Chapter-II

A BRIEF HISTORY OF CRIMINAL TRIBES IN INDIA

Crime is considered a violation of the criminal law. 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. However, according to law, crime may be defined as “The commission or omission of an act which the law forbids or commands under the pain of a punishment to be imposed by the State by a proceeding in its own name.” But in order to emphasise that the consequences of an act or omission is the essential element of a crime”. Perkins has defined crime as “... any social harm defined and made punishable by law.” It should be regulated by law.

We may say that crimes are, “Only those acts or failures to act that are considered to be so important to the well-being of a society, as judged by its prevailing standards, that actions regarding them cannot be entrusted to private initiative or to haphazard methods, but must be enforced by organised Society in accordance with tested procedures.” In fact, even if the victim of a crime does not take action, forgives the criminal, or tries to conceal the crime, the State can and may press the charges. In other words, the State has the responsibility of taking action against the criminal. 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 and/or State government. Criminal tribes are governed not only by the Indian Penal Code, but also by the Criminal Tribes Act of 1871 (amended in 1924) which was subsequently repealed and replaced by the Official Offenders Act of 1952.

It is worth considering the broad classification of criminals in the country of India. According to Haikerwal, the criminals in India could be classified into 4 categories: (1) The incorrigible, (2) The habitual, (3) The accidental criminals, and (4) The criminal tribes or caste.

The Incorrigible

According to Haikerwal, the incorrigible is one who deliberately chooses crime as a profession. The incorrigible finds it a profitable and easy way of obtaining a livelihood. Though he is given an opportunity to earn an honest livelihood, he will never take it, because he does not believe in it. He does not always commit crimes himself. More frequently, after a successful career of crime, he employs others to execute his plans and sees that the punishment falls upon them and not upon himself. His own immunity from punishment hardens him in his career of crime. He persuades people to commit crimes and is always on the lookout to make sure that no member of his

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5 Ibid.
6 Haikerwal, op. cit., p. 134.
7 Ibid., p. 136.
federation gives up his profession. He is fully familiar with the secrets of crime and imparts his knowledge freely. Sometimes he is a man of affluence in India. As such, he can employ lawyers to defend his clients. If he fails in all his trials to defend his clients, he will often support the family of the imprisoned man. He is so well organised that he cannot be easily apprehended by the police. Reforming these people is a most difficult task.

The Habitual Criminals

The habitual criminal, like the incorrigible, is one who commits crimes continually. He is to a large extent the victim of circumstances and economic stress and he cannot escape from this. A habitual offender is not necessarily incorrigible. This distinction is necessary. The incorrigible deliberately takes up crime as a profession, where the habitual offender does not.

The habitual offender, however sincere he may be in his desires and efforts to reform, ordinarily has no chance of doing so. When one or more convictions are against his name, reformation is impossible.

‘Hereditary’ Criminal

The concept of crime and its causes had been changing all through the late 19th century, perhaps even earlier in Europe (Emsley 1987; Yang 1985; Jone 1982). There was a strong school of thought, put forward by criminologists and scientist one point, which held that crime was inherited over generations in a family through a set of genes.

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8 Ibid., p. 134.
In the Indian context, the concept of a ‘hereditary criminal class’ remained important and attractive for a long time. This was probably for the reason that this view allowed deflection of enquiries into the causes of crime, and allowed for stringent, arbitrary measures of control. The important point to emphasise here is that the investing of some sections with hereditary criminality was different in the case of India and England. In India, it was based not on the notion of genetically transmitted crime, but on the as a profession practised by a ‘hereditary criminal caste’. Like a carpenter would pass on his trade to the next generation, hereditary criminal caste members would pass on this profession to their offspring. In England, a hereditary criminal implies one who had inherited criminality through the genes of a parent or an ancestor.

In India, then the concept of hereditary crime never really got linked to biological determinism. This happened not because of genuine advance in the field of genetics, but because the Indian caste system seemed to adequately explain to the British administrator the phenomenon of daunting criminality of at least a section of Indians.

It was in the context of this search that in the first decade of this century, policies followed by the British Indian administration 50 years ago were blamed for destroying the traditional means of livelihood of a number of communities. Commission of crime was now directly related to lack of means of livelihood, and non-availability of work. This further implied that if honest (wage) work could be found for such communities, they could be weaned away from Crime.\(^9\)

\(^9\) This essentially means that the CT members, as government policy, were to be parcelled out to owners of mills, factories, mines, quarries as workers, as also to plantation owners (Radhakrishna, 1989).
In any case, the general point to emphasise here is that the category of a criminal tribe was not a sudden development – different stands of social and political opinions and considerations had been shaping the general category of an Indian ‘criminal’ for several decades. The complexity of these converging currents has not been explored here. A criminal could, for instance, be anyone who resisted the British, or even resisted a local oppressive landlord or high caste member. In addition, the plethora of new legislations that the British introduced created new ‘criminals’ all the time. These were either people ignorant of the new laws, or those wilfully defiant of the ones which encroached on their traditional rights – for instance, forest laws. To give an example of the broadness and flexibility of the term ‘criminal’, and the open ended uses to which the Criminal Tribes Act could be put, it was suggested that the act could be used profitably “for combating secret societies, political preachers who might create unrest and so on” – in other words to combat the newly emerging nationalist movement.10

The Accidental Criminals

Compared with the foregoing, the accidental criminal is a very careless type of individual. He is neither a professional criminal like the incorrigible nor does he commit crimes as a habitual without being much prepared or intended. For instance, a person riding a cycle without a light during the night is against the law. But, if he does not reach his destination before night fell, and there is no place for him to stay along the way, he must continue his journey without a light for his cycle. Thus, he commits a crime.

The Criminal Tribes

This category of which the present study is concerned, represents a clan of criminals almost unknown in the United States of Europe. They are neither habitual offenders nor are they incorrigibles according to the above clarification, though they accepted crime as a profession. As defined in this book, the criminal tribes are those sections of the people of India traditionally following criminal activities; e.g., stealing, robbery, decoity and other such criminal acts in order to obtain a livelihood. However, after the Criminal Tribes Act of 1871 was repeated, the criminal tribes covered under that Act are termed either as habitual offenders or Vimukta Jatis. They are also known as ex-criminal tribes. Whatever the name is given, the stigma of “criminal tribe” is always attached sociologically though legally the words are abandoned.

CRIMINAL & CLASSIFICATION

In the words of Elliot and Merrill “Technically Criminal is one guilty of a Criminal Offence.” Maintaining the same approach D.R. Taft defines. “A Criminal is one who has committed such a legally forbidden Act”. The whole discussion about the what and why of Crime has brought us to the conclusion that Crime is an act forbidden by law and in the same vein a Criminal is one who violates law, because an accused labelled as Criminal remains so as far as law wants him to be.

However to label a person to be a Criminal there must be certain grounds Taft mentions certain such grounds:

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11 Criminology, 1965, p.68.
(1) Competent Age

According to the English Law, the competent age for branding a person to be a Criminal is 7 years; whereas in the U.S.A., the criterion is the bodily constitution of the child. In the Indian Penal Code, the age of Criminal liability is 10 years. The assumption or idea behind this is that a child in tender age does not know how to distinguish between right and wrong and he or she is not possessed of the sense to choose as to what act is bad or good. legal or illegal. As such any act though viewed Crime by law, will not bring any Criminal liability on the person if his age is too tender to understand the nature of the act committed by him.

2) Voluntary Act

A person cannot be branded as Criminal, if he has not done any Criminal act either under pressure or threat to life and limb, compulsion or against his will.

(3) Criminal Indent

Any Criminal act done with the intention to commit such an act, is enough to constitute any act to be Criminal. However, ignorance of law does not serve as an excuse. Similarly carelessness or recklessness is also not taken as an excuse for defence.

(4) Crime against state

To constitute an act to be crime it must be glossed legally as an act injurious to the State and not against the individual, other wise any act done by an individual against another individual is tort and not the Crime.

As such to call a person to be a criminal he or she must have attained the competent age to understand the nature of act committed, the act must have been done voluntarily
and freely neither under any threat, pressure nor compulsion, carelessness and ignorance of law, and with the criminal intention and that too against the State and not by an individual against any other individual.  

CLASSIFICATION OF CRIMINALS

Like crimes, the criminals are also classified by sever criminologists differently.

(1) Sutherland's Classification:

(i) Lower criminals: These are such persons whose economic conditions are not good. Those who are poor and labourers and are unable to beget justice, attract the attention of the Police and they are easily branded as criminals.

(ii) White Collar Criminals: Such persons are the prestigious persons in society. They are possessed of wealth and power. They can get or purchase justice.

2. Lombroo's Classification:

He has classified Criminals into four categories:

(a) Born Criminals: Such Criminals are born with some atavistic characteristics such as long jaws, stiff ears etc. who can be identified as Criminals by such constitutional characteristics. He tells that there are 15 atavistic characteristics. If a person is possessed of at least 5 of such characteristics, he is bound to be Criminal.

(b) Insane Criminals: The persons who suffer some mental deficiency, have a weak mind and they commit crime due to some mental imbalance

(c) **Criminals by Passion:** Such persons commit crime to satisfy their sexual urges in a non-conformist manner.

(d) **Occasional Criminals:** These persons commit crime in a heat of passion aroused suddenly and momentarily. They do not have either any criminal, tendency or history. These are termed as occasional criminals. He has further classified such criminals:

(i). **Pseudo Criminals:** These persons are not dangerous. In expected situations, they commit crime either in self-defence or for self-prestige.

(ii) **Habitual Criminals:** These persons are not born criminals; but they commit crime either in adverse circumstances.

(iii) **Criminaloid:** These persons from the category between the born Criminal and honest persons, the diagnosis reveals that such persons are degenerated ones.

**CLASSIFICATION OF LANDSMITH AND DUNHAM**

They put Criminals into two categories:

**Individual Criminals:** These are Criminals who commit crimes due to personal reasons such as the act of theft to meet the necessities is an offence of this type. Social Criminals, on the other hand, are those who commits crimes in association with other individuals. The organised Criminals such as smugglers and dacoits etc., fall in this category.

Besides, they mention a third category of Criminals called habitual, situational Criminals which falls between the categories of the individual and social criminals. The
habitual and situational criminals are those who under the agreeable or favourable situations commit crimes time and again.\textsuperscript{13}

**Classification of Alexander and Staub**

According to them, the Criminals are of two types: (i) There are Acuto Criminals who commit crime sin adverse and abnormal circumstances casually, (ii) There are chronic criminals who commit crimes in planned ways such criminals from three sub-categories.

(i) **Neurotics**: These are criminals because of psychological abnormalities. These persons indulge into crime; because of non-suppression and thereby non-adjustment of Id.

(ii) **Pathological Criminal**: These persons commit crimes because of biological defects leading to mental deformities. Thus in comparison with others they lag behind the committee crimes to compensate the bio-psycho deficiencies.

**CLASSIFICATION OF HEDGE**

He develops three categories of Criminals: (i) First, Criminals who commit, crime for the first time. (ii) Occasional criminals who commit crimes occasionally under the pressure of circumstances. (iii) Professional Criminals who pursue crime as profession for earning bread and butter.

**CLASSIFICATION OF HAVELOCK ELLIS**

From the practical point of view, he classifies Criminals into two categories. One

\textsuperscript{13} Ibid.
category is formed of those actual Criminals who are Criminals in the true sense of the
term and the second category consists of nominal Criminals on whom Crime is thrust.
They form the seven sub-categories: (i) Political Criminals (ii) Lunatic Criminals (iii)
Professional Criminals (iv) Morally degenerated insane criminals (v) Sexual criminals
(vi) Occasional criminals (vii) Habitual criminals.

CLASSIFICATION OF RECKLESS

Reckless also classified criminals into three categories: (1) Ordinary (2)
Organised (3) Occupational.

SETHNA’S CLASSIFICATION

From technical point of view, Sethna classified criminals as: (1) Unreal or
nominal (2) Real Criminals.

On the basis of age too, criminals are classified as: (I) Adult Criminals (ii)
Juvenile Offenders.

Offenders who are not criminal in character (ii) Offenders whose criminality is
superficial (iii) Offenders whose anti-social disposition is deep in nature and habit.\textsuperscript{14}

Clinard\textsuperscript{15} classifies, criminals as (I) Career Offenders, (ii) And non-Careers.

Thus we see that the basis of the Classification of Criminals adopted by different
Criminologists are age, nature of Crime, purpose, situations etc.  The classification of

\textsuperscript{15} Clinard. Sociology of Deviant Behaviour Chapter 8.
Criminals is necessary; because it helps to make us understand the nature, motive and situations of crimes committed.

**CRIME AND OFFENCE**

It is generally believed that Crime, Offence and delinquency are the similar terms and these are used interchangeably. In America, the term delinquency is used to denote all sorts of illegal acts. Similarly in Britain too offence is the term which is used synonym with Crime and Crime is a word which is nowhere defined. In the Indian Penal Code too Offence and Crimes are used as synonyms section 40 of the Indian Penal Code defines the word “Offence”.

**Offence**: Except in the Chapters and sections mentioned in clause 2 and 3 of this section, the word “Offence” denotes a thing made punishable by this Code.

**Processes in Criminal Behaviour**

In the life history of the criminal, in the interaction between criminals and the public, and in the interaction among criminals all of the processes seen in other social life may be discovered. Some of these processes have greater significance than others for the understanding of crime. One of the significant processes in the life history of the criminal is maturation. Segregation, conflict, and the competitive development of techniques of crime and of protection against crime appear in the interaction between criminals and the public. Fashion, organisation, and professionalisation appear in the interaction among criminals.\(^{16}\)

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\(^{16}\) Donald R. Cressey. *Principles of Criminology*. University of California, Los Angeles, 5th Edition, J.B. Lippincott company of
**A Brief History of the Criminal Tribes**

The earliest history of the criminal tribes is not known. However, we have the views of Risely,\(^1\) Shoobert,\(^2\) Ghurye\(^3\) and others who conclude that the tribes were the original inhabitants of the country in which they lived.

Specifically, Elwin Verrier\(^4\) called the Baigas, one of the criminal tribes, as original owners of the country. The exact origin of the criminal tribes is unknown. It is essential some social historians must establish the origin of the criminal tribes in line with B.R. Ambedkar who established the origin of Untouchables in India. For as Mount Stuart, Elphinestone has observed in Indian History, “No date of a public event can be fixed before the invasion of Alexander and no connected relation of the natural transactions can be attempted until after the Mohammedan conquest.”\(^5\) Since we are not concerned here with the tribal origin, it is sufficient for our purposes to know when these tribes came to be considered criminal. Sher Singh\(^6\) noted that the criminal tribes were first dealt with by the Regulation of 1773 and finally, as will be discussed later, in the year 1871 officially recognised as an illegal social organisation.

These tribes existed in different parts of India bearing different names. These names were sometimes their own, but were often a local name which was different from that by which they were known in other provinces. It is difficult to enumerate all the

tribes declared as criminals, but the report of the All India Inquiry Committee enumerated 136 of them, besides the various mixed groups declared as such.\textsuperscript{23} The total population of these criminal tribes was estimated in different states totaling 3.5 million.\textsuperscript{24} Of this number, province-wise 16,68,845 were in Uttar Pradesh; 6,23,809 in Bombay; 5,95,440 in Madras; 2,10,321 in Mysore; 76,722 in Madhya Pradesh; 76,564 in Punjab; 74,762 in Orissa; 69,601 in Hyderabad; 65,400 in Rajasthan; 13,311 in Bihar; 3,453 in Pepsu; 2,598 in West Bengal, and 2,308 in Saurastra.\textsuperscript{25}

They were shown as a separate category for the first time in the 1911 census. Most of these tribes followed Hindu beliefs and practised keeping the tribal followings intact. This probably led the Indian Anthropologist-sociologist Ghuyre to think that they were Hindus. He called them “Backward Hindus.”\textsuperscript{26} Some were Muslims,\textsuperscript{27} and some were the scheduled castes (untouchables).\textsuperscript{28} Curiously enough, a few claimed descent from higher castes.\textsuperscript{29} Whatever their claim from whom ever they descended, their social status was extremely low.

These people were wandering, criminal tribes who have earned their livelihood by practising nefarious acts of the same kind that the gypsies in Europe adopted until a generation or two ago.\textsuperscript{30} “These tribes were known as criminal tribes because the men and women born within it take to crime just as a duck takes to water because it is a

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\textsuperscript{23} Mamoria, \textit{Social Problems and Social Disorganization}, \textit{op. cit.}, p. 232.
\textsuperscript{24} The Report of the All-India Inquiry Committee of 1949, p. 9.
\textsuperscript{25} Mamoria, \textit{Social Problems and Social Disorganization}, p. 232.
\textsuperscript{26} Ghuyre, G.S. \textit{The Aboriginals: So Called and Their Future}, \textit{op. cit.}, p. 21.
\textsuperscript{27} Mamoria, \textit{op. cit.}.
\textsuperscript{28} Biswas, \textit{op. cit.}.
\textsuperscript{29} Bruce, \textit{op. cit.}, p. 15.
\textsuperscript{30} Haikerwal, \textit{op. cit.}, p. 144.
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Members of these groups were treated both by the government and the people as born criminals. The government always kept vigilant watch over their movements. People tried to avoid them for fear of their violent and criminal activities. These tribal people separated from the Hindus in 1911 due to the beliefs that they formed a group whose special profession was crime. The government at that time viewed them as criminals by birth and felt they required some special treatment. The Criminal Tribes Act of 1871 purporated to provide this. This is born out by the statement made by the then Member for Law and Order, Mr. T.V. Stepens, while introducing the Bill:

“The Special feature of India is the caste system. As it is, traders go by caste, a family of carpenters will be carpenters a century of five centuries hence, if they last so long. Keeping this in mind, the meaning of professional criminal is clear. It means a tribe whom ancestors were criminals from times immemorial, who are themselves destined by the usages of caste to commit crime and whose descendents will be offenders against law, he had been so from the beginning and will be so to the end, reform is impossible, for it is his trade, his caste, I may almost say his religion to commit crime.”

The above statement has been misunderstood by almost all Indian sociologists, writers, leaders, and reformers. They attributed that Stephens intended that the criminal tribes were congenital criminals. The government proceeded on three basic

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31 Ibid.
32 Kapadia, op. cit., p. 100.
33 Ibid.
34 Raghavaiah, op. cit., p. 5.
35 Kapadia, op. cit.
36 Haikarwal, op. cit.
37 Nehru, Jawaharlal, 1948. Speech delivered at Nellore, Andhra Pradesh, India.
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; second, when once they learn such law violating behavior, they will always continue to be criminals because they believed it to be a profession; and three, because of continuous criminal practices, they become hardened criminals. The Act, therefore, provided for registering all the members of the tribes declared as criminal tribes. It also required that such registered members are to report themselves to the police authority at fixed intervals, “and/or notify them of his place of residence and any change or intended change of residence.”

The Act authorised the authority to “restrict any criminal tribe or any part or member of such a tribe in its or his movements to any specified area or to ask it or him to settle in the place of residence specified, enjoined upon the registered number to take out a pass; whenever he crossed the limits of the place in which he was settled or confined or the area to which his movements were restricted even if it be for a few hours, and/or for a laudable or an innocent purpose." The Act also prescribed punishment on those who contra need these rules.

The punishment was: “imprisonment for one year for a first conviction, for two years for a second conviction, and for three years or a fine which may extend to Rs.500 or to both on any subsequent conviction.”

However, this approach of the government was wrong. It postulated that the criminal tribes represented a group of born criminals, that crime was hereditary with their

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39 Kapadia, op. cit., p. 100.
40 Ibid.
41 Ibid.
members, and that criminals could be reformed by ruthless punishment and life-long harassment.

In general, according to Gillin,\(^42\) criminal tribes were of two kinds. One, those who wander like gypsies, and two, those who are settled in villages. The wandering tribes, who were nomadic groups, used to go from place to place, rob the people and steal the properties. The settled tribes go out of the village and commit crimes in the neighboring villages. Committing crimes in their own village was socially unapproved, and they would not commit any act which would not be approved by their tribe. The introduction of modern means of communication and transportation accelerated the problem. Since the coming of railways, even men with families among the settled tribes are frequently found as leaders or members of the gangs who committed burglaries with violence.\(^43\) A criminal tribe in Rajaputana, for example, can come up into the Punjab, commit a dozen burglaries, and be back again in Rajaputana within the week, leaving no track of its identity.\(^44\)

These people were bound by their own morals. They were physically well built and mentally sound. They had their own code of conduct and secret dialect to communicate with each other in the performance of their work. How they were morally bound by their code of conduct is best explained by the passage given by Hikerwal.

“They were physically hardy and mentally sound. They seem to have some standards which they observed scrupulously. The Bampta steals neither during the day

\(^{42}\) Gillin, *op. cit.*, p. 106.

\(^{43}\) *Ibid.*

\(^{44}\) *Ibid.*
time nor from the body of a person asleep. The Tagoos of Kamal, the Sonarias and the Oudiahs, on the other hand, steal in the day time, never in the night. The Bamptas and the Sonarias never steal in their own villages. The Burias usually rob the well-to-do as they detest depriving the poor of their hard earned income. Minas of Shahjahanpur in the Punjab give plenty to all those persons who come to them for alms. The Charity of the Minas in Saddabarat, is perpetual, and invites all commers to partake of it.”

This code of conduct was strictly followed. Contravening these rules met with severe social disapproval, which was a stronger sanction than law. These people have remained criminals chiefly because their capabilities and talents have not been channeled in a socially approved manner. The larger society failed to understand this problem.

The Criminal Tribes of India

The special feature of India is the caste system. As it is, traders go by caste: a family of carpenters will be carpenters, a century or five centuries hence, if they last so long. Keeping this in mind the meaning of professional criminal is clear. It means a tribe whose ancestors were criminals from times immemorial, who are themselves destined by the usages of caste to commit crime and whose descendants will be offenders against law, until the whole tribe is exterminated or accounted for in the manner of the Thugs. When a man tells you that he is an offender against law, he has been so from the beginning, and

45 Haikerwall, op. cit.
will be so to the end, reform is impossible, for it is his trade, his caste, I may almost say his religion to commit crime.\(^47\)

The government stated two assumptions. First, all persons born in a particular group, or caste, are criminal by birth and second once a criminal always a criminal. The Act therefore provided for registering all or any members of the tribe or tribes declared as criminal tribes. It further required such registered members to report themselves to the police authority at fixed intervals, and/or to notify his place of residence and any change or intended change of residence, and any absence or intended absence from his residence’, authorised the authority to restrict any criminal tribe or any part or member of such a tribe in its or his movements to any specified area or to ask or him to settle in the place of residence specified, enjoined upon the registered member to take out a pass whenever he crossed the limits of the place in which he was settled or confined, or the area to which his movements were restricted even if it be for a few hours, and/or for a laudable or an innocent purpose. He who contravened these rules was liable to imprisonment for one year on a first conviction, for two years on a second conviction, and for three years or to a fine extending to Rs.500 or both, on any subsequent conviction.

The approach of the government was fundamentally wrong it postulated that (a) the so-called criminal tribes represented a group of born criminals; (b) crime was hereditary with their members; and (c) criminals could be reformed by ruthless

punishment and lifelong harassment. Let us examine how far these assumption are correct and thus help in tackling the problem of these groups.

It is true that the depredations of some of these groups were violent and brutal and that they struck terror in the hearts of the people. In order to secure society against such depredations, punishment and repression to a certain measure might have been necessary in the early stages. But what is surprising is the fact that prevention of crime came to be looked upon as the major task in the solution of the problem and reclamation of the people only as a subsidiary aspect. This is testified by the fact that all police officers, who have said anything on these tribes an their problem, have insisted on severe punishment of these people.

This theory of weaning away these criminally minded people from their anti-social activities by severe punishment has aggravated the problem in many ways instead of solving it. The government attempt to check their anti-social activities failed because certain groups became adept at putting forward on the detection of offences, innocent members as the accused and thus protected the principal offenders, who were left free to carry on their activities. Again, when the offenders from these groups, who were ordinary thieves, came to be transferred to big jails they were automatically brought in contact with hardened criminals of the other groups. Prison life thus offered the members of the so-called criminal tribes an opportunity for assimilation of all the crimes and vices of the hardened criminals.
In enacting the Criminal Tribes Act, the government had the economic rehabilitation of these tribes in view along with their correction. Let us examine the steps taken in pursuance of this objective and their achievement. In order that these people may live a settled life the government opened settlements—some run under the direction of the government and some under the supervision of missionaries. Though the settlements were supposed to train the detenues in the art of honest living and thus to make them ordinary citizens, the objective has not been fulfilled because in actual working they have been more like jails than hospitals. The novelty of the settlements was that often the whole family or the whole group was interned rather than an individual or individuals and to a certain extent the individuals so interned in the setting of the group lived more cheerfully than those in the prisons. The failure of the settlements as reformatory schools lies in the fact that the members of the so-called criminal tribes, on their return from the settlements, have not been absorbed among the people at large. We have been constrained to say this for two reasons. First, we do not know exactly how many inmates of the settlements were discharged and how they lied thereafter. That they were few is confirmed by the Munshi Committee which observed that though a part of the appreciable increase in crime in the Sholapur settlement could be explained by the absence of employment, yet the figures taken as a whole showed that the settlement had achieved little in weaning the population from a criminal life.

We have so far confined ourselves only to one aspect of the economic incentives to crime, namely the role of economic displacement of these people, in developing criminal propensities. The other aspects are, however, equally or even more instructive.
In the existing order of our society, the exploitation of the many by a few, especially in respect of the illiterate and the underfed, has reached irritating proportions and has driven the exploited unconsciously to crime. Ravishankar Maharaj records in his experience among the Dharalas of Kheda district that a Baraiya, on seeing a Luhana trader going to dinner at night after his full day’s exploitation of these poor people, was set thinking why he should not rob him of his ill-gotten money and he was moved to commit a theft from his shop.\(^48\)

Any conclusion about the racial homogeneity of the so-called criminal groups must, however, await scientific large-scale data of physical measurements and gene frequency. Culturally also the different groups stand on different planes. While the Baurias of the Punjab, the Kanjars of UP, and the Phansepardhis of Bombay are still in the hunting stage, trapping deer and other beasts and gathering honey, the Kanjars, Manggarudi, and Nahal tribes of the Central Provinces (C.P.) and the Gujars of the United Provinces (U.P.) are in the pastoral stage.\(^49\) Territorially they do not form a block, distributed as they are all over India.

The heartland of state of Andhra Pradesh houses a number of tribal communities who have settled down in every hook and corner of the region. As per the records of the anthropologists, these Yerukalas tribal community is considered to be the natives of the southern region of Indian subcontinent. There are quite a number of people of this Yerukalas tribal community who like to identify themselves as ‘Kurru’. There are some

people who are also called ‘Yerukula’. It was named after the conventional profession of fortune telling (eruka cheputa) of the Yerukalas tribal females.\footnote{Historical Perspective of Yerukala Tribes, Forum on Indian Culture & Lifestyle of India.}

**Crimes in India**

In India, it is estimated that 3,619,749 offenses were reported in 1952 and during 1952 no less than 54,78,383 persons were under trial. Since a large number of persons are released by the police even before they appear before a magistrate, the actual number of people involved is likely to be over five and a half million. To put it another way, about fifteen out of every one thousand persons are called upon to answer to a criminal offence a year.\footnote{Perin C. Kerawalla, 1959. *A Study in Indian Crime*, Popular Book Depot, Bombay, p. 25.}

Out of 36,91,949 offenses reported in 1952, only 34,40,262 were convicted and nearly 2,51,687 were discharged.\footnote{Ibid., p. 23.} In terms of convictions secured, the gap between those under trial and those against whom the charge could not be placed successfully was of a still higher order, as 16,09,129 persons were either acquitted or discharged and 28,28,903 convicted, the rest of the cases were pending at the close of the year.\footnote{Ibid., p. 23.} This shows that a great deal of crime is not reported. The untrue cases and acquitals total 18,60,816 who were judged innocent but were subjected to police arrest. The lower classes are easy prey to this suspicion, and most of the white collar crimes are unreported and thus no arrests are made.

**Changing status of the Criminal Tribes**

Before the Criminal Tribes Act came into being, the British rulers dealt with the
Criminal Tribes according to Regulation XXVI of 1793. In the second phase, they dealt with these people according to Act XXX of 1836 of the Thuggee and Decoity Department. In the third phase, they were dealt with under the Indian Penal Code of 1860.

When Stephens, the Member of Law and Order, made a statement in the Council that necessary action should be taken, the Government of India in 1871 considered it necessary and desirable to keep the movements of the Criminal Tribes under control, and accordingly the First Criminal Tribes Act was provided for registering all members of the tribe, as criminals even though not found guilty of a crime. By a simple act of pen, it made even innocent people criminals.

Here, it is worth noting the words of Sutherland, who stated: “Crimes also will increase by making the laws. Whenever a law is passed and enforced, acts that were not crimes previously, then become crimes.”

Due to the 1871 Act, some of the Acts which were not crimes became crimes and the persons who were not criminals became criminals. The Act could not control the criminal activities of these groups as it was impossible to make a satisfactory arrangement for tribal members to earn a pro-social living.

The Act was amended in 1897 on the recommendation of the Police Committee, and the members of the Criminal Tribes were made liable to enhanced penalties on their second and their subsequent convictions. A provision was made permitting separation of

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53 Ibid., p. 25.
54 Sutherland, E.H. Cited by Haikerwal, op. cit., p. 17.
the children of the Criminal Tribes, between the ages of 4 to 18 years from their parents and placing them in reformatory settlements.

Until 1908, the usual method was to cast into prison those who were caught. It was discovered, however, that the families of these men were usually involved. If the men were thrown into prison, the families either had to continue their depredations or else were in great financial and emotional stress. Moreover, the authorities found that criminals who were released from prison were worse off than before. In the meanwhile, the Salvation Army and some other religious organisations have been experimenting with some of the criminal tribes and released prisoners to see what could be done to turn them into honest law abiding citizens.

In spite of all the facilities provided by the Government of India, the social position of the criminal tribes is the same as before. The stigma is still thrust on them. These people are unable to free themselves from this social bondage.

A general crime rate in India is dealt with. Crime is mostly a male phenomenon and most often criminals are illiterates. The criminal tribe’s social status has not changed, though. legally they are equal with their fellow countrymen.