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Chapter 2

The Birth of Criminology in Colonial South Asia: 1765–1947

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Abstract This chapter has explored the nature and development of colonial criminology in British India. It analysed a series of moments during which this nascent criminology of the subcontinent was given shape and form, including eighteenth century responses to dacoit gangs, the emergence of criminal classification in the early nineteenth century, shortly followed by demands to respond to the so-called Thuggee phenomenon, the development of new thinking about criminal tribes in the middle of the nineteenth century and the arrival of western criminology in the early part of the twentieth century. In fact, for most of the colonial period and across a swathe of territory ranging from Peshawar in the west to Rangoon in the east the crimes committed by India's native inhabitants were, for the most part, considered run of the mill, ordinary and not inordinately different from those generated by rural poverty in Britain. So it was toward these "extraordinary" or "abhorrent" criminal types, such as the Thugs who would waylay and then strangle wealthy wayfarers on the roads of central India, that most attention and real thinking was directed. British colonial criminology in South Asia, therefore, was no simple import of western ideas to the Asian setting. Instead, it was a distinct discourse in its own right. It gained shape slowly over time and place; it responded to problems of governance in India of different types; it was authored and practiced by diverse actors; and its elements were fashioned in various institutional contexts. As a consequence, it was never a "thing" in the sense of it having an essence and body. It was rather more a game in motion, a way of thinking and doing and being, at a certain moment, perpetually in process of development.

Introduction

This chapter examines the first formations of modern thought on crime and criminals in South Asia. It takes the British assumption of *diwani*, or civil administration, of

Bengal in 1765 as its starting point and closes with the moment of independence in 1947. For most of the colonial period and across a swathe of territory ranging eventually from Peshawar in the west to Rangoon in the east, the crimes committed by India's native inhabitants were for the most part considered run of the mill, ordinary and not inordinately different from those generated by rural poverty in Britain. Crime, in the general sense then, did not overly exercise the minds of colonial administrators, British or Indian. Yet if that was true of crime in the general, it was certainly not so of particular types of extraordinary" or "abhorrent" crime. The behavior in particular of criminal groups, including dacoit gangs, thug bands and later criminal tribes and habitual offenders became the focus of intense interest to colonial administrators and it was towards these groups and types that most attention and real thinking was directed.

Despite the emergence of criminology as a distinct science in Europe from around the mid nineteenth century, it would be fair to say that few colonial administrators at any point prior to 1947 would have thought of themselves as working within such a field. Indeed, the term criminology itself entered circulation in India primarily via the efforts of Bengali legal scholars c.1920 to square contemporary metropolitan theories with Indian "realities". South Asian criminology as it had evolved by 1947 was a rather fragmented affair. Ethnologically informed accounts of criminal tribes and classes drove administrative policy, but by the late colonial period these were being transformed by a nascent social work enterprise focused upon India's "backward" tribes and castes. At the same time, theoretical and bookish treatises of legal scholars sat uneasily next to much more general, and often administratively influenced, accounts of policing or rehabilitation practitioners that were, nevertheless, strongly

grounded in the world of every day work with criminals and their communities. The purpose of this chapter is to cast some light on these early formations of knowledge and practice, the legacies of which have shaped criminology in the postcolonial states of India, Pakistan and Bangladesh.

From here the chapter is divided into three parts. First, it will consider problems of definition, terminology and method. One upshot of the choices made methodologically is that the chapter will use a series of crime problems and their analysis as a way of marking out change and development in thinking about crime on the subcontinent. Part two of the chapter examines six of these formative instances: early visions of the distinctiveness of some forms of criminality in India (circa 1770); early attempts at criminal classification (c. 1820); the phenomenon of Thuggee (c. 1830); the emergence of the idea of criminal tribes (c. 1860s – 1947); the arrival of and response to North American and European criminology (c. 1920); and pre-independence visions of crime and causation (c. 1930-1940). Finally, in an effort at summation some concluding comments will be made. On this note we may observe that while certainly there were continuities and legacies of thought across period considered here, they did not develop in any simple linear fashion. Moreover, early criminological thought in India evolved in response to a number of different problems and from a wide variety of sites that spanned the divide of colonizers and colonized.

I. On the historiography of South Asian criminology

Any attempt to form a view of the past will face difficulties of balancing breadth and depth of analysis. Particularly in a short, survey-like piece such as this chapter, the

writer is caught between two methodological poles. On the one hand is the option of focusing upon the broad sweep of history, which obviously has many advantages but which also tends to flatten contest, difference and contingency (Cooper, 2008) in the period described. The opposite alternative, probably equally problematic, is what Frederick Cooper terms “story plucking”, wherein one dips in and out of time and place for specific illustrative effect, but in so doing threatens any sense of historical continuity or context. The strategy elected for here will be some kind of mid-way position. It is to identify a series of moments in thinking criminologically across the almost two hundred years of British engagement with the subcontinent. What these will give a sense of, it is hoped, is the distinctive character of criminological thought that grew up in India in the period of British rule. For, whatever the relationship between South Asian criminologies and those of the western academy today, it is a signal characteristic of most colonial thinking about crime in India that it was strongly independent of metropolitan (that is European and North American) thought. Of course these spheres were not entirely independent and the theme of reciprocal influences between Britain and India, and indeed India and the rest of empire, is a strong vein within much contemporary historical work. But colonial criminology, particularly its more administrative and thus influential branch, was never simply a rehashing or reapplication of western models to eastern problems: it was a distinctive discourse in its own right.

As quickly as saying this, however, a caveat must be inserted. In the form of a question it asks, just what *is* this criminology we speak of? What, in other words, do we mean when we refer to criminology on the subcontinent? The answer to that is important, for it will involve a bracketing off of some things in order to include others

and the emergence of distinctions that might at first blush not obviously seem necessary. The primary distinction drawn for the purpose of this chapter will be a familiar one, particularly to North Americans: it is the distinction between criminology and criminal justice administration. For the purposes of this chapter, criminology will be taken to include the study of crime and criminals, theories and formulations of how crime arises and how it might be reduced, including thinking on punishment, reform and the like. It therefore takes in work done by police to understand the criminal milieu, but excludes work done by police on force organization or effectiveness (eg., Indian Police Commission, 1905). It takes in thinking about whether the Indian criminal would more likely be reformed by recruitment into a local military corps, by whipping or by rigorous imprisonment. But it excludes thinking about prison design, sanitary conditions or forced labour (eg., Indian Jails Committee, 1920).

Perhaps less obviously, we also need to think about what is meant by the term “colonial”. It might be tempting, and certainly it would ease expression, to speak of colonial criminology on the one hand – being that emerging from the colonial British mind as it sought to encompass this foreign space of rule (see Inden, 1990) – and indigenous criminology on the other. The latter would include the work of Indians who participated in contemporary debates on the causes and cures of crime through their own vision of the world and recruitment of indigenous analytic frames. Yet such a distinction would be artificial and misleading. To begin, despite the efforts of postcolonial revisionist historians to claim that Indians played no part whatsoever in fashioning the colonial state (Guha, 1998), this state was only ever run by a small cadre of British officers and officials who oversaw and collaborated in the work of

governance with Indians themselves. Thus, from the interpretive work done by Brahmin pandits for Halhed's (1776) *Compilation of Gentoo Laws* to the work done by figures like Rai Bahadur Pandit Hari Kishan Kaul authoring the *Report on Questions Relating to the Administration of Criminal and Wandering Tribes in the Punjab* (Kaul and Tomkins, 1914), Indians were at the center of colonial thinking about Indian crime and criminals.

Neither would it be valid to posit a distinct space outside governmental discourses occupied and defined by Indians and suitable to be thought of as an indigenous space of knowledge and practice on crime and criminals. For most participation by non-official Indian thinkers and writers was grounded to one degree or another within extant debates of the day linked to local administrative and global scholarly thought. Thus, Muhammad Ghafur's (1879) *A Complete Dictionary of the Terms used by Criminal Tribes in the Punjab* replicated modes of analysis used by William Sleeman (1836) in his *Ramaseeana, or a Vocabulary of the Peculiar Language used by the Thugs* which, itself, drew upon contemporary European thinking in the science of philology. Somewhat counter intuitively, the greatest recruitment of and reference to what might be said to be indigenous points of reference – in terms of serious attention to folklore, deities, modes of dress, omens, and the like – emerged within British administrative circles, first in the Thuggee and Dacoity Department and later in criminal tribes manuals, such as E.J. Gunthorpe's (1882) *Notes on the Criminal Tribes Residing in or Frequenting the Bombay Presidency, Berar and the Central Provinces*. More will be said of these below.

All of this forms a rather long methodological introduction to the chapter, but it may be hoped that it draws attention to the difficulty of making simple assertions about the birth of criminology in South Asia. Thinking about crime and criminals was always an opportunity for the co-production of knowledge, but the knowledge produced does not fit any simple binary of colonizing vs colonized or foreign vs indigenous. It emerged over time and place; it responded to problems of governance of different types; it was authored and practiced by diverse actors; its elements were fashioned in various institutional contexts. As a consequence, it was never a “thing” in the sense of it having an essence and body. It was more, instead, a game in motion, a way of thinking and doing and being, at a certain moment, perpetually in process of development. It was something like what Gilles Deleuze and Felix Guattari (1987) referred to by the French term *agencement* and that in English has been rendered as assemblage: A colonial criminological assemblage.

II. South Asian criminology: elements of assemblage

Assemblage is a useful way of thinking about a nascent criminology since it drives a focus on processes of becoming rather than the end state of being. Each of the six moments below represent contributions to this process. Together, by the time Britain quit India in 1947, they had laid the genealogical building blocks for a postcolonial criminology, the contours of which will be described by the other contributors to this collection.

Early visions of criminality in India: Special types and special measures

In the first decades of its rule on the subcontinent the East India Company followed a principle of intervening as little in the social fabric of society as possible. Writing to the Lord Chief Justice in England in 1774, Governor General Warren Hastings described his goal as being “to rule this people with ease and moderation, according to their own ideas, manners and prejudices” (reprinted in Gleig, 1841: 404). Governing was expensive and excessive intervention in native society was thus not only costly but felt both unjust and likely to invite resistance and possibly even rebellion. Yet against such restraint went a special type of outrage reserved for groups that were seen to prey upon their own people. Just a few months earlier, Hastings had observed to his governing Council that there continued to exist in Bengal a special type of crime problem: dacoity. “The term decoit in its common acceptation”, he said, “is too generally applied to robbers of every denomination”:

but [it] properly belongs only to robbers on the highway, and especially to such as make it their profession, of whom there are many in the woody parts of the district of Dacca, and on the frontiers of the province; a race of outlaws who live from father to son in a state of warfare against society, plundering and burning villages and murdering their inhabitants.

(reproduced in Colebrook, 1807: 114)

Special measures had been put in place the year before to deal with dacoits and Hastings was concerned they might draw in the ordinary criminal with those meriting such sanguine measures. Thus, he said:

if a careful distinction is not made, the Raiat, who impelled by strong necessity in a single instance invades the property of his neighbor, will with his family fall a sacrifice to this law (p. 115)

This image of man and family sacrificed was no mere flourish. Minutes of the Proceedings of the Committee of Circuit describe Article 35 of 1772, which sought to suppress the scourge of dacoity, as “dictated by a spirit of rigour and violence, very different from the caution and lenity of our other propositions” (reproduced in Colebrooke, 1807: 13). Part of the problem appeared to be that “many instances” could be found of condemned dacoits “meeting death with the greatest insensibility”, which rather blunted the intended terror of the death penalty (p. 13). Article 35 therefore extended criminal liability to the dacoit’s whole family: he would die while they would be separated and sold as slaves.

Established here are a number of themes and concerns that would become recurrent elements within explanations of Indian crime, criminality and methods for their resolution. First, there is the recurrent contrast drawn between ordinary and extraordinary crime and criminals: Hastings’ ordinary farmer driven by want to crime, likened to the ordinary criminal at home in England. Moreover, and secondly, part of what made some crime exceptional was the appearance that it was conducted as a profession not just by individuals but indeed by whole corporate groups. Thus, the Committee of Circuit claimed:

The decoits of Bengal are not, like the robbers in England, individuals driven to such desperate courses by sudden want; they are robbers by profession, and

even by birth; they are formed into regular communities, and their families subsist by the spoils which they bring home to them.

(in Colebrook, 1807, p. 13)

Third, time and again a narrative of insensitivity justified the need for special measures, something that will be returned to below. Fourth, the apparently corporate character of crimes like dacoity and the difficulty of effecting deterrence by punishing the offender alone raised questions of the proper target of punishment and the point at which criminal liability in Indian society could reasonably be set: individual, family, village? Fifth, the focus upon dacoits was part of a pattern that would only grow stronger of selective intervention: certain crimes seemed to excite the colonial imagination or frustrate its methods, drawing an extraordinary focus of time and energy, while most run of the mill crime attracted little comment or analysis. Finally, the need to identify and separate out the dacoit from the *ryot* initiated what would become an enduring interest in criminal identification and classification.

Distinguishing the criminal: identity and classification

In early form, attempts at classification were exceedingly crude, displaying little of the logic or taxonomic distinctiveness that would come later. In 1820, for example, Mr John Shakespear, the Acting Superintendent of Police in the Western Provinces, reported in the journal *Asiatick Researches* some work on classification he had been compiling over a few years. His scheme was designed to differentiate among groups of what he termed *Badheks* and *T'hegs*. Regarding them he wrote:

The following tribes of Jackal eaters are notorious in the Western Provinces: – *1st, Badheks, – 2d, Kunjar, – 3d, Gidia, – 4th, Bauria, – 5th, Harbura.* All of these subsist by robbing, and are more or less attached to a vagrant life, eating the flesh of jackals, lizards, &c. When stationary they commonly reside with their families in temporary huts, constructed of reeds and leaves, and erected in jungles and plains.

(Shakespeare, 1820: 282–3)

Other schemes were being developed in this period. Shakespear noted one proposed by a Mr Forbes in 1813. This was divided into five extremely loose and potentially overlapping categories, the first three of which will give some sense of the scheme's tenor:

1st Class – The high roads leading through *Etawah, Aly Gher,* and *Furrackabad* are, for the most part, the scenes of the atrocities committed by this class ...

2nd Class – This class consists exclusively of *Hindus,* and chiefly of the *Lodeh* tribe ...

3rd Class – This class ... [are *Thegs* and] ... have taken up residence in *Mahratta* villages, on the confines [sic] of our territory, where the *aumils* of the native Governments are said to derive revenue from their depredations ...

(cited in Shakespeare, 1820: 288–90)

As such classification schemes began to emerge, were compared and refined, a set of themes and concerns that would shape later generations' engagement with native crime were established. These were not *sui generis* to the Indian environment, however. In 1817 James Mill, father to the later much more famous John Stuart Mill, had published a monumental six volume *History of British India*. In this, key elements of Enlightenment thinking about progress and the hierarchical ordering of civilizations were set out. Amateur scientists like Shakespear would have noticed the importance given by Mill to understanding a race or class's history as part of distinguishing one from another and placing them on a ladder of human progress. Ethnology, the study of a group's customs, ways and norms, patterns of work, religious beliefs and so on, also began to emerge at about this time. The classification schemes of both Shakespear and Forbes evidence elements of these in their most rudimentary form. That of Forbes also points, in his third class, to an observation that would be reaffirmed and strengthened in coming years: the link between thieves, dacoits and other bands of organised criminals and powerful native elites. In Forbes's case, the criminal type he believed he'd discovered was a peculiar fraternity he termed *Thegs* and who would soon garner worldwide attention under the Anglicized name Thugs.

Uncovering a criminal confederacy: The discovery of Thuggee

The Thuggee phenomenon has attracted so much attention (see generally, Brown, 2014, Ch. 3; Wagner, 2009) that the purpose here will be to focus not on the crime but what it contributed to that assemblage of ideas, practices, methods of analysis, representation and more that came to constitute early South Asian criminology.

Thuggee itself was a crime of robbery and strangulation. Victims would be waylaid by thug gang members on rural roads, robbed, killed and their bodies dumped down wells or otherwise hidden. It was said to have ritual elements and the goddess Kali, a most fearsome looking deity, apparently sanctioned thugs' crimes. Omens, portents and signs were said to be important in dictating victim choice and whether or not conditions were propitious for a murder. Despite the earlier work of Sherwood and Forbes in identifying thugs as a distinct class, they were instead "discovered" by a self-aggrandizing East India Company officer, William Sleeman, who having "alerted" British authority to the threat they posed was subsequently appointed by Governor General William Bentinck to take charge of operations for their extirpation. Special laws were set in place to allow "approver" hearsay evidence in trial and provide for expedited and condign punishments: generally, death by hanging or transportation for life.

Sleeman not only caught, had hanged, transported or imprisoned many thousands of thugs within a short space of years, but he also studied them and published his work in 1836 in a long book titled *Ramaseeana, or a Vocabulary of the Peculiar Language used by the Thugs, with an Introduction and Appendix, Descriptive of the Measures which have been Adopted by the Supreme Government of India for its Suppression*. His efforts were rewarded with a department of his own, the Thuggee and soon Thuggee and Dacoity Department, a forerunner of the later Indian CIB. His cousin, Henry Spry, a Company doctor, was connected with the then-vogue phrenology movement. Spry collected thug heads from the gibbets at Saugor in central India before sending them to Edinburgh for examination and writing of them himself in learned journals (eg., Spry, 1833). Others close to events, and most notably an officer

named Meadows Taylor, wrote of their experiences in putting down the thug scourge, with Taylor's (1839) *Confessions of a Thug* a hugely successful book that remains in print today.

But in criminological terms, none of this constituted the important contribution and enduring legacy of the Thuggee moment. What the thug phenomenon did contribute was three things. First, the volume and detail of material collected and analyzed marked it as probably the first moment of dedicated, focused criminological enquiry during the colonial period. Here, a certain type of crime became, as never before, what Michel Foucault (2008: 30) has termed a "privileged object of government vigilance and attention". Its science was rather rough and ready, but it was nevertheless the first science of a distinct crime and criminal type in India. Others would follow. Second, it connected three elements that would, in their interplay, come to define thinking about crime in India right through into the postcolonial period: extraordinary character, emergency and legal innovation. Third, it reinforced earlier intimations of how crime in India had a special character: its connection with religion, the links between atrocious crimes and protections offered by powerful landlords, and its subterranean character, making the criminal difficult to discern from the mass of otherwise law abiding Indians. Some 50 some years later these elements would be reprised, reconceptualized and reassembled into an ethnographically driven science of identification directed towards criminal tribes.

India's criminal tribes: Problem and policy

In 1871 the Government of India in Calcutta passed a piece of central legislation the writ of which, however, was limited to the Punjab, North Western Provinces and Oude. Named the Criminal Tribes Act, this statute made available to these local governments extra-judicial and extra-penal measures to be deployed against “any tribe, gang or class of persons ... addicted to the systematic commission of non-bailable offences” (s.2). Measures included powers to forcibly settle nomadic tribes, move sedentary ones, restrict freedom of movement with a passport system, require roll calls and registers in villages, make rules and enforce them through imprisonment or whipping without recourse to courts, enhance punishment for offences that did go to court and, finally, remove legal rights to appeal. Later changes would extend jurisdiction to all India, provide for removal of children from parents, add even harsher punishments and forced labor and allow deportation from natives states into British jurisdiction (see Brown, 2014).

The crimes these tribes were said to commit ranged from dacoity down to the pilfering of livestock and miscellaneous forms of petty property crime. Taken as a whole, the tribes so affected tended to be those on the margins of Indian society, yet their behavior was most often put down not to poverty and the precariousness of life but to malign character, hereditary disposition to dishonesty and a loose amalgam of ideas about caste-sanctioned religious duty. Though responses to the tribes rested heavily upon innovative legal means to do what was otherwise impossible under ordinary law, it is there the similarity with responses to Thuggee probably end. Thugs were thought of as rapacious and bloodthirsty, but nevertheless they were always recognized as individual criminals. Here though, we have ideas more akin to Hastings’ 1770s descriptions of criminal communities of dacoits. Criminologically,

what we see at this moment is a recruitment and recombination of a variety of threads of thinking that go back to Hastings' time, drawn together with new "scientific" approaches. Limited experiments were made with anthropometry (eg., Bengal Police, 1895) and fingerprinting, which was developed in large part in India (Sengoopta, 2003), and the whole criminal tribes policy's sedentarization approach drew on experiments done in the Punjab in the 1850s and 1860s with "kot" settlements (Hutchinson, 1866). But the largest innovation was the development of a distinct ethnographic science of criminal identification that was then manualized in the form of police handbooks and bureaucratized in the form of criminal history sheets. The latter remain in Indian police stations to this day. Criminal identification thus rested upon officers' mastery of a host of social, cultural, ethnic and religious markers of problematic tribes together with a capacity to detect and read the signs and signals left by their passing. Kennedy's (1908) *Notes on Criminal Classes in the Bombay Presidency*, for example, runs to 257 pages and covers 23 tribes the police officer was instructed to become familiar with. Each tribe was considered and described thus:

- (a) the name by which the criminal tribe or class went;
- (b) habitat;
- (c) sphere of activities and wandering proclivities;
- (d) appearance, dress, etc.;
- (e) dialect and peculiarities of speech;
- (f) slang and signs used;
- (g) ostensible means of livelihood;
- (h) disguises adopted and means of identification;
- (i) crime to which addicted;

- (j) methods employed in committing crime, and distinguishing characteristics likely to afford a clue;
- (k) stock-in-trade, instruments and weapons used in committing crime; and
- (l) ways and means of concealing or disposing of stolen property.

Criminologically, the response to criminal tribes at once drew upon and developed old themes in thinking about criminals while leaving new imprints of its own. Three of these bear mention. First, if Hastings' dacoits had intimated a special type of criminal in India, these tribes reaffirmed in the governmental imagination the need for special measures to deal with special problems. The criminal tribes legislation was never brought within the ordinary criminal law of colonial India. The belief that there existed a section of society that must be dealt with outside the ordinary law endured into the postcolonial era in India, albeit with some small refinement of terminology (Brown, 2016). Second, as early repressive efforts gave way to more reformatory thinking, the criminal tribes settlements created the context within which something like a modern social-work approach to crime could begin to emerge (see below). And finally, the criminal tribes discourse, both as policy and practice, reinforced an enduring belief in socio-cultural rather than racial explanations for crime in India. Even as biological race theory took hold in other areas, where for example H.H. Risley (1908) in his famous *People of India* emphasized racial purity and mixing, that vision never gained ground in criminal tribes discourse nor indeed in later discussions of criminal propensities.

Squaring the circle: metropolitan theory, Indian experience

In 1864 Major G. Hutchinson, Inspector General of Police in the Punjab, took a brief home leave to England. There he toured English penal institutions before embarking upon a tour to the Mettray in France and an inspection of the Irish system. In 1866 his conclusions on best European practice, the contemporary state of things in India and the particular problems the country and its people were published under the title *Reformatory Measures Connected with the Treatment of Criminals in India*. His object, he said, was “to ensure that judicial sentences and prison discipline in India tend, not only to the punishment, but to the reformation, of criminals” (Hutchinson, 1866, p. i). Such ruminations upon India and the world were not uncommon, though they did little to change the broad course of administrative thinking which remained, as the criminal tribes manuals illustrate, grounded in a distinctively local vision of crime, criminals, communities and the social milieu.

When metropolitan criminology did eventually force itself onto the scene in India it did so from a rather unexpected quarter. In two notable publications c.1920, Bengali legal scholars sought to draw attention to contemporary metropolitan theories of crime and criminals and, to differing extents, to reference them to local conditions. In 1920 K. Subrahmania Pillai, the Tagore Professor of Law at Madras Law College, had given the prestigious Tagore Law Lectures and in 1924 they appeared in print: a more than 700 page volume titled *Principles of Criminology*. It had been Pillai’s aim to weave a thread of Indian philosophy and reflection upon Indian society and conditions through the text. But India only ever appears dimly in the background of this highly cerebral work that, as a contribution to criminology, would sit easily alongside the tomes of metropolitan theorists of the day.

A rather more balanced attempt at bringing the two worlds together had been made a few years earlier by Sitaram Banerjee, Professor at the University Law College, Calcutta. *Principles of Criminology: With Special Reference to Their Application in India* likened India to a vast ethnographic melting pot of scientific data ripe for criminological examination. In fact, argued Banerjee:

nowhere else in the world do we find this curious admixture of heterogeneous races – with different languages, different religions, and at different stages of culture – this conglomeration of the fabulously rich and the incredibly poor ... this eternal struggle between capital and labour ... all the various types of social order beginning from the most archaic to the most finished types of society.

(p. 68-69)

Yet it is perhaps a measure of the social distance between a professor of law and the common person in India that Banerjee's vision of Indian society in all its diversity was a rather crude one, reflective in some cases of mid nineteenth century stereotypes. Thus he contrasted the "sturdy and martial people of the Punjab and Rajpootana" to the "ease-loving and peaceful agriculturalists of Bengal". Similarly, in the forest dwelling tribes of the Central Provinces he found only evidence of a "truly atavistic type of humanity in the semi-naked savages" (p. 69). Yet these works were nonetheless hugely important to criminology on the subcontinent. It is unlikely they had any effect whatever on crime governance as practice. But they set metropolitan criminology as an enduring reference point for South Asian scholars who would imagine themselves working within big "c" Criminology. The texts also marked the emergence of a schism within criminological writing in the late colonial era. On one

side were approaches deriving from the criminal tribes frame, mainly focused on criminal, backward and depressed social classes and tending towards a social work approach. On the other were more theoretically and conceptually sophisticated approaches, more clearly linked to metropolitan thought but much less so to the practical problems posed by crime and criminals in India.

Pre-independence visions of crime and causation

By the late 1920s the immense scale of the criminal tribes policy, drawing in an estimated four million Indians within an armature of penal control, had begun to turn reform and rehabilitation into a small industry. Government and non-government agencies, the latter including the Salvation Army, the Canadian Mission and Ahmedia Anjuman Ishad-I-Islam Hindu Sabha, were involved in the drive. Numerous factories and other businesses, such as tea plantations, drew upon this pool of forced laborers. But importantly, analysis of the problem was widening appreciation of the link between economic conditions and social marginality. Crime was one effect of such marginalization. But the corrosive effect of untouchability upon lower social orders and the claims therein for social uplift on a wide scale was blurring the boundaries of criminal and civic rehabilitation. Treatises like Benoy Shanker Haikerwal's (1934) *Economic and Social Aspects of Crime in India* drew attention to criminogenic "factors connected with the transition of an ancient rural civilization to modern urban and rural conditions" (p. 7). Yet while Haikerwal name-tagged a criminological lineage running from Cesare Beccaria to Edwin Sutherland, his text really was continuous with the long history of scientific-administrative thinking about crime and society in India. Indeed, it rested heavily upon them. His account of the criminal

tribes offered no new thinking, nor critique. It simply re-bundled long held views, many of which originated prior to the 1871 legislation. What Haikerwal did do, however, was connect the problem of crime with a broader critique of Indian society's hierarchical and unequal structure. It was out of this kind of recognition that the Indian Constitution and charter of Fundamental Rights would later develop quite unique visions of justice, equity and liberty suitable to the new postcolonial state (see Mukherjee, 2010).

For now though, Haikerwal's work nodded to but did not explicitly connect with the considerable work being done within the field of social uplift, or what we would otherwise term social work. On the criminal side, most of this was occurring in criminal tribes settlements. In 1941, for example, Govind Harshe, a probation officer in the Poona Aftercare Association, published a report on a tribe known as the Mang Garudies and their lives under settlement conditions at Mundwa. On the question of whether India's four million criminal tribes people would ever be reclaimed into the mainstream of law abiding society he felt ultimately that he should be "diffident about giving a positive answer" (p. 551). His study critiques the policy confusion of a penal settlement attempting to achieve social and economic rehabilitation, suggesting that only through economic emancipation could criminal reform flow. Despite 25 years of work little appeared to have been achieved at the Mundwa settlement and the criminal tribes interred there clung desperately to cultural norms favoring and indeed valorizing criminality.

Whereas Haikerwal and Harshe each in their own way connected with the long history of colonial administrative thought, the efforts of Bengal lawyers c.1920 to

bring metropolitan theory to bear upon Indian questions was, in another stream of activity, still influential. Prosanto Kumar Sen, for example, sought to bring Hindu thought into meaningful connection with the western theoretical tradition on matters of crime and punishment. In *From Punishment to Prevention* (Sen, 1932) he undertook a wide ranging review of ancient and modern legal codes and of modes of punishment. Into this mix he wove a narrative of Hindu thought and law, observing for example that “whereas the dominant note in early Germanic law is vengeance, that in the early Hindu law is deterrence” (p. 34). Overall, he suggested, while Hindu thinking had many of the outlines of the modern concepts espoused by European thinkers like Ferri or Garofalo, these ideas appeared to the writers of the ancient Hindu texts “only by way of intuition, almost like a vision, and they could not fully analyze its implications or carry out its dictates” (p. 43). This effort to square Indian thought with its western counterpart was given greater space in *Penology Old and New* (Sen, 1943), though it must be observed that the Indian thought to which Sen referred remained ancient Hindu thought. It was not based on contemporary practices, such as those of village or caste Panchayats. Nor did it consider the intersection of customary law, much of which was civil but which had enormous influence on shaping the social conditions out of which social order or disquiet flowed. Thus, like those scholars before him, Sen’s work was primarily theoretical and so in this way contrasted with the quotidian, less sophisticated but distinctly more practical concerns of writers like Haikerwal (1934) and Harshe (1941).

Conclusion

This brief essay of South Asian criminology's lineage has tried to identify some of the more important crime problems and modes of thinking and responding as they formed in India prior to 1947. It has eschewed the idea of a solid, definable essence of colonial criminology, concentrating instead on strands of thought and practice that were variously assembled and recombined at different times and in different places. Yet this story is also far from complete. There were numerous mediums in which thinking about Indian crime and criminals was fashioned that have escaped attention here. These include the local gazetteers of civil administration (eg., Government of Punjab, 1884), the medical-topographical gazetteers often produced around military cantonments (eg., Woolbert, 1898), non-official treatises on Indian crime and reform (eg., Booth-Tucker, 1916), travelogues describing criminal encounters (eg., von Orlich, 1845) and popular crime books (eg., Somerville 1931). Nevertheless, it is hoped this chapter has managed to outline some of the key threads and contours of modern criminological thought as it developed on the subcontinent over nearly 200 years prior to independence from Britain in 1947. These formed the background intellectual and practical resources from which post-colonial criminologies were fashioned, grounded now in the attitudes and concerns of the new nation states of India and Pakistan, and then later of Bangladesh.

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