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Criminalising the 'criminal tribe': Partition, borders and the state in India's Punjab, 1947-55

On 15 August 2000, the fifty third anniversary of India's independence from British colonial rule, the Punjab newspaper The Tribune reported that 'the backward Rai Sikh community continues to live with the label of "criminal tribe" given to them by the state during the days of slavery'.[1] Most of the community resided close to the Indo-Pakistan border, on the Indian side, predominantly in the district of Ferozepore. In 1947, they had been displaced from their homes in Montgomery (present day Sahiwal, Pakistan) during the upheaval of Partition and independence. Frequently accused of smuggling, the newspaper claimed, sources from within the police 'admit that the villages dominated by Rai Sikhs, especially those along the border, remain on their watchlist'.[2] The Rai Sikhs were one of approximately 200 ethnic groups in the subcontinent whom the colonial government declared to be 'criminal tribes' under the draconian Criminal Tribes Act.[3] Yet, a remarkably small proportion of the community (numbering, at most, a few thousand) was actually notified under the Act, with few individuals under active registration or surveillance.[4] Notably, it was in the years *after* independence – a period largely neglected by studies on the Criminal Tribes Act – that the Rai Sikhs came to be more conclusively aligned with the category of the criminal tribe in the bureaucratic practices of the state. The article contends that this process was no mere colonial legacy but rather the product of concerns that related to the contingent and uncertain nature of the early postcolonial state, specifically those associated with the newly-imposed border.

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[1] "Rai Sikhs still Stigmatised: Accuse Police of Bias," *The Tribune*, 15 August, 2000.

[2] Ibid.

[3] The Criminal Tribes Act gave the colonial government the power to declare 'any tribe, gang or class of persons,' or parts thereof, whom it believed to be 'addicted to the systematic commission of non-bailable offences' as 'criminal tribes' through notification in the local Gazette. Once notified, individuals belonging to such communities, whether implicated in criminal activity or not, faced excessive measures of penal control, such as attending daily roll call or being restricted within the limits of one's village. There is conflicting evidence as to the exact number of communities who were declared as criminal tribes across the subcontinent but 200 is the most commonly given estimate.

[4] In Ferozepore, 6,000 individuals were notified under the Criminal Tribes Act, out of a population of 30,000. Rai Sikhs numbered around 50,000 in Montgomery. Punjab State Archives, Chandigarh (PSA)/Punjab Government Civil Secretariat (PGCS)/Welfare & General–B/1955/118.

Situated in the formative years following Partition and independence, the article contributes to the growing body of scholarship on the state and decolonisation in the subcontinent.[5] In particular, it furthers our understanding of the role that the border played in both generating and overcoming uncertainties over state authority and control. The establishment of two independent nation states in the years after 1947 was a drawn out and contested process which raised questions of loyalty, belonging, and the legitimacy of the state.[6] The following decade was one in which territorial borders were redrawn and more conceptual boundaries between nations, communities and identities were redefined.[7] When the British Government transferred power on 14/15th August, it was amidst violence and the dislocation of the state apparatus. Nowhere was this felt more immediately and forcefully than in the province of Punjab, itself territorially divided along religious lines between India and Pakistan, displacing at least 12 million people.[8] Several scholars have noted the emergence of a regulatory regime in early postcolonial South Asia, whereby governmental techniques marked out 'suspect/disloyal citizens' from 'putatively natural ones', largely on a religious basis.[9] The establishment of political and territorial borders in the new nations inextricably determined, and was in turn shaped by, the demarcation of categories of identities and belonging.[10] At a more local level, too, the imposition of the territorial border reconfigured existing, albeit fluid, categories of identity – in this instance, the more conclusive incorporation of the Rai Sikhs within the boundaries of the criminal tribe.

The British colonial government enacted the Criminal Tribes Act in 1871 (although it was subject to several amendments, notably in 1911 and 1924) in an effort to control what it

[5] Chatterji, "South Asian Histories of Citizenship, 1946-1970"; Gould, *Bureaucracy, Community, and Influence in India: Society and the State, 1930s-1960s*; Gould, Sherman, and Ansari, "The Flux of the Matter"; Guyot-Réchard, *Shadow States*; Haines, *Rivers Divided*; Leake, *The Defiant Border*; Sen, "Refugees and the Politics of Nation Building in India, 1947-1971"; Sherman, Gould, and Ansari, *From Subjects to Citizens*; Zamindar, *The Long Partition and the Making of Modern South Asia*.

[6] Gould, Sherman, and Ansari, "The Flux of the Matter."

[7] Oliver Godsmark makes the important point that Partition was just one instance of redrawing borders in this period and needs to be resituated within a longer history that encompasses the integration of the Princely States and the reorganisation of states in the mid-1950s. Oliver Godsmark, 'Partition, Linguistic Reorganisation and Provincialisation' conference paper delivered at British Association of South Asian Studies, University of Nottingham, 20 April 2017. For scholarship on more conceptual boundaries of identity, community and nation see Chatterji, "South Asian Histories of Citizenship, 1946-1970"; Menon and Bhasin, *Borders & Boundaries*; Pandey, *Remembering Partition: Violence, Nationalism and History in India*; Roy, *Partitioned Lives*; Zamindar, *The Long Partition and the Making of Modern South Asia*.

[8] The Punjab and Bengal provinces were both partitioned at independence. Khan, *The Great Partition: The Making of India and Pakistan*.

[9] Zamindar, *The Long Partition and the Making of Modern South Asia*, 11. Also Chatterji, "South Asian Histories of Citizenship, 1946-1970"; Roy, *Partitioned Lives*.

[10] Zamindar, *The Long Partition and the Making of Modern South Asia*, 3.

perceived as India's 'criminal' communities, by way of collectively-imposed surveillance and reformatory measures.[11] In 1952, following prolonged denouncement of its illiberal nature, the Government of India repealed the Act.[12] The Rai Sikhs had been awkwardly entangled with the Act since the late 1880s. They were a branch of the Mahtam caste, although the exact distinction and genealogy between the communities is unclear. In colonial Punjab, Mahtams were mostly low-caste Hindus but around one fifth identified as Muslim and a similar number as Sikh, a branch of which were known as Rais.[13] From at least the 1920s, Rai Sikhs were found in Montgomery. They often worked as tenants or labourers, although it was also common for families to own land. As such, they were predominantly settled on the land and, unlike most of the so-called criminal tribes, were not known for their nomadic lifestyles.[14] In 1888, the Punjab Government declared a small number of Mahtams residing in Lahore district a criminal tribe on the basis of local complaints.[15] In 1926, it declared a further 57 individuals – this time Rai Sikhs – as a criminal tribe in the village of Dhakkar, Montgomery district.[16] By the 1940s, reports of their 'criminal proclivities' had increased and ten villages in Montgomery were placed under direct supervision by the Criminal Tribes Department.[17] Despite this, though, the proportion of the community who was directly targeted by the Criminal Tribes Act remained negligible.

[11] Brown, *Penal Power and Colonial Rule.*; Brown, "Crime, Liberalism and Empire"; Major, "State and Criminal Tribes in Colonial Punjab: Surveillance, Control and Reclamation of the 'Dangerous Classes'"; Nigam, "Disciplining and Policing the 'Criminals by Birth', Part 1: The Making of a Colonial Stereotype - The Criminal Tribes and Castes of North India"; Nigam, "Disciplining and Policing the 'Criminals by Birth', Part 2: The Development of a Disciplinary System, 1871-1900"; Radhakrishna, *Dishonoured by History*; Singha, *A Despotism of Law*.

[12] The Government of India repealed the Act centrally on 31 August 1952. The state governments of Madras and Bombay had already repealed the Act, in 1947 and 1949 respectively, whilst it had become a 'dead letter' or was replaced by legislation targeting individual 'habitual offenders' in many other states. For brief treatises on the post-1947 period and criminal tribes, see Brown, "Postcolonial Penality: Liberty and Repression in the Shadow of Independence, India C. 1947"; Piliavsky, "Borders without Borderlands: On the Social Reproduction of State Demarcation in Rajasthan"; Radhakrishna, "Laws of Metamorphosis: From Nomad to Offender."

[13] Rose, *A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province*, 49–50.

[14] Kishan Kaul and Tomkins, *Report on Questions Related to the Administration of Criminal and Wandering Tribes in the Punjab*, 3.

[15] It should be noted that the nomenclature of 'tribe' is somewhat misleading and must be contextualised in 1870s northern India, especially Punjab, wherein 'tribe' had a fluid designation, often used interchangeably with 'race' and 'caste', to denote ethnic affiliation, as opposed to later, more static interpretations related to so-called 'aboriginal' groups.

[16] British Library, India Office Records (IOR)/V/24/633: Report on the Administration of Criminal Tribes in the Punjab for the year ending December 1926.

[17] National Archives of India (NAI)/Punjab States Agency(General)/1942/G-21-7.

Soon after 1947, local officials in Ferozepore began reporting to the East Punjab[18] Government, who in turn reported to New Delhi, incidences of illegal cross-border movements made by the Rai Sikhs, especially smuggling networks. Before long, the Rai Sikhs had attained a notoriety in the national press for dacoity (armed robbery), smuggling, and criminal proclivity.[19] It is difficult to ascertain from the archive the accuracy of these reports, nor the extent and prevalence of such behaviour. Displacement to new environs likely destabilised their pre-existing social networks, customs and modes of livelihood, whilst close proximity to an international, increasingly militarised and often hostile border surely brought opportunities and barriers alike.[20] It would, however, be problematic to infer the practical or symbolic significance of the border for the Rai Sikhs themselves, given the limitations of the archive. The entry of marginalised groups into the colonial/postcolonial archive was predicated upon the demands of the state, which consigned such groups to be studied only in relation to their consequent designation – as criminal tribes rather than Rai Sikhs, for instance.[21] An attempt to recover their subjectivities would be futile, given that even the rare incidences of community petitions are irretrievably shaped by inherent power dynamics and the languages of rule. No doubt, efforts should be made to re-position their experiences in Partition historiography, which has largely overlooked marginal and 'untouchable' communities.[22] Such an approach is beyond the bounds of this article, however. Instead, it seeks to enrich our understanding of the state at this critical historical juncture.

The article examines the ways in which the postcolonial state sought to overcome its uncertainties regarding the border, namely through the bureaucratic practices and discourse of local state actors, although it recognises that the actions of the Rai Sikhs also necessarily constituted such processes.[23] It argues that, through these practices and discourse, the

[18] When referring to the provincial government of the Indian state of Punjab, this article uses East Punjab to distinguish it from its Pakistani counterpart. The 'East' was dropped in 1950 but for clarity it is retained throughout.
[19] For example, see *The Tribune,* 5 September, 1951; 30 October, 1952; 15 June, 1953; 28 December, 1954.
[20] Willem van Schendel, 'Working Through Partition: Making a Living in the Bengal Borderlands', *International Review of Social History*, 46.3 (2001), p. 151.
[21] Spivak, "The Rani of Sirmur: An Essay in Reading the Archives"; Stoler, "Colonial Archives and the Arts of Governance."
[22] There is a growing field of scholarship on 'untouchables' and Partition, although this largely overlooks Punjab. For example, Balasubrahmanyan, "Partition and Gujarat: The Tangled Web of Religious, Caste, Community and Gender Identities"; Bandyopadhyay, "Transfer of Power and the Crisis of Dalit Politics in India, 1945-47"; Kaur, "Narrative Absence"; Pandey, "'Nobody's People': The Dalits of Punjab in the Forced Removal of 1947"; Rawat, "Partition Politics and Achhut Identity: A Study of the Scheduled Castes Federation and Dalit Politics in UP"; Sen, "Caste Politics and Partition in South Asian History." Although the Rai Sikhs are classed as a Scheduled Caste in East Punjab, this aspect of their community identity is not the focus of this article.
[23] On the 'uncertainties' of the postcolonial state in this period, see Gould, Sherman, and Ansari, "The Flux of the Matter". On the role of ordinary people in constituting the state and its processes, see Fuller and Bénéï, *The*

postcolonial state redefined categories of identity – specifically, the label of the criminal tribe – by way of constructing criminality in relation to the border. These constructions, whether superficial or not, provide an important insight into the imperatives of the state at its peripheral reaches, however contested and contradictory these may have been. First, the article contextualises these actions within a broader reconfiguration of cross-border movement in the borderlands of East Punjab as forms of crime. Next, it traces the postcolonial criminalisation of the Rai Sikhs themselves to demonstrate that the process was inextricably linked to the establishment of the border, and the resultant concerns of local state actors. Finally, it argues that this process simultaneously worked to produce the border itself, namely through projects of state development and defence. Although centred on a specific community in a particular region over a limited time-frame, the article illuminates broader issues pertaining to decolonisation, state-building and the demarcation of borders.

Criminalising the Border

Borders in South Asia prior to and during the colonial period were characterised by permeability as persons, goods and ideas travelled far across the subcontinent and further afield.[24] This fluidity often stands in stark contrast to the increased fixity ascribed to the political and territorial boundaries of national space after 1947. Yet, many borders in South Asia, especially at its peripheries, remained porous – often intentionally – for a long time after the establishment of distinct nation-states.[25] Even in Punjab, the Indo-Pakistani border was considered in relatively fluid terms for many months after Partition. The territorial division of the subcontinent had been accepted as a solution to political obstinacy but many thought that the border would remain an open space between the two nations.[26] Migration was initially considered as a short-term solution to the communal violence of Partition and many expected to return to their homes after order was restored. Until at least March 1948, for example, the policy of the East Punjab Government was to treat the criminal tribes who had been displaced

Everyday State and Society in Modern India; Gupta, "Blurred Boundaries: The Discourse of Corruption, the Culture of Politics, and the Imagined State."

[24] Gellner, *Borderland Lives in Northern South Asia*; Markovits, Pouchepadass, and Subrahmanyam, *Society and Circulation*.

[25] In Kutch, for instance, a regime of border management only emerged in the 1960s. Gellner, *Borderland Lives in Northern South Asia*; Guyot-Réchard, *Shadow States*; Ibrahim, "Bureaucracy and Border Control: Crime, Police Reform and National Security in Kutch, 1948-52"; Leake, *The Defiant Border*; van Schendel, "Working Through Partition: Making a Living in the Bengal Borderlands"; Schendel, *The Bengal Borderland*.

[26] Chatterji, "South Asian Histories of Citizenship, 1946-1970"; Zamindar, *The Long Partition and the Making of Modern South Asia*.

during the violence as 'on leave from their places of detention in the West Punjab'.[27] State policy treated their movement as an aberration, rather than an ongoing possibility.

As migration came to be considered more permanent, however, the border – and understandings of criminality alongside it – shifted in the practices of the state.[28] In the years that followed, the border had to be repeatedly constructed, performed and made real on the ground in Punjab until its demarcation was completed in 1960.[29] Through the placing of border stones, the patrolling of police forces, and the establishment of the Border Security Force, the imperceptible border was stamped across the landscape.[30] As relations deteriorated between India and Pakistan, the border became an increasingly rigid and militarised space denoting the limits of two national identities, movement across which could undermine not only the security of the state but also its very legitimacy.[31] From July 1948, a 'control regime' was inaugurated by both the Indian and Pakistani Governments, through which state actors increasingly regulated movement across the border.[32] Through their routine and banal everyday actions, the state demarcated between those classed as citizens and those relegated to be outsiders.[33] There was, and remains, an inherent selectivity, therefore, in the degree of permeability across the border, which was often determined along axes of religion, class and gender.[34]

One way in which state actors delineated the permeability of the border was the criminalisation of cross-border movements and networks, redefined as 'smuggling', which had historically traversed the region. Through the mechanisms of state surveillance, restriction and enforcement of regulations which attempted to limit these movements, the state brought the border into effect. The perception of what constitutes 'smuggling' is time and geography dependent. Changing circumstances denote certain goods as contraband at certain times depending on local imperatives and the shifting nature of the border.[35] After Partition, the flow

[27] NAI/Home(Police-I)/1949/22/1.
[28] Chatterji, "South Asian Histories of Citizenship, 1946-1970"; Zamindar, *The Long Partition and the Making of Modern South Asia*.
[29] Chester, *Borders and Conflict in South Asia*.
[30] Reece Jones has demonstrated this process with regard to Bengal. Reece Jones, 'Agents of Exception: Border Security and the Marginalization of Muslims in India', *Environment and Planning D: Society and Space*, 27.5 (2009), 879–97 (p. 883).
[31] Donnan and Wilson, *Borders: Frontiers of Identity, Nation and State*, 5; Ian Talbot and Gurharpal Singh, *The Partition of India*, 133.
[32] The Indian government passed the Influx from Pakistan (Control) Ordinance in July 1948 which was swiftly followed by the Pakistan government's enactment of the Pakistan (Control of Entry) Ordinance in October 1948. This permit regime was replaced by a system of passports in 1952. Zamindar, *The Long Partition and the Making of Modern South Asia*, 82.
[33] Ibrahim, "Bureaucracy and Border Control: Crime, Police Reform and National Security in Kutch, 1948-52."
[34] Wonders, "Global Flows, Semi-Permeable Borders and New Channels of Inequality."
[35] Tagliacozzo, *Secret Trades, Porous Borders*, 2.

of labour, goods and trade across the newly-established border was increasingly interrupted, blocked or criminalised. In effect, these pre-existing movements were reconfigured into what Willem van Schendel terms as 'illegal flows' – the movement of commodities, persons or ideas across the border which were outlawed by one or more states.[36] Local residents had to adapt to the changed circumstances as the two nation-states attempted to disentangle their local economies from the intricacies of the border regions.[37] Trade along historic and deeply-entrenched routes was reconfigured as smuggling, trafficking or illegal cross-border movement. Both the Indian and Pakistani governments introduced customs, permits and regulations to control such activities. Yet, in March 1949 the East Punjab Government bemoaned the ongoing practice of smuggling across the border: 'Yarn was reported to be going from this side and silver and cycles were reported to be coming from the Pakistan side.'[38] Evidently, despite such regulation there was ongoing movement of everyday articles between local communities who had long-standing relations and trade links across what was now an international border. In the context of border demarcation, their quotidian routines had become an illegal activity.

The East Punjab Government was also concerned about the ongoing raids and exchange of stolen cattle across the border, a practice in which the Rai Sikhs were said to indulge. Through 1948, the East Punjab Government regularly reported the activities of 'cattle-lifters from Pakistan' in their correspondence with New Delhi.[39] The close proximity of local populations to the mostly unmarked boundary line ensured a steady stream of 'border incidents' as persons or their livestock, whether accidentally or on purpose, traversed the border.[40] Although some of these incidents were motivated by opportunism, most were merely the altered outcome of the ordinary actions of everyday life for local residents. The imposition of the border had reconfigured these actions as 'incidents' which contravened both the boundary of the state and the limits of the law. As such, regular reports to New Delhi cited the statistics of 'border incidents' in a given month in order to justify increased armed presence and militarisation on and near the border.

[36] van Schendel, "Spaces of Engagement: How Borderlands, Illegal Flows, and Territorial States Interlock," 40.
[37] Although, as Willem van Schendel argues, the states were both keen to protect certain cross-border trades which they saw as beneficial to their national economies, whether on account of their scarcity or strategic use, or because they could be taxed. van Schendel, "Working Through Partition: Making a Living in the Bengal Borderlands," 440.
[38] NAI/States(Political)/1949/F.9(45).
[39] NAI/ States(Political)/1948/8(5)-P (vol. I).
[40] Chester, *Borders and Conflict in South Asia*, 152–54.

The border also facilitated movement, though, by providing opportunities for those who were motivated by crime. Lucy Chester argues that the border provided a 'safe space' for those who retreated back across it after venturing beyond its limit.[41] For those who wished to evade detection by the state, however, the 'safe space' was arguably on the other side of the border, as it represented a clear end to state sovereignty and control. It enabled criminal activity by providing a clear point of departure from the jurisdiction of the state, and possibly even encouragement from hostile neighbours. As the border became increasingly real for local state actors, for whom it represented the limits of their authority, the threat posed by cross-border criminal networks was similarly heightened. At first, the reports collated by the East Punjab Government focused upon the migration of criminal refugees from Pakistan into the districts. In November 1947, in its fortnightly report to New Delhi, the East Punjab Government noted how these criminal refugees 'had little in the way of local contacts and still less in local knowledge', seemingly posing little threat.[42] By the early months of 1948, however, they reported an increase in criminal activity and particularly how these displaced criminals 'had already started getting together and forming themselves into gangs.'[43] Initially these networks were perceived as the reconstitution of criminal affiliations in new environs – displaced criminals from West Punjab forming collectives in their new-found locales across the border. Soon, however, these reports began to speak more conclusively of 'Liaison […] between criminals on the two sides of the border'.[44]

Such cross-border networks were endowed with treacherous intent. 'This is full of dangerous potentialities,' the East Punjab Government warned in March 1948, 'and would need checking with a strong hand.'[45] Although criminal refugees within East Punjab were considered a threat to law and order, primarily because their unregulated movements since Partition allowed them to evade surveillance, it was the existence of criminal networks which punctuated the border that posed a more decisive danger to the state. In the metaphor of the 'illegal flow' – in this instance, the formation of networks between criminals – the border symbolised 'the solid, the territorial, the ordered, the rule of law', whereas that which crossed it became 'the fluid, the spatially elusive, the intrusive, the underworld'.[46] When considered in these terms, liaison between criminals on the two sides of the border did not merely have the potential to

[41] Chester, 154.
[42] NAI/States(Political Rehabilitation)/1947/10(16)–PR.
[43] NAI/States(Political)/1948/8(5)-P (vol. I).
[44] Ibid.
[45] Ibid.
[46] van Schendel, "Spaces of Engagement: How Borderlands, Illegal Flows, and Territorial States Interlock," 30.

undermine law and order within state boundaries, but could bring the unknown and unforeseen danger of criminality which existed beyond the border within the realm of the state. These networks were not simply 'illegal' in the sense that they represented potential transgressions of the law but additionally, and more importantly, they represented transgression of the sanctity of the border, and thus the legitimacy of the state itself.

The border therefore generated both uncertainties over legitimacy, loyalty and control, whilst simultaneously providing the means through which the state could assert itself anew. In the months and years after August 1947, the border was repeatedly constructed through the everyday practices and discourse of state actors as they sought to demarcate it on the ground, as well as by the actions of local residents and refugees alike. Drawing on the evidence supplied through bureaucratic channels by locally-rooted state officials, the East Punjab Government reframed local and circumstantial incidences within an overarching narrative of illegal cross-border activity, which in turn brought the border into being not only locally on the ground in the borderlands of East Punjab but in the national imagination of the state. It was within this context that, at a more local level, similar discursive constructions of criminality flourished in Ferozepore with regard to the Rai Sikhs. Although located at the peripheral reaches of the state, the actions of local officials worked to situate the Rai Sikhs more conclusively within the boundaries of the criminal tribe by constructing their supposed criminality in relation to the border. This fostered a dialogue between district, province and nation, in which the Rai Sikhs were identified predominantly, if not entirely, with a criminality that was rooted in their supposed crossing of the border.

Criminalising the 'Criminal Tribe'

Prior to 1947, the Rai Sikhs had only a negligible association with crime. Unlike certain communities, such as Sansis and Bawarias, who were classified as criminal tribes across all the districts of Punjab, only certain sections of the Mahtam/Rai Sikh community was declared as such in relation to specific villages, such as Mahtam in Lahore or Dhakkar in Montgomery.[47] Notably, in Dhakkar, it was specifically the Rai Sikh branch of the community whom were notified.[48] Their characterisation as criminal was deeply contingent on local factors, especially the influence of neighbouring communities. Their declaration as criminal tribes in these areas

[47] Kishan Kaul and Tomkins, *Report on Questions Related to the Administration of Criminal and Wandering Tribes in the Punjab*, 3.; IOR/V/24/633: Report on the Administration of Criminal Tribes in the Punjab for the year ending December 1926.

[48] Although the colonial records refer to them as Mahtams, a petition from the community itself distinguishes themselves as belonging to the Rai Sikh branch. PSA/PGCS/Home & Judicial-A/1926/64.

resulted from petitions forwarded by locally influential figures. In the village of Mahtam, for instance, two petitions were sent to the District Superintendent in 1887 by local residents who claimed that the community had 'from time immemorial been addicted to theft of growing crops' but in more recent times had also 'taken to cattle theft and burglary'.[49] In 1926, too, the Rai Sikhs of Dhakkar were reported to have attained a 'bad reputation' and local police officers 'unanimously' supported the declaration.[50] Unlike other criminal tribes, the Rai Sikhs were not placed within industrial or reformatory settlements.[51] They were, however, subject to the standard supervisory measures afforded by the Act, such as giving daily attendance to the local police officer or village headman, from whom permission had to be sought if they intended to move beyond the limits of their village. Throughout most of the Criminal Tribes Act's existence, though, only a miniscule part of the community was actively considered criminal or subject to its provisions.

During Partition, tens of thousands of Rai Sikhs were displaced into Ferozepore from the districts which fell to West Punjab, predominantly Montgomery.[52] Their movements formed part of a more comprehensive displacement of groups in the region who were, whether directly or only tangentially, associated with the Criminal Tribes Act. Although the criminal tribes are rarely, if ever, acknowledged in official, popular or scholarly narratives of Partition, they also fled across the border in vast numbers to seek refuge with their co-religionists. Similar to many other low caste or untouchable groups, these communities did, contrary to dominant assumptions, face violence, forced conversion, or ejection from their localities, often with little or delayed assistance from the state.[53] Displaced criminal tribes included both Muslims, such as Bilochis and Ods who migrated to West Punjab, and Hindus and Sikhs, such as Bazigars, Lubanas, Sansis, Bhedkuts and Bawarias who migrated to East Punjab.[54] All those declared as criminal tribes were internally heterogeneous communities whose occupations, social customs and association with criminality were determined by contingent local factors and circumstance.

[49] NAI/Home(Judicial-A)/1888/Aug/100-108.
[50] PSA/PGCS/Home & Judicial-A/1926/64.
[51] Major, "State and Criminal Tribes in Colonial Punjab: Surveillance, Control and Reclamation of the 'Dangerous Classes'"; Radhakrishna, *Dishonoured by History*; Tolen, "Colonizing and Transforming the Criminal Tribesman: The Salvation Army in British India."
[52] Approximately 50,000 Rai Sikhs were displaced from Montgomery. PSA/PGCS/Welfare & General–B/1955/118.
[53] The large-scale evacuation of 'untouchable' refugees from Pakistan only began in January 1948 after the majority of Hindu and Sikh refugees had already been evacuated. On 2 December 1947, Giani Gurumukh Singh Mussafir raised the topic of incidences of violence being perpetrated against 'untouchable' groups in the Constituent Assembly. *The Tribune,* 3 December, 1947. For more information, see PSA/East Punjab Liaison Agency Lahore Records.
[54] NAI/Political/1947/5(1)–P(S)/47; PSA/PGCS/Welfare & General II-B/1957/5(6).

However, their pre-existing, if circumstantial, association with criminality became more pronounced in the context of Partition.

Partition severely undermined the systems of surveillance and restriction which ensured the functioning of the Criminal Tribes Act. Amid the mass migration, the village headmen and local policemen who performed roll call and checked the vast paper trails of registers, history sheets and exemption passes often moved to new localities.[55] The arrival of these so-called criminal tribes into new environs with little or no documentation produced acute fears amongst certain state authorities over their criminal intent. Their migrations were quickly conflated with an increase in reported crime, particularly theft. In 1949, The Tribune reported that, in the immediate aftermath of Partition, the East Punjab Government had to 'trace and locate [the displaced criminal tribes] who were hiding or living under assumed named and castes' in order to commit 'serious crimes'.[56] In response, the Deputy Commissioner for Criminal Tribes circulated directions to all police officers and district magistrates in the state to hold 'simultaneous raids' to register newly-arrived individuals and to cancel the passes of those who claimed to be exempted from the Act.[57] It was after independence, as the Criminal Tribes Act was being legally dismantled in New Delhi, that the categorisation of the criminal tribe thus took on heightened salience in the practices of the state.

It was within this context that the Rai Sikhs became more conclusively aligned with the category of the criminal tribe. Whilst stemming partly from these broader state concerns, their specific case resulted from a series of competing and sometimes contradictory initiatives by state actors to demarcate the border. Most of the displaced Rai Sikhs were settled by local authorities in the tehsils of Fazilka and Ferozepore, which adjoined the Indo-Pakistan border.[58] In addition to the displacement of communities from Pakistan, local Rai Sikhs within Ferozepore itself were uprooted. They had been the tenants of Muslim landowners who migrated to Pakistan and were consequently ejected from the agricultural land on which they worked, and from the houses which became declared as evacuee property. Faced with this uprooted population, district officers allotted them temporary land along riveraine tracts

[55] Of the 20,262 policemen serving in the East Punjab districts prior to Partition, for instance, only 7,188 were left after August 1947. *The Tribune,* 15 August, 1948.
[56] *The Tribune,* 2 March, 1949.
[57] The Deputy Commissioner for Criminal Tribes was head of the Criminal Tribes Department, an institution unique to Punjab, which dealt with both the punitive and reformatory aspects of the Criminal Tribes Act. The Deputy Commissioner was directly responsible to the Chief Minister. Delhi State Archives (DSA)/Chief Commissioner's Office(Revenue/Judicial)/1950/8(3).
[58] After Partition their population within the district was estimated to be 82,505.

stretching from Jagewala on the Jullundur side of the district to Pucca Christi near Sulemanki, covering a distance of around 100 miles along the border. The initially stated reason for settling the Rai Sikhs in this stretch was that, in keeping with the land redistribution policies of the East Punjab Government, many of them had cultivated similar land in the West Punjab.[59] Soon, however, this reasoning changed. By 1953, the question had arisen whether the settlement of Rai Sikhs along this tract would compromise, or indeed fortify, the border.

In the intervening period, state officials in the region, and consequently the local press, had begun to increasingly portray the Rai Sikhs in terms of a collective identity which was defined by dacoity, danger and disruption of the border. In their dialogues with the East Punjab Government, local state actors emphasised the ability of the Rai Sikhs to traverse, and in effect transcend, the border. In November 1947, for instance, three Rai Sikhs from Ferozepore were implicated in raiding cattle from the village of Khiwa as it was reported that they 'swamped across the Sutlej and took away 7 heads of cattle found grazing on the river bank'.[60] Both the symbolic line of the international border and the physical boundary of the Sutlej itself had purportedly proved little hindrance to their movements. Although actual incidences of their physical movement across the border were relatively rarely reported, their perceived use of cross-border communications and networks was portrayed as a thoroughly organised and deeply entrenched puncturing of the border. '[T]hey are not above smuggling and coming to an arrangement with nationals of Pakistan for such activities,' S. Vohra, Deputy Commissioner of Ferozepore, reported.[61] By supposedly colluding with 'nationals of Pakistan', especially in the context of fluctuating tensions between the two nations, the Rai Sikhs had seemingly undermined the very identity and legitimacy of the nation through their behaviour.

The threat supposedly posed by the Rai Sikhs was additionally rooted in their ability to travel long distances from the border space into the inner reaches of India: in effect, penetrating the centre from the periphery. During the years 1948-54, The Tribune regularly reported the unlawful activities of a high-profile 'gang of dacoits' who belonged to the Rai Sikh community and operated in the borderlands of the Punjab region.[62] Their depredations extended beyond the Indo-Pakistani border as they also reportedly committed dacoities which resulted 'in the loss of life and property' within the internal borders between Punjab, the erstwhile Princely

[59] Singh, *Land Resettlement Manual for Displaced Persons in Punjab and PEPSU*.
[60] Cited in Chester, *Borders and Conflict in South Asia*, 152.
[61] PSA/PGCS/Welfare & General–B/1955/118.
[62] For example, see *The Tribune,* 5 September, 1951; 30 October, 1952; 15 June, 1953; 28 December, 1954.

States, Rajasthan, Delhi and Uttar Pradesh.[63] Although the international border commanded the most concern, the existence of numerous internal borders in the region was believed to similarly facilitate their crime. Until 1956, the former Princely States were administered separately from the state of Punjab under the Patiala and East Punjab States Union (PEPSU). As such, police forces from Punjab and PEPSU regularly met 'to devise measures to ensure better co-ordination of preventative and detective work on the two sides of the border'.[64] The problem, the East Punjab Government reported, was that these criminal elements 'in their actual operations pay little regard to territorial boundaries between the two administrative units.'[65]

The activities of these dacoits were seemingly exemplified in 1953 when the police forces in Nainital, present day Uttarakhand, congratulated themselves for having dispelled the 'panic' caused by an infiltration of Rai Sikhs into the area. In response to the short supply of adequate agricultural labourers in the Terai and Bhabar colonies after 1947, farm owners imported the supposedly 'hardy' Rai Sikhs from the border regions of East Punjab to work on the land. Soon, however, the local police forces reported that the Rai Sikhs were exploiting their links to the border:

> The 'modus operendi' of these criminals was that they would collect information about their 'would-be victims' and call their dare-devils from their original place on the Indo-Pakistan border and with their help would commit dacoities, highway robberies, and other crimes and thereafter sharing the booty here they would go back to their respective homes on the Punjab border.[66]

To contain this perceived threat, police forces from East Punjab were drafted to Nainital to identify their border residents – the 'criminal element' – and send them back to their colonies in Ferozepore. Although the press implicated the Rai Sikhs in the criminal activity as an entire community, it was the individuals who migrated inwards from the border who were especially marked out as being the 'dare-devils' who co-ordinated the attacks. The border residents were attributed with an apparent borderland mentality which determined their criminal behaviour, which the imported Nainital labourers had exploited for their own gain. By penetrating into the inner reaches of India, such criminal constructions suggested, the Ferozepore Rai Sikhs had not only undermined the peace of the Nainital region but had brought a specifically borderland form of crime into the heart of India.

[63] *The Tribune*, 5 September, 1951.
[64] NAI/States(Political)/1949/F.9(45)-P/49.
[65] Ibid.
[66] *The Tribune*, 11 June, 1953.

The Rai Sikh population in the district of Ferozepore alone numbered above 80,000 after Partition. By the early 1950s, however, the community was decisively associated with criminality within the bureaucratic discourse of the state. 'I am […] in no doubt that these Rai Sikhs, especially those who came to Ferozepore after the partition, were notorious for cattle-lifting, burglary, dacoity, illicit distillation and counterfeiting coins,' reported the Inspector General of Police in 1953.[67] Whilst reporting to the East Punjab Government, state officials fabricated how 'almost all' of the Rai Sikhs had been notified under the Criminal Tribes Act prior to 1947.[68] The Inspector General did refer to 11 villages in the Attari district of Montgomery, potentially alluding to the villages over which the Criminal Tribes Department had assumed control in the 1940s. His statement, however, referred to the Rai Sikhs *collectively* – as a homogenous community with shared characteristics, principally an inclination for illicit activities. This drew parallels with the 'rhetorical strategies' employed by colonial officers in the initial notification of communities from the 1870s, whereby scant evidence could be overcome by discursive flourishes and recourse to questionable ethnographic proof.[69] Now, though, these constructions of criminality were rooted in the distinctive setting of Partition. It was not only their prior association with criminality which was remarked upon by state actors, but rather their displacement during the overall chaos in Punjab during 1947-8 which was cited as having encouraged their unlawful behaviour: 'After Partition their criminal activity has increased to a considerable extent. Their confreres in the U.P. Terai districts and in Karnal afford them an opportunity to have safe contacts for disposing stolen cattle and property and for seeking shelter and evading the grasp of the police,' reported Deputy Commissioner Vohra in 1953.[70]

There was little evidence to support such a characterisation, however. Amid the regular correspondence fielded between the Ferozepore officials and the East Punjab Government, there were few references to arrests or the imprisonment of Rai Sikhs. Although the Criminal Tribes Act remained in place until 1952, there is no evidence to suggest that greater numbers of the Rai Sikhs were notified under it. Indeed, Ferozepore's Superintendent of Police was one of the few officers within East Punjab's Police Department who favoured the repeal of the Criminal Tribes Act.[71] Certain individuals may have turned to crime, whether impelled by

[67] PSA/PGCS/Welfare & General–B/1955/118.
[68] Ibid.
[69] Brown, *Penal Power and Colonial Rule*. 127.
[70] PSA/PGCS/Welfare & General–B/1955/118.
[71] *Punjab Legislative Assembly Debates: Official Report, 29 July 1952*, p. 36.

personal gain or the hardships which followed their displacement from the land. But whilst there were individual instances of members of the Rai Sikh community travelling across the border, sometimes for criminal ends, there was little evidence to support such claims for the Rai Sikhs as a collective group. Vohra even once admitted that, 'There is not much tendency amongst them to leave the Border.'[72] The framing of their collective identity in terms of a criminal proclivity rested more upon hearsay and vacuous notions about criminal desire. For instance, Vohra further remarked that, 'The Rai Sikhs seem to have very little moral inhibitions about indulging in crime'.[73] Of course, this characterisation was at least partly rooted in their pre-existing association with the Criminal Tribes Act. Although the administration of the Act was incoherent and locally-contingent, by 1947 it had acquired widespread notoriety. Even many of those who advocated its repeal implicitly accepted the premise that certain communities were predisposed towards crime.[74] In the context of Partition, the fragmentation of state apparatus, and uncertainties over the legitimacy and authority of the state, however, the tag of criminality attained greater significance in the bureaucratic and discursive practices of the state.

Demarcating the Border

The criminal construction of the Rai Sikhs after 1947 had more instrumental ends too, though. Through their actions, local state authorities popularised and wrote into administration the Rai Sikhs' collective identity as criminal, framed primarily in terms of their ability to transgress the space of the border. In the process, these state actors brought the border into effect. Their repeated articulations of the threatened sanctity of the border made an unnatural and artificial boundary appear permanent and real, contravention of which was the preserve of immoral and criminal communities. At the same time, these portrayals were translated into state initiatives which aimed to materially demarcate the border, not merely in dialogue or imagination but physically on the ground. The border thus provided the means through which the uncertainties and flux it had produced could be overcome.

[72] PSA/PGCS/Welfare & General–B/1955/118.
[73] Ibid.
[74] Jawaharlal Nehru, for instance, during a speech in 1936 famously decried the Act: 'No tribe could be classified as criminal as such and the whole principle is out of consonance with all civilised principles of criminal justice'. Yet, in a letter a year later he noted that 'to isolate a group that is backward and perhaps criminally inclined is to confirm it in its backwardness and criminality'. 'Letter to Gopinath Bardoloi, 4 August, 1937', in Gopal, *Selected Works of Jawaharlal Nehru*, 291.

Paradoxically, it was these constructions of criminality in the years after 1947 which made the Rai Sikhs of Ferozepore particularly indispensable to this process. In effect, through their marking out in bureaucratic discourse, the Rai Sikhs came to encompass a distinct and cohesive category, one which was defined simultaneously in terms of – and in necessary co-existence with – *danger to* and *defence of* the border. From the early 1950s, a series of state initiatives sought to physically situate the Rai Sikhs more decidedly in these border zones. A central figure in this process was S. Vohra, the Deputy Commissioner for Ferozepore. Although reports detailing the cross-border movements and criminal intent of the Rai Sikhs had emanated from several sources, Vohra's role in translating these into material practices was decisive. He served as Deputy Commissioner, the executive head of the district, from March 1953 to April 1955 – a period coinciding with the most sustained interest from the East Punjab Government in the Rai Sikhs.[75] Frequently engaging in dialogue with those in the higher rungs of the state, Vohra repeatedly reiterated the criminality of the Rai Sikhs, but now with the intent of more concretely demarcating the border.

Vohra's efforts centred upon the reformable nature of the criminal tribe. Since the early 1900s, the Criminal Tribes Act sought to prevent crime through both punitive (such as registration and surveillance) and reformatory (provision of education, employment, and 'moral' teachings) measures.[76] In a similar vein, Vohra embarked on a scheme of rehabilitation and uplift in the Rai Sikhs' borderland settlements, ostensibly to 'reform' the community from its perceived criminal proclivities. The scheme included the provision of educational facilities, compulsory attendance at school, the introduction of civil and veterinary dispensaries, and the development of infrastructure in the region, particularly the connection of their cut-off colonies with nearby towns. These schemes were undertaken with the aim of more deeply entrenching the Rai Sikhs in close proximity to the Indo-Pakistani border: '[W]e need to take steps to root this tribe more firmly on the border by giving these landless persons a stake in the soil over there,' Vohra argued.[77] His reasoning was calculated and two-fold. First, Vohra argued that the reputation of the Rai Sikhs as a dangerous community would deter incursions by Pakistani officials or citizens across the border. This was a subject of acute importance for those officials stationed along the border, upon whom responsibility for its defence fell. Second, and perhaps more importantly, the rehabilitation of the Rai Sikhs warranted an extension of state

[75] There was a break in his term during December 1954-February 1955.
[76] Radhakrishna, *Dishonoured by History*; Tolen, "Colonizing and Transforming the Criminal Tribesman: The Salvation Army in British India."
[77] PSA/PGCS/Welfare & General–B/1955/118.

development, funds and influence to the furthest reaches of its jurisdiction – in effect, the 'moral reclamation' of the Rai Sikhs legitimatised a greater state presence in the border regions of East Punjab.

In 1953, the East Punjab Government enquired of Vohra the possibilities of permanently settling the Rai Sikhs along the border:

> Have they settled down satisfactorily on the border? Are they or are they not useful on the border as a check against any Pakistani inroads? The incidence of criminal propensity among them now as compared with prepartition times […] How have they behaved on being entrusted with Border Defence weapons, etc? How have they settled down as cultivators? Has there been any tendency among them to go away from the border?[78]

This statement reveals the increased interest of the East Punjab Government in the Rai Sikhs as a potential means of defending the border in the context of increasingly fraught bilateral relations between India and Pakistan. Recent scholarship has demonstrated the often-overlooked spaces of co-operation and compromise between the two nation-states in the years after 1947.[79] Yet, the period was also marked by hostility, antagonism, and armed conflict.[80] As tension escalated in other arenas – such as in Kashmir during late 1947 – the border regions of Punjab became entangled in the dispute as the Indian and Pakistani Governments armed local residents in anticipation of conflict.[81] More locally, the border in divided Punjab represented a space of both co-operation and contestation between the provincial and national governments.[82] On the one hand, the national governments could reach agreements over villages technically awarded to one country but came to be administered by the other owing to geographical concerns.[83] On the other, disputes arose over control of natural resources – notably over the Indus – and the limits of territory and concerns of national security.[84]

These fluctuating concerns of the provincial and national governments contrasted with the long-held priorities of the local state actors. As Daniel Haines has demonstrated with regard to disputes over the canal headworks in the region, local perspectives are vital for

[78] PSA/PGCS/Welfare & General–B/1955/118.
[79] Pallavi Raghavan, 'The Making of the India–Pakistan Dynamic: Nehru, Liaquat, and the No War Pact Correspondence of 1950', *Modern Asian Studies*, 50.5 (2016), 1645–78.
[80] Davis, *The India-Pakistan Military Standoff*; Jalal, *Democracy and Authoritarianism in South Asia*; Paul, *The India-Pakistan Conflict*; Schofield, *Kashmir in Conflict*.
[81] Chester, *Borders and Conflict in South Asia*, 158–60.
[82] Haines, *Rivers Divided*.
[83] *Gudder Singh And Anr. vs The State* (1953) AIR 1954 P.H.37. For more on the award of the Radcliffe Boundary Commission see Chester, *Borders and Conflict in South Asia*.
[84] Haines, *Rivers Divided*.

understanding how borders, and by extension sovereignty, were conceived in post-1947 East and West Punjab.[85] Local officials were frequently the most vociferous advocates for rigidly defending the territoriality and integrity of the border space, whereas provincial and national imperatives were characterised more by fluidity and pragmatism. Through their bureaucratic practices, local state actors 'worked to translate local border spaces into places of national importance'.[86] Similarly, it was Vohra who was most immediately and consistently preoccupied with preserving the integrity of the border, and in the process sought to mark out Ferozepore's border region as one of provincial, or even national, concern.

The criminal constructions of the Rai Sikhs since 1947 were a necessary precursor to Vohra's identification of them as a potential means to bolster its defence. In a seemingly contradictory policy, the very threat which the local state authorities had narrated – that the Rai Sikhs could transgress the border – also determined their perceived utility in defending the border from similar, but Pakistani, incursions.[87] 'I entirely agree with the [Deputy Commissioner] that we could not find any other tribe better qualified than the Rai Sikhs, to protect our border with Pakistan,' reported the Inspector General of Police despite, in a previous sentence, remarking that, 'They have since the partition continued to commit crime especially highway robberies and dacoity.'[88] Their perceived danger was thus translated into a potential means of defence. As such, the Rai Sikhs had been issued with rifles under the Defence Schemes inaugurated to prevent encroachment by Pakistani authorities or persons across the border. As Vohra stated, 'this was necessary from the point of view of border defence'.[89] For local authorities, it was their immediate physicality to the fragile and permeable border in the years after 1947 which had necessitated certain actions to uphold its actuality.

At the same time, by constructing the criminality of the Rai Sikhs in these terms, Vohra justified the extension of state development to its peripheral reaches. 'It is true that they are addicted to illicit distillation and drinking but they also do not get a chance to improve in view of the bad reputation with which they have been saddled and will no doubt respond to extension of development activity in their area,' he wrote.[90] Once Vohra had satisfied the East Punjab

[85] Haines.
[86] Haines, 92.
[87] These state practices were often mirrored by Pakistani state authorities on the other side of the border. As Lucy Chester notes, the Pakistan government formed their own Punjab Border Force in 1948 to patrol and regulate movement across or near the border. Chester, *Borders and Conflict in South Asia*, 164.
[88] PSA/PGCS/Welfare & General–B/1955/118.
[89] Ibid.
[90] Ibid.

Government that the Rai Sikhs 'certainly hold their own in day to day "give and take" across the Border', and would thereby act as a deterrence to Pakistani encroachment, they advised him to make 'special efforts […] for looking after the welfare of these people. More in the way of schools, roads, dispensaries, etc., is needed'.[91] This was couched in terms of rehabilitation, or a reclamation from moral turpitude, although the clearly perceived benefits to the security of the nation were also noted. 'That would, I think, pay the Government good dividends also, because we do need tough people like these fellows to be on the border where they are in that very difficult tract of the country,' noted an adviser to the Chief Minister.[92] The rehabilitation of the Rai Sikhs had been a long-standing local concern. In the months after 1947, the district administration had received 7,000 applications for leases of evacuee land from members of the community.[93] In the early 1950s, the majority of these were unrealised, and the community remained largely landless. Their socio-economic status therefore only became a concern of the East Punjab Government when defence of the border became a priority.

Rehabilitation contained a paradox, however. If the Rai Sikhs were to be adequately reclaimed from their supposed immoral pursuits, would they continue to pose a sufficient threat to potential incursions from across the border? The seeming solution to this problem was that Vohra's proposed welfare schemes would in themselves extend state authority and influence, thereby more clearly delineating sovereignty at the still un-demarcated space of the border. Vohra had reported to the East Punjab Government that, 'The number of Rai Sikhs who are educated is infinitesimal'.[94] His 'long term solution' – seemingly to both their educational status and the defence of the border – was 'to increase the educational facilities by making a special grant for the purpose to open schools in the area and introduce compulsory education.'[95] The Rai Sikhs were still marked out as a distinct community, but now as an object for state welfare and development. This 'backwardness' was, however, linked directly to their 'indulging in crime', particularly cattle theft and the illicit distillation of liquor.

By emphasising the 'backwardness' of the Rai Sikhs, primarily articulated through the lens of criminality, Vohra convinced the provincial government of the need to expand state infrastructure and development. The East Punjab Government agreed with the scheme, but needed to obtain the approval of New Delhi. The Government of India's policy, as noted by

[91] PSA/PGCS/Welfare & General–B/1955/118.
[92] Ibid.
[93] Ibid.
[94] Ibid.
[95] Ibid.

officials in East Punjab, was 'to give emphasis to areas inhabited by backward people'.[96] 'All that needs to be done', one official stated in response to the scheme, was 'to bring to the notice of the various Departments the fact of the backwardness of this tribe and the need for expanding activities in the region inhabited by them.'[97] Constructing the criminality of the Rai Sikhs thus worked to reimagine the overlooked border tracts of Ferozepore into a space of national interest, both in terms of border defence and by delineating the Rai Sikhs as a project of welfare and development.

One initiative which exemplified this developmental project was the metalling of the seven miles of road which connected Mamdot – around which many of the Rai Sikh colonies were located – with the Ferozepore-Fazilka road. East Punjab's Home Secretary claimed the initiative should be undertaken with the primary aim of enabling the Rai Sikhs to sell their produce in more profitable markets, and thus lessen their dependence upon crime. Yet, he simultaneously noted that it would have 'strategic value'.[98] The convergence of national, provincial and local concerns regarding the integrity of the border were evident in the negotiations over which level of the state should bear the cost of the road - the Government of India, the military, the East Punjab Government, or the local district board. They all had competing claims and relationships with the border space, yet these largely coalesced over the settlement and reclamation of the Rai Sikhs. As voiced by Vohra, the project would 'open up this hinterland' – ostensibly for the Rai Sikhs but additionally, and in certain respects more importantly, for the various levels of the state.[99]

Conclusion

The trajectory of the Rai Sikhs in East Punjab after 1947 is revealing of the wider predicament of the so-called criminal tribes after independence in India. Despite the repeal of the Criminal Tribes Act in August 1952, the association of these communities with notions of criminality, however defined, continued to inform the parameters of their relationship to the state. As several scholars have argued, postcolonial legalities need to be interrogated in specific institutional sites to identify those 'elements of the colonial that remain bound or contained'

[96] PSA/PGCS/Welfare & General–B/1955/118.
[97] Ibid.
[98] Ibid.
[99] Ibid.

within them.[100] In some regions, such as Madras and Bombay, the measures of the Criminal Tribes Act were swiftly reconfigured within legislation that targeted individual 'habitual offenders', ostensibly moving to more 'enlightened' and liberal penal procedures.[101] Elsewhere, such as East Punjab and Delhi, the state governments were vociferous opponents to the Act's repeal. The continued use of instruments of surveillance and control – whether implicitly through new legislation and policies or explicitly through retention of the old – against criminal tribes in the years immediately after 1947 reveals the difficulties of disentangling postcolonial legalities from their colonial forebears. Yet, the example of the Rai Sikhs points to a far messier picture than a simple narrative of colonial inheritance allows.

As this article has demonstrated, local state actors in Ferozepore marked out the Rai Sikhs in their bureaucratic practices and dialogue with the government in terms of a *collective* criminality. This was at odds with their status during the colonial period when only a small minority of the community had been incorporated within the purview of the Criminal Tribes Act. In a departure from the existing scholarship on the Act, which is overwhelmingly colonial in focus, this article foregrounds the immediate postcolonial period. It has demonstrated that it was during the months and years *after* 1947, rather than in the preceding decades, that the Rai Sikhs became more conclusively aligned with the category of the criminal tribe in the practices of the state. As illustrated at the beginning of the article, such categorisation remains entrenched in bureaucratic structures and everyday prejudice, even today.[102] The Rai Sikhs, similar to many of the now 'denotified' communities in India, continued to be implicated with the category and are often on the 'watchlist' of the police.[103] By moving beyond the temporal limits of the colonial project and instead interrogating these critical years of decolonisation and state-building, a more complex understanding of the criminal tribe emerges.

The postcolonial criminalisation of the Rai Sikhs was a consequence of local (and at times congruent provincial and national) imperatives to delineate the newly imposed but not yet demarcated border. As illustrated by Ferozepore's Deputy Commissioner, it was the local

[100] Chatterjee, "Introduction: Postcolonial Legalism," 224. Also see Baxi, "Postcolonial Legality: A Postscript from India"; Brown, "Postcolonial Penality: Liberty and Repression in the Shadow of Independence, India C. 1947."

[101] Although aimed towards individual 'habitual offenders' regardless of ethnic or group identity, in practice the legislation has still targeted those communities once classed as criminal tribes.

[102] For numerous instances of stigmatisation, discrimination and violence perpetrated against these communities in India, by both the public and state actors alike, see the work of activist group the Denotified and Nomadic Tribes Rights Action Group.

[103] "Rai Sikhs still Stigmatised: Accuse Police of Bias," *The Tribune*, 15 August, 2000. After the repeal of the Criminal Tribes Act, the communities were reclassified as 'denotified communities' or 'denotified tribes'.

state actors who directed, negotiated or constituted the state on the ground who were vital agents in this process. By constructing the criminality of the Rai Sikhs in relation to the border, local state actors helped to perform it. They ascribed the border with an actuality which was borne out through their everyday actions and dialogue, thereby bringing the border – and the Rai Sikhs' supposed criminality alongside it – into effect. Through the criminalisation of certain forms of cross-border movements – and supposedly cross-border peoples – these state practices produced the border as a natural, tangible, and territorially-defined line on the ground. More than merely performing the border in the state or public imagination, though, these constructions of criminality also justified an extension of state presence to the peripheral reaches of its jurisdiction. In effect, this demarcated state sovereignty and authority in a physical and material sense, in a period when the border space was often characterised by informality and contingency at the local level.

The example of the Rai Sikhs further underlines the necessity for rethinking the ways in which peripheral, marginal or supposedly criminal communities were also integral to the processes of decolonisation, state-building and territorial demarcation in postcolonial India, and beyond. Indeed, the utilisation of the supposed criminality of the Rai Sikhs after 1947 finds parallels across the border. The settlement of Pathans along the border in West Punjab demonstrates that similar processes were underway in Pakistan and suggests the need for comparative cross-border work.[104] Such histories point to the paradoxes and inherent contingency that characterised the early postcolonial state. In particular, the criminalisation of the Rai Sikhs reveals the inheritance of 'colonial' categories of difference that marked out 'dangerous' or 'criminal' communities, but were reimagined within the framework of decidedly postcolonial projects of developmental programmes, the welfare state, and border-making. These projects were, of course, necessarily fragmented and subject to competing and often contradictory imperatives of manifold state actors, working at local, provincial and national levels of the state. Yet, they generated a bureaucratic discourse and set of practices centred on a constructed criminality of the Rai Sikhs which have had enduring ramifications for both the communities themselves and the nature of the state.

[104] Chester, *Borders and Conflict in South Asia*, 158.

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