

# For whom the wedding bells do not chime<sup>1</sup>

Nineteenth century India was characterised by a plethora of pell-mell events that was to decide the fate of an empire where the 'sun never set'. Administrative cracks and fissures had come to the fore after the decline of the Mughal power in the eighteenth century where large tracts of north India lay outside state control evoking the famous epithet 'limited Raj'.<sup>2</sup> Various exigencies both internal and external were weighing down on the metropole. Among others, it included the daunting socio-economic climate of the mother country and the pressure of accelerating 'moral and material progress' in her colonies through a new set of social and political policies.

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THIS ARTICLE deals with one such attempt at 'social engineering', namely the Criminal Tribes Act XXVII of 1871, and explores the manner in which this Act declared certain communities as 'habitual' and 'hereditary' criminals. It tells the past and the present of the Nat, originally a community of tramping entertainers who were labelled as a 'criminal tribe', and who today practise inter-generational prostitution in Bihar.

The first half of the nineteenth century saw a fragile British Raj tottering towards a major crisis after having faced intermittent rebellions, revolts and insurgencies against its oppressive policies, which finally culminated in the Revolt of 1857. Moreover, frontier zones that sprang up as a result of the disintegrated sovereignty between empires and subordinated states had unsettled the wheels of governance. Recurrent cycles of natural disasters and epidemics, coupled with harsh agrarian policies of the British Raj, had compelled restless bands of impoverished peasants, farmers and other disbanded groups to resort to 'social banditry'<sup>3</sup> as part of their survival strategy. However, it was the increasing rate of 'unexplained' and 'uncontrolled' crime against property and the milling around of 'suspicious' and 'anonymous' people on the fringes of the Empire that had perturbed the colonial state the most.

The Revolt of 1857 had put the Empire at peril and there was a felt need to administer it by 'categorising the vast social world' through certain 'investigative modalities'.<sup>4</sup> This 'knowledge production' led by colonial administrators inaugurated an era of intrusive research into the vast array of the indigene and their social, cultural, religious and economic practices. Further, by arming itself with 'penal modernity' and riding piggy back on colonial disciplines like anthropometry, anthropology, phrenology and ethnology, the Empire had embarked on the project of 'disciplining' the so called 'soiled identities' and turned India into an 'ethnographic state'.<sup>5</sup>

The transfer of sovereign power from the Company to the Crown after 1857 was marked by certain desperate measures meant to safeguard institutions of private property and control crime. Launching an imperial heuristic device or an 'information order'<sup>6</sup> to secure military, political and social information about its subjects, and the establishment of the 'new police' in the 1850s, were some of the steps towards strengthening and refining the state apparatus. The introduction of Western property rights in the form of Permanent Settlement of 1793, and the codification of law along essentially Western lines, was aimed at creating institutional mechanisms protective of British economic interests and embodied British perceptions of law and society. Others like the Cattle Trespass Act of 1871, Forest Laws of 1878, Game and Fish Preservation Act of 1879, the *Akbari Laws* of 1890 and the Land Acquisition Act of 1894 represented some of the most repressive legislations especially for the tribal and forest communities. Some, like the Female Infanticide Act of 1870 and the Criminal Tribes Act (henceforth CTA) XXVII of 1871, were sexist and racist legislations aimed at evoking changing notions of state power and the moral authority of the Victorian era.

The CTA marked a watershed in the popular understanding of crime and criminality in India and was predicated on the fear of the ambulators and their peregrinatory lifestyle. The Act was influenced by the socio-economic developments and political churning in the Occident, which had led to legal injunctions against mobile communities in England and Europe in the past. The late eighteenth and early nineteenth centuries saw an explosion of anti-Gypsy and anti-mobility laws being injected into the European body politic, so as to confine, control and forcibly sedentarise the ambulators. This had ripple effects in many other parts of the world too, and finally with the beginning of the era of high imperialism, an anti-mobility law was foisted on the colonial state.

## Fear of the 'ambulators' and the Criminal Tribes Act XXVII of 1871

The nineteenth century witnessed the popularity of Galton's concept of Eugenics, or 'good gene', resulting in various eugenics 'societies' and 'clubs' in England and Europe that forcibly sterilised those carrying so called 'bad genes' or 'crime genes'. Moreover, social Darwinism and other pseudo-scientific theories had found favour among the masses creating an imagery of the 'civilised' and the 'savage'. Lombroso's concept of 'hereditary criminality', which was rooted in ethnology, intertwined race and genetics with crime, and affected a paradigm shift in the popular understanding of crime and criminals. These theoretical concoctions were responsible for birthing the notions of 'born prostitutes' and 'hereditary criminals' in India in the nineteenth century. In the meanwhile, European society was radically changing its socio-economic contours under the intellectual and scientific fervour of the Renaissance and Enlightenment, enmeshed with the new work ethics of the Industrial Revolution. Europe was also witnessing a 'second industrial revolution', which had quickened the pace of change as science, technology and industry spurred economic growth. However, this 'leap of progress', so to say, was accompanied by a surge in the crime rate in Europe.

The rising crime rate in nineteenth century Europe left the continent awash with facts and fiction about crime, criminals, migrants and 'collective terror'. A new 'degeneration theory' was promulgated in France in the 1890s as a new class of *threatening people* or *classes dangereuses* were being held responsible for all kinds of crime. Mobility and vagrancy began to be construed as 'spatial errancy' and even a subversive act. Simultaneously, a strong hatred for ambulators like the Gypsies, tramps, nomads, vagabonds and drifters who formed the loose mass of 'cultural troublemakers' was gathering momentum in Europe. Increasingly, "mobility began to 'fall outside normal' as sedentary sites became authoritative locations for authentic identities."<sup>7</sup> It was therefore felt to be necessary to infuse homo domesticus among the ambulators in Europe and England; this had a contagious effect in the colonies, resulting in the introduction of the Criminal Tribes Act XXVII of 1871 in India.

The CTA was initially applied only to the Northwest Provinces, Oudh and Punjab, but an amendment in 1911 extended it to include Bombay and Madras Presidencies, providing greater judicial and police control over criminal tribes. The ostensible purpose of the CTA was to suppress 'hereditary criminal' sections of Indian society by way of internment and surveillance over their movement and control over their bodies. According to Radhakrishna, the CTA arose out of policies of political control, rather than social concerns for escalating crime.<sup>8</sup> She points out that the notion of 'hereditary criminality' was deployed in India, because any reference to genetics would have turned those involved beyond corrigibility, and therefore not amenable to an administrative resolution.

There are differing opinions among scholars regarding the intentions for imposing the CTA. These range from gaining control over the political terrain, to disciplining and policing those unwilling to accept the new moral order thrust upon rural society, and non-conformity to the colonial pattern of settled agriculture and wage labour. Further, the de-territorialised lifestyle of the ambulators was anti-capitalist in nature and went against the spirit of industrialism and the Victorian ethics of hard labour and disciplined life, thereby posing a veritable threat to public order. There was a looming fear in the heart of the Empire of an armed rebellion by roving bands of mendicants, fakirs, beggars and lepers in disguise, resulting from a nexus between the landed elite and local subaltern communities. The CTA in the end became an attempt to restrict and contain the flow of people, ideas, information, goods and gods.

The CTA underwent several amendments, and was finally repealed in 1952 by the Habitual Offenders Act, after which the so-called two hundred 'criminal tribes' came to be officially known as 'Denotified Nomadic Tribes (DNT)' or *Vimukta Jaatis* (liberated castes). The Nat are one such DNT; the tribe is spread over almost nineteen different Indian states, and members are compelled to live under the shadow of criminality, obscurity and fear.

Above: A group of elderly sex workers outside their home based brothels. Photo by Newsha Tawakolian.



# A DNT called the Nat

## The Nat: criminalised past/prostituted present

In popular acceptance, the word *naṭa* means an actor and corresponds to a juggler or buffoon who performs sleight of hand and exhibits feats of agility, especially on tight ropes and with poles. The generic meaning of the word *Naṭa* comes from the root *ṇṭ* and has different variations, like *naṭati*, which means to dance and *naṭyati*, to represent anything dramatically, act, perform, imitate. The Nat have been listed among the seven *antyajanya*, or lowest of the low in the caste hierarchy. With the passage of time, the meaning and the social stature of the Nat underwent a profound change due to the variable nature of their professional calling. It oscillated between degraded *Kshatriyas* (warrior caste) and degraded Brahmins (priestly class), to untouchables. The word *Natī* was feminine form and meant actress, courtesan or harlot,<sup>9</sup> and who according to Kauṭilya, were wanderlusts. In ancient times, those who earned their livelihood through acting were not kept in high esteem, so much so that Brahmins did not accept food from them. It was only when the actors started caricaturing *ṛṣis*, sages and saints, that they were degraded in the social stratification.<sup>10</sup>

During the Mughal period, however, the Nat enjoyed a position of eminence as trainers in music, dance and acrobatic performances, as elaborated in Abul Fazl's *Ain-I-Akbari*. The natwa also instructed their own girls in performance traditions, in addition to taking them to the nobles for their entertainment as 'nautch-girls', and profited by way of prostitution. According to origin myths, the Nat community in Rajasthan trace their lineage from Maharana Pratap, a legendary hero and warrior, and proudly proclaim their blue blood,<sup>11</sup> which is more a ploy toward upward social mobility.

The Nat was a porous community and a catch-all term to refer to all those who were engaged with travelling entertainment, such as acrobatics, jugglery, legerdemain, thimble-rigging, dancing and prostitution. However, while prostitution was never the sole profession of the Nat, the imposition of the CTA made it difficult to keep earning an ambulatory livelihood; and so the more sedentary sex trade appeared to be the logical next step. With an economic status below the poverty line and no prospects of a better life in sight, the trade very soon became inter-generational in nature.

According to historical sources, after being classified as a DNT by the authorities, the first batch of the Nat was despatched to Purnea, Araria and Katihar for cheap labour. Today, the Nat in Forbesganj and nearby areas like Araria, Dharamganj and Jogbani earn their livelihood through the sex trade, pimping, human trafficking and smuggling.

Below: A young sex worker (probably trafficked from Nepal) with her daughter; she pays a nanny to care for her child while she is 'at work'. Photo by Newsha Tawakolian.



## The Nat of Forbesganj: inheritance of a trade

My doctoral fieldwork focussed on the Nat community involved in inter-generational prostitution in *Uttari Rampur*, which is a Red Light Area (RLA) in Forbesganj, Araria district, Bihar. *Uttari Rampur* is a squatter settlement in a remote corner of the village, on the *Mela* ground of Forbesganj, where Nat families live in home-based brothels on a small stretch of *pucca* road. The RLA is flanked by low lying fallow land, which becomes an open invitation to a range of diseases during monsoon. Basic infrastructural facilities, such as safe drinking water, electricity and septic tanks are non-existent, leading to a vast array of health issues in the community. The road that leads to the RLA has sprouted an array of medicine shops, specialised clinics, urological centres and X-Ray clinics for the treatment of ailments ranging from gynaecological issues to cardiovascular diseases.

Since Forbesganj lies near both the Nepal and Bangladesh borders, sex trade in this community often coalesces with human trafficking and bootlegging, given the Indo-Nepal border's notoriety as a haven for traffickers, pimps and peddlers of narcotics and contraband items. The region is a source, transit and destination point for trafficking of young girls who are later sold to the brothels of Kolkata, Mumbai and other Indian metropolises. Those with a fair complexion and Mongoloid features fetch good prices and are therefore trafficked to the Middle East.

The police and local administration, with the connivance of the *Nat Panchayat* (Council of the Elderly), ensure the successful continuance of prostitution and human trafficking. Young women and teenage girls from Nepal, Bangladesh and poorer regions of India are sold in the Nat community, and later prostituted in various *Prem Nagar Bastis* (Lover's Town). Besides Forbesganj, there are other nearby areas, like Dharamganj, Purnea, Araria, and Jogbani, where the Nat community is engaged in inter-generational prostitution. Among the red light areas, Purnea and Forbesganj are notorious for underage prostitution.

The Nat include both Hindus and Muslims, and their position in the caste ranking is predicated on their religious persuasion. They are Scheduled Castes (SCs) if they are Hindus and Other Backward Castes (OBCs) if they are Muslims. In Forbesganj, the Nat are *Shia* Muslims and thus fall within the OBC category. In Bihar, the Nat community has been included in the list of *Mahadalits* (Sl. No 19 of the SC/ST Schedule), a new social category to reach out to the poorest of the poor among the SC community through special allocations and governmental schemes and policies. The Nat community speaks a dialect that is a mix of Bengali and Maithili called *Kaithi* and which is written in the *Kaithi* or *Kayasthi* character prevalent in North India, primarily in Bihar.<sup>12</sup> The Nat have their own argot called *Narsi-Parsi*, they display elements of *sanskritisation*, including emulating certain aspects of Hindu customs and rituals, especially during the initiation ceremony of a young girl entering the trade, and adopt a mix of Hindu and Muslim names for their children. The notion of 'purity' and 'pollution' is a dominant principle in the lives of the Nat and they do not maintain dining relationships with castes lower than themselves, such as *dhobi*, *mochi*, and *dhanuk*. The Nat community has a clear division of labour, in which women are prostituted, while men are pimps for their own female kith and kin.

## Between home and the skin

The Nat community in Forbesganj has been battling with abject poverty, unemployment, illiteracy and exclusion for a long time, and this has become their lived reality – their second skin. A major share of their earned money is spent on alcohol and gambling; the remaining sum is used to 'buy' girls, so as to have a reserve supply of 'sex slaves' to boost income and display strength in the community. Financial matters are handled by the eldest male member in the family; males form the 'leisure class', resulting in the 'masculinisation of wealth' and 'feminisation of poverty' among the Nat. Human beings are commoditised to an extreme level in the case of the Nat in Forbesganj. Money is earned through illicit means, such as trafficking, stealing and selling of newborn babies from the adjoining RLA hospital; some are even purchased in village fairs, in circus shows or *theatres* (peep show) at Dharamganj or during *Kali Puja* at the *Mela* grounds.

It is interesting to note the use of pronouns and other social identifiers within the community: 'us' vs. 'them', or 'insider' vs. 'outsider'. The female members with Nat blood relationship are called *mangtins*, and the males are referred to as *mangta*. Both the words owe their origin to the generic word *maango*, which means to beg. The female non-Nat – those trafficked from outside, bought and 'owned' by the Nat – are referred to as *kajins*; the non-Nat males, including the clientele, are referred to as *kajwa*.

The notion of *mangtins* and *kajins*, or 'insider' and 'outsider' respectively, is important in the context of trafficking and domestic violence. Those who are blood members of the Nat community are not treated badly, and domestic violence that might incur as a result of a female's inability to bring in enough clients is minimal. On the other hand, since the *kajins*

have been purchased, they are expected to deliver. Where *mangtins* enjoy the security of family in times of sickness or old age, *kajins* become deadweight as they grow old and maintain no significance.

In common parlance, prostitutes are referred to as *randi*, and clients as *passengers* who generally belong to the lower strata of the society in terms of class and caste, and are usually Muslims by faith. Clients vary greatly in age; they are either middle-aged and married, or else barely teenagers. Clients also come from across the border; these include military men from Nepal, or men from India who prefer 'kinky' or unprotected sex. The *gumtis* or small shops, located in front of the thatched houses, serve as information kiosks where one can enquire about the arrival of new girls or *fresh maal*.

The health situation in the Nat community in Forbesganj is challenging as there is a complete neglect of hygiene and diet. This has become even more entangled due to alcohol consumption and the use of mild stimulants like *paan* (betel leaves wrapped with tobacco), *gutka* (a mix of crushed tobacco, betel nut, and other intoxicants), and tobacco. The Nat also consume hallucinogenic substances like *ganja* (cannabis or marijuana) and *bhang* (a mild preparation of marijuana made from young leaves and stems of the Indian hemp), or large doses of cheap but strong sedatives and pain killers in order to numb their senses. In many cases, girls are drugged by family members to have sex with the clients. Terminally ill or frail children, and drunken prostitutes and men, are a common sight in the RLA. However, children from the Nat community in Forbesganj see a ray of hope in the crèche-cum-primary school run in the RLA by *Apne Aap Women Worldwide*, a Delhi based NGO, whose basic aim is to prevent child prostitution and child slavery.

## Conclusion

The peregrination of the Nat, from being Notified Criminals to Denotified Offenders has been laden with stigma, exclusion and humiliation. While the world debates the legalisation of the sex trade and battles over 'respectful' terms with which to address women who are in the profession, the Nat community seems oblivious and far removed from all the clutter and cries of modernity and 'decent' work. Their lives undergo several bouts of surreal moments every day and just like the exchange of shell necklaces and armbands across Trobriand Islands, women folk in the Nat community keep circulating in the Kula ring of the sex trade. The Nat in Forbesganj struggle with the triple jeopardy of caste, gender and prostitution, in addition to enduring the stigma of criminality, which hinders their search for better future prospects. It remains to be seen whether the next generation of the Nat will inherit the same identity or have renewed subjectivity.

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- This article derives from my unpublished doctoral thesis, *'Inheriting a Trade: A Study of Inter-Generational Prostitution within a Community in Forbesganj, Bihar'*, submitted in 2011 at The Centre for the Study of Social Systems, Jawaharlal Nehru University, New Delhi, India. I am indebted to Ms. Newsha Tawakolian, a celebrated freelance photographer from Iran who took the pictures in the RLA. My sincerest gratitude to the members of the Nat community in Forbesganj and Araria who shared their stories and food with me. I am grateful to *Apne Aap Women Worldwide*, a Delhi based NGO that works with the Nat community in the RLA and with which I was associated for a brief while.
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