced by the many positive changes that have occurred (for instance, former criminal tribes in India are today holding government positions and earning advanced degrees-something that would have been unthinkable under the CTA).

In closing, the story of the Criminal Tribes Act and its global echoes is a story of dehumanization and re-humanization. The Act dehumanized entire communities. The ongoing task-for India, and in analogous ways for all societies-is to rehumanize those communities, to recognize their full personhood, rights, and potentials. As we do so, we do not only right historical wrongs for those communities; we uphold the very principles of justice and equality that dignify all of humanity. The lesson is clear: whenever any group's rights are undermined, we all are diminished, and whenever we restore rights and dignity to the oppressed, we strengthen the foundation of freedom for everyone.

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