

COLONIAL RULE AND CRIMINAL TRIBES: A STUDY OF CRIMINAL TRIBES ACTS IN ANDHRA PRADESH, 1871 TO 1965

Malli Gandhi

Yerukula, Yanadi, Lambadi and Dommara are considered as nomadic tribes in Andhra Pradesh. These tribes had to migrate from place to place, from state to state in order to eke out their livelihood. They acquired expertise in handicrafts and petty business. Their life style today is totally transformed. However, we can still see the traces of nomadism among them. The cultivation practice adopted by them in recent past in some place is a hall mark of change among them¹. An effort is made to study the need for regulation and control of the criminal tribes and passing of certain regulatory acts called Criminal Tribes Acts from 1871 to 1965. In addition, life patterns of the branded tribes under the Criminal Tribes Acts are also discussed. The study closely looks into the major changes or the deviation that took place under the Criminal Tribes Acts and the reasons that motivated the British to pass the Acts in reference. The 19th century colonial economic policies disturbed the occupations of a number of communities. Specific policies of the administration severely affected communities which were involved in trading. The Salt Policy of the Government had a severe bearing on the trade of Koravas, Yerukulas, Brinjaries and Lambadas in Andhra Pradesh.

I

Introduction

The colonial forest policies prevented free grazing of the cattle owned by these groups and from collecting forest produce². The clanches of Hyderabad, to quote an example were badly affected by the forest laws.³In desperation they turned into bandits⁴. Like clanches, many other groups were also badly affected by these forest policies⁵. Lieutenant Balmer in his letter to the Collector dated 22nd May 1865 stated that Yerukulas are addicted to dacoity, high way robbery and robbery. They are the *most troublesome of our wanderers*⁶.

There were widespread and severe famines in 1866, 1876-1878 and 1898⁷. They witnessed unprecedented outbreaks of dacoity, food riots and looting of markets, house-breakings, cattle-stealing etc. The Inspector General of Police observed in 1877 that “dacoity as the ‘special famine crime’ was committed by hungry people, not ordinary criminals”⁸. In 1825, Sir Thomas Munro, the Governor of Madras, observed that there were several thousand men scattered over in our country, whose business from their earliest days has been robbery⁹. The development of roads and railways further destroyed their business activity and in turn they lost

Address for communication: **Prof. Malli Gandhi**, Head of Department of DESSH, Regional Institute of Education, NCERT, Manasa Gangotri, Mysore- 6, Karnataka

their traditional means of livelihood¹⁰. Mackenzie, in his book writes, “the Yerukulas were originally merchants. Their fore-fathers carried salt, grain and other commodities inland on the backs of the pack animals, but in the march of progress, rail, roads came and transportation was taken out of their lands. Their living was gone, they knew no trade and they resorted to crime. It was easy for them to steal and run away, as they knew every road and by-pass of the country side¹¹. These tribes led a vagrant life in jungles, hills and deserts with no fixed abodes. They wandered about with their bag and baggage and would pitch their tents on the outskirts of a village or a city or in some secluded place¹². In the absence of any substantial means of living, these people depended on begging, cattle lifting and crop stealing¹³. In earlier times, they felt that their life was much easier. But gradually with the advance of civilization they realized the real situation and faced hardships in the day today ‘criminal’ life.

Conversion to Christianity as a means of controlling crime is doubtless overrated by both missionaries and some public officials and underrated by many police officers. Crime among the under privileged is not so much a problem of a specific group as a disease of the social organism. There were a large number of supernumeraries in the tribal areas with the coming of Christian Missionaries in India. There were four main reasons for the conversion of Yerukulas and Waddars into Christianity: i. the changed lives of outcaste converts; ii. the loss of faith in Hinduism; iii. the influence of the schools and churches and iv. to liberate themselves from the criminal laws¹⁴.

II

To put down crime, the British Government took stern steps to arrest and punish these people. They could not forget their bad experiences with thugs and pindharis¹⁴. The British, high caste Hindus and police officers were unable to comprehend or sympathize with the life style of the nomads. Their peculiar social practices, consumption of alcohol and inferior types of food, laziness and unwillingness to work were the criteria in branding them so. References were made to immoral women of these communities who were described as rogues¹⁶. A gypsy way of life, necessitated by earlier trading activities came to be described as vagrancy or a lust for wandering. There was a view amongst the British that the criminal tribes looked different from ordinary human beings in their physical appearance¹⁹.

Around the last part of the 19th century, on the basis of increased rate of crime, the administration viewed about the concept of the hereditary principle among the criminals. Instead of as wandering tribes they were classified as criminal tribes. The number of these tribes (branded as criminal in nature) increased in the due course of time¹⁸. Several theories have been advanced regarding the origin of these criminal tribes. According to one view, they have descended from the gypsies. It was held by some that the criminal tribes owe their origin to the aborigines, who

had been displaced from time to time by the incursions of the inhabitants of Central Asia¹⁹. The government used to deal with the individuals caught in criminal activities 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 1860²⁰. 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.

The gangs of thugs used to travel by roads in the disguise of merchants and ordinary travelers and used to strangle, plunder and kill innocent travelers on finding opportunities to commit these nefarious acts²¹. Sleeman writes, 'large gangs from Hindustan and the Deccan used to rendezvous in these groves, remain in them for many days together every year and carry their dreadful trade....'²² The operations went on until 1853 when thugges was credited²³ and by 1860, suppression of these pirates was completed. After complete suppression of the thugs and pindharis, the English paid their attention to the nomadic and Gypsy tribes roaming in India²⁴. It is difficult to enumerate all the tribes declared as criminals. The report of the all India Inquiry Committee enumerated 136 of them besides the various mixed groups declared as such²⁵. A report prepared by the Tribal cultural research and training institute, Andhra Pradesh cited 59 sects as denotified tribes of Andhra Pradesh²⁶.

III

The main aim of the 1871 Act was to keep an eye on the activities of the Criminal Tribes. The Act also aimed to control crime and help the members of criminal tribes to reform and rehabilitate themselves. The provincial governments were authorized to declare any group of people whom they suspect as incorrigibles as criminal tribes²⁹. In this Act the phrase Criminal Tribe was first coined. The system of registration had begun. The Act was applied to the whole of India, North Western Frontier Provinces, the Punjab and Avadh³⁰. This Act provided for the maintenance of a register in which the names and other particulars of the tribe were written. Some of them were required to report at regular intervals to the police station. It was discovered that the families of these men were usually involved in criminal activities. If the men were thrown into prison, their 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. As a result of experience gained, the Act was amended in 1897.

In 1897, the colonial government passed another Criminal Tribes Act. It permitted the local governments of India to establish and maintain settlements for children of criminal tribes³¹. In these settlements they were taught to work. Instructions were given to lead an honest life. Children were sent to schools. It was

hoped that such steps would bring about a complete change. 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 fairly certain that they could be trusted to remain honest and law-abiding citizens. Enhanced penalties for repetition of offences and breach of rules were provided.

As the desired goals could not be achieved by the Act of 1897 another Act was passed in 1911. The main features of the Act were: notification; restriction of movements and, settlements and schools and penalties³². If the local governments had reason to believe that any tribe, gang or class of persons or a part of a 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 was a criminal tribe³³. There are two methods of dealing with these people- registration and settlements. Registration attempted to keep track of them under police surveillance in the communities where they live. Settlement means locating members in a special place provided so that they can be more clearly controlled than by registration³⁵. Certain passes were issued to the criminal tribes to leave the place in which they are settled³⁶. Schedules were prepared. Personal identification marks, thumb and palm impressions of the tribe were taken into consideration. The main difference between the Act of 1871 and 1911 was that the Act of 1871 was only applied to certain provinces in Northern India, but 1911 Act was applied to the whole of India³⁷.

On the recommendations of the Indian Jail Enquiry Committee, the Criminal Tribes Act was again amended in 1923. It was applied to the whole of British India in 1924. In many aspects, the 1911 Act was found defective and contained many loop-holes. Basically in aim and intent, it was preventive and not corrective. There was provision for 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 with a few more additions like unjust punishments and sentences³⁸. Section III of the Act empowered the local government to declare any tribe as a criminal tribe, if it has reason to believe that they are addicted to the commission of non-bailable offences. Sections 4 and 5 empowered the district magistrate to make a register of the members of the criminal tribes living within his jurisdiction. Section 16 of the Criminal Tribes Act provided for the establishment of industrial, agricultural reformatory and schools for criminals. It empowered the local government to place any tribe in any type of settlement. Section 23 of the Criminal Tribes Act declared that any person belonging to this category convicted once for any offence under the Indian Penal Code, specified in the schedule first, if convicted for 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.

Though the Act remained in force for about 80 years, it failed in its purpose. The leaders and social reformers realized that the dubbing of a people as criminal

tribe was a blot on the Indian Society. Nehru stated in 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 statute book"³⁷. B. Pattabhi Seetaramayya 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"⁴⁰. Criticizing the Criminal Tribes Act Vennelacunty Raghavaiah stated that Criminal Tribes Act "destroyed domestic peace, embittered human life and led to the false theory i.e. once a criminal is always a criminal"⁴¹. Thakkar Bapa remarked that "the Criminal Tribes Act is disgracing our statute book"⁴².

The Madras Habitual Offenders Act 1948 came into force from 29th April 1948. It aims at the control of the criminals who take to crime as a profession⁴³. The Government of India published an all India Habitual offenders bill which is in effective instrument to exercise better control over the criminals⁴³. N.G. Ranga strongly fought for the repeal or abolition of the Criminal Tribes Act in Madras Presidency. He said the Criminal Tribes Act was used to 'suppress political workers' in those days⁴⁴. Two bills were passed in the Central Legislative Assembly. The first bill was sponsored by Venkat Subba Reddiyar and the second bill was sponsored by N.G. Ranga. The latter proposed to repeal sections 10, 11, 12, 13, 17 and 18 of the Act⁴⁵.

The Andhra Pradesh Habitual Offenders Act 1962 formulated some rules⁴⁶: the Superintendent of Police shall from time to time, examine the cases of individuals residing in the area within his jurisdiction; a register is maintained in the settlements. The register shall be placed in the custody of the Superintendent of Police; every registered offender is supplied with a certificate of identity; every registered offender shall give his certificate of identify for examination or inspection when required by any police officer; every registered offender shall report at the nearest police station; the District Collector or any officer, authorized by him on his behalf may at any time order the finger and palm impressions, footprints 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; 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 pm 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.

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 Indian

Government appointed a committee in 1949 to study the usefulness of the law. It expressed the view 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 1965. With the repeal of the Act, about 2,268, 348 persons in the country were legally set free. 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 stigma still haunts them. These people are unable to free themselves from social bondage.

Notes and References

1. See Chirravuri Nagabhusanacharyulu, Adimavasulu, Tenali, 1949, p. 60.
2. See *Administrative Report of the Forest Department*, Madras Presidency for 1889-90, Madras, p.27, TNA
3. *G.O.No.1634*, Development Department, Government of Madras, 6th December, 1922, p.1, TNA; Also see *Welfare of Chenchus-Kurnool district, Material Conditions, progress for 1959-60*, Kurnool, 1961, pp. 1-5.
4. Firishtha, the Mughal chronicler, wrote that Chenchus were "a wild mountainous people.... lived on honey, roots and flesh of wild animals and had a language not in the least understood by the plain folk". See *Tour in Hyderabad, Pamphlet No.11*(by the Secretaries of Bharatiya Adimjati Sevak Sangh), New Delhi, 1950, p. 3.
5. Proceedings of the Chief Conservator of Forests, *Proceedings No.321, (Press), 15th July 1932*, p. 4.
6. *Hukumnamas and Papers Relating to Sriharikota Yanadis, Vol.1 in A selection of papers from the old records of the Nellore District*, Nellore, 1915.
7. See Jagannath Parthy, *Social Basis of Banditry and the Criminal Tribes Act in Social Science Probings, Vol.1, No.4*, December 1984, p. 497.
8. Meena Radhakrishna, *From tribal community to working class consciousness case of Yerukula Women in Economic and Political Weekly, Vol.XXIV, No.17, April 29, 1989*, pp. 2-3.
9. Jagannath Parthy, *Op. Cit.*, p. 494.
10. Vide *Note showing the progress made in the settlement of Criminal Tribes in the Madras Presidency upto September 1916*, p.19, TNA.
11. M.E.Mackenzie, *The Mud Bank*, Pennsylvania, 1894, p. 60.
12. They felt that if they committed any offence and leave the local territory, apprehending them would be very difficult. The agencies for detecting crime were not properly organized. Even if the absconding persons (criminals) returned to the same place after a few years, it would be difficult to recognize the culprits and establish their guilt. Thus they were secure and as circumstances were favourable. See Vernier Elwin, *The aboriginals in Oxford Pamphlets on India Affairs, No.14*, Oxford University Press, 943, p.1
13. Waskom Pickett, J., *Christian Mass Movements in India*, Chicago, 1933, p. 297.
14. *Ibid*, p.298.
15. They gathered in gangs to roam across the subcontinent for three or four months of every year. They spend the balance of the year in home villages appearing as ordinary peasants.

Sleeman wrote, "while I was in the civil charge of the district of Narsingpore no robbery or theft could be committed without my becoming acquainted with it nor was there a robber or a thief of the ordinary kind in the district, with whose character I had not become acquainted in the discharge of my duty as magistrate". Quoted in Sandria B.Freltag, *Crime and Social order of Colonial North India*, in *Modern Asian Studies*, Vol.25, 1991, pp.234-36. Sleeman grouped them mainly in five categories. For other details see P.G. Shah, *Vimukta Jatis, Denotified Communities in Western India*, Bombay, 196, p. 23.

16. A. Balmer, the then Superintendent of Police, Nellore stated that the Yerukulas are constantly moving in Nellore district. They make a descent from Cuddapah and Kurnool. A close watch cannot be kept on their encampments. These people unite the occupations of salt and grain carriers with robbery and have friends and agents in every part of the country. Three-fourths of the dacoity and robbery in this district is caused by Yerukulas. In consequence of their roaming habits, the speed with which they travel, the friends they have in all districts, their connection with different gangs, it would be difficult to watch and observe these people. See *Appendix to the Police Government Report*, 1863, Government of Madras, 1896, p. 24-25, TNA.
17. See Muhammad Abdul Ghani, *Notes on the Criminal Tribes of the Madras Presidency*, Madras, 1915, p. 246.
18. Home Department, *G.O.No.1675, 2nd December, 1919*, p. 2.
19. David Macritchie, *Account of the Gypsies of India*, New Delhi, 1962, p. 62.
20. See V.Lalitha, *The Making of Criminal Tribes:Patterns and Transition*, Madras, 1995, p. 12.
21. See Meadows Taylor, *The Confessions of a Thug*, New Delhi, 1988, p.70. Also see W.H.Sleeman, *Rambles and recollections of an Indian official*, Delhi, 1915, p.651 (first published in 1844).
22. William Sleeman, *Ramaseena and a vocabulary of the peculiar language used by Thugs*, Calcutta, 1836, pp. 32-33.
23. W. Sleeman, *op. cit.*, p. 650.
24. W. Sleeman 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 mystery of the thuggee will no longer be handled down from father to son.* *Op. cit.*, p. 143.
25. Some of the criminal tribes in Bombay Presidency were Berad, Bhamptus, Bauriah, Bhars, Pasis, Bhils, Chapparbands, Dharalas, Kaikadis, Kolis, Lamanis, Mang Garudia, Minas, Sansia and Waddars. Bhamptus travel all over India and commit thefts in crowds. Bauriahs are expert burglars. Bhars and Pasis commit murders. Chapparbands were wanderers. They took to coining. Kaikadis are house-breakers. Kamms are local thieves. Katkaris are crop stealers. Mangs are experts in passing off brass ornaments for gold. Mang Garudis are beggars. Marwar Baoris disguise themselves as Sadhus. Minars are burglars. Pardhis are noted for hunting and poaching. Waghri were addicted to theft and cheating. See *Report of the Criminal Tribes Act enquiry committee*, Bombay, n.d., pp.12-25. 47 tribes are notified under the Criminal Tribes Act in United Provinces and some of them are Parsis, Doms, Banjaras, Haburas, Chambaras, Nats, Aherias, Bantu, Borya, Sansias, Karwals, Hindu Gosains and Lodhas. Majority members of criminal tribes are Hindus. Gujars, Bhars and Kewats belong to scheduled castes. See *Report of the Criminal Tribes Enquiry Committee*, United Provinces of India, Allahabad, 1948, pp. 2-4.

26. These tribes are: Telaga Pamulas, Konda Doras, Boyas, Yanadis, Dommaras, Yerukulas, Budabukkalas, Lambadas, Waddars, Donga Dasaries, Pedda Boyas, Nirshikaris, Dong Urkorchas and Kanjarbhatt. See *Superintendent of Police, Crime Branch, Hyderabad, No.1185/CIB/58 dated 27.2.1958*, AP State Archives.
27. See *Criminal Tribes Act Enquiry Committee Report, 1871*, Delhi, 1871, p. 1.
28. See Raghavaiah, V., *Problems of Criminal Tribes*, Nellore, 1943.
29. The term 'children' includes all persons under the age of 18 and above the age of four years. See *Act. No. 11 of 1897*, Madras, 1898, p.1, TNA.
30. See *Report of the Criminal Tribes Enquiry Committee, United Provinces of India, 1947*, Allahabad, 1948, p. 5.
31. See *The Criminal Tribes Act Enquiry Committee Report of 1911*, Madras 1912, pp.1-2, TNA.
32. *Ibid*
33. The earliest criminal tribes' settlement in Andhra Pradesh was established by the American Baptist Mission at Kavali in the year 1912. Before, there was a settlement at Kalichedu in Nellore district for Dommaras and Katheras (1911). Sitanagaram Settlement was established by the Salvation Army in the year 1913. Siddhapuram Settlement was a voluntary settlement established in the year 1914. Stuartpuram Settlement was established in the year 1914 by the Salvation Army. Bhummannagadda settlement was an agricultural settlement intended for the Nawabpeta Korchas. Chintala Devi settlement in Nellore district was established in 1914. The Nizam government opened a settlement for the Donga Waddars, Yerukulas and Chenchus at Lingal in Mahaboobnagar district in 1917.
34. See *Collection of the Acts of the Indian Legislature and the Governor General for the Year 1924 (Act VI of 1924)*, Delhi, 1925.
35. See *Note showing the progress made in the settlement of Criminal Tribes in the Madras Presidency upto September, 1916*, Madras, 1917, p. 1.
36. See *Madras Criminal Tribes Manual, Criminal Tribes Act VI of 1924 brought upto 31st March 1927*, Madras, 1927, p. 1.
37. Quoted in V.Raghavaiah, *op.,cit.*, p. 11.
38. *Ibid*
39. *Ibid*
40. *Ibid*
41. See *Administration Report on Habitual Offenders Settlement for the first half year 1953-54*, Madras, 1955, p. 6.
42. *Ibid*
43. *Ibid*
44. *Ibid*
45. *Ibid*