CHAPTER-III

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3.1. MEANING AND CONCEPT OF CRIME:

The primitive human groups lived as hunters and food gatherers. They occupied forests, hilly lands and the coastal line. The steppe lands and grasslands gave hospitable shelter to nomads, cattle breeders, and wandering traders. Now every country in the World advanced as well as developing has to face the growing problem of crime and delinquency. No society or community is free from this growing social problem. It varies in growth rate, degree and the pattern of committing crime. The incidence of crime of self has a strong spatial component. Identifying the geographical component in crime is a necessary pre-requisite to make judgment as to how far the social state of the city departs from the just ideal. As the city developed, typical patterns of differentiation become apparent. Different areas become associated with particular types of population and certain systematic relationship between geographical space and social space appear. Throughout the centuries many criminologists, sociologists, anthropologists, psychologists and social scientists have debated much over the meaning and concept of crime.

Etymologically, the word crime is borrowed from the Latin “Crimen” which means, “charge” or “offence”. The Oxford English
Dictionary (1970: 1172) defines crime “as an act punishable by law, as being forbidden by state or injurious to the public welfare”. While discussing about crime and punishment among the Hindus, the “Encyclopedia of Religion and Ethics (1935: 283) mentions that “most of the terms designating "Crimes" or "offence" in Sanskrit are essentially religious in their nature and not strict line between sins and punishable offences has ever been drawn. In support of this regional factor the Encyclopedia Britannica, (1969: 754) explains “conceptions of crime vary so widely from culture to culture and change with time to such an extent that it is extremely difficult to name any specific act universally regarded as criminal”. Further Robert Gwinn (1988: 786) in the Micopaedia of the New Encyclopedia Britannica explains that “within a broad spectrum of cultural and historical variation, crime constitutes the intentional commission of an act usually deemed socially harmful or dangerous and specially defined, prohibited and punishable under the criminal law”. While discussing crime, Chile-Czech, (1986: 769) in his “OMPIONS” encyclopedia and fact index” defines that “crime will be viewed in its technical definition as an illegal act. In different times, and places what has been considered a crime has varied widely”, crime according to clearance Darrow quoted by Venugopal Rao (1967: 10) is an
act forbidden by the law of the land one which is considered sufficiently serious to warrant providing penalties for its commission”.

Further, while discussing the sociological meaning of crime, Reckless (1940: 9, 10) defines that “Crime is fundamentally a violation of conduct norms which contain sanctions, no matter whether found in the criminal law of a modern state or merely in the working rules of special social groups”. According to R.K.Choudhuri, quoted by Sukladas (1977: 13). “Crime has its origin in the conflict of the self seeking habits of the individual with the common customs of any social groups that ensure its survival in the struggle for existence”. While observing the economic and social aspects of crime in India, Hakerwal (1934: 98) quoted by Nataraja, (Unpublished thesis) says, “crime are delinquency implies such behaviour of the individual which interferes with the order of human relationship, which society regards as a primary condition for its existence. Thus crime is due to mal-adjustment between the individual and group which creates a critical social situation”. Sethna (1980: 106) in his book “Society and the Criminal”, discussing about the definitions of the term “Crime” quotes Westermarck as saying that customs and laws are based on moral ideas, and that “crimes” are such modes of behaviour as are regarded by society as “crimes”. Definitions of crime according to Damayantidogaji (1986: 1). The word “Crime” has been differently
defined. In general, it can be said to mean the violation of a right when considered in reference to the evil tendency of such violation, as regards the community at large and in this sense, therefore includes every act, which infringes upon the rights and privileges of the society. The word "crime" is considered as synonymous with "offence". Crime is whatever conduct the laws of a particular jurisdiction designate as criminal and therefore many differences from one country to another as to what behaviour is prohibited.

From the above discussion it is clear that crime is a forbidden act, which is punishable by law. Crime is linked with social or societal norms and crime as a sociological phenomenon charged through the ages and will continue in the course of time.

3.2. STUDIES PERTAINING TO EX-CRIMINAL TRIBES:

India's basic problem is considered by many to be one of over population. Then crime has become a growing business and it is fed by the revenues from anti-social and illegal means. But certain tribes who have this kind of livelihood and who accept such activities as their way of life were called as criminal tribes. For non-criminal tribes, criminal activities are not an approved means of livelihood. This problem was therefore concerned not only to individuals but also to societies. The tribes in India known as criminal tribes, regarded crime as their heredity
calling and had developed an elaborate code of discipline and formalities. For this, they adopted crime as their trade and engaged in anti-social activities as if they were traditionally observing the crime by their faith. They led a nomadic life and wandered from place in search of opportunities for theft and robbery. Certain tribes engaged in criminal acts such as dacoity robbery etc., were called criminal tribes.

**Note:**

The Criminal Tribe Act, 1911 (111 of 1911), passed by the Governor General in Council of India (1924:1). Criminal Tribes “means a tribe, gang or class of persons declared to be a criminal tribe by a notification under Section 3, which says that, if the Local Government has reason to believe that any tribe, gang or class of persons is addicted to the systematic commission of non-bailable offence, it may, by notification in the local official Gazette, declare that such tribe, gang or class is a criminal tribe for the purpose of this Act.

Mehta 1955: 11 has mentioned that “the largest number of criminal groups lived in Uttar Pradesh, Madhya Pradesh, (Hatat) Hyderabad, Rajasthan and Punjab. The gutakajats of the Punjab, the Muslim Multanis of Udaipur and the nomadic banjaras (who) were once upon a time enterprising traders, pioneers and pathfinders in this country”. The Government of India under British rule passed an enactment in 1871
according to which the tribes committing criminal activities were categorized as criminal tribes and organized tribal criminality as a fact was recognized. Whoever belonged to such tribes were recognized as criminal. This act was in force until 1952. (Simhadri, 1979:2:3). Further he says that, “on the recommendation of the Indian Jail inquiry committee (1919-20). The Criminal Tribes Act was again amended in 1923 and it was applied the transition period. They took to robbery and dacoity and so branded as criminal tribe. A careful watch was kept over their activities and it was only five years after India attained independent that the Government came to regard them as hard workers and declared them as a de-notified tribe. The lambanis who were in the Andhra region of Madras state were included in the scheduled tribes”. Further M.A.Shering (1974:114) explains, “These tribes are scattered all over the Deccan and are found in various part of the Central provinces”.

Sethna (1980: 86) has discussed as under about criminal tribes in the population of India in his book "Society and the Criminal": “the criminal tribes and their own rules and customs. They were in conflict with the law of the state and with the police”. Haikerwal called their condition as a “State of war more than a state of Crime”. They were courageous as well as cunning. The population of the criminal tribes was estimated to be some four million, spread all over India.
Kennedy (1985:5) states: “In the carnatic, Lambanis slang for a house-breaking instrument is “Soola”, for decoity “dharadmar”, and for highly robbery “vatmar”.

Further Clarence H. Patrick (1968:250) has mentioned that, the first Indian Criminal Tribes Act was passed in 1871. The Act was designed to apply only to tribes who at least clearing some part of the year, had established places of residence. It was recognized that it would be difficult to deal with perpetually wandering tribes. It was also thought that to prevent them from earning their living as grain dealers, basket makers and sellers, acrobats, mendicants” etc.

Havanur Report (1975: 232), states as under about Lambanis: “Banjaras or Lambanis have their own culture and language with no script. They live in jungles and barren hills. Their mode of living style of dress and culture are distinct. In old Mysore area they have been specified as a caste under Article 341 of the constitution. In the Bombay and Hyderabad, Karnataka areas, they have been treated as ex-criminal tribes. They are inarticulate”.
3.3. TYPES OF CRIME AND WAY OF COMMITTING THEM:

The incidence of crime is subjected to extreme aerial variation as crime itself has a strong spatial component. As the city develops typical pattern of differentiation become apparent. Different areas become associated with particular types of population and certain systematic relationship between geographical space and social space appear. Though the criminal is not born “criminal”, yet there are several deformities or enormities right from birth, which, if not eradicated by treatment, may lead to crime. Though persons are not born as criminals, yet born with defects of the body and or mind. These are potentially criminals. Simhadri (1979:109) narrating the types of crimes and the way of committing them says, Yerukulas” commit thefts usually in three different timings i.e.,

1. After sunset but before 10 p.m.

2. Between 12.00 mid night and 4.00 a.m.; and

3. Between 4.00 a.m. and 6.00 a.m. They are experts in gang robbery, pocket picking and sheep or goat lifting. From this statement, it is clear that there are different types of crimes and different ways of committing them in different times and specializations well-known habits of criminal activities.
While discussing about the criminal behaviour reckless (1971:41) states, “finally criminal and delinquent behaviour is seldom a way of life. The most obvious examples of criminal behaviour as a way of life would be of course actions of the criminal tribes of India”. From the above statement of reckless, it is clear that crime is an inseparable act among the members of the criminal tribe. Further Kapadia (1952:111:112) has written on the criminal tribes of India and furnishes detailed information about the nature and modus operandi of the criminality among various criminal tribes of India. He explains, the Bhamptas are railway thieves par excellence”. The Sansis in the Punjab, Uttar Pradesh and Rajasthan are more prone to decoity and are distinguished by the special feature of pelting stones. Kallan considers robbery as a duty and right sanctioned by descent. The janda are swindlers who pretend to turn metals into gold. The Gopalas engage themselves only in cattle lifting. The “mang garudis” are cattle poisoners and cattle, goat and sheep lifters. The Kolis commonly steal only bullocks and buffaloes. The Chapperbands are known for pilfering, petty larceny and counter feting coins. Lambanis kidnap women and children. The Kakadis commit robbery and decoity and disguise themselves as “Jangamas” (Lingayat priest), fortune tellers, Medicine men or shepherds to pick up information. The Chandrawedis often disguise himself as a woman and travels in the third class women’s
carriage and carry on his trade”. Sethna. (1980:86:88) has made a special reference to criminal habits among a few criminal tribes. He states, “The Chain-mallahs’ are clever pick pockets and lifters. The ‘Berads’ of Bombay were noted for highway robbery: “Bhars” and “Sasis” belonged to united provinces, commit burglaries and decoits and sometimes commit murders if interfered with by their victims. The Bhills mainly subsisted on theft of crops”.

Ramanujam, (1975:476:514) suggested the prevention and detection of crime, gave certain clues to curb the criminality among the criminal gangs (ex-notified tribes). He says, “The Barwars are expert thieves and dacoits and operate at fairs, pilgrimage centers around festivals, but never resort to violence. The Doms in general and Mageliya Doma in specific their favourable forms of crime were burglary, highway robbery and dacoits. The kempmains or Thogamalai Karwars of South India were specialized in each theft from post office, Banks, Treasuries and business countries. The scorpions’, the very sign of scorpions were used for secret correspondence and mutual identification while operating in criminal acts like blackmail, car and motor and even gun-running”.

Fuchs, (1973:124:131) also mentions about, “The so called criminal castes through pindors of British administered provinces in India”. Further he says that Sansis claim Rajput rejoin and were
successful field robbers and thieves. Chapparbands of Bijapur District (Karnataka) were known as fake coiners”. According to Enthoven, (1922:342) “Through general peaceful and well-behaved, the wandering banjaras are under police surveillance, and in the Kanarese districts, are often accused of stealing cattle, kidnapping women and children and some are professional robbers”. According to Kamala Manohar Rao (1920:21) to south, they kidnapped some Hindu girls and boys in their infancy from the village and kept and reared them in their “Tandas” for their menial work, such as cattle grazing, cattle shed cleaning and other household duties.

Ramanujam (1975:473), has mentioned that “the Lambanis were committing crimes like “Dacoits and robbers, both in houses and on highways, and their favorites form of crime was cattle lifting and the realization of “panha” (Thuppucooly) for their restoration: Sheep stealing both stealing and by open attacks on sheep heards. Kidnapping of children, ransacking grain stores, smuggling opium and illicit distillation are other offences to which they are addicted”. Further he says, “Methods employed in committing crime and distinguishing characteristics are likely to afford a clue-leaving their “Tandas” in charge of the woman. Sheep and cattle are either removed from sheds and pens or driven away from flocks or herds in the open and they are sometimes
mixed up with the Banjar's own animals. Their horns are trimmed, the shape of the ears altered and brands put on so as to change the appearance of stolen animals. Sometimes, a dozen or more cattle disappear from one village and as well as are driven of singly by different from one village and as all are driven of singly by different hours to an appointed meeting place ten miles or more away. It is not easy matter to trace such thefts. An expert banjara cattle lifter also surreptitiously drive off cattle from the grazing grounds in broad day light while the herdsman is having his food or mid day nap."

Sethna (1960: 89) has mentioned about the Lambanis crime as under: "As their hereditary profession got destroyed by the development of railway transport, they took to crime, viz., highway robbery, deoity, cattle thieving. In the Karnataka, they resorted to illicit distillation of liquor". Nanjundayya and Iyer (1928: 192: 193) in their book "Mysore Tribes and Castes", have explained that "the lambanis are, however, still regarded as a criminal tribe and placed under police surveillance.

Highway robbery, cattle lifting, the theft for gain or other property, are the most common offences, and whenever the necessity arises, they do not hesitates to use violence. Even women are being known to take part in such encounters. In addition to this criminality, the women folk and children also contribute. Here a brief picture is given about the
involvement of women in committing criminal activities. Kapadi’s observation supports the view of involvement by women fold of the criminal tribes. He says, “the women of baddars in Bombay are often prostitutes to go as mistress and remain long in order to pave the way for burglary. The harinis often go as mistress and marry well to do Muslims and others and after a while disappear with wealth of the houses. The women of Mangarudis are more criminal than men and commit theft, pilfer clothes from the washing line, pickpocket and help their mates in committing theft and robbery. To frustrate the police, manggarudi women have been known to strip off their clothes and stand naked before them or to seize a child by its legs and threaten to dash its brains out on the ground. The Waghari women are persistent beggars and cleverly steal ornaments worn by children”. (Kapadia, 1952:155:161).

Ramanujam (1975:468) opines that all criminal tribes and the criminal habits were always carried on with the assistance of their women folk. To support this, Simhadri (1979:176) observes about Yerukulas, as follows: “The Women folk were famous as south sayers or future tellers. But their main job was to assist the male folk working as intelligence agents”. This clearly indicates the nature and extent of crime by woman of criminal tribes in the cause and promoting the criminal cult.
According to Thustom and Rangachari (1909:232), "The methods of the Criminal Lambanis are dealt with at length by Mr. Millaly and it must suffice for the present purpose to note that they commit decoits and have their receivers of stolen property and that the Naik or the headman of the gang takes an active share in the commission of crime". Kennedy (1985:2) has mentioned the criminal activities among Lambanis as "their criminal activities, as a rule, confined to a radius of thirty to sixty miles from their "Tandas", but for cattle lifting, journeys to more distant places are undertaken.

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Chitradurga District Lambanis were involved in pick pocketing, stealing, committing robbery and dacoity but now a days they are not at all involved in committing crimes except the preparation of country
liquor in all the Tandas. The persons involved are most illiterate and having no means of earning and old aged people of lambanis. More educated persons have left their Tandas and settled in city life with their jobs or political profession or business field.

No crimes are committed by Lambanis of Chitradurga now a days. Only preparation of country liquor is going on in very few Tandas and not in all the Tandas. Raids by the Police, Excise and Revenues are continuously made. Many Lambani males and females are beaten by these and sent to Jail for some time whenever the deaths occur due to consuming of country liquor.

3.5. CRIME RECORDS OF LAMBANIS IN POLICE STATIONS OF CHITRADURGA DISTRICT.

A study and survey of records at police stations of four talukas of Chitradurga District was conducted. In the recorded crime the criminals (the accused) were recorded community wise. A study of the recorded crime by the lambani community was pursued to note.

i) The number of crime

ii) The causes of crimes and

iii) The nature of crimes
I. At Thallak a Rural Police Station records from 1985-89 showed 56 crimes recorded of these two murders were recorded one was recorded by a lambani 25 cases of theft in the daylight were recorded of those 30 other cases were recorded only two were recorded by lambanis. The study shows that the lambanis are used to such crime.

II. Among 102 cases recorded in Chitradurga Rural Police Station 8 cases of murder and 2 cases of robbery were found, but lambanis were not involved in these crime as recorded here. 2 cases of daylight robbery and 62 cases of theft at night were recorded. Lambanis were not involved in these two. Theft at night were found to be more. 5 cycle lifting cases one pick-pocketing cases were recorded. Here too lambanis were not involved. Of 15 cases of theft recorded one was of a lambani. Of 3 cases of cattle lifting and 1 case of cheating, one case of others lambanis were not involved in these.

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