Chapter-III

CRIMINAL TRIBE ACTS AND SETTLEMENTS

Crime may be defined as act of punishment by law prevalence of wicked or forbidden Act according to Oxford Dictionary. Crime, according to Clearence Darrow, is an “act forbidden by the law of the land and one which is considered sufficiently serious to warrant providing penalties for its commission.”\(^1\) Parmalee describes crime is an “act forbidden and punished by law, which is almost always immoral according to the prevailing ethical standards, which is always usually harmful to society, which it is normally feasible to repress by penal measures and whose repression is necessary or supposed to be necessary”.\(^2\)

According to law, crime may be defined as the commission or omission of an act which the law forbide or commands under the pain of a punishment to be imposed by the state by a proceeding in its own name”\(^3\) Perkins ha defined crime as any social harm defined and made punishable by law.\(^4\) Generally, law may be defined as a principle established and enforced by the State. If there were no criminal laws, there would be no crime. Whenever a criminal law is passed and enforced, acts that were not crimes previously then become crimes. In this sense, crime is a violation of law.\(^5\)

The problem of crime is a major issue faced by mankind, though it varies its forms from place to place and period to period according to the value system of people.

Crimes in the streets, in towns, on rivers or on trains have become a common topic for discussion. It is as old as human-failing, as the birth of mankind itself. In India or elsewhere in the world, the mass media are filled daily with lurid descriptions of genocide, sensational robberies, gangsterism, police-politician collusion in matters associated with corruption, unthinkable – embezzelements of public funds y respected financial officers etc. Y.C. Simhadri stated: “In any society, the social structure is usually responsible for the conforming and non-conforming behaviour of people”.6

The phenomenon of crime has been present in all ages in all societies in various degrees. Crime is an act in violation of the law and the criminal perpetuates it. Crime has always been an integral part of human civilisation. Thus, one may say that a criminal is one who has committed a crime and is found guilty by a court of law. In order to consider a person a criminal in India, he must violate the Indian Penal Code or the law passed by the Central or State Governments.

Here one may ask the question as to why crime is committed. A person commits crime because, as some believe, he is prompted and instigated by evil. Beccaria and Bentham enunciated the theory that a criminal is an ordinary member of society who yields to temptation.7 The school of Lombroso came forward with the new maxim that the criminal, especially the habitual criminal, differed widely from the normal man. He based his theory on physical stigmata.8 Another school argued that criminals are made but not born. Bad homes, undesirable environment, poverty, alcoholism etc., are

essential factors behind crime. It means, in other words, society is responsible for producing the criminal.\textsuperscript{9}

Another school of criminologists advocates that the force of circumstances plays a greater part in the making of the criminal. According to Mercier, crime is due to two factors in each individual – the environmental factor or stress acting upon the predisposition of the offender, which represents the inherent or constitutional factor. In India, insanity, mental deficiency an mental instability have been recognised as factors in criminality.\textsuperscript{10} Lombroso studied the anatomical features of criminals. His student Enrico Ferri examined the social factors which contribute to crime. His contention is that crime is “the synthetic product of three major types of factors, namely physical or geographic, anthropological and psychological and social.”\textsuperscript{11}

Rafael Garafalo laid greater emphasis on the psychological aspects of criminals rather than on the physical and stressed the importance of heredity in this respect.\textsuperscript{12} The studies of these eminent criminologists of the Italian school included such widely divergent factors as heredity and environment of the criminal, ecological influences, economic and political conditions and psychological traits. Religion, social customs, superstition, caste and communal hatred, sectional vendetta, alcoholism and drug addiction are other factors which have appreciable influence on the incidence of crime in India.\textsuperscript{13}

\textsuperscript{8} Ibid., p.19.
\textsuperscript{9} Ibid.
\textsuperscript{10} Ibid., pp. 19-20.
\textsuperscript{12} Ibid.
\textsuperscript{13} Ibid., p.13.
It is a popular misconception that adverse economic conditions have a direct bearing on the incidence of crime. Although many offences like robbery and theft which form the bulk of acquisitive crime may be traced to economic causes to the extent that the criminals are poor or unemployed. However it is not true that they are really driven to crime by extreme necessity or hunger. Sutherland says: “The studies of economic factors in crime do no demonstrate that economic needs, measured in psychological terms and abstracted from social definitions play a significant part in the causation of crime.”

He further said that hunger and poverty do not normally drive a man to crime, it is his emotional instability which prepares him to accept crime as justifiable for personal assertion and achievement. This economic insecurity and the lack of basic needs in life give scope for anti-social behaviour.

In attempting to determine the relationship between crime and economic factors, justice P.N. Ramaswami asserted that criminality is strongly influenced by economic situation, the favourable factors for increase in crime being feeble monsoons, bad harvests and rising prices. B.S. Haikerwal supported this argument.

The positive theorists like Lombroso, Ferry, and Garofollo attributed criminality to inheritance. It has been proved beyond doubt that criminality is not inborn but affected by environmental conditions. Another sociologist by name Trade came to the conclusion that criminality was not inborn, but social in nature. Speaking generally, he concluded that the head of a rogue resembles the head of an honest man. Trade examined the

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14 Ibid., p.34.
prevailing theories of crime, causation and rejected the biological and physical ones as inadequate. Crime, he concluded, has predominantly social origins. He states that: “biological and physical factors might play a part in creating a criminal, but he showed that the influence of the social environment was most significant in molding criminal behaviour.”\(^{17}\)

One of the more famous formulations of the idea of economic determinism may be found in the words of Karl Marx. He states, “The mode of production in material life determines the general character of the social and spiritual process of life. It is not the consciousness of men that determines their existence, but on the contrary their social existence determines their consciousness.”\(^{18}\)

His main thesis was that the capitalist class exploits the poor which leads to poverty. As a result, the poor class commits crimes. The poor class commits crimes due to financial stress and strains. Bonger, the Dutch criminologist, basing his theory on the writings of Karl Marx, attributed crime to the weakness of capitalism. In his doctoral thesis, he showed that economic conditions are of utmost importance in criminality as a mass phenomenon.\(^{19}\) According to his school of thought, the exploitation of the labouring class leads to poverty and misery of the masses and these conditions in turn cause crime. The merits of Bonger’s theory are that he recognised poverty and social environment as contributory factors for the criminality among the poor. It was around 1940, a basic American sociological theory of criminal behaviour was proposed. This was done by Sutherland and it was called differential association. He emphasised that crime was a

social phenomenon. He said that criminality was not a biological, psychological or climatic phenomenon but it is an excess of contacts with delinquency which causes criminality.

**The Criminal Tribes and Castes**

The criminal tribes are those sections of the people traditionally following criminal activities such as stealing, robbery, decoity and other such criminal acts in order to obtain a livelihood. However, after the criminal tribes act was repealed in the year 1952, these criminal tribes are termed as denotified communities. They are also known as ex-criminal tribes.

Risely defined a tribe as “a collection of families or group of families bearing a common name which, as a rule, does not denote any specific occupation, generally claiming common descent from a mythical or historical ancestor.” Following Risely’s definition Y.C. Simhadri defined a criminal tribe as: “Such tribal groups of people in India who have traditionally committed criminal activities for their livelihood and who accept such activities as their way of life.”

The tribes in India are of two kinds: 1) Criminal tribes and 2) Non-criminal tribes. The criminal tribes are those groups of families who traditionally follow criminal activities as their own profession. The criminal tribes were treated as ‘born criminals’ and were subjected to vigilant watch by government officials beginning in 1871, the year when the first criminal tribes act was enacted. Their freedom of movement was restricted until the criminal tribes act was repealed in 1952. The non-criminal tribes are those

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groups of families bearing a common name, generally claiming common descent from a mythical or historical ancestor. The non-criminal tribes do not accept criminal means of livelihood as their profession.

Gillin classified these criminal tribes into two groups – those that wander about like Gypsis and those settled in villages. There are many criminal and wandering tribes in India who from times immemorial, have earned their livelihood by practicing nefarious acts. These people are known as criminal tribes because the men an women born within it take to crime generally.

Several theories have been advanced regarding the origin of the criminal tribes. According to one view, they have descended from the Gypsis. Gypsy tribes are found all over the world and it is believed that they all have emanated from a common origin. But there is little evidence to show that these criminal tribes belong to the same stock as the gypsies in the present day Europe or other parts of the world. it is held by some that the criminal tribes owe their origin to the aborigines of the old, who had been displaced from time to time by the incursions of the inhabitants of central Asia.

The early history of the criminal tribes is not known. However, we have the views of Risely, Soobert, Ghurye and others who believe that the tribes were the original inhabitants of the country. Verrier Elwin called the Balgas, one of the criminal tribes, the original owners of the region in which they lived. Sher Singh noted that the

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24 Risey, Sir Herbert, *op. cit*.
criminal tribes were first dealt with by a regulation in 1773 and later on in the year 1871. Certain tribes were dubbed as criminals.\textsuperscript{28}

These tribes lead a vagrant life in jungles, hills and deserts with no fixed abodes. They wander about with their bag and baggage and pitch their tents on the out-skirts of a village or a city or in some secluded and out-of-the-way place. In early times, their life was easier, but gradually with the advance of civilisation in this country, the struggle for existence became more and more acute for these nomadic people and they had to face increased hardships in their criminal career.

The gangs of thugs used to travel by roads in the disguise of merchants and ordinary travellers and used to strangle, plunder and kill innocent travellers on finding opportunities to commit these nefarious acts. The operations went on up to 1853 when Thugee was eradicated.\textsuperscript{29} Then emerged Pindaries who proved a great menace to the country. The earliest mention of the Pindaries occurs in 1689.\textsuperscript{30} By 1860, the suppression of these pirates was completed and there was peace in the country. After complete suppression of the Thugs and Pindaries the English paid their attention to the nomadic and Gypsy tribes roaming in India.

It is difficult to enumerate all the tribes declared as criminals, but the report of the All-India enquiry committee enumerated 136 of them besides the various mixed groups.

\textsuperscript{28} Sher Singh Sher. \textit{The Sansis of Punjab}, Munshiram Manoharlal New Delhi, 1965, p.244.
\textsuperscript{29} Venugopala Rao, S. \textit{op. cit.}, p. 143.
\textsuperscript{30} Sleeman, W.H. The hero of the department wrote, “The system is destroyed, the profession is ruined, the guild is scattered never again to be associated into a great corporate body. The craft and the mystery of the Thugee will no longer be handed down from father to son”. \textit{Ibid.}, p.149.
declared as such.\textsuperscript{31} The total population of these criminal tribes was estimated in
different states totalling four million.\textsuperscript{32} In 1981 census, it is estimated that the tribal
population crosses the margin of 50 million against the total population of 659 million.\textsuperscript{33}

A report prepared by the Tribal Cultural Research and Training Institute, Tribal
Welfare Department, Hyderabad, Andhra Pradesh cited 59 sects of denotified tribes of
Andhra Pradesh. These tribes are as follows: Telga Pamulas, Dandasis, Konda Doras,
Rellis Paidis, Kintili, Kalinga, Nakkalas, Piriki Mukkalas, Donga Yathas, Vedurupaka
Malas, Boyas, Netti Kothalas, Reddikas, Yanadis, Dommaras, Yerukalas, Anipi Malas,
Vaddi Upparas, Budubukkalas, Lambadis, Vaddaras, Kemparis, Pamula Budabukkala,
Reddi Yandi, Jarugumalli Madiga, Donga Dasari, Mondi Banda, Donga Yanadi, Donga
Yerukala, Donga Waddaras, Donga Dommarap, Jogula, Nawabpet Korcha, Annaboina
Mala, Mutharachas, Pichiguntala, Sugali, Korcha, Donga Mala, Amagunta Palegars,
Parya, Thota Naicks, Bhattu, Turaka, Pedda Boya, Dabbala Korchas, Donga Korcha,
Dasari, Sakala, Peddigolla, Mondi Vagula, Nir Shikari, Donga Ura Korcha, Iranis,
Kayyar Bhatta, Jatur Mixed gang Donga Boys.\textsuperscript{34}

The criminal tribes were shown as a separate category for the first time in the
1911 census. Most of these tribes followed Hindu beliefs and customs. This probably
led Ghurye to think that they were Hindus. He called them “Backward Hindus”.\textsuperscript{35} Some
were Muslims and some belonged to the Scheduled Castes. A few claimed descent from

\textsuperscript{31} Mamoria, C.B. \textit{Social Problems and Social Disorganisation}, Kitab Mahal, India, Allahabad, 1960,
p.232.
\textsuperscript{32} According to Third Year Plan, The Total number was four million. Mamoria, C.B. \textit{Tribal Demography
in India}, Kitab Mahal, Bombay, 1957, p.29.
\textsuperscript{33} \textit{Census of India}, Special Tables for ST’s Series 2, 1981.
\textsuperscript{34} Cited from the files, superintendent of Police, Crime Branch, Hyderabad, vide No.1185/CIB/58, dated
higher castes. Whatsoever their claim, from whomsoever they descended, their social status was low.

The government proceeded with these criminal tribes on three basic assumptions. First, all persons born in a particular group or caste would become criminals from the birth, because they take up their father’s profession. Secondly, when once they learn such law-violating behaviour, they will always continue to be criminals, because they believed it to be a profession: and thirdly, because of continuous criminal practices they become hardened criminals. The Act provided for registering all the members of the tribe declared as criminal tribe. It also required that such registered members were to report themselves to the police authority at fixed intervals and notify them of his place or residence and any change of residence. These three assumptions led to the idea that the so-called criminal tribes were dangerous elements in the society. As K.M. Kapadia stated, “As time passes the members of these tribes will more and more realise the injustice done to them and this position may turn them into permanent enemies of the society as well as government”.

These people were found by their own morals. They were physically strong and mentally sound. They had their own code of conduct and secret dialect to communicate with each other in the performance of their task.

Several scholars argued out the main causes of criminality among these criminal tribes in different ways. Venu Gopala Rao attributed much to the environmental factors. Kapadia attributed much to the economic factors. Anthropologists like Biswas,

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criminologists like Gillin, historians such as Bruce and others attributed tribal criminality to poor economic conditions. Biswas studied criminal colonies in Delhi state and came to the conclusion that their expenditure was more than their income. Hence they were forced to commit crime in order to compensate their deficit budgets. A.O. Hume in 1885 regarded the criminality among these tribes as ‘the direct consequence of absolute hardship and the intolerant and often brutal attitude of the police. He says: “Almost savages and utterly reckless of life they are perpetually goaded into crimes, they are forbidden to rest even for a single day, no matter where. The moment the police hear of their arrival, they proceed to drive them away hounding them from village to village with hard words and harder blows from their own neighbouring thana.”

Gillin described their deplorable living conditions as being the causes for criminal behaviour. In his words: “It is easy to see that the bulk of the population lives on the verge of starvation most of the time. Let a famine come along and millions die unless they are assisted by government or relief organisations. Under such conditions, there is small wonder if whole families and tribes have restored to criminal methods to get a living.”

Gillin further says that, “When the first batches were brought into the settlements, most of the men were clad in rags. The women had hardly enough clothing to cover their shame and the children up to 12 years of the age or so were stark naked.”

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Albert Cohen adds a new dimension. According to him: “There is so much status frustration among the lower classes because of their inability to achieve middle class goals. Their reaction to middle class values gave an opportunity to form culture of their own.”

The Government used to deal with the individuals caught in crime individually or collectively first under the Regulation XXVI of 1793, then under the Act of XXX of 1836 and later under the Indian Penal Code of 1860. Thus legally until the year 1871 no tribe as a whole was dubbed as criminal tribe. When the control of the traditional criminal behaviour on the part of certain tribes became a problem for the British Government, they felt it necessary for preventive and deterrent purposes to treat the entire tribal group legally as a criminal tribe. In this way, all the members could be kept under continuous watch and vigilance.

**British Injustice to tribal Communities**

It is not out of place to mention this fact that the greatest most pernicious damage done' to the Tribals, particularly the smaller groups, was the labelling of “criminality” by the British rulers. Though, criminality is not hereditary, the alien masters branded every child of these communities as it came into the world a criminal by making him a social outcast. Its prevalence in society was subtly but irretrievably perpetuated by giving criminality a vocational and professional status by registering some entire Tribal community as criminal under a legal Act. The crime in such a regime becomes more heinous than the criminal act of an individual. When a whole community is looked upon

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as criminal from the early days, the young learn the ways of their elders. This has led us to distinguish between a Criminal Tribe and Tribals, because generally People believe that tribal Communities and the Criminal, Tribes are one and the same thing, though the tribals do not belong to Criminal Tribes.\textsuperscript{41}

**Difference between Criminal Tribes and the Tribal Communities**

And also there is a common belief that there are certain Criminal Tribes or races which breed Criminals and it is also believed sometimes that one race is more predisposed to crime than another. The Criminal Tribes are many, to name some, these are Kanjars, Sansis, Bawaryas, Pardhans, Thugs, Bhats etc. Out of sheer ignorance these Criminal Tribes or races are often confused with the aboriginal Tribes which are quite different from the Criminal Tribes. In fact, most of the Criminal Tribes are not really aboriginals, but offshoots of lower Hindu castes who, in great majority cases, have succeeded in settling down to a peaceful and law abiding life.

Not to speak of aboriginals as Criminal Tribes\textsuperscript{42} refutes this belief even about Tribes, or races, like Criminal Tribes, or races which breed Criminals and that one race is more pre-disposed to crime than another, by strongly arguing:

“To speak of criminal races (in which all the individuals would be criminal) is pure nonsense: No person comes into the world as a criminal if one omits consideration of pathological cases insania moralis. There are differences, though probably exaggerated,

between the races, particularly in the psychological sphere. How far are these differences relevant in the study of Crime?” He further continues;

“First of all, the most flagrant contradiction is sometimes witnessed between Criminological facts and what is psychologically known. The nomadic race is pictured for example, as being violent in its inherent nature, but its aggressive Criminality with exception small. On the other hand, there is for instance, not the honesty. As an example, and a striking one, we choose the aggressive Criminality of the Mediterraneans”. “This is great, and their temperament is quick and violent. Naturally this is only true in general the breadth of variation within one race, is ordinarily great so that one sections of a naturally non-violent race. Over laping curves. Here as I see it, one can speak, of a certain predisposition, just as this is the case within one race where the individual’s likewise differ in temperament.”

There is no question of special pre-disposition for Crime. A lively, violent disposition also predisposes, to other deeds least of all to other, crime. The phlegmatic type (to name the opposite temperament) are worthy, dutiful, burghers, in general, but the pioneers of mankind mostly do not belong this type. In other words, it becomes a question of the of circumstances under which a man has lived from birth, and under which he still lives. A choleric temperament is dangerous under quite other conditions. In this connection, it is important to remark that female criminality is generally slight in lands, where aggressive Crime is frequent, although the women belong to the same race as the men.” Quoted from Maria, Murders and Suicide.

By Dr. Elwin.

43 Ibid.
On the basis of these observations, it is evident that Tribals are neither born Criminals, nor do they belong to any other Criminal race or tribe, nor are they pre disposed off to any Criminal culture, Like other Criminal the tribal offenders, too, are the product of the adverse Circumstances, pervert and provoking situations. If at all, if they were born, criminals, they not born of the wombs of their mothers, but they might originate from the womb of the Mother society in union with its environment.

Further, those who consider aboriginies of Tribal Communities to be the members of Criminal Tribes as one and the same, their belief is based on the elementary knowledge of violent Crime in aboriginal India the roots of which of course, lay and lie in the tribal religious beliefs surcharged with superstitions.

Looking to the violent rites and rituals and practices prevalent among the Tribals. One is simply mistaken to confuse the Tribals with members of the Criminal Tribes. In India, wherein crime is pursued as a profession, as a means of existence sustenance and sustenance. The following description would abo help to dispel this ill founded notion and clarify the general prevalent misconception about Tribal Communities and Criminal Tribes further:

An admirable summary of the ideas underlying the sacrifices and the rites accompanying them is given by Frazer who has based on the record in the golden Bough.\textsuperscript{44}

\textbf{Rites and sacrifices}

“The sacrifices were offered to the goddess and were believed to ensure good

\textsuperscript{44}Sir J.C. Frazer. The Golden Bough (2\textsuperscript{nd} edition) Vol. II, (Compbell and Macpherson), pp.241.
crops and immunity from all diseases and accidents. In particular, they were considered necessary in the cultivation of turmeric, the konds arguing that the turmeric could not have a deep red colour without the shedding of blood.”  

Infanticide

At one only infanticide was very common among certain aboriginals. It has been recorded for, among others, the Irula of the Nilgeri Mountains, the Toda, the Kond and the Kallan.

It is described by Thurston that among the kallans a man, for slight affront, has been known to murder his wife and all his children, merely to have the atrocious satisfaction of compelling his adversary to commit murders in his own family.

In the Manual of the Madurali district it is stated that a horrible custom its among the females of the Colleries when a quarrel or dissension arises between them, the insulted woman brings her child to the house of the aggressor and kills it at her door to avenge herself, although her vengeance is attended with the most cruel barbarity. He immediately thereafter proceeds to a neighbouring village with all her good. If the husband finds that sufficient evidence has been brought against his wife that she had given cause for provocation and aggression he proceeds unobserved by the assembly to his house, and brings one of his children and in the presence of wilderness, kills his child at the door of the woman who had first killed her child.  

45 Ibid.  
46 Thurston, E. “Ethnographic Notes in Southern India”, Madras, 1907, p.530 ff.
Aboriginal Robbers and Murderers

The Waynad Paniyan at one time had a bad reputation and it was not usual for people to some long distances to engage them in the task of some more than usually desperate robbery or murder with brutal savagery.

Outlook towards Crime Contrasted

The outlook of the criminal tribes on Crime is however, entirely different from that of the Ordinary aboriginal. Anantakrishna Iyer describes the attitude of the Korava, a criminal tribe of Mysore. “On a careful examination of the ethics of the korava and allied tribes, it will be found that theft is a sporting method of making a living and not a crime as understood by the rest of society. To them it is a love of adventure. If a korawa has bad luck and goes to fail it is a part of his life, which must be endured, but he hopes for good luck in his attempts to escape. He believes it right to steal. When a Korava has committed a theft, he sometimes volunteers to help the police in hunting down the culprit and all the facts put them off the scent, and the crime unpunished.47

The Criminal tribes are distributed throughout India. The Thugh strangeless were made the subject of a sensational book by Meadow Taylor. But most of these Criminal tribes are of aboriginals but offshoots of the lower Hindu Castes. One of the few real aboriginal Criminal tribes was the Pradhan but their main interest lay in cheating and theft and today majority of them have settled down to a peaceful and law abiding life.

Criminal Settlements Reformation

The Erukala Industrial Settlement of the American Baptist Telugu Mission was

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organised in 1912 with 25 families, totalling 100 people. Fibre work was the chief industry, but as it proved difficult to find profitable work enough for all the people, efforts were made to increase the number engaged in agriculture. A second settlement was founded in 1916 at Allur, and a third settlement in 1917 at Bitragunta.48

As the purpose of the settlement is the reformation and reclamation of criminal tribes, moral and religious training, with adequate discipline, long continued, offer the only solution. But it is a case of “preaching to a procession,” for the numbers are yearly increasing, more than double in 12 months, and thereby totally swamping with the new additions the work of the previous months.

In the settlement at Allur intended for the well-behaved, there are no police. At Bitragunta, where the records are good, 4 special constables, chosen from among the people, preserve order, and at Kavali, 2 head constables of the regular police and 18 special constables, chosen from among the settlers themselves, look after the settlement day and night. The nature of the administration, therefore, depends on the grade of the settlement. There are three classes on each settlement: The old men and women who cannot work; the lazy and degenerate, who won’t work; and the “will works.” These latter are composed of the incompetents, the unskilled workmen, and those who are good workmen and are trying to be better men and women. Difficulties there are in arranging the groups of workmen. One is that there is a surplus of women whose husbands are absconders or serving sentences in jails. Another is that as soon as a workman proves himself competent and trustworthy, he is transferred to the higher grade of settlement to

make good on his own land, and there is the necessity of attempting to carry out public contracts with the poorest workers. The Public Works Department place a number of contracts in the hands of the manager, who, as far as possible, pays for work on the contract basis. Chits are made out to each worker, which are redeemable for provisions at the settlement store-room, to eliminate any temptation on the part of the staff in the way of commission. A fixed deposit of one sixty-fourth of his weekly wage is retained to the credit of each worker, and three sixty-fourths for the purchase of clothing. Each worker purchases his own tools on the instalment plan.\(^{49}\)

As regards education, each boy and girl between 6 and 12 years of age is required to be in school, and a night school is provided for the young men who work during the day and who have a desire for education.

As regards discipline, no walls are built to secure physical restraint, for that would not develop strength of character, but certain limits are laid down, and any transgression beyond is punished under the Criminal Tribes’ Act, and if the offender is incorrigible, he is transferred to a different type of settlement.

In the matter of religion, a roll-call is held every morning at which the word of God is read, followed by a brief exposition, after which prayer is offered, and all who wish join in repeating the Lord’s Prayer.

It is interesting to review the contribution that the Chingleput Reformatory is making in this movement. In spite of the heavy handicap, the study reveals that progress made in their reformation has not been unsatisfactory. The following results relate to the criminal classes alone.

\(^{49}\) *Ibid.*
From 1888-1911, in 24 years, 110 boys were discharged, trained to earn an honest living--31, or about 29 per cent., relapsed; hardly 2 per cent. followed the trade taught them; the whereabouts of 52, or 48 per cent., were not known; and 19 followed a trade other than that taught in the school.

From 1912-1918, in 8 years, 88 boys. were discharged. Of these, 10, or 11 per cent, relapsed; 18, or 20 per cent, followed their trade; 21 followed other trades; and the whereabouts of 80, or 87 per cent, were not known. There has been, therefore, a distinct advance in the results obtained, and the trades most in favour were gardening, blacksmith and masons' work. Government service, carrying with it a badge of office, fair pay, permanent service and a pension, was the height of their ambition. Many aspired to the post of taluq peon, process server, masalchi (lamplighter) successfully.50

Many people outside India know that in this country of diverse nations, tongues and religions, whole communities live by crime—that this method of earning a livelihood is taught to their children as a profession, by example as well as precept. These “criminal classes,” as they are termed by the Indian Government in all official documents, have flourished for centuries in Southern India, where my sphere of work exists. Thoughtful administrators and legislators have long recognised that they require special treatment. Much has been done in the past to stamp out the more serious forms of crime, but it is only in recent years that the preventive method has produced, in some places, the most satisfactory results. Large tracts of land have been given by Government near industrial centres, hundreds of families have been induced to settle there, regular occupation has been found for them and the new generation have few object-lessons in the old methods.
The Salvation Army has come to the rescue in some districts to help in the work of regeneration. It is needless to add that many parts still remain untouched.  

**The Criminal Tribes Act of 1871**

The main aim of the 1871 Act was to keep an eye on the activities of the criminal tribes. A constant surveillance over and vigilance about their activity was planned, but it was not intention of this act to check the nomadism of these people. The aim of the Act was to control the crime and help the members of criminal tribes, to reform and rehabilitate themselves. This Act gave wider powers to the provincial governments. The provincial governments were authorised to declare any group of people who were incorrigible criminals as ‘Criminal Tribes’. This Act provided for maintenance of a register in which the names and other particulars of all the members of a tribe were written. They were required to register the information about births and deaths. Some of them were required to report at regular intervals to the police station. From time to time policemen used to take a round of their colonies and take roll-call of all the members.

It was discovered that the families of these men were usually involved in criminal activities. If the men were thrown into prison, the families either had to continue their depredations or suffer in great financial and emotional stress. The authorities found that criminals who were released from prison were worse than before.

**The Criminal Tribes Act of 1908**

In 1908, the colonial government passed another Criminal Tribes Act. It permitted the various provincial Government of India to make plans whereby tribes

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suspected of living by crime could be registered and supervised by the police and those members of criminal tribes which had been convicted could be placed in settlements. In these settlements, they were taught to work. Instructions were given to lead an honest life. Their children were sent to schools. It was hoped that such steps would bring about a complete reformation. If any family failed to furnish the required information they were liable to punishment. They were forced to remain in the settlement until the authorities were firmly certain that they could be trusted to remain honest and law-abiding citizens. Individually the criminal was not kept in the settlement. His entire family was brought to the settlement. For example, in Unnava Lakshminarayana’s *Malapalli*, the whole family of Ramadas was brought to the settlement.52

**Criminal Settlements Act of 1908**

Finally in 1908, the first Criminal Tribes Settlement Act was passed. It permitted the various provincial governments of India to make plans whereby tribes suspected of living by crime could be registered and supervised by the police, and those members of criminal tribes which had been convicted, could be placed in settlements. In these settlements they were taught to work. Instructions were given to lead an honest life. Their children were sent to school. It was hoped that such would bring about a complete reformation of the criminals.

But the desired result could not be achieved by the Act of 1908. As a result, it was again amended in 1911. The main features of the law were as follows: “If the local government has reason to believe that any tribe, gang, or class of persons, or any part of

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tribe, gang, or class is addicted to the systematic commission of non-bailable offenses, it may, by notification in the local official gazette, declare that such person or group is a criminal tribe as the term is used in this Act. There are two methods of dealing with these people-registration and settlement. Registration attempted to keep track of them under police surveillance in the communities where they live, or, if they are of wandering tribes, where they may be found when suspected of crime. Settlement means locating them in a special place provided so that they can be more closely controlled than by registration. In the settlements, they were under the control of the Criminal Tribes Settlement officers.53

In short, this Act contemplated that criminal tribes should be placed in settlements, or to otherwise restrict the movements of these members and families of criminal tribes who were a menace to the community. This settlement Act began as an experiment.

On the recommendations of the Indian Jail Inquiry Committee (1919-1920), the Criminal Tribes Act was again amended in 1923, and it was applied to the whole of British India in 1924. The Committee recommended that a formal inquiry was necessary before any individual was registered as a member of a Criminal Tribe. It expressed that: “The Criminal Tribes Act should not be converted into an engine of repression and the ultimate aim of the settlements should be the absorption of the settlers into the general body of the community.”54

Under this Act, an individual or any community which was considered to be a habitual offender, or who committed systematic crimes, came under the preview of the Criminal Tribes Act for constant surveillance.\textsuperscript{55} Some of the main features of the Act are discussed below:

**The Criminal Tribes Act, 1911**

A criminal Tribes’ Act was passed in the year 1911, and the local Government, in exercise of the powers conferred on it, have framed rules by which every number of a criminal tribe becomes registered in the village in which he intends to reside, the headman of the village being notified of the fact, as well as of any subsequent intention to change his residence. Moreover, the movement of certain tribes have been confined within certain limits, e.g., the Donga Yerukalas are limited in their movements to the Godavari, Nellore, Guntur and Kurnool Districts, according to the leadership and gang to which they belong.

The Criminal Tribes’ Act deals in a more effective manner in regard to the prevention of crime than the use of the security sections of the Criminal Procedure Code or prosecutions under sections 400 and 401, I.P.C., under which an individual is liable to punishment for belonging to a gang of decoits or thieves, methods resorted to in the past, but found insufficient to check the evil. The police were practically powerless to prevent criminal gangs leaving their residences during the dark, moonless fortnights, although well aware that these absences were for the purpose of committing crime. The working up of a case under the security sections, moreover, involved much delay, and the villagers were averse from giving evidence, as they knew it would lay them open to reprisals. The

\textsuperscript{55} Bowmick, P.K. 1963. The Lodhas of West Bengal, Punthi Pustak, Calcutta, p. 264.
Criminal Tribes’ Act of recent origin affords an efficacious method of not only preventing members of criminal gangs from committing crime, but also admits, in special cases, of the restriction of a criminal tribe to a particular settlement, thereby removing the source of annoyance of such members as are settling down to an honest life.56

Criminal settlements have already been formed in the Districts of Nellore, Guntur, South Arcot, Chittoor and Madras, and they are working well. The following tribes or gangs have been notified by Government to be criminal in this Presidency: -- Donga Dasaris, known under the various names of Peddeti Gollas, or Kathiras, in the Nellore District, Donga Dasaris in Kurnool and Guntur Districts, Pachapas in Godavari and Kistna Districts; Donga Yerukalas, the Nawalipetta, or Voyalpad Korachas, the Yeppur Pariahs; the Dona Oddars, the Thogamalai Koravas, or Kepmaris; the Rudrapad Korachas (Bellary), the Salemnad and Attur-nad Koravas; Vengamur Pariahs (Chittoor), Velliyanakkuppam Padayachis (S. Arcot); Morakalakurichi (Maravars (Tinnevelly), Vadavarpatti Koravas (Rammad and Tinnevelly certain elayur gangs in Coimbatore District, Dommaras (Nellore), certain Kallar gangs in Madura.57

The industrial home for children established by the Salvation Army at Perambur (Madras) is one of the schools recognised by Government for the reception of children of criminal tribes. The police are never employed to escort children to the school, but a member of the school staff is deputed to take charge of them and led them to the school. No legal means exist for compelling such transfers, and if the child possesses a parent or guardian, the consent in writing of that person is obtained. Another measure for the

57 Ibid.
amelioration of the condition of the criminal is the establishment of prisoners’ homes at Guntur and Madras, which are intended for the reception of conditionally released prisoners, whether belonging to criminal tribes or not. There is no objection to transferring before the expiry of their term of sentence members of a criminal tribe from the home to the settlement established for the tribe.

It will thus be seen that of late years great activity has been shown in the reforming and humanising treatment of crime, and so far as this Presidency is concerned, the name of Sir Harold Stuart will always be connected with these recent improvements.⁵⁸

As the desired goals could not be achieved by the Act of 1908, another Act was passed by the government known as Criminal Tribes Settlement Act in 1911. The main features of the Act were: if the local government has reason to believe that any tribe, gang, or class of persons, or any part of tribe, gang, or class is addicted to the systematic commission of non-bailable offences, it may, by notification in the local official gazette, declare that such person or group is a criminal tribe as the term is used in this Act.⁵⁹ There are two methods of dealing with these people – registration and settlement. Registration attempted to keep track of them under police surveillance in the communities where they live. Settlement means locating in a special place provided, so that they can be more closely controlled than by registration. In the settlements they were under the control of the Criminal Tribes Settlement Officers.⁶⁰

⁵⁸ Ibid., p. 326.
⁵⁹ Gillin John Lewis, op. cit., p.111.
In accordance with this Act, schedules were prepared for various criminal tribes. Personal identification marks and the thumb and palm impressions of each of the members of the tribe were taken into consideration. This was done with a view to trackdown the criminals with ease. Besides, the more notorious members of the tribe were put their very strict observation. Their activities were minutely watched. The government could remove any child of the age of six or above from the ‘criminal’ parents and give him education and training in governmental institutions. Under this Act, Provincial Governments were given special instructions for control of these tribes.

According to the Act of 1911, the Criminal Tribes were classified into three categories. 1) Tribes who were originally criminal but had settled down to honest occupations although some sections of them continue to live by crimes. 2) Tribes who had settled abodes and generally on some ostensible occupation but who periodically committed dacoities and robberies at robberies at distant places from their homes and lived by such gains, and 3) Nomadic tribes who wandered continuously and committed robberies whenever they found an opportunity.

**The Criminal Tribes Act of 1924**

On the recommendations of the Indian Jail Enquiry Committee, the Criminal Tribes Act was again amended in 1923, and it was applied to the whole of British India in 1924. In many aspects, the 1911 Act was found defective and contained many loopholes. Basically, in aim and intent, it was preventive and not corrective. There were virtually no attempts in it to reform and rehabilitate the present criminals. Of course, there was provision of separating children from the parents and giving them proper
education. But there were practical difficulties too. Intermixing the parents and children will add new problems. The atmosphere of the ‘Culture of Crime’ will be continued.

The committee recommended that a formal inquiry was necessary before any individual was registered as a member of a criminal tribe. Some of the main features of the Act are: 1) Notification, 2) Registration, 3) Settlement of Criminals and 4) Unjust punishments and sentences.\(^{61}\)

1) **Notification:** Section iii of the Act empowered the local government to declare any tribe or class of persons or a part thereof, as a criminal tribe, if it has some reason to believe that they are addicted to the commission of non-bailable offences.\(^ {62}\)

2) **Registration:** After the notification of a tribe as criminal, the district magistrate was asked by the local government to make a regular register of the members of criminal tribes living within his jurisdiction. Then the district magistrate called every member of the tribe concerned and asked each on to furnish the information required by him.\(^ {63}\)

3) **Settlement of Criminals:** Section 16 of the Criminal Tribe Act provided for the establishment of reformatories and educational and agricultural settlements for criminals and it empowered the local government to place any tribe, group or any individual in any type of settlement. This could be done even for a man with his previous conviction. They were sent to the criminal settlements for not paying a fine.\(^ {64}\)

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Unjust Punishments and Sentences: Section 23 of the Criminal Tribes Act declared that any person belonging to the category of Ex-criminal tribes convicted once for any offence under the Indian Penal Code specified in the schedule first, if convicted of the same offence for the second time, he will be punished with imprisonment for ten or not less than seven years and on a third or any subsequent conviction with transportation for life. This section contemplates further punishment also.65

The instance of getting a pass and reporting oneself to the police led to policeman and village headman to take forced and free labour from the poor. This gave birth to bribery at the local level.

The Criminal Tribes Act was amended a number of times to control these people. Though the Act remained in force for about government was to suppress the turbulent elements among the tribes and also to encourage them to settle on land and to provide them with a means of earning an honest livelihood. But the conditions and the status were the same as before.

The leaders and social reformers realised that the dubbing of a people as Criminal Tribe was a blot on the Indian society. Nehru stated in a speech delivered at Nellore (Andhra Pradesh) in October 1936 that: “I am aware of this monstrous provision of Criminal Tribes Act which constitutes a negation of civil liberty, wide publicity should be given to its working and an attempt made to have the Act removed from the Statue Book.

No tribe could be classified as criminal as such and the whole principle is out of consonance with all civilised principles of criminal justice and treatment of offenders”.  

B. Pattabhi Sitaramayya, angrily pointed out that, “cattle that are sold and brought in the market, wild animals that are hunted out of villages, worms that are trodden under the feet, are not worse treated than Criminal Tribes”.  

It cannot be discussed and analysed, the working of this Act in great detail for want of space and original Act. However, to serve our purpose, some relevant sections, as summarised by Sher Singh are given below:

**Unjust Punishments and Sentences:** Section XXIII of the Criminal Tribes Act declared that any person belonging to the ex-criminal tribes convicted once for any offence under the Indian Penal Code specified in schedule first, if convicted of the same offence for the second time, will be punished with imprisonment for ten or not less than seven years, and on a third or any subsequent conviction with transportation for life. This section contemplates further punishment also.

From the preceding summary, we see how unwarranted and discretionary restrictions were imposed. The insistence of getting a pass and reporting oneself to the police led the policemen and village headmen to take forced and free labour from the poor. This gave birth to bribery on the local level. Many a time the headman or the police made wrong and unreasonable entries against innocent persons due to personal grudges. For as Ravi Sankar stated: “. . . if a policemen or a Patel wants people to bring

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66 Quoted in Raghavaiah, V. *The Problem of Criminal Tribes*, Nellore, 1943, p.11.
68 Sher Singh, *op. cit.*, p. 56.
fodder for cattle, he registers a few young Dharlas (a tribe of Kaira district) who would become his servants. If an innocent Dharla goes about the village with a hukka in his hand, it is regarded as an impertinence and an insult to the Patel, who gets him registered under this Acts.69

In summary, the Criminal Tribes Act was amended a number of times to control these people. Though the Act remained in force for about 80 years, it could not do what it was expected to do. The policy of the government was to suppress the turbulent elements among the tribes and also to encourage them to settle on land and to provide them with means of earning an honest livelihood. But the conditions and the status were the same as before.

The Habitual Offenders Act of 1952

The Indian Government appointed a committee in 1949 to study the usefulness of the law. It expressed that the Act was against the spirit of the Constitution. The public also moved and as a result, the Criminal Tribes Act was repealed in 1952, and in its place the Habitual Offenders Act was enacted in that year. With the repeal of the Act, about 2,268,348 persons in the country were legally set free.70 Now the status of the Criminal Tribes in law is the same as his fellow Indians. The committee also recommended that suitable steps should be taken for the amelioration of the problems of Criminal Tribes after the repeal of the Act. The government is now involved in initiating necessary steps to ameliorate the hardships of these groups of people. In spite of all the facilities provided by the Government of India, the social position of the criminal tribes remains

69 Raghavaiah, op. cit., p. 7.
70 Simhadri, Y.C. The Denotified Tribes, op. cit., p.29.
the same as before. The stigma haunts them. These people are unable to free themselves from social bondage.

Various states in India took steps to repeal the Criminal Tribes Act. The Madras Government was the first to take steps to repeal the Act in 1949. The Andhra Pradesh Habitual Offenders Act was passed in 1948. With this Act, the government may direct the district magistrate to make a register of habitual offenders within this district. The register shall be placed in the custody of the Superintendent of Police who shall, from time to time, report to the District Magistrate any alteration to be made therein. The District Collector or any officer, authorised by him on his behalf, may at any time order the finger and palm impressions, foot prints and photographs of any registered offender to be taken. With this Act, if any habitual offender is found outside the area to which his movements have been restricted he may be arrested without warrant by a police officer, village headman or village watchman. This Criminal Tribes Act was again repealed in 1954. Another Act was passed in 1965. With this Act, the Government of Andhra Pradesh formulated some rules.  

1) The Superintendent of Police shall, from time to time, examine the cases of individuals residing in the area within his jurisdiction.

2) A register is maintained in the settlements.

3) Every registered offender is supplied with a certificate or identity.

4) Every registered offender shall give his certificate of identity for examination or inspection when required by any police officer.

5) Every registered offender shall report at the nearest police station.

\footnote{Ibid., pp.172 & 186.}
If a registered offender is arrested or convicted, the certificate of identity shall be treated as his personal property and dealt with accordingly. When a village headman receives information that a registered offender of another village has spent a night or part of a night in his village, without a certificate, he shall promptly inform the Station House Officer. Any registered offender who intends to leave the house in which he is residing during night between 10.00 P.M. and 5.00 A.M., before his departure, he has to inform to the village headman, the date and time at which he intends to leave the house and return, and the place to which he is going.\(^72\)

It is unfortunate to call the whole tribe or a clan or family criminals. There is no country in the world, to our knowledge, whose people practice crime is their occupation. To our surprise, even blind persons are also registered. To reform the criminal tribes, it is necessary to impart to them some professional skills of earning a livelihood, for it is hopeless to expect them to be honest without proper food and shelter.

Under the above background, Criminal Tribes settlements were established in such districts where grave crime was prevalent. In order to provide a settled life, government opened some settlements such as agricultural, industrial, penal and reformatory. These settlements were either placed under the control of Salvation Army,\(^73\) or the American Baptist Mission, Canadian Mission and other philanthropic agencies or under the supervision of the government itself.

\(^72\) *Ibid.*

\(^73\) To reform the Criminal Tribes Federick Booth Tucker, son-in-law of William Booth (The founder of the Salvation Army in London) started the Salvation Army in India. Trained in law and after passing the Indian Civil Services Examination, he resigned his job and joined the Salvation Army. He started his work in the year 1881 in India.
The earliest Criminal Tribes settlement in Andhra Pradesh was established by the American Baptist Mission at Kavali in the year 1912.⁷⁴ Before that there was a settlement at Kalichedu in Nellore district for Dommaras and Katheras in the year 1911.⁷⁵ Sitanagaram settlement was established by the Salvation Army in the year 1913. Siddhapuram settlement was a voluntary settlement established in the year 1913.⁷⁶ the Vedullapalli or Betapudi settlement, known as Stuartpuram was established in the year 1914 by the Salvation Army.⁷⁷ Bommana Gadda settlement was an agricultural settlement intended for the Nowabpeta Korchas by the Salvation Army in the same year.⁷⁸ Reformatory settlement in Guntur was established by the Salvation Army. It was intended to have a home for the prisoners undergoing imprisonment. ChintalDevi settlement in Nellore District was established by the government for the welfare of Kanjar Bhash who belong to Bombay Presidency.⁷⁹

1) Kavali Settlement: Kavali settlement was started as a settlement for Donga Yerukalas of the Nellore district in October 1912 by Rev. E. Bullard of the American Baptist Mission.⁸⁰ The Superintendent of Police informed Rev. E. Bullard that they might have to take care in the future of the entire gang of Yerukala Criminals which would number about 600 persons. The American Baptist Mission readily accepted the proposal to provide the necessary conditions for social, industrial, educational and hygienic

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⁷⁵ Ibid., p. 30.
⁷⁶ Ibid., p. 31.
⁷⁸ Ibid.
improvement of the criminal settlement. The agricultural settlement at Bitragunta was declared to be a part of Kavali criminal settlement in January 1917.\textsuperscript{81} In December 1916, Kavali criminal settlement transferred some of its settlers of Bitragunta. This agricultural settlement at Bitragunta was declared to be a part of Kavali criminal settlement. This was under the supervision of Rev. Bawden who worked hard to make the Yerukalas a self-respecting and self-supporting people.\textsuperscript{82}

The reformatory settlement at Kavali was transferred to Bitragunta with effect from 1\textsuperscript{st} April 1933. Government took the control in 1934, from the American Baptist Missionaries.\textsuperscript{83} With the repeal of the Criminal Tribes Act, the inhabitants were let free in September 1948 and the settlement office was abolished, and the records were handed over to the district police office. The problems at Kapparallatippa are to be viewed from socio-economic and human angle.

2) Sitanagaram Settlement: Sitanagaram settlement is situated in Guntur district. Salvation Army started agricultural and industrial settlements for criminal tribes in five provinces of India Booth Tucker strove hard for the upliftment of these criminal tribes and to see heir children become useful citizens of India.

Major Mackanjie of the Salvation Army took charge of the responsibility of Sitanagaram settlement.\textsuperscript{84} In October 1915, the Sitanagaram settlement was divided into

\begin{itemize}
\item \textsuperscript{81} Ibid., p. 25.
\item \textsuperscript{83} See Administrative report of the inspector General of Police, 1934, (Madras, 1935), p. 22.
\item \textsuperscript{84} See Administrative report of Inspector General of Police, 1914, (Madras, 1915), p. 29.
\end{itemize}
two parts, namely Sainayapuram and Kondapet settlement, each under the management
of the Salvation Army.

Agriculture was the chief means of livelihood and the other main occupation
practiced was stone quarrying. Cultivation continues to be their chief occupation even
today. The work was further developed by the Salvation Army with the assistance of
rail-link to the quarries, weaving, silk-reeling, carpentry and securing the other subsidiary
industries provided for the settlers and they took interest in mat and basket making also.

3) Siddapuram Settlement: Siddapuram settlement was started in the year 1913 for the
benefit of ‘Donga Woddaras’, employed by the public works department on the
Siddapuram tank project in Kurnool district. Wodde is said to be the corrupted from of
the Sanskrit work ‘Odhra’. They were Nuavvies of the country, quarrying stone, sinking
wells, constructing tank bunds and executing other kinds of the earth work. There were
Kallu Waddaras, and Mannu Waddaras. They are found all over the districts of Andhra
Pradesh especially in Kurnool, Cuddapah, Anantapur and Nellore districts.

These people had chosen crime as their profession. They were very cruel and
ready to inflict severe injuries and commit inveterate robberies. This tribe is addicted to
the commission of every class of crime against property from dacoity down to petty
thefts.

In addition to them, the Chenchus became a grave menace to the countryside.
They were not amenable to reform and were apt to misconstrue conciliatory methods for

weakness of authority. The efforts of Mr. Saunders to wean them from their criminal propensities were admirable, but failed in their purpose. The supervision over criminal settlements was transferred from the Deputy Inspector General of Police, Railways and Criminal Investigation Department to the Labour Commission in February 1920. This was considered to be a voluntary settlement.

These are the settlements that existed in Andhra Pradesh along with Stuartpuram settlement which is the theme of the present study.

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88 Ibid.