

Criminalised Past and Stigmatised Present; A Study of Piramalai Kallar and Narikoravar Communities of Tamilnadu

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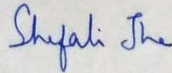
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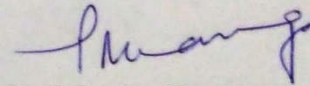
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CONTENTS

List of Maps.....	i
List of Photographs.....	ii
List of Figure and table.....	iv
1. Introduction.....	1
2. Chapter 1: Colonial Construction of Criminality; An Analysis of the Criminal Tribes Act.....	13
3. Chapter 2: Colonial Criminalisation and its Imprints on the Piramalai Kallar.....	39
4. Chapter 3: Colonial Criminalisation and its Imprints on the Narikoravar.....	81
5. Conclusion.....	102
6. Bibliography.....	108

LIST OF MAPS

1. Madurai district, the study area of Piramalai Kallar,
shown in the map of Tamil Nadu.....41
2. Thirumangalam and Usilampatti Taluks, the study area
of Piramalai Kallar, shown in the map of Madurai district.....42
3. Theni district, the study area of Narikoravar, shown in
Map of Tamil Nadu.....82

LIST OF PHOTOGRAPHS

1. Virumandi Andi Thevar, carrier of NRYM130 genetic marker, depicting australoid features.....	46
2. An elderly Piramalai Kallar woman depicting ear boring with big passage.....	51
3. Researcher's interaction with a Piramalai Kallar temple priest.....	54
4. Animal sacrificial altar of Piramalai Kallar's temple.....	55
5. The Virumanti Temple.....	57
6. A <i>Rathiri Chit</i> issued to a Piramalai Kallar.....	69
7. Counterfoil 1 of the <i>Rathiri Chit</i> , which is used by the colonial administration for surveillance.....	71
8. Counterfoil 2 and 3 of the <i>Rathiri Chit</i> , which is used by the colonial administration for surveillance.....	72
9. A Functional school of Kallar Reclamation Scheme.....	77
10. A Narikoravar family.....	87

11. A group of Narikoravar women.....	88
12. Worship of Hindu gods by the Narikoravar unlike the Piramalai Kallar's ancestor /demonolatry worship	90
13. A Narikoravar girl making beads.....	103

LIST OF FIGURE AND TABLE

1. Figure showing Pedigree chart of Cross-cousin and Avunculate marriage types among the Piramalai Kallar.....49
2. Measurement Table of Nasal Index of the Piramalai Kallar.....62

“There's no way to rule innocent men. The only power any government has is the power to crack down on criminals. Well, when there aren't enough criminals, one makes them. One declares so many things to be a crime that it becomes impossible for men to live without breaking laws.”

— Ayn Rand

“For the powerful, crimes are those that others commit.”

— Noam Chomsky

INTRODUCTION

Denotified Tribes (DNTs), classified in colonial India as ‘Criminal Tribes’, are one of the most neglected and marginalized social groups in post-colonial India. The colonial construction ‘Criminal Tribes’ was very subjective. Branding of the whole community or a section of society was done on the basis of race, occupation and socio-cultural practices. This branding was legitimized through various colonial laws like the Criminal Tribes Acts of 1871, 1911. These laws, introduced both as punitive as well as reformative measures, were arbitrarily imposed on varied communities, for different administrative purposes. There may not be any other case in social history where an entire set of communities has been classified as “criminals”, which have been proven to be a bane to their existence.

Besides being victims of colonial subjugation and humiliation, these communities continue to suffer from historical displacements, unconventional means of livelihood, and social stigma in postcolonial India. The emergence of the modern, secular institutions including democracy and judiciary has not been beneficial to these people either. Unfortunately, their case has not been sufficiently addressed by democratic polity and civil society. This is a classic case of a mismatch between tradition and modernity, which has proven very costly in terms of social justice and equality. The modern process of socio-economic development has also failed to include them in its ambit. Moreover, their closed, ‘inward-looking’ cultures have also been found to be an obstacle to change and development. As a result, the DNTs continue to remain poor, marginalised and powerless communities.

In this context, focusing on Piramalai Kallar and Narikoravar, the two ex-‘criminal’ tribes of Tamil Nadu, this research attempts to understand why and how colonialism classified/constructed these ‘criminal tribes’ and how their ‘criminalised past’ and why and how this construction survived manifested in their ‘stigmatised present’ in post-colonial India.

LITERATURE REVIEW

The colonial criminal construction served the interests of British administration in India. The ambit of criminality kept on changing with respect to various policies of the British. The classical school of criminality propounds that humans are rational beings and they chose crime to maximize their pleasure and minimize pain.¹ The early 18th-century liberalism described colonial natives as a backward civilization with low intellectual capacity and irrational beings, who are incapable of self-governance. It was the colonist responsibility to prepare natives for self-rule through social transformation by identifying their defects and reforming the same through legislation. In short, the colonist has to transform the irrational natives into rational beings for their self-rule. J. S. Mill propounded that the defects can be better understood by a thorough study of the natives.² This led to the genesis of ethnographic criminal investigations of various communities who have made crime as their means of livelihood. Till the later end of the 19th century, the colonial construction, investigation, and prosecution of crimes were based on various ethnographies. This course was altered with the emergence of positivism and biological racism.

The late 19th century witnessed the emergence of positivist ideas, which was spearheaded by Charles Darwin's "Theory of Evolution".³ Darwin's theory is based on the inheritance of traits from one generation to another. The notion of inheritable traits led to the birth of scientific racism. According to it, the superior race consists of highly regarded inheritable traits like moral virtues, rationality, fair complexion and so on. On the other hand, the inferior race consists of lowly regarded inheritable traits like savagery, irrationality, dark complexion and so on.

Cesare Lombroso, a positive criminologist, based on the idea of inheritable traits propounded criminals can be distinguished from normal persons by certain traits such as dark complexion, protruding lips and large cheekbones, which are inherited. Thus, Cesare

¹Mill, John Stuart. *Considerations on representative government*. Parker, Son, and Bourn, 1861.

² Ibid pg 72

³ Darwin, Charles. *On the origin of species*, 1859. Routledge, 2004.

Lombroso coined the term ‘born criminals’,⁴ that is, criminals are born with certain inherent traits, which makes them commit crimes rather than their individual irrationality. This notion of positivist criminology led to the branding of certain communities entirely as ‘born criminals’ rather than specific individuals of those communities who commit crimes. Thus, the data of physical traits in the form of anthropometric measurements enriched the existing colonial socio-cultural ethnologies of native communities. In 1908, Herbert Risley’s “People of India”⁵ project was published; it contains vast anthropometric data of various Indian communities.

Another important ingredient of colonial criminal construction of natives is the ancient Indian caste system in the form of varna-jati hierarchy. Nicholas B. Dirks in “Caste of Mind: Colonialization and Making of Modern India” discusses extensively how the British have foregrounded the underlying Caste system of Indian Society for their governing purposes. According to him, the British in their course of expansion and consolidation followed the policy of minimal interference with the native’s established social order. They were cautious about this, as interference with native’s subject might invite unwanted resentment against the British rule, which might even turn in to a revolt. In this context, British tried to bring in the emerging new European criminal justice system into India by making use of the already well established varna-jati system. In their pursuit, the British made use of the elitist top order of the varna-jati hierarchy communities like Brahmins to interpret the Indian social milieu based on the caste system. In those times, whoever opposed the British colonial expansion was perceived as a potential criminal. Disbanded soldiers, petty traders, rural transporters and wandering dramatists were listed as criminal groups. In this context, the elite Brahmins manipulated the British to brand the low caste groups, who opposed their dominance. Thus, the colonial imperialism and Brahmanical Varna-Jati system synchronized to disband the aborigines from their soil.⁶ The same can be related with Foucault’s Panopticism,⁷ where the ruling class divides the ruled class into various watertight compartments to exert

⁴Lombroso, Cesare. *Criminal man*. Duke University Press, 2006.

⁵Risley, Herbert Hope and William Crooke. *The people of India*. Asian Educational Services, 1999.

⁶Dirks, Nicholas B. *Castes of mind: Colonialism and the making of modern India*. Princeton University Press, 2011

⁷Foucault, Michel. *Discipline and punish: The birth of the prison*. Vintage, 2012.

power over them in an easier way and to obtain maximum docility and utility from the concerned classes

Crime has always been an integral part of any civilization. The British rule in India has strengthened the caste system for their convenience, this has, in turn, led to criminalisation of the two communities that I have taken for my study that is one a nomadic Narikoravar community and another a settled Piramalai Kallar community and the tag of “criminals-by-birth.”⁸

The revolt of 1857 was an important event in the course of colonial construction of criminality; in fact, it propelled the task. In order to prevent the same kind of rebellion in the future, by making use of the vast ethnography knowledge; the British wanted to contain the rebellious communities through a draconian legislation.⁹ Within two decades of the revolt, in 1871 the central legislative assembly of the British government enacted the Criminal Tribes Act. Accordingly, numerous communities of northern India were branded as “hereditary criminals” and subjected to ill-intentioned reformation process. Many indigenous communities lost their livelihood means due to the adverse effect of revenue-raising economic policies of the British. In this context, from the beginning of the 20th century, the scope of criminality was widened encompassing economic factors also. Indigenous communities, those do not have established legit means of livelihood were classified as criminals. With this as a backdrop, the central legislative assembly again enacted Criminal Tribes Act in 1911 with wider coverage and applicability. The 1911 act included around 130 communities and covered entire India including the then Madras presidency.¹⁰

⁸Nigam, Sanjay. "Disciplining and policing the 'criminals by birth', Part 1: The making of a colonial stereotype—The criminal tribes and castes of North India." *The Indian Economic & Social History Review* 27, no. 2 (1990): 131-164. have found that the criminal tribe was a colonial stereotype manufactured to justify the interventions of the British in the social life of these marginal communities who didn't accept the order the British wanted to impose on them. Discipline and policing was a tool to strengthen their rule

⁹ Brown, Mark. *Penal power and colonial rule*. Routledge, 2014.

¹⁰ Radhakrishna, Meena. "The Criminal Tribes Act in Madras Presidency: implications for itinerant trading communities." *The Indian Economic & Social History Review* 26, no. 3 (1989): 269-295.

David Arnold suggested that it so happened because many of these tribes were simply small communities of low caste and nomadic people living on the fringes of the society upon the rudimentary subsistence, often wandering to survive as petty traders, pastoralist, gypsies, hill and forest dwelling tribes, which didn't conform to the British colonial idea of civilized living of settled agriculture and waged laborers. He also had the opinion that the dacoity and criminality increased due to the famines. The trouble came however when criminality or professional criminal behavior was taken to be hereditary rather than habitual, that is when crime became ethnic and was merely social determinism until then became biological determinism.¹¹ This led to the branding of the whole communities.

Vennelacunti Raghavaiah, a famous social worker, criticizing Criminal Tribes Act stated that:

"Born amidst such strange and outrageous notions about caste system and the supposed heredity of crime, this act destroyed domestic peace, embittered human life and led to the most false of all theories i.e., once a criminal, always a criminal".¹²

According to Booth Tucker, whose brainchild was the Salvation Army, opined that the British in the reformation process of criminals attempted new social engineering process through criminocurological experiments.¹³ Bentham views the system of strict punishments to increase the crime rather than acting as a threat. He insisted that the purpose of punishment should be to reform the criminals and not to eliminate them.¹⁴

T H Green also talked about the need for punishments to reform the criminals but he favoured "just" punishment which can promote the moral good of the criminals and the society as a whole. Punishments should be viewed in terms of deterrent but, the objective

¹¹ Arnold, David. "Dacoity and rural crime in Madras, 1860–1940." *The Journal of Peasant Studies* 6, no. 2 (1979): 140-167.

¹²Raghaviah, V. *Tribal Justice*. Andhra Rashtra Adimajati Sevak Sangh, 1977.

¹³ Radhakrishna, Meena. *Dishonoured by History: "Criminal Tribes" and British Colonial Policy*. Orient Blackswan, 2001.

¹⁴The origin of panopticon – a mill grinding rouges honest and idle men industrious

of the reformation as propounded by the British was to turn the criminals into a productive workforce and make them earn a decent living. In their course of reformation, the British created a new social group of “criminal tribes”, identified them, and contained them in various industrial and agricultural settlements which are scattered throughout India. Many of these settlements were under the supervision of the Salvation Army. By this, the British gave potential subjects to Christian missionaries for their evangelical activity of religious conversion. The Christian missionaries faced Hindu-caste system as the biggest impediment to their evangelical activity of conversion during the 19th century. The members of the identified communities were subjected to restricted movement outside the settlements. They were given passports and have to report to the nearby police stations periodically. These settlements supplied cheap labor to the agricultural fields and economic enterprises. By this, the British satisfied the elite land-owning and industrialist classes. The reformation process yielded a mixed result as a whole.

The socio-economic status of some settled communities like Piramalai Kallar improved through land settlements, education impartment and skill training.¹⁵ On the other hand, the non-criminal history of itinerant communities’ collective memory was erased and fed with false criminal histories. With ill-managed reformation process some of the itinerant communities like the Narikoravar, with no means of livelihood weaned towards crimes for survival in the newly independent Indian state. At present, even after seven decades of independence, these nomadic communities still exist as a fringe element around the mainstream society with abysmally low socio-economic indicators.

In order to understand Piramalai Kallars as “criminals”, it is important to know their socio-economic livelihood and their cultural practices which have been discussed in my second chapter of this dissertation. According to Mercier in his book “Crime and Criminals”, 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.

¹⁵Booth, Frederick St George De Lautour. *Criminocurology; Or, The Indian Criminal and what to Do with Him: Being a Review of the Work of the Salvation Army Among the Prisoners, Habituals and Criminal Tribes of India*. Liddell's Printing Works, 1916

The environmental factor of Mercier might be the reason behind the settled Piramalai Kallar engaging in criminal activities of dacoits and housebreaking. The Piramalai Kallar country lies in the leeward side of the Western Ghats which receives scanty rainfall. As geography determines the type of economic activity, Piramalai Kallar practiced semi agrarian system. They used to cultivate food crops during rainy seasons and they were jobless in the lean seasons. As they could not meet their subsistence solely by agrarian practices, some sections of the community weaned towards criminal activities of robbery and housebreaking. So, their livelihood was shaped by the environment (Ecological Determinism).¹⁶

According to Rajayyan in his book “History of Madurai 1736-1801” opined that during 17th century CE, the Nayak rulers of Madurai patronized some Piramalai Kallar chiefs with grants and title to perform policing against the thieves. This system of Nayak rulers “setting a thief to catch a thief” was a success as the crime rate reduced in their reign.¹⁷ Till the advent of the British policing system, the Piramalai Kallar served as the watchman of various villages in that region.

From the start of the 19th century, the Piramalai Kallar vehemently opposed the establishment of the colonial policing system as it led to the loss of their means of livelihood. They revolted against the expansion of British rule in their region in large numbers. In this context, they are regarded as one of the first indigenous communities to have fought against the colonial rulers. After the large-scale revolt of 1857, the colonial masters branded rebellious native communities as “criminal race”. The colonial administrators had to declare the rebellious Piramalai Kallar as “born criminals” through legitimate means. By declaring them as criminals they can easily contain their rebelliousness through reformation process. In this regard, the British used already existing stereotypes and prejudices of Piramalai Kallars as an inferior race, followers of demonolatry and merciless thieves to prove their legitimacy.¹⁸ By proving their

¹⁶Athreya, Venkatesh B., Göran Djurfeldt, and Staffan Lindberg. *Barriers broken: production relations and agrarian change in Tamil Nadu*. Sage Publications India Pvt Ltd., 1990.

¹⁷Rajayyan, K. *History of Madurai, 1736-1801*. No. 1. Madurai: Madurai University, 1974

¹⁸Arnold, David. *Police power and colonial rule, Madras, 1859-1947*. Oxford University Press, USA, 1986.pg 67

legitimacy of enlisting Piramalai Kallars as Criminal Tribes, the colonial government did not face any strong opposition from rest of the Indian society.

The rationale behind the Narikoravar's colonial criminal construction is different from that of Piramalai Kallar. According to Meena Radhakrishnan, various revenue-raising policies of the British like Salt laws, the introduction of railways, Forest policy completely crippled their livelihood as petty traders and food hunters.¹⁹ As a result of which they got involved in petty crimes like pick-pocketing and small thefts. Though they worshipped the Hindu gods, unlike the ancestral spirit worship of Piramalai Kallar, their religious practices involved bloody animal sacrifices. Further, they followed fluid socio-cultural institutions like promiscuous relations, eating habits, etc, unlike the Piramalai Kallar's rigid institutions of kinship and marriage. These practices prejudiced them as a deviant group from the established Brahmanical varna-jati system. According to David Mayall, the already existing European prejudices against the gypsies along with the Indian stereotypes formed a basis for the colonial administrators to brand them as "criminals".²⁰

These formed the basis for the colonial administration to bring in the laws to contain the "criminal tribes". The Criminal Tribes Act (CTA) of 1871 was not extended to the Madras Presidency as the then Inspector General of Police of Madras opposed it. He seriously doubted that the entire community members of Piramalai Kallar have a criminal propensity. But the British due to administrative necessity declared Piramalai Kallar as Criminal Tribes through the Criminal Tribes Act of 1911. As per the act, the movement of the community members was restricted and continuously put under surveillance. In this regard, entire Piramalai Kallar villages were made as reformatory settlements and subjected to the reformatory process.

Stuart Blackburn wrote that CTA was, in essence, a "Kallar Control Act"²¹. Under the act, ethnic or social communities in India which were defined as, "addicted to the

¹⁹ Radhakrishnan, Meena. *Dishonoured by History*, op.cit., pg.172

²⁰ Mayall, David, *Gypsy-travellers in nineteenth-century society*. Cambridge University Press, 1988. pg 165

²¹ Blackburn, Stuart H. "The Kallars: A Tamil "criminal tribe" reconsidered." *South Asia: Journal of South Asian Studies* 1, no. 1 (1978): 38-51.

systematic commission of nonbailable offenses” such as thefts, were systematically registered by the government. Since they were described as “Habitually Criminal”, restrictions on their movements were also imposed; adult male members of such groups are forced to report weekly to the local police. Various reformation processes were umbrellaed under the term “Kallar Reclamation Scheme”.

Under the Criminal Tribes Act of 1911, as a reformatory process, the Narikoravar community members were confined to various agricultural and industrial settlements throughout Tamil Nadu, unlike the Piramalai Kallar who lived in their own villages. Rather than reforming Narikoravar towards betterment, their collective memory was erased and fed with false criminal histories. In turn, they were supplied as cheap labourers to agricultural fields and colonial industrial enterprises. Meena Radhakrishna’s “Dishonoured by History”,²² which focus specifically on the implications of the Criminal Tribes Act for the south Indian Narikoravar communities. According to her, Criminal Tribes Act was one of the several legal instruments created by the colonial state in order to achieve commodification of labour without granting freedom to the workers

Milind Bokil in his article “Denotified and Notified Tribes; A perspective”, argues that one of the most positive measures of the British towards reformation amongst Piramalai Kallar is impartment of education by establishing residential schools. Educational impartment has positively influenced the socio-economic growth trajectory of Piramalai Kallar even today.²³ Another notable British measure which had a positive impact is the construction of “Mullai-Periyar Irrigation Project”. The irrigation project made the community to practice agriculture perennially. As a settled community their population is concentrated in a certain region which made them as a collective vote banks in post-independent democratic India and respective governments helped in their developments for the same. Though they have developed in multiple fronts they are stigmatized by the mainstream because of the criminal identity attached to them.

²²Radhakrishna, Meena. *Dishonoured by History*, op.cit, pg 62.

²³Bokil, Milind. "De-notified and nomadic tribes: A perspective." *Economic and Political Weekly* (2002):pg 148

According to J.P Vijayathilakan, the reformatory process did not benefit in any way for the upliftment of the Narikoravar community rather it deprived them in multiple areas of livelihood and development, unlike the Piramalai Kallars.²⁴ In independent India, the colonial mistake of classifying them as “criminals” has not been rectified. Though the PiramalaiKallars and the Narikoravars occupy different strata and developmental scale, today they are classified together in the central list of other Backward Classes, which deprives the Narikoravars of their needs and governmental benefits. At present, they face multiple problems and occupy a very low rung in the society.

In the technological 21st century, Identification and Targeting the intended beneficiary is much easier and efficient. So it’s on the part of the policymakers and implementers to work towards the development of these excluded communities.

HYPOTHESIS

Colonialism’s arbitrary, prejudicial and motivated construction of some communities as ‘criminal tribes’ not only subjugated them during colonial India but also continued to stigmatise these communities and impacted their social, legal, political and economic marginalization; however, despite such hurdles, these communities fight for social justice by exercising their democratic rights. With the similar past tag of “criminal identity”, their present level of stigmatization and development should be almost similar.

RESEARCH QUESTIONS

1. Why and how did the Colonial administration construct criminality in India and apply it to certain communities?
2. How did race, occupational profile, various socio-cultural characters like life cycle ceremonies, religious practices help the British in the criminal construction of the settled communities like the Piramalai Kallars?
3. On what basis the British branded the itinerant Narikoravar community as “criminals”? Was it on the same basis as they did with the Piramalai Kallars?

²⁴J.P. Vijayathilakan, Studies on Vaagrivala: A collection of papers on the Narikoravar People of Tamil Nadu, Tambaram: Madras Christian College Dept. of Statistics, 1977

4. Did colonial methods of reformation help these communities to overcome the discrimination or it has reiterated the idea of criminality?
5. Did denotification of the Criminal tribes in independent India make any fundamental change in the identity and socio-economic life of these communities ensuring social justice?
6. How do these communities take advantage of democratic process?

METHODOLOGY

This study, besides following historical and analytical method, has conducted surveys, field work and interviews. During the fieldwork, ethnographic method and participant observation have been the key to understand the complexities of the two communities.

The study utilized personal interviews with two communities' members as the basic methodological tool. Before the task of data collection through interviews, a substantial amount of time was spent with the communities' members to build a good rapport and gain the confidence of them. This act of familiarization helped in collecting data with at most authenticity. Most of the interviewees are elder members of the communities, as they can give error-free data about their history, folklore and various socio-economic cultural practices. The primary data collection was done between March and April 2018. The primary data was further corroborated by various government publications, ethnographies and so on. Existing literatures and journals about these two communities served as the secondary data sources for the study.

The selection of study areas are Usilampatti and Thirumangalam taluks of Madurai district for the Piramalai Kallar and Thendral Nagar in Theni District for the Narikoravar communities.

CHAPTERIZATION

Besides Introduction and Conclusion, the dissertation has three chapters. In introduction, Chapter 1: "Colonial Construction of Criminality; An analysis of the Criminal Tribes Act." This chapter attempts to understand the colonial construction of criminal identity

with respect to the criminal tribes in India and decode the Criminal Tribes Acts (CTA) of 1871 and 1911. It also discusses about the subjugation of the “criminal” communities under the reformatory process of criminocurological experiments.

Chapter 2: “Colonial Criminalisation and its Imprints on the Piramalai Kallar.” In this chapter an attempt has been made to focus on the various factors like racial characteristics, occupational profile, various socio-cultural and religious practices which led the colonial administration to brand the Piramalai Kallar as “criminal tribes”. Then we would look into the reformatory process of the colonial administration. And further how it has affected the current status of the Piramalai Kallar.

Chapter 3: “Colonial Criminalisation and its Imprints on the Narikoravar.” In this chapter an attempt has been made to focus on factors like itinerancy, socio-cultural life and their loss of livelihood due to colonial policies; towards their criminal construction. Further the chapter would deal with the Salvation Army’s reformatory process in the form of settlements. It would also focus on the current status of Narikoravar as a Denotified community.

In the conclusion, an attempt has been made on a comparative basis, how these two communities have skewed development in the post-colonial India, even though they had started from the same point as “ex-criminal tribes.” It is also discussed, the measures taken till today for the upliftment of these Denotified Communities and how far these measures have helped them and what would be the further course of action.

CHAPTER 1

COLONIAL CONSTRUCTION OF CRIMINALITY; AN ANALYSIS OF THE CRIMINAL TRIBES ACT

The plight of so-called ‘criminal tribes’ in past and present was brought to the scholarly discourse by subaltern thinkers of modern India. Sanjay Nigam,²⁵ has opined that the British have drawn deliberate parallels between thugs and the so-called “criminal tribes”. The colonial administrators described them as ‘savage’, ‘low race’, ‘incorrigible’, who are beyond reformation to lead a civilized life. These stereotypes are still haunting these people and who live an inhumane marginalized life in the mainstream society.

In this chapter, we would understand the colonial construction of criminal identity with respect to the criminal tribes in India and decode the Criminal Tribes Acts (CTA) of 1871 and 1911, their implications in criminocurology. These acts are reflections of subjugations of indigenous natives by the racist imperial colonial power. Since ancient times criminality as a concept was used by the power structures to control the deviant classes from the established order. The colonial power in initial years through intense ethnography studies collected knowledge about native criminal tribes. In its later years of the rule it used the collected knowledge to establish its absolute power. This can be seen through the works of J. S. Mill, where he says in order to establish a good government the administrators should better understand the deviant subjects who cause a threat to the so-called better ones.²⁶ On these lines, John Torpy’s work blamed the state for the ‘included’ and ‘excluded’ communities.²⁷ CTA is one of the colonial tools to establish its power structure in India. The British constructed a social-scientific theory of criminality in the CTA of 1871. In this context, the hereditary hierarchical caste structure of Indian society

²⁵ Nigam, Sanjay. "Disciplining and policing the 'criminals by birth', Part 1: The making of a colonial stereotype—The criminal tribes and castes of North India." *The Indian Economic & Social History Review* 27, no. 2 (1990): 131-164.

²⁶ Mill, John Stuart. *Considerations on representative government*. Parker, son, and Bourn, 1861.

²⁷ Torpey, John. "Coming and going: On the state monopolization of the legitimate “means of movement”." *Sociological theory* 16, no. 3 (1998): pg 239-259.

was combined with the eugenics concept of criminality as a hereditary trait.²⁸ Thus, in CTA, 1871 the colonial power propounded criminality as a means of livelihood, which is inherited from one generation to another and introduced the tag of 'born criminals'.²⁹ Where in CTA, 1911 the colonial power widened the subjects of criminality by encompassing the victims who lost their livelihood means by the British policies. This was substantiated by the colonial power by the then prevailing argument of 'those who do not have a proper means of livelihood tend to do the crime'.³⁰ At the end of 1920, the colonial power has branded around 1 million people of Indian population as criminals. With the notion of reformation, through various settlements policies of criminal tribes, the colonial power supplied cheap labour force to the colonial capitalist enterprises like tea estates and mineral mines.³¹

UNDERSTANDING CRIME, CRIMINALITY AND STATE

The notion of what constitutes crime and criminality is an ever-changing concept. It varies through both spatial and temporal. The policies and statutes towards criminality predominately originated in a society's values and norms.³² A holistic definition of crime encompassing all of its various perspectives and satisfying all generalization is practically impossible. The simplest definition describes the crime as behaviour which violates the criminal law, behaviour which "if detected, would lead to prosecution in a court of law or summarily before an accredited agent of law enforcement."³³

Criminal law is used as an important tool of governance by the ruling class of a state. It enforced upon the people to behave in an expected manner by the state.³⁴ Theorist Jack

²⁸ Lalitha, Vakulabharanam. *The making of criminal tribes: Patterns and transition*. New Era Publications, 1995.

²⁹ Lombroso, Cesare. *Criminal man*. Duke University Press, 2006.

³⁰ MacMunn, George Fletcher. *The Indian Social System: Castes, Tribes, Religions, and Crime*. Discovery Publishing House, 1933.pg 135

³¹ Radhakrishna, Meena. "Surveillance and settlements under the Criminal Tribes Act in Madras." *The Indian Economic & Social History Review* 29, no. 2 (1992): pg 171-198.

³² Emsley, Clive. *Crime and Society in England: 1750-1900*. Routledge, 2013.

³³ Sharpe, James A. *Crime in early modern England 1550-1750*. Routledge, 2014.pg 62

³⁴ Wiener, Martin J. *Reconstructing the criminal: Culture, law, and policy in England, 1830-1914*. Cambridge University Press, 1994.

Balkin has classified the state as a National Surveillance State, where the state utilizes the surveillance mechanism, collects information and tries to pre-empt threats from that information for ‘better governance’ of the population and to deliver valuable services. In this context, the criminal law segregates ‘the normal from the abnormal’. In this way, the British enacted CTAs. The same can be related with Foucault’s Panopticism, where the state divides the subjects into various watertight compartments to exert power over them in an easier way and to obtain maximum docility and utility from the concerned classes.³⁵

As several eminent criminologists have noted,³⁶ the key to understanding crime is to focus on behavioral aspects of all crimes rather than on specific criminal acts. In other words, instead of trying to separately understand crimes such as homicide, robbery, rape, and burglary, we need to identify what it is they all have in common. Most of the past research on crime has been focused on these politico-legal rather than behavioral definitions.

The behavioral definition of crime focuses on, criminality, a certain personality profile made up of force, fraud, or stealth that causes the most sorts of crimes. As Gottfredson and Hirschi described, criminality as a self-centered behavior with indifference to the suffering and needs of others and it occurs due to low self-control. Impulsive individuals find criminality to be attractive as they provide immediate gratification through simple strategies. The strategies include thrill and excitement with less planning and skill. Criminality in terms of behavioral aspect has a conflicting relationship with politico-legal crimes. In this context, the politico-legal crime of wandering tribes and the ‘real’ crime of the thugs were both classified as criminality in the CTAs and they all faced the same brunt.

CRIMINAL JUSTICE AND COLONIALISM

During the eighteenth and nineteenth centuries, modernization and globalization were spreading in all parts of the world through colonialism. With the spread of colonial modernization and globalization, a new world system of criminal justice began to expand

³⁵ Foucault, Michel. *Discipline and punish: The birth of the prison*. Vintage, 2012

³⁶ Sampson, Robert J., and John H. Laub. *Crime in the making: Pathways and turning points through life*. Harvard University Press, 1995.

to the colonies from the European colonial states.³⁷ The new world system of criminal justice in the colonies was indeed an extension of the evolving modern criminal justice in Western Europe. Within the European colonial states, the old structures of medieval criminal justice were destroyed, new definitions of crime and criminality were invented,³⁸ new institutions of law and law enforcement were established, new structures of the judiciary were created, new models of prison and corrections were introduced, and research for a new science of criminology began to expand.³⁹ From the mid-nineteenth century, a modern structure of criminal justice began to expand in India through the India Penal Code of 1860, India Police Act of 1861, India Evidence Act of 1872, Criminal Tribes Acts of 1871 and 1911, Indian Code of Criminal Procedure of 1882, and the Indian Code of Criminal Procedure of 1898. The present systems of criminal justice in India are structurally built on the foundations of these legal documents of British Colonial India.⁴⁰

Criminal justice modernization in India by the colonial British had two contrasting forces; British imperial rule and native criminality. The British imperial rule tried to establish a more elaborate criminal justice system to nourish the absolute dominance of the imperial colonial elite.⁴¹ Within this elaborate colonial criminal justice system, the native criminality was defined. Moreover the system was designed according to the native criminality to serve the interests of governing colonial elites. The misuse of power and the injustice to the natives were more. Criminal Tribes Act was a product of the synthesis of native criminality and imperial supremacy.

³⁷ Ward, Richard H. "The internationalization of criminal justice." *Criminal Justice* (2000): 267-270.

³⁸ Brown, Mark. *Penal power and colonial rule*. Routledge, 2014.

³⁹ Sengoopta, Chandak. *Imprint of the Raj: How fingerprinting was born in colonial India*. Macmillan, 2003.

⁴⁰ Nijhar, Preeti. *Law and imperialism: criminality and constitution in Colonial India and Victorian England*. Routledge, 2015.

⁴¹ Bailkin, Jordanna. "Kolsky Elizabeth. Colonial Justice in British India: White Violence and the Rule of Law. Cambridge Studies in Indian History and Society. Cambridge: Cambridge University Press, 2010. *Journal of British Studies* 49, no. 4 (2010): 910-911.

LIBERALISM AND COLONIAL ETHNOGRAPHY

Europe witnessed the Enlightenment during the second half of the nineteenth century. Its distant background was the medieval world filled with authoritarianism, political hierarchies, nepotism, theological and metaphysical explanations. Its recent background was the Renaissance with its rediscovery of ancient scientific texts and its advances in engineering and the physical sciences. The Age of Reason in the background was directly prior to the Enlightenment with its emphasis on logic, rationality, and systemization.⁴² It is within this context that the classical school of criminality emerged.

“Classical theory” gives the first modern explanation of crime.⁴³ During the eighteenth century, the criminal justice system of Europe was corrupt, arbitrary and harsh; the classical theory was developed in reaction to it. Vague laws; bribed judges; widely varying punishments for the same crime; and harsh punishments involving torture and death. Classical theorist wanted to replace this system with more effective and just. They argued that people are rational being pursuing their own interests, attempting to maximize pleasure and minimize pain. The belief of, crime brings more pleasure than pain makes people engage in it. In this regard, the best way to control crime is by ensuring that the pain of punishment outweighs the pleasure of crime.⁴⁴ In other words, individuals will be deterred from crime if the punishments are swift, certain and severe. For this to work, the laws must be clearly stated and applied equally to all. As harsh punishment will bring resentment; it should not be overly harsh.⁴⁵ Classical theory has made an enormous impact on the criminal justice systems of many nations, even at present. These systems are based on the assumption that criminals are rational beings, equality before the law and preventing crime through deterrence.

James Mill, in his famous book “History of British India” (1817), presented to the whole world the Indian society as degraded, degenerate and almost entirely without merit. Mill

⁴² Bohm, Robert M., and Brenda Vogel. *A primer on crime and delinquency theory*. Cengage Learning, 2010.

⁴³ Agnew, Robert. "Why do criminals offend?: A general theory of crime and delinquency." (2005).

⁴⁴ Cullen, Francis T., and R. Agnew. "Criminology Theory: Past to Present-Essential Readings." (2011).

⁴⁵ Classical theorists like Bentham and T.H Green also talks about Punishment being just and to act as a deterrent.

came to this conclusion by benchmarking the European progress, which was evidenced through the Enlightenment revolution, he described non-western societies and cultures as civilizationally “backward”. And he opined that the ideals of liberalism, which are the product of enlightenment cannot be applied to these backward non-western civilizations.

The above notion of applicability of liberalism in colonial raj was further propounded by J. S. Mill. He described that the applicability of liberalism to all people of different nations depends on the criterion of intellectual capacity.⁴⁶ A savage or barbarous people with low intellectual capacity were not fit for the exercise of liberalism. But if they were to be judiciously governed by a more advanced civilization with high intellectual capacity, savage societies like India could be prepared for eventual self-government with the ideals of political liberalism. J. S. Mill opined that the aim of the intellectual civilized western governments is to groom the savage minds for individual self-governance along the ideals of liberalism. For Mill, such a 'government of leading strings', should help in the rapid social progress of the savage people.⁴⁷ This laid the foundation for the socio-cultural ethnologies. J. S. Mill wanted to study the colonial native subjects thoroughly to find their ‘defects’ and to frame laws accordingly in order to ‘reform’ them. Socio-cultural ethnographies helped the colonial administration to rule the colonies through the tool of native criminality. The period of the 18th century witnessed the onset of the British rule in India. The liberalism and colonial raj led to the development of colonial ethnology during the early part of the 19th century. Ethnology of native criminals was done not as a scholarly pursuit, rather than as an administrative strategy.

ETHNOGRAPHIC CRIMINAL INVESTIGATION

In the initial decades of its rule on the Indian subcontinent, the East India Company followed a principle of intervening as little as possible in the social fabric of Indian society. Governor General Warren Hastings in his writings to the Lord Chief Justice in England in 1774 had mentioned his objective as being “to rule this people with ease and

⁴⁶ Mill, John Stuart. *Considerations on representative government*. Parker, son, and Bourn, 1861.

⁴⁷ *Ibid*, pg. 396.

moderation, according to their own ideas, manners, and prejudices”.⁴⁸ Governing of the natives was a costly exercise for the Britishers and they felt that excessive intervention could lead to possible revolt and opposition. But one of the crimes which haunted the colonial-raj, which caused great resentment among people against the administration for its control, was the phenomenon of Thuggee.

In 1830 W. H. Sleeman, an officer of the East India Company identified a religious cult of highway robbers. Victims were strangled to death with a silk scarf and their belongings were robbed off. This phenomenon he termed 'Thuggee' and the gang members who preyed upon native travelers were called as 'Thugs'. They were, he asserted, “villains as subtle, rapacious, and cruel, as any who are to be met in the records of human depravity”⁴⁹. Thuggee emerged as a social problem during the times, when India was witnessing the social and economic transformation in a quick manner. It was a period during which the East India Company was struggling to establish its foothold by establishing the structures of law and civil administration conducive to British interests. In this context, the menace of thuggee prevented expansion of the British administration.⁵⁰

Lord William Bentinck, the reformist Governor-General, established the 'Department of Thagi and Dakiti' in 1830. The department was headed by the infamous Captain W. H. Sleeman. Under his leadership, the department did intense ethnographic analyses of Thuggee phenomenon during the 1830s and 1840s. In this context, Thuggee was one of the great crimes to be identified by the British in India. Roy has referred to it as “a phenomenon whose emergence, codification, and overthrow was to become perhaps the founding moment for the study of indigenous criminality” in India.⁵¹ Thus, the discovery of Thuggee has to be viewed in the broader context of British efforts to know the subjects

⁴⁸ Gleig, Georg Robert. *Memoirs of the life of the Right Hon. Warren Hastings, first Governor-General of Bengal: Compiled from original papers*. Vol. 3. 1841.pg.43

⁴⁹Brown, Mark. "Crime, Governance and the Company Raj. The Discovery of Thuggee." *British journal of criminology* , no. 1 (2002): pg 75..

⁵⁰ Ibid., pg. 92.

⁵¹ Roy, Parama. "Discovering India, imagining thuggee." *The Yale Journal of Criticism* 9, no. 1 (1996): 121-145.

of their governance in a better way through intense ethnological studies and it helped them to identify threats to their rule.⁵²

Sleeman's Thuggee campaign with ethnography studies served as an important tool for administrative strategy. It was also used as tools for criminal investigation and prosecution technique. In other words, investigation and prosecution of criminals were based on ethnographies constructed by the British. Sleeman constructed the ethnography of Thuggee phenomenon based on the confessions of Thug approvers. Rather than a detailed and intense ethnography study based on various socio-cultural parameters of the community of people performing the crime of thuggee, the British construction was based on the vocabulary of the confessors. Published in 1836, "Ramaseeana", or a "Vocabulary of the Peculiar Language used by the Thugs, with an Introduction and Appendix, Descriptive of the System Pursued by that Fraternity and of the Measures which have been Adopted by the Supreme Government of India for its Suppression" is Sleeman's attempt to illustrate how his breaking of the code of language provided entry into the world of the thugs and so then the key to undoing their system of crime⁵³. Thus, Sleeman in Ramaseeana has attempted to represent language as the final factor for an understanding of Thug behavior. Sleeman's Ramaseeana was based on the then existing philological presumption that the medium of language provided key insights into the social and cultural history and difference, ethnographic analyses of various communities.

The Thagi and Dakaiti Department until the 1870s served an important role within the colonial bureaucracy for the collection of ethnographic data on native criminals and which is described as the native criminality; through its extensive network of informers and deep penetration into native society. Right now it is worth observing, how the philology (language) based ethnographies of native criminality of early 19th century is justified by the doctrines of liberalism. Further, from mid-19th century the western positivism on criminality vehemently influenced the colonial administration in the form of racism.

⁵³ Brown, Mark. "Ethnology and colonial administration in nineteenth-century British India: the question of native crime and criminality." *The British Journal for the History of Science* 36, no. 2 (2003):pg 201-219.

POSITIVISM AND COLONIAL ANTHROPOMETRY

In the late 19th century Darwin's 'theory of evolution' stimulated attack on the classical theory of criminality. In 1874, Cesare Lombroso through his influential work, 'L'uomo delinquent' (Criminal Man) has challenged the classical idea, that criminals are rational beings who freely choose to engage in crime.⁵⁴ Lombroso claimed that criminals are not biologically evolved as high as other ordinary people. Their biological primitive or savage state makes them do the crime. By his detailed physical examinations of criminals and non-criminals, Lombroso propounded that criminals could be easily distinguished by their distinct biological features like hairiness, dark complexion, large jaw and cheekbones, and protruding lips. During the later part of 19th century, Lombroso's theory was intensely researched by many scholars by comparing morphological characters of criminals with normal people. The work of Lombroso and others contributed towards the emergence of positivistic approach towards crime. According to it, crimes are beyond the individual's control and it should be analyzed in a larger context rather than at an individualistic level.

Criminological positivism influenced the construction of the status of crime and criminals for both the indigenous poor and those categorized as racially inferior in Victorian England. Through the scientific concept of race (classification of people based on biological traits), the gradualism of liberalism obtained a newer version. That is the uncivilized non-western society is regarded as an inferior race and civilized western as a superior race.⁵⁵ The concept of Victorian racism served to accommodate the incorrigibles in the metropolitan (Britain) and colonial social order. The dominance of these new forms of classification was seen in the philosophical discourses of that time. Metaphysical, classical and utilitarian philosophies and the changing concepts of the race all contributed to the development of racial and criminal types in both the metropolis and the colony.

⁵⁴ Bernard, Thomas J., Jeffrey B. Snipes, and Alexander L. Gerould. *Vold's theoretical criminology*. New York: Oxford University Press, 2010.

⁵⁵ M. Brown, "Ethnology and Colonial Administration in Nineteenth-Century British India: The Question of Native Crime and Criminality", *The British Journal for the History of Science*, Vol. 36, No. 2 (Jun., 2003)

Racist ideologies long predated nineteenth-century colonialism. Different scientific racist ideologies contributed to different extents within the colonial project. Racist ideologies are epistemological constructs in seeking to establish difference. Race, from the classic position, is a naturally occurring division of humanity. However, the meaning of race itself is problematic. It can be related to particular hereditary features, such as skin colour, or in terms of geographical location. Culture (especially morality) and intellectual capacities have been related to the biological fact of race. In that sense, the behaviour of individuals and collectivities is therefore predictable, given appropriate scientific techniques. Further, early research findings claimed a ranking in terms of individual and collective capacities, both physically and mentally. A hierarchy of difference can be established and hence, inequality is a given, based on racial difference. Politically, those races at the apex of the hierarchy believe that they have a given responsibility to deal as appropriately with the lesser races.

During the mid-19th century racism was bolstered by various evolutionary inputs from Herbert Spencer and Thomas Huxley. Of all these, Charles Darwin's *The Descent of Man*, is the most important. Darwin in his work inferred racial differences and European superiority. He noted that stronger tribes always replaced the weaker.⁵⁶ Through Darwin's findings, the imperial officials have acquired a new instrument of assessment of the inferiority of the colonial subjects. Other sub-disciplines of evolutionary thoughts emerged. For example, J. H. Gall's anthropometric theories and practices contributed to the stock of imperial knowledge – especially in its commitment to measurement as a basis for policy.⁵⁷ Colonial ethnographers synthesized the socio-cultural ethnologies with the anthropometric measurements of different tribes, in classifying subject populations as 'barbaric' or 'martial'.

⁵⁶ Darwin, Charles. "The Descent of Man. 1871." *Reprinted in Penguin Classics Series* (2004).

⁵⁷ le Gall, Franck, Christopher Carling, Mark Williams, and Thomas Reilly. "Anthropometric and fitness characteristics of international, professional and amateur male graduate soccer players from an elite youth academy." *Journal of science and medicine in sport* 13, no. 1 (2010): 90-95.

Galton through Darwin's eugenics provided a link between the science of racism, colonial empire, and law⁵⁸. Galton set out to examine whether human ability was hereditary. From biographical accounts of man, he answered the question in the affirmative. Galton was concerned with collective rather than individual behavior – tribes and classes rather than individuals. He was also committed to prediction – about those who would show traits of hereditary criminality. As a founder of what transiently became known as criminal anthropology, he wished to document the facts of different races in order to predict, and consequently prevent their future criminality.⁵⁹ Galton who was the key to the scientific identification of whole genetic groups with an inherited predisposition to criminality – like the criminal classes and criminal tribes. As such, his logic fitted directly for the Victorian commitment to a body of law that pre-assigned certain groups, on the basis of their birth.

With Galton's inputs, colonial anthropometry contributed to the construction of criminality in India on the hereditary basis. In colonial India, anthropometry had the particular advantage of the caste system in which the character and notions of individuality corresponded to each caste designed in a hierarchical order. For example, Risley's theories about race and caste were clearly fundamental to the definition of the ethnographic project in colonial India. Risley was confident he could prove, in India, theories about 'race' and the human species which had been merely speculatively proposed in England.⁶⁰ H. H. Risley through his *People of India* project did detailed anthropometric measurements of various tribal groups in colonial India.

Thurston in his discourse on Thuggee had earlier noted the importance of anthropometry for criminal identification.⁶¹ In India, the Bertillon system⁶² was applied according to

⁵⁸ Galton coined the term eugenics in 1883 and set down many of his observations and conclusions in a book, F. Galton, *Inquiries Into Human Faculty and Its Development* (London: Macmillan, 1883)

⁵⁹ Galton, Francis. "Hereditary talent and character." *Macmillan's magazine* 12, no. 157-166 (1865): 318-327.

⁶⁰ Inden, Ronald B. *Imagining india*. Indiana University Press, 2000.

⁶¹ Thurston, Edgar, and Kandur Rangachari. *Castes and tribes of southern India*. Vol. 1. Asian Educational Services, 2001.

conventions established by the colonial sociology of the nomadic ‘criminal’ castes and tribes. The basic operating principle was that only members of ‘criminal’ persons convicted of certain crimes should be so measured. As people who did crime had the same physical appearances and features, it was appropriate and justified for the British to use anthropometry as a tool to study criminality.

The West was caught on the cusp of modernity which is all-encompassing in its inclusiveness of the non-Western in terms of equivalence, and yet at the same time excluding the Others as the primitive savage. The obsession with the latter was part of a racist motif to categorize the non-Western as inherently less able than, and inferior to, a modern West. This helped justify the suppression of the Other, not only in imperial India but also within the metropolitan center. In both settings, the constant fear of ‘dangerous’ people established the main institutional frameworks, not only in the police and in the penitentiary, but also in welfare measures established in the name of progress and modernization. Once in place, police controls, prisons, and poorhouses, could become more immediate, discipline-specific institutions to manage the ‘unruly’ savages.⁶³ The West’s preoccupation with the scientific mode of thought revealed its most oppressive face when the non-Western came to assume the label of a hereditary criminal. It has to be seen in the context of our understanding of the role scientific racism played in the repressive violence that was a key element of colonial rule, both at home and abroad. This mode of identity formation was utilized not only in imperial India against the criminal tribes and castes but similarly employed in identifying the non-Western as part of the Victorian criminal class.

COLONIAL INDIAN CRIMINALITY: CASTE, CRIME, AND LAW

Criminality under colonialism was about both classification and control of the same. The ‘criminal’ castes contributed to some of the first colonial ethnological works. Anthropological resources along with new criminal justice system provided a science to

⁶² The techniques of criminal identification which are rooted in the science of anthropometry, which focuses on the meticulous measurement and recording of different parts and components of the human body

⁶³ Nijhar, Preeti. *Law and imperialism: criminality and constitution in Colonial India and Victorian England*. Routledge, 2015.

measure and quantify people based on hitherto fluid caste identities. Victorian definitions of race, related components of eugenic theory and especially anthropometry eventually came to reinforce a decaying Indian caste system as an instrument of imperial categorization and rule.⁶⁴ In other words, the racial categorization of criminals based on anthropometry was aided by the already existing caste based classification. This way of ‘knowing’ the Indian society, especially in the census, the imperial gazettes and legislation, fulfilled the needs of the imperial state. The imperial rule did not encounter a legal void because already there were existing Mughal and Hindu laws, which were utilized in designing the colonial legal process. In that colonial incursion, certain key figures (Brahmins and other upper castes) in India were relied upon for their access to traditional Indian knowledge, so it was not a difficult process for them.⁶⁵ A caste system, which was vague rather than absolute, was transformed into a peculiarly rigid social phenomenon through the combined effect of colonial policing and scientific discourse.⁶⁶ Communities and groups, known for their perceived criminal propensities, came to be identified through the discourse of race, caste, and tribe. In this context, ‘criminal tribe’ had particular meanings. The tribe was situated on a lower rung than caste (i.e) outside the caste system with the qualities of savagery, wildness, and otherness, which are not exhibited by the castes.⁶⁷

The colonial government came to comprehend Indian communities through an intermediary, the Brahmin caste. At every point, the effort to maintain a dominant position by the British was reinforced by a corresponding effort to reassure the top position of the Brahmin community, and it was legitimized in terms of social categories, criminality, and punishment. British realized that it was easy to control the people of India by establishing continuity with the ancient regime, which Derret says ‘took the

⁶⁴ Dirks, Nicholas B. *Castes of mind: Colonialism and the making of modern India*. Princeton University Press, 2011.

⁶⁵ S. Sen, ‘Retribution in the Subaltern Mirror: Popular Reckonings of Justice and the Figure of Qazi in Mediaeval and Precolonial Bengal’, *Journal of Postcolonial Studies*, 8 (2005), pg. 439–58.

⁶⁶ Dirks, Nicholas B. *Castes of mind: Colonialism and the making of modern India*. Princeton University Press, 2011 pg. 56–78

⁶⁷ Tolen, Rachel J. "Colonizing and transforming the criminal tribesman: the Salvation Army in British India." *American Ethnologist* 18, no. 1 (1991): pg.106-125.

orthodox Brahminic learning as the standard of Hindu law.⁶⁸ Caste lay at the heart of Indian law and Indian unity.⁶⁹ It was most evident in the administration of criminal justice. The authoritative sources of Manusmriti contain references which clearly show that a well-defined criminal policy existed in the early days of Hindu society. Central to the Code of Manusmriti a complete digest of the prevailing religion, philosophy, and customs practiced by the Brahmin, the Vaishyas, and the Kshatriya.⁷⁰ The Brahmin class became the natural born priestly caste, versed in the scriptures of the prevailing texts. The Brahmin, armed with shastric (knowledge) injunctions, assumed for themselves the position of sole interpreters of Manusmriti and became the social and political elite, while the Shudras (low-caste) were placed at the bottom of the hierarchy. Outside of those gradations were the untouchables and the criminal castes and tribes.⁷¹

The administration of justice in pre-colonial India was the duty of the king, and its practice was elucidated and elaborated by the idea of dharma. Dharma, central to the code of Manusmriti, represents the religious aspect of Hindu life and the dharamsastra is the repository of legal provisions⁷² pertaining to this aspect of life. Every aspect of life came to be governed by dharma – which expressed the idea of the rule of law, of the rights and duties of the individual and of a social contract. Those defying their duties and rights were construed as suffering from sins committed in their past lives and took on the labels of the shudras and the untouchable caste. Their lives came to be associated with backwardness. Dharma played a key part in the cohesion of a particular kind of Indian society. It also maintained considerable inequalities in caste identities.

The concept of caste and the related notion of dharma were the legal key to unlocking pre-colonial judicial India. Central to fulfilling the judicial function was the appointment of the learned Brahmin caste, who expounded the texts of Manusmriti. The Brahmin, the

⁶⁸ Abraham, Santhosh. "Colonialism and the making of criminal categories in British India." *Nalsar Law Review* 6 (2011): pg.151

⁶⁹ Fuller, Christopher John. *Caste today*. Oxford University Press, 1996.

⁷⁰ Sripati Roy, Customs. "Customary Law in British India." *Tagore Law Lectures (Calcutta: Calcutta University, 1908-09)*(1908).

⁷¹ Sen, Prasanta Kumar. *Penology, old and new*. Longmans, Green & Co., Ltd., 1943.

⁷² Lariviere, Richard W. "Justices and Paṇḍitas: Some Ironies in Contemporary Readings of the Hindu Legal Past." *The Journal of Asian Studies* 48, no. 4 (1989): 757-769.

sole interpreters of the Vedas and the Shastras – the Hindi scriptures, became the expositors of the usages and customs which were both secular and religious. However, the duty to uphold law and order, and to maintain the customs and related religious functions, was the sole responsibility of the king. Manusmriti enjoined the king to uphold the customs of the country. Thus, the relationship between a hierarchical order of castes, with its focus on the superior position of the Brahmin, on the one hand, and a conception of sovereignty on the other, focused on the Hindu king or the royal functions of the dominant caste, which came to represent an ideological sphere of relations.⁷³ In other words, the kings utilized the Brahmins as the interpreter of criminal justice in the same way colonial administrators used them in formulating colonial laws and rules. In the administration of justice, the translations reveal that the king should ensure that there was no danger from thieves, and he should appoint ‘policing officers’ for the protection of his subjects.⁷⁴ High-castes, by virtue of their greater privilege, came to occupy key positions within the criminal justice system. In terms of crime, the ‘criminals’ portrayed by Brahmin commentators were essentially low-caste and male.⁷⁵

Caste definitions assumed a more concrete form, not only in a social and political capacity but also in the construction of caste-related criminality. The low-castes, who were contemptuously referred to as backward, were now located as members of an inferior ‘race’. This view would be especially relevant to the formation of criminal identities in India.

1857 REVOLT – COLONIAL INDIA AS LAND OF SAVAGES

Andrew J. Major says that “During the Great Rebellion of 1857, for instance, the ‘hereditary thieving races’ like the Harnis and Sansis came together under able adventurer leaders to engage in violent crime on a wide scale in the eastern portion of the

⁷³ Raheja, Gloria Goodwin. "India: Caste, kingship, and dominance reconsidered." *Annual review of anthropology* 17, no. 1 (1988): 497-522.

⁷⁴ Purohit, Shanti Kumar. *Ancient Indian legal philosophy: Its relevance to contemporary jurisprudential thought*. Deep and Deep Publications, 1994.

⁷⁵ Sen, Prasanta Kumar. *Penology, old and new*. Longmans, Green & Co., Ltd., 1943.

panjab province.”⁷⁶ For instance, in 1855 the Santhals rebelled; in 1868 the Naikdas; in 1873 the Kolis; and in 1895 the Birsas.⁷⁷ All these tribal revolts were considered to be a crime and even people who didn't commit crimes were classified under the Criminal Tribes Act 1871. Sanjay Nigam, too, records “the memory of 1857 when the ‘rising’ Gujjars and other ‘lawless tribes’ cut off all other communication.”⁷⁸ This setback by the British provided fertile ground for the pessimism implicit in eugenics and encouraged the use of social engineering through scientific measurement, categorization, and criminal justice controls, to reverse the situation.

The colonists assumed the task of methodically taming the savages. The measured attributes of the uncivilized castes provided a fertile ground for the rhetoric (and positivistic precision) of a reform agenda, comprising legal assumptions as well as legal offences, codifications, procedures and new policing technologies. To rationalize the imposition of a new criminal justice system, a reconstruction of the criminal justice processes in India was necessary. This was made possible by a positivistic pragmatism, rather than by operating from the level of general principles. While the underlying premise of the lawmaking process was the subjectivity of the lawmakers, it became scientifically legitimated in format. It resulted in the transformation of imperial mythology into the Criminal Tribes Act of 1871. In other words, the British were in dire need to control the rebellious behavior of criminal tribes which was evident in the 1857 revolt. So they took the positivist notion of hereditary criminality with racial prejudice to control them by enacting CTA in 1871.

CRIMINAL TRIBES ACT, 1871

The earlier experience with the dacoits and the thugs represented a learning process for lawmakers and for enforcement agents in India in the development of the legal construction of the criminal. The category, ‘criminal tribe’ was first encoded in the

⁷⁶ Major, Andrew J. "State and criminal tribes in colonial Punjab: Surveillance, control and reclamation of the ‘dangerous classes’." *Modern Asian Studies* 33, no. 3 (1999):pg 657-688.

⁷⁷ Hauser, Walter. "GUHA," Elementary Aspects of Peasant Insurgency in Colonial India"(Book Review)." *Journal of Asian Studies* 45, no. 1 (1985): 174.

⁷⁸ Nigam, Sanjay. "Disciplining and policing the'criminals by birth', Part 1: The making of a colonial stereotype—The criminal tribes and castes of North India." *The Indian Economic & Social History Review* 27, no. 2 (1990):pg 131

Criminal Tribes Act (CTA) of India in 1871 that applied to the governments of the Lieutenant Governors of the Northwestern provinces and Punjab, respectively, and under the administration of the Chief Commissioner of Oudh. It went through several amendments in 1897, 1911, 1919 and 1924. In 1911, its reach was extended to the entirety of British India and surveillance provisions were made more stringent. The colonial state thus created a new legal category to describe Indians, called the “criminal tribe”. As per the text of the law, “a criminal tribe was a gang, tribe or class of people addicted to the systematic commission of non-bailable offenses and with reason to believe a local government could notify using the local gazette that an entire tribe, gang or class of people were criminals.”⁷⁹ This means that as far as the local government believed that a community was criminal in nature it could be notified without further inquiries being made in to the matter. Itinerancy was a particular focus:

“If such tribe, gang or class has no fixed place of residence, the report shall state whether such tribe, gang or class follow any lawful occupation, and whether such occupation of such tribe, gang or class, or a pretense of the purpose of facilitating the commission of crimes, and shall set forth the grounds on which such opinion is based: and the report shall also specify the place of residence in which such wandering tribe, gang or class is to be settled under the provisions hereinafter contained, and the arrangements which are proposed to be made for enabling it to earn its living therein.”⁸⁰

The CTA had put numerous restrictions on movements of the members of the notified tribes. The CTA stipulated members to report their movement to the local police station; the members would be hauled up whenever the local policemen wished; members of the notified tribe could be forcefully resettled where the local government saw fit; members were expected to carry internal passports as they moved and had to report to nearby police stations. If there were a crime committed in the locality, without question the members of the criminal tribe would be deemed, culprits. No inquiry would be made into

⁷⁹ Simhadri, Yedia C. *Ex-Criminal Tribes of India*. New Delhi: National, 1979. pp 121

⁸⁰ Ibid. pp 122

such cases as it was assumed that a member of these tribes would have committed the crime.⁸¹

As the CTA was put into action, police superintendents across British India, started compiling manuals of criminal tribes. The criminal tribes manual, a genre of colonial anthropological literature about the colonized, were used to spread information about the origin, history, occupation, religious/ethnic type of criminal tribes that the colonial police needed to be aware of in order to successfully carry out their task i.e. upholding the Criminal Tribes Act whenever required. It is in this literature where one finds reification of the 'empirical state' as against the text of the CTA, which can be construed, as the 'ideal state.'⁸² In other words, the culmination of vast ethnographies and anthropometry studies done by the colonial administration was put into practice to identify the so-called 'criminal' tribes and to contain them through CTA.

It is worth mentioning about Vivian's Handbook on the criminal tribes of Punjab. V. T. P. Vivian, as Assistant Superintendent of Police in Punjab, aimed to produce "an elementary handbook for the use of district officers, whereby they may gain a passing knowledge of the castes which are held responsible for the greater part of organized crime in Punjab and elsewhere."⁸³ Vivian classified the fifteen criminal tribes subjected to the Act in Punjab into two groups:

(i) Genuine Criminal Tribes, i.e., those whose traditions and early history draw them inevitably to the practice of crime 'as the sparks fly upwards', and who are inherently and hereditarily criminal, (ii) Artificially constituted Criminal Tribes, i.e., those tribes which have been found to be criminal and have been declared to be so under the provisions of the Act.

The focus of the Handbook was on the genuine criminal tribes, about whom much detail was known and greater attention is required. The artificially constituted criminal tribes, Vivian felt, would reform themselves with the passage of time and course of

⁸¹ Naidu, M. Paupa Rao. *The history of railway thieves in India: with illustrations & hints on detection*. Vintage Books, 1995.

⁸² Wagner, Kim. *Thuggee: Banditry and the British in early nineteenth-century India*. Springer, 2007.

⁸³ Vivian, V. T. P. "A Handbook of the Criminal Tribes of the Punjab." *Lahore: Punjab* (1912).pg.172

development. Vivian in his book has described the genuine criminal tribes in detail. For example, in Chapter 1 of his book, he has given a detailed account of Bawarias based on the then available ethnographic resources. Through the following heading, Vivian has described the Bawarias based on then existing contemporary knowledge: Alternative names of the tribe, Origin, Religion, Dress, Appearance, Language, Criminality, Types of crime committed, Modus operandi, Miscellaneous.

Each section was described as, 'origin'- which is usually an explanation of how the tribe came to be in its current state (criminal state), 'occupation'- whether the tribe is a group of coin counterfeiters or a community of jewel thieves, 'religion'- many tribes are described to have their own cult, some are described as having Hindu or Islamic origin but in all these cases the tribes are described to have degraded to their current state from a more civilized condition, and 'modus operandi'- explanation of their methods of crime and in many cases, if not all - a description of their language. The objective of Vivian's manual is, how these socio-cultural data would allow district administrative machinery to identify, interrogate, and monitor members of the criminal tribes such as Bawarias, in a more effective manner. These manuals were meant to disseminate information about supposedly criminal tribes across police stations in British India. They were supposed to guide local policemen in successfully identifying hereditary criminals for purposes of subsequent prosecution. These manuals describe people by breaking their descriptive traits into several sections of information so as to act as a definitive guide in identifying and classifying the supposed criminal tribes.

The Criminal Tribes Act of 1871 had three important features: 1. it cannot be repealed; 2. it empowered social engineering in the forms of identification, removal and settlement of communities; 3. it put onus on the village headmen, watchman, owner or occupier of land to monitor the movement and behavior of tribe, class or gang classified as criminals and notify the same to authority.⁸⁴ In this way, the Act differentiated honest mainstream society from the so-called criminals; it made the former to endlessly suspect on the latter. In short, the Act defined crime, criminals and made everyone aware of the omnipresence of the criminal. Towards the reclamation of the criminals, the Act notified that the

⁸⁴ Section 22, Criminal Tribes Act, 1871

government should help the criminal “earn a living”.⁸⁵ The criminal will be paid for his physical labor after deducting the part of expenses incurred by the local government for his supervision and control.⁸⁶

CRIMINAL TRIBES ACT, 1911

The concept of Indian crime and its causes had changed between 1871 when CTA was first instituted in northern India and 1911, when a revised version was applied to the whole of British India. Various governance policies and its impact led to a search for a social scientific explanation of crime in India, connecting Indian criminality to the introduction of railways, the forest policy, repeated famines and so on. These material causes of the British policies were seen to be irreversible. In fact, the emphasis could now be on the point that the inexorable civilizing process set in motion by the British had unforeseen, unfortunate and inevitable effects on an ill-prepared section of Indian society. The administrative rationale towards the concept of crime was that certain communities had lost their means of livelihood by various revenue rising policies of British and ventured to crime for their sustenance.⁸⁷ How else could they live except by committing crime, especially if there was no property to support them? This section which had become criminal, now needed to be treated by special legislative measures. Implicit in linking crime with the lack of means of sustenance was a corollary – the criminals were reformable, and not ‘hereditary, habitual and incorrigible criminals’. The British administration would intervene in an inexorable process, and by giving these criminals employment, reverse it.

The colonial administration had been under pressure to identify the precise causes of criminality in Indian society, which made it so ungovernable from time to time. It is within this larger context that a link was sought to be established between lack of proper means of livelihood and criminality. In this specific sense, the new concept was an advance on the old as it attributed social behavior to social cause on the one hand and did

⁸⁵ Sections 3, 4, 5, 18, Criminal Tribes Act, 1871.

⁸⁶ Section 17, Criminal Tribes Act, 1871.

⁸⁷ Radhakrishna, Meena. *Dishonoured by History: "Criminal Tribes" and British Colonial Policy*. Orient Blackswan, 2001.

away with the exclusivity of Indian criminality on the other. The revised CTA, 1911, after all, sprang out of an era which prided itself on basing its social policies on an understanding that social processes were 'man-made' as opposed to God-given. Thus the concept of criminality got linked to a secular cause, and commission of the crime was now directly related to lack of means of livelihood and non-availability of work.⁸⁸ This implied that if honest (wage) work could be found for the affected communities, they could be weaned away from crime.

However, the urge to reform these communities seems to have coincided with two other critical compulsions faced by the British Indian government; to raise revenue from land and the administrative commitment to private enterprise. These two objectives needs, let the government to the unavoidable conclusion that work had to be found for a large number of criminal tribe members in order to wean them away from the life of crime or 'reform' them. These could be achieved either by giving them work on the land, or in private enterprise. Here in lay the genesis of the so-called agricultural and industrial settlements, which in turn known as criminocurology.

CRIMINOCUROLOGY – SETTLEMENT, REFORMATION, SALVATION

In the following decades of the enactment of Criminal Tribes Act, the colonial government tried to create settlements on their own to settle to reform the Criminal Tribes. These settlements are of both agricultural and industrial types. In agricultural settlements the Criminal Tribes were employed to cultivate new land and in industrial ones they were used as waged labourers in factories and estates. In initial years of twentieth century the British government adopted several strategies for handling these groups. But many of these efforts turned to be unsuccessful. Hence, in 1908 the British administration turned to the Salvation Army⁸⁹ for their help. In several ways the Salvation Army reinforced the colonial power structures by collaborating with the

⁸⁸ Radhakrishna, Meena. *Dishonoured by History: "Criminal Tribes" and British Colonial Policy*. Orient Blackswan, 2001.

⁸⁹The Salvation Army is a Protestant Christian church and an international charitable organisation structured in a quasi-military fashion.

imperial government. The Salvation Army used settlement system as a reformatory tool to turn the “criminals” into a productive work force.

In India the Salvation Army worked with a system targeting communities believed to be “hereditary criminals.” They too accepted the then existing contemporary notion of criminality as an inheritable traits. However, the Salvationist missionaries believed that criminal practices can be combated with religious faith. In this way the Salvation Army was unique from the colonial police by emphasizing on the religion. Booth Tucker, the pioneer mind of the Salvation Army, clearly believed in the notion of existence of hereditary criminals, he also believed that conversion to Christianity was the best method to reform them.

Booth Tucker began the criminocurology experiments by classifying the so-called Criminal Tribes into six categories: Incurigible, Habitual, Hereditary, Ordinary, Youth and Child.⁹⁰ He further propounded the guiding principles for criminal reformation: punitive, deterrent, preventative, and curative. “Their system consists in concentrating the criminals in settlements, finding work for them, preventing them from pursuing crime and gradually weaning them, by education and personal influence, from their criminal habits.”⁹¹ Booth Tucker summed it up in the formula, “Concentration, Control, Employment, and Reform.” The reformatory system designed a regime of redemptive education and unending labour so that the inmates had no time for anything. Coercive reformation in the form of repression was used a tool in unwilling or disobedient recipients.

Booth Tucker innovatively transformed the prison technology into a more flexible, transportable, and efficient mode that could be applied to exponentially larger numbers of people in the form of ‘settlements’. Booth Tucker propounded that, the incurigibles under his classification were truly beyond the pale, had to be quarantined and punished, while the much larger population of “ordinary criminals” could be worked on with new

⁹⁰ Booth, Frederick St George De Lautour. *Criminocurology; Or, The Indian Criminal and what to Do with Him: Being a Review of the Work of the Salvation Army Among the Prisoners, Habituals and Criminal Tribes of India*. Liddell's Printing Works, 1916.3

⁹¹ Kaul and Tompkins, Report, pg 81.

techniques. Booth Tucker opined that prevention of crime is possible by segregating the hereditary criminals from the rest of society. He equated the hereditary crime with constantly threatening vector borne disease. In this regard, Booth Tucker propounded that segregation is one of the most effective means of combating the epidemics of crime. They should be quarantined along with their families, who are more or less partners in crime and by this step itself the crime would probably reduce at least by 50 to 75 percent.⁹²

Segregation, of course, meant confinement or concentration; the settlements ought to be designed primarily to remove tribes from the population by pinning them together and denying them exit. Far from assimilation into the general society, the settlement was designed to isolate. Thus segregation was most effective when it was done to whole families, including children. In prison, the Incurable must be separated from his family; however, before the expiration of his term he should be reunited with them and the whole family farmed out to a settlement in order to encourage "good moral influences. ... His prison garb and chains will be discarded, and he will gradually be strengthened and accustomed to using his broken willpower. There his wife and child can take cheap and safe harbor with him, where their labor would at least partially meet the cost of their support."⁹³

Did the Salvationists truly worked towards the reformation of the so-called 'criminal tribes', or was their work more vital to the strengthening of the British Empire? Rachel Tolen suggests that "the criminal caste reformatory was part of the more far-reaching dream of imperial rule."⁹⁴ According to Tolen, work with these tribes was intended not to merely restrict their criminal activity, but to actually subjugate them, and transform their character, homes, and traditions into those more in keeping with British ideals. Salvation Army publications support much of this notion. Salvationist goals included first and

⁹² Tucker, F. Booth. *Muktifauj: Or Forty Years with the Salvation Army in India and Ceylon*. Salvationist Pub. and Supplies, 1923.591.

⁹³ Booth-Tucker, Frederick DeL. "Farm Colonies of the Salvation Army." *Bulletin* (1898):pg 983.

⁹⁴ Tolen, Rachel J. "Colonizing and transforming the criminal tribesman: the Salvation Army in British India." *American Ethnologist* 18, no. 1 (1991): pg 106

foremost, religious instruction, but also, “winning these men and women back to law-abiding citizenship.”⁹⁵

Meena Radhakrishna was critical of the treatment met by the so-called criminal tribes in the settlements. She acknowledged the relative success of the reformation under the Salvation Army than with the colonial police. “Deemed to be relatively more successful [than government settlements] were settlements run by missionary organizations, with some government assistance.”⁹⁶ She was shocked and dismayed to find how the collective memory of the Yerukala community had been influenced by the Salvation Army. The songs and stories told by the Yerukala community referred to “how the Salvation Army had worked tirelessly and selflessly for them for decades.”⁹⁷ She was critical of these positive collective memories about the Salvation Army. She believed that the so-called criminal tribes were treated unfairly by the British Empire, and that the Salvation Army was complicit in such practices. In this context, as part of the criminocurology experiments the past collective memory of certain so-called criminal tribes was erased and new identity of criminal was fed in to their memories. In this way, they are subjected to reformation process by the Salvation Army.

INDEPENDENT INDIA AND DENOTIFICATION

Dr. B. R. Ambedkar in one of his speeches has mentioned the tragedy of the Criminal Tribes as,

“Is there any society in the world which has unapproachable, unshowable, and unseeable? Is there any society which has got a population of Criminal Tribes? ... How many do they count in numbers? Is it a matter of hundreds; is it a matter of thousands? I wish they numbered a paltry few. The tragedy is that they have to be counted in millions, millions of

⁹⁵ Major Albert Mabe, “The Gang Made Good,” All the World, December 1942,pg 13.

⁹⁶Radhakrishna, Meena. "Surveillance and settlements under the Criminal Tribes Act in Madras." *The Indian Economic & Social History Review* 29, no. 2 (1992):pg 171

⁹⁷ Ibid.pg 175

Untouchables, millions of Criminal Tribes, millions of Primitive Tribes!!”⁹⁸

Immediately after independence describing the Criminal Tribes Act 1871 as a blot on the law book of free India, Jawaharlal Nehru denounced the whole system as monstrous. Munshi Committee of Bombay Province in the year 1937 said that until the criminal tribes/gypsies settled down, they will continue to have criminal tendencies. So, the first attempt should be made to settle them down as soon as possible. So the Government of India constituted an inquiry committee for criminal tribes under the chairmanship of Shri. Ayyangar in the year 1949.⁹⁹ He recommended the repeal of CTA-1871. Hence, it was repealed on the 31st of August, 1952. As a result, the tribes notified earlier as criminal tribes were declared as Denotified (Vimochit or Vimukt) and the name Denotified Tribes (DNT) has been in use for them through the Habitual Offenders Act 1952. As a matter of fact, the Habitual Offenders Act preserved most of the provisions of former Criminal Tribes Act 1911, except the premise that the entire community can be ‘born’ criminal. Apparently, the denotification and the passing of the Habitual Offenders Act should have ended the misery of the Criminal Tribes communities, but it has never happened even today.

The state policy on criminal Tribes and nomadic tribes is found to have two major aspects, i.e. legislative measures to control and regulate them and the other is to subject them to ‘welfare’ measures. The welfare measures planned are found to be always concomitant to the reasons for which they are brought under control and regulatory regimes. Thus Ayyangars inquiry committee recommended several steps towards amelioration of the criminal tribes after the repeal of the act. The social and economic deprivation was believed to be the reasons for their criminal activity and there was a fear that without welfare activities these criminal behaviors may regenerate. It wrote the members of criminal tribes have been laboring under manifold disabilities over a long

⁹⁸ B.R. Ambedkar, 1943. ‘Ranade, Gandhi & Jinnah’, Address delivered on the 101st Birthday Celebration of Mahadev Govind Ranade held on 18th January 1943, Poona. Bombay: Thacker & Co, Ltd. http://www.columbia.edu/itc/mealac/pritchett/00ambedkar/txt_ambedkar_ranade.html#03.

⁹⁹ Resolution no 22/1/49-police 1, dated 28th September 1949 of ministry of home affairs the government of India.

period. As a class, they are socially backward and economically depressed. It is therefore essential to help them to improve their conditions and to see that those who had criminal propensities in the past but are reformed now do not revert to crime on the repeal of the Criminal Tribes Act.

In the post independent India, things initially felt to be changing with the scrapping of the CTA and denotification exercise, thus giving an illusion of wiping off the scars of notification. It is not only that this status never changed in reality but also new forms of exploitation and suppression emerged in the present context with the emergence of globalization and psychology of the peer communities.

In this chapter, we discussed how the so-called “Criminal” Tribes, socio-scientifically got the tag of hereditary criminality by the influences of liberalism, positivism and the caste system. Towards the end of the colonial rule, they were reduced to the status of bonded labour working in various colonial capitalist enterprises. The irony is several noncriminal communities like nomadic tribes and the outcastes got the tag of criminals and they faced the subjugation under the Criminal Tribes Acts. Meena Radhakrishnan has opined that in the name of reformation process the noncriminal communities’ collective memory about their true history was erased and their memory was fed with false identity by the Salvation Army. The colonial stigmatization, stereotype, and exclusion are still haunting these communities and it is the very reason for today’s exclusion of these marginalized communities.

CHAPTER 2

COLONIAL CRIMINALISATION AND ITS IMPRINTS ON THE PIRAMALAI KALLAR

In this chapter, an attempt has been made to better understand the colonial construction of Piramalai Kallar community as a criminal tribe through an ethnographic study. The selection of study area is Usilampatti and Thirumangalam taluks of Madurai district, Tamil Nadu, and preliminary observations were made in March 2018. This helped me to get familiar with the study and to gain personal knowledge about the Piramalai Kallar community and to develop a rapport with them for data collection. The study was carried out with the aim of knowing the socio-cultural practices of the Piramalai Kallar community and how it was used by the colonial administrators to brand the entire community as “criminals”.

OBJECTIVE OF THE STUDY

1. To study the racial characteristics of the Piramalai Kallar.
2. To study the occupational profile of the Piramalai Kallar.
3. To study the various socio-cultural characters through life cycle ceremonies and religion of the Piramalai Kallar.
4. To analyze how the above-mentioned traits were used by the colonial administrators for criminal construction of the Piramalai Kallar.
5. To analyze the “Kallar Reclamation Scheme”, a reformatory process implemented as part of the Criminal Tribes Act of 1911.

AREA OF THE STUDY AND HISTORICAL BACKGROUND

The study was conducted in Usilampatti and Thirumangalam taluks in Madurai district of south Tamil Nadu. Madurai district is the most vibrant cultural area in Tamil Nadu. Madurai was an important cultural and commercial center even as early as 550 A.D.

Madurai was the capital city for the great Pandya kings. Pandian Kings patronized the Tamil language in a great way. During their period, many masterpieces were created. “Silappathigaram” the great epic in Tamil was written based on the story of Kannagi who burnt Madurai as a result of the injustice caused to her husband Kovalan. In April 1311, Malik Kafur, the general of Alauddin Khillji who was then the ruler of Delhi, reached Madurai and raided and robbed the city of precious stones, jewels, and other rare treasures. This led to the subsequent raids by other Muslim sultans. In 1323, the Pandya Kingdom including Madurai became a province of the Delhi Sultanate, under the Tughlaqs.¹⁰⁰

In 1371, the Vijayanagar dynasty of Hampi captured Madurai and Madurai became part of the Vijayanagar Empire. The kings of this dynasty were in the habit of leaving the captured land to governors called Nayaks. This was done for the efficient management of the empire. The Nayaks paid fixed amount annually to the Vijayanagar Empire. After the death of Krishnadevaraya (King of Vijayanagar Empire) in 1530 A.D., the Nayaks became independent and ruled the territories under their control. Among Nayaks, Thirumalai Nayak (1623-1659) was very popular, Even now he is popular among people, because, it is he who contributed to the creation of many magnificent structures in and around Madurai. The Raja Gopuram of the Meenakshi Amman Temple, the Pudumandapam, and the Thirumalai Nayaker’s Palace are living monuments to his artistic fervor. Thus, Madurai District has a rich cultural heritage and glorious past which shaped the historicity of the Piramalai Kallar community.¹⁰¹

Situated principally between 7° 57' and 11° 10' of north latitude and between 77° 30' and 79° 85' of east longitude, Madurai lies entirely within the tropics.¹⁰² It extends from the Western Ghats in the west to the Bay of Bengal in the east. On the north, it was bounded by the state of Pudukkottai and the districts of Coimbatore, Tiruchirappalli, and

¹⁰⁰ Kanakasabhai, Visvanatha. *The Tamils eighteen hundred years ago*. Asian educational services, 1904.

¹⁰¹ Interview with Mr. Pandian, aged 57, known for his historical narration, at Usilampatti, Madurai district on 19th March, 2018.

¹⁰² Rajayyan, K. *History of Madurai, 1736-1801*. No. 1. Madurai: Madurai University, 1974., p. 18.

Thanjavur and on the south by the district of Tirunelveli.¹⁰³ Because of the hot climate, scanty and faulty rainfall, the absence of perennial rivers and irrigational facilities, the poor productivity of the soil etc., the life of the people of Madurai was becoming highly miserable. Dravidian by race, people were divided into numerous communities of whom the prominent were the PIRAMALAI KALLAR, they alone formed about 1/3 of the total population of the district.¹⁰⁴

Usilampatti and Thirumangalam taluks encompass all the eight Nadus and twenty four Upagrammas of PIRAMALAI KALLAR NADU, which will be discussed later in this chapter. Therefore, these taluks will be a useful study area for the research.



MAP 1: Madurai district, the study area of PIRAMALAI KALLAR, shown in the map of Tamil Nadu (Source: Wikipedia)

¹⁰³ Hamilton, Walter I. A geographical, statistical, and historical description of Hindostan, and the adjacent countries. Vol. 2. Murray, 1820. p. 466.

¹⁰⁴ Francis, William. *Madras District Gazetteers: Madura*. Superintendent, Government Press, 1906., p.88.



MAP 2: Thirumangalam and Usilampatti Taluks, the study area of Piramalai Kallar, shown in the map of Madurai district (Source: <http://www.onefivenine.com/india/villag/Madurai>)

PRE-COLONIAL FACTORS LEADING TO CRIMINAL CONSTRUCTION OF PIRAMALAI KALLAR

ECONOMIC LIFE

It is a pragmatic dictum that geography governs history. The choice of occupations on the part of the individuals and their physical and mental makeup are decided purely by the geographical features of their land of the dwelling. The impact of geography goes a long way in moulding the human factor itself. It was true in the case of the Piramalai Kallars in general.

Sathianathaiyar has traced the Piramalai Kallars as semi-agricultural and semi-warrior group living in marginal lands during the 17th century.¹⁰⁵ It is significant to note that the Kallars were listed among the other agricultural castes of Madras province in the first

¹⁰⁵ R. Sathianathaiyar, *Tamilaham in the Seventeenth Century*, University of Madras, Madras, 1956, p.136.

census of 1871. A percentage wise breakdown reveals that 90% of the Piramalai Kallars had been classified as cultivators.¹⁰⁶

Traditionally the Kallars engaged themselves in martial activities, lending their services as mercenaries to kings, chieftains, poligars, and anybody who required them. Under the early Tamil Kingdoms of the Chera, Chola, and Pandya they were advance guards, spies and guerrilla troopers. During the time of peace and settlement, the Tamil kings employed them as *kavalkarars* or guards for the protection of domestic property and public places in villages. Thus kaval became their traditional occupation.¹⁰⁷ With the decline of the Tamil Kingdoms, they were thrown out of employment and were trapped into evil days.

The Piramalai Kallar country lies in the leeward side of the Western Ghats and it received scanty rainfall. Unfortunately, the land they had occupied was infertile and at the mercy of Rain God as they were bereft of any systematic irrigation channels. Their land holdings were diminutive and scattered, thereby rendering the application of improved methods of agriculture almost impossible. Finding agriculture insufficient for their maintenance some had to resort to alternative means of earning their livelihood. They were left with three options – beg, borrow or steal. Daring by nature and with the independent disposition and a high sense of self-respect, they could not stoop down to the level of begging. They could not borrow because there was none to lend them a helping hand. The only option left out was to steal and so they took to robbery for additional income.¹⁰⁸ Hence they organised themselves into a village federation and were never in tune with the successive Nayak rulers of Madurai and their military officers, the poligars. They disowned the suzerainty of the Nayaks.

¹⁰⁶ Dumont, Louis. *A South Indian subcaste: social organization and religion of the Pramalai Kallar*. Oxford University Press, USA, 1986.

¹⁰⁷ Blackburn, Stuart H. "The Kallars: A Tamil "criminal tribe" reconsidered." *South Asia: Journal of South Asian Studies* 1, no. 1 (1978): 38-51.

¹⁰⁸ Interview with Mr. Mookaiaiah Thevar, aged 67, at Thirumangalam, Madurai district on 17th March, 2018. He has an extensive knowledge about the history of Piramalai Kallar.

*Kaval*¹⁰⁹ System

Unable neither to tolerate the lawless activities of the Piramalai Kallar, nor to overawe them, Tirumala Nayak decided to bring about socio-religious identification with the rebellious Piramalai Kallar so as to enlist their co-operation through royal titles and grants. Accordingly, Tirumala Nayak granted in 1640 to some Piramalai Kallar titles and also the right of collecting *kaval* fees. Thus '*kaval*' system has granted a royal sanction resulting in a contractual agreement for the Piramalai Kallar's police service. To all intents and purposes, Tirumala Nayak set a thief to catch a thief. While they performed *kaval* duties in exchange of certain privileges, Nayaks retained their judicial, political and military autonomy.¹¹⁰

With the hike in social status as *kavalkarars* the Piramalai Kallar gave up their thieving habits and became a more responsible lot. The office of the *Kavalkarars* was hereditary. As *Kavalkarars* they kept watch at night, observed the movements of strangers, and traced the culprits keeping track of their footprints. The role of *Kavalkarar* seemed to have been a point of honour among them and they prided themselves on their system of safely escorting travelers through their lands and providing material security to villagers. If any theft occurred during their watch they had to recover the stolen property or else had to compensate for the loss. Thus a principle of equity which is not found even in the modern police system prevailed. They were entitled to a *kaval* fee paid either in cash or in kind and at times free lands too. In the event of violation of the rules of the system, the persons concerned whoever it might be dealt with severely.¹¹¹

During the 18th century when the Nayak rulers became weak, thrown out of employment many *kavalkarars* had no other alternative but to become plunderers. The collapse of the *kaval* system could not be attributed to socioeconomic factors alone. In fact, the British played a pivotal role in stripping the *kavalkarars* off their powers through calculated moves. Because when the British acquired the district of Madurai in 1801 they realized

¹⁰⁹ Tamil word *Kaval* means 'protection'.

¹¹⁰ Mr. Chinnasamy Thevar, aged 74, at Usilamapatti on 19th March. He narrated about a folk ballad – Madurai Veeran Kathai Padal - shows that Tirumala Nayak used the Kallars to drive away the local dacoits.

¹¹¹ Venkatasamy Nattar Na. Mu., Kallar Charithiram, Tatson Press, Trichy, 1923.

that they had to deal with these stubborn and unmanageable Piramalai Kallar.¹¹² The Nayak rulers recognition of Piramalai Kallar as independent state and permission to have their own system of Chieftainship¹¹³ proved to be a thorn in the flesh of the British.

The British government through subsequent regulations in 1816 and in 1839 abolished the *kaval* system totally.¹¹⁴ As Blackburn rightly puts in,

“in this annihilation of the natives, largely Kallar resistance to the British rule, lies the origin of later administrative policy towards the Kallars..... any attempt to defend one’s village, family and way of life against the foreign invader was taken to indicate the savagery of the defenders, and was the very justification for conquering them”.¹¹⁵

The abolition of *kaval* system threw the Kallars into a frenzy. Having been reduced to abject poverty, some among them indulged in arson, looting, plunder, cattle-stealing, burglary, highway robbery etc, in order to exhibit their enemical attitude to the British on the one hand and to make their living on the other. Thenceforth crime was considered an honourable profession. Thus a warrior clan was forced to turn notorious thieves and robbers.

PIRAMALAI KALLAR AS ABORIGINIES

The scientific racism of the 19th century played a dominant role in the classification of a population group with certain racial criteria to possess criminal traits. In this context, the ethnicity of Piramalai Kallar has been traced. The Encyclopaedia of Indian Tribes and Castes describes the Kallars as a dark race of small stature and of many distinctive peculiarities pointing them out as having sprung from an aboriginal tribe¹¹⁶. Piramalai Kallars are predominate of “Australoid” ethnicity. Some of the racial features of the Piramalai Kallars are short to medium stature, their head is of medium proportion i.e.

¹¹² *Madurai Under the English East India Company, 1801-1857*. Madurai: Raj Publishers, 1987., p.9.

¹¹³ Francis, William. *Madras District Gazetteers: Madura*. Superintendent, Government Press, 1906.,

¹¹⁴ Inspector General of Police,(Ed), *History of Police; Centenary 1859 – 1959*, Madras., p.249.

¹¹⁵ Blackburn, Stuart H. "The Kallars: A Tamil “criminal tribe” reconsidered." *South Asia: Journal of South Asian Studies* 1, no. 1 (1978): pg.43.

¹¹⁶ Burman, B. K., B. Choudhari, and K. K. Mishra. "Encyclopaedia of Indian Tribes and Castes." (2004). p. 4340.

mesocephalic and nose is of medium breadth and flat i.e. mesorrhine, approaching platyrrhine.¹¹⁷ Spencer Wells and Pitchappan have found an ancient DNA marker in the blood of Piramalai Kallar that links them to the very first modern humans who migrated out of Africa about 60,000 years ago and traveling through the southern coastline of Asia and eventually reached Australia.¹¹⁸ Based on this theory, it is assumed that the Piramalai Kallar were the oldest human inhabitants of the subcontinent.



PHOTOGRAPH 1: Virumandi Andi Thevar, carrier of NRYM130 genetic marker, depicting Australoid features. (Source: Prof. Balakrishnan, Dept. of Immunology, Madurai Kamaraj University)

KINSHIP SYSTEM

The purity of Piramalai Kallar gene pool containing the earliest human evolution gene marker was made possible by their conservative social organization. It prevented the

¹¹⁷ Interview with Prof. Kubendran, aged 62, at Thirumangalam, Madurai District on 17th March, 2018

¹¹⁸ The presence of 'NRYM130' genetic marker was discovered by geneticist, Spencer Wells as part of National Geographic Society's 'Genographic' project assisted by Prof. Pitchappan of Madurai Kamaraj University in the blood of Mr. Virumandi Andi Thevar, aged 40 years, a Piramalai Kallar, a resident of Jyotimanickam village of Thirumangalam taluk, Madurai district.

admixture with other racial groups for a very long time; in other words, the degree of homozygosity of gene pool among Piramalai Kallar is high compared to other Dravidian communities. This can be attributed to their well defined and conservative system of kinships and marriages.¹¹⁹ In view of Dumont's they follow Dravidian kinship system in the form of isogamous kinship with the patrilineal unilineal descent.¹²⁰ The 'Dravidian' kinship systems of south India is unrelated to the 'Indo-European' kinship systems of north India by the practice of cross-cousin marriages.¹²¹

The kinship structure of Piramalai Kallar can be better understood by describing their culture of 'nads'.¹²² The word *nad* is usually used in Tamil to designate a territorial unit. Piramalai Kallar community was divided into eight major divisions called *nads* or provinces and twenty-four minor divisions called *Upagramas* or secondary villages. The eight provinces of the Kallar Nadu in the order of precedence were as follows

(1) Tidyen, (2) Valandur, (3) Puttur, (4) Karumathur, (5) Pappapatti, (6) Kokkulam, (7) Veppanuttu and (8) Tummakkundu. Each province comprised a cluster of villages.

The patrilineal, patrilocal, exogamous lineage is the basic grouping of Piramalai Kallar society. A *nad* is a territorial unit consisting of many lineages. The unity of *nad* as a group is based on patrilineal lineages descended from a common ancestor. It is not the lineage but a plurality of lineages which is placed in relation to territory. This fact is linked to the political organization. The assembly of Piramalai Kallar country is an assembly of territorial units; it is through the medium of these that each lineage is situated and integrated into the whole. Therefore, in Piramalai Kallar political organization, territory and the kinship group are based on each other.¹²³

¹¹⁹ Interview with Mrs. Kalaivani, a higher secondary school teacher, at Karumathur, Thirumangalam taluk, Madurai district on 19th March, 2018.

¹²⁰ Dumont, Louis. *A South Indian subcaste: social organization and religion of the Piramalai Kallar*. Oxford University Press, USA, 1986.

¹²¹ Carter, Anthony T. "A comparative analysis of systems of kinship and marriage in South Asia." *Proceedings of the royal anthropological institute of Great Britain and Ireland* 1973 (1973): 29-54.

¹²² Interview with Mr. Karuppaiya Thevar, aged 75, resident of kokkulam village, Thirumangalam taluk, Madurai district on 17th March, 2018

¹²³ Interview with Mr. Kavalan, aged 62, a Piramalai Kallar, at Valandur village, Usilampatti taluk, Madurai district on 16th March, 2018

MARRIAGE TYPES¹²⁴

To preserve the purity of the community, caste endogamy was emphasised. They preferred kin marriages since such marriages strengthened the existing relationship between the two groups and reinforced the integration between them. Further, as the relatives tend to take interest in the welfare of the fellow relatives, affinal relations with them were preferred.

At the same time, clan exogamy was observed. Almost all the young people of a particular clan which is known as *karai* were classificatory sisters and brothers and were forbidden as spouses.¹²⁵ To them, a Piramalai Kallar boy marrying a Piramalai Kallar girl alone was considered to be a regular union. If anyone of them happened to belong to a non-Piramalai Kallar community, such union was denounced as irregular and they were abhorred as *Puzhukkai Kallars*, a derogatory term to denote their impurity. This social stigma would persist and linger through all generations, thus encumbering their posterity too. Such impure Piramalai Kallar could have matrimonial ties only with those who were also branded like themselves.

While choosing the spouse, it was customary to give importance to *sudantra pathiyathai* i.e., rightful claim. Accordingly, the eldest son of a family (*sudantra mappilai*) had rightful claims for the hand of his maternal uncle's eldest daughter the *sudantra ponnu* irrespective of their age disparity. Thus the system recognised only the first born to have the rights of *sudantra pathiyathai*. Even if the *sudantra ponnu* was elder to the boy, if he was willing, he could marry her. If anyone of the pair was unwilling to marry the *sudantra* person, they had to pay indemnity to the other so as to get released from the *sudantra pathiyathai*. If at all a marriage was negotiated by an alliance seeking party or so, it was mandatory to ascertain whether the proposed bride or groom had been released from the *sudantra pathiyathai*. Thus as a matter of right-cum-obligation, a Piramalai

¹²⁴ Interview with Mrs. Rani, aged 55, a Piramalai Kallar, at K. Paraipatti of Thirumangalam taluk, Madurai district on 15th March, 2018

¹²⁵ Dumont, Louis. *A South Indian subcaste: social organization and religion of the Piramalai Kallar*. Oxford University Press, USA, 1986.

Kallar marries his maternal uncle's daughter and a *Piramalai Kallathi*, her paternal aunt's son.¹²⁶

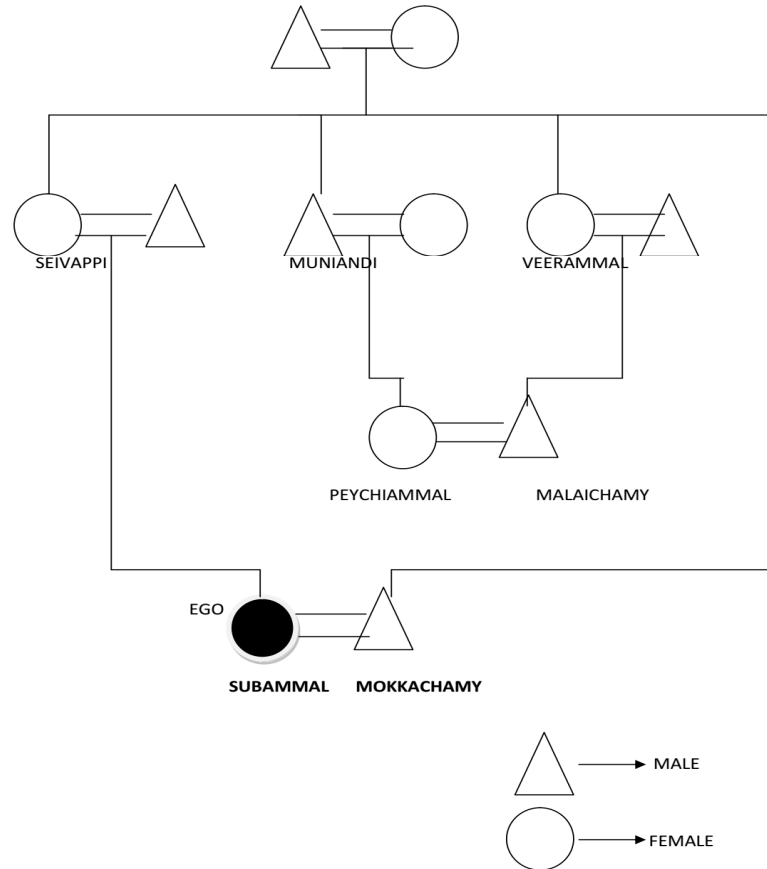


FIGURE: Pedigree chart showing existence of Cross-cousin and Avunculate marriage types among Piramalai Kallar.

The above pedigree chart explains the existence of avunculate marriage type in the form of uncle/niece marriage and cross-cousin marriage type among the Piramalai Kallar.¹²⁷ Subammal has married her maternal uncle Mokkachamy. As being Mother's Brother (MB), Mokkachamy is consanguineal related to Subammal. Louis Dumont interprets this kind of marriage as; in order to strengthen kinship ties, Piramalai Kallar follow

¹²⁶ Interview with Mr. Chella Pandi Thevar, aged 67, a Piramalai kallar, on 17th March, 2018, at Thirumangalam, Madurai district

¹²⁷ Interview with Mrs. Subammal, aged 45, a Piramalai Kallar, at Kokkulam village, Madurai district on 16th March, 2018. Subammal's family pedigree is constructed taking her as the ego.

avunculate marriage type. Further Dumont says in this marriage type husband of the ego is should be seen as Fathers Wife's Brother (FWB) rather than as Mother's Brother (MB) in order to avoid consanguinity. The second marriage type in the pedigree chart is of cross-cousin type. Subammal's eldest maternal uncle's daughter, Peichiammal has married her aunt's son, Malaichamy. Peichyammal and Malaichamy are related as cross-cousins in Subammal's family pedigree. Subammal family pedigree shows how through marriages close kinship ties are made by Piramalai Kallars.

LIFE CYCLE CEREMONIES¹²⁸

Elaborate life cycle ceremonies with presentations were observed by Piramalai Kallar to strengthen their kinship ties. A Piramalai Kallar always believed that birth, growth, puberty, marriage, and death were the most important stages to complete a life cycle and they have tied up those stages with elaborate ceremonies. This tendency could be seen even today with their banners and 'cut-out' culture. In all these ceremonies the relatives were obliged to make presentations. The obligation was more strenuous on the part of the maternal uncle. It is also obligatory to give back the *moi* (gifts) to the donor on similar occasions in future. Dumont also argues that affines perform important ritual roles as removers of pollution and that in this regard spouse-givers are stressed over spouse-taker.

Birth Ceremony

In the early times, the Piramalai Kallars never attached any special importance to the sex of the child since they believed that birth was not in their hands. The marriage bond was strengthened only with the birth of the first child. Up to that period, marriages could break up at any time. Hence childbirth was considered an important event and so elaborate ceremonies were observed with feasts and festivities.

The first delivery invariably took place in the woman's parents' house. When a child was born the entire family had to observe 'pollution' for 30 days. The first-born female child was christened on the seventh day of its birth followed by the ear-boring ceremony. For every girl, child ear-boring ceremony had to take place before she attained puberty and

¹²⁸ Interview with Mr. Mayandi Thevar, aged 72, a Piramalai Kallar, at Usilampatti, Madurai district on 19th March, 2018

thereafter the stretching was continued by hanging leaden rings from the hole. The ear passage thus became finally the most bejeweled part of a woman's person.



PHOTOGRAPH 2: An elderly Piramalai Kallar woman depicting ear boring with big passage. (Source: Photograph taken by the researcher at Usilampatti, Madurai District)

Puberty Ceremony

Girls' puberty was called *ruduway* or *rusuway* which was determined purely by nature. The ceremony was called *sadangu*. It was individual and purely a family function and the girl was secluded for sixteen days in view of hygiene in a separate hut, a temporary shelter, erected specially for this purpose by the maternal uncle's side. Except for dhobi and barber, all others kept themselves away from the family of that girl. On the 16th day the temporary shed, usually a thatched hut, was burnt by the people of the maternal uncle and thereby ending the quarantine. Through a ceremony called *sadangu kalithal* the girl and her family could become free from 'pollution'. It was observed on a grand scale and relatives, mainly maternal uncle, used to make presentations. In fact, the maternal uncle

was obliged to meet the expenses incurred during this ceremony since he had a rightful claim on the girl as a bride for his son.

Circumcision ceremony

It is a curious fact that the Piramalai Kallars practiced circumcision which was called *seepu kalyanam* or *marga kalyanam* imitating the Muslims. The origin of the custom is uncertain. But Francis inclines to the view that it was a custom borrowed from the Muslims or a measure imposed by them.¹²⁹ However, it was a custom more social than religious in nature. It was carried out to all the adolescent boys of the village on a particular day fixed by the village council. The boys who were to be circumcised were carried on the shoulders of his maternal uncle to the *mandei*, the seat of the village council, with great formalities of singing and dancing by his relatives and from there taken to a grove where barber-surgeon carried out the operation and dressing. En route to the selected site and throughout the ceremony, conch shell was blown. The circumcised boys were considered impure and so were secluded outside the houses. On the 30th day a general purification was done, followed by a ritual for the god Malaichami and kinship presentations. The expenses connected with this ceremony was borne by the boy's paternal aunt whose daughter he had a rightful claim in marriage.

Death Ceremony

The Piramalai Kallar either buried or cremated them. Usually, they burnt the dead. The dead were buried with their faces laid in the north since they came from the north originally. Here again, an elaborate and noisy ceremony with mind captivating music was observed. Funeral 'palanquin' was prepared with flowers since they considered it the most respectable way of bidding farewell to the dead. Accompanied by music the corpse was taken to the cemetery.¹³⁰ In principle, the mourner was invariably a male either a deceased man's younger son or a deceased woman's elder son. In the absence of male children, the mourner could be the woman's husband or a brother's son for a man. In case of cremation, the afore-said eligible mourner lit the funeral pyre.

¹²⁹Francis, W. "Census of India, 1901, Vol. XV: Madras, Part I: report." (1902). p. 94.

¹³⁰ Interview with Mr. Kannadasan, aged 54, in Paraipatti, Thriumangalam Taluk on 17th March, 2018

The dead were mourned for 30 days. Until then meat-eating, temple entry etc. by the mourners was prohibited. The end of mourning was marked mostly by the ceremony called *urumalkattu* (tying of the turban). The most important funeral presentations were the gifts of food in the beginning and the gifts of clothes and turbans at the end of mourning. These gifts were noted down so as to give return gifts in future in case of a death in the donor's family.

From above it is clear that all the life cycle ceremonies accompanied by elaborate ceremonies of presentations giving and taking functioned periodically reinforcing the kinship ties. This close kinship ties made them exist independently for a very long and maintaining their purity.

RELIGION¹³¹

The religious life of the Piramalai Kallar is very difficult to define. In fact, it is a combination of so many concepts such as poly-theism, ancestor worship, animism, demonolatry, totem worship etc. In the opinion of H.A. Stuart, they were nominally Saivites but in reality, the essence of their religious belief was devil worship.¹³²

Polytheism

Piramalai Kallar never risked offending any god or goddess either wantedly or unwittingly which caused them to repose their faith in the plurality of gods and goddesses. This pluralism got widened so much so they admitted even alien gods whom they came across in their lives. They attached more importance only to rituals, feasts, and festivals than to religion as such. They strongly believed that their lives could be controlled and directed by some supernatural powers with whom they were not ready to fight with. They also considered that the supreme value was to live a long, happy and prosperous life and hence were intent on propitiating their gods.¹³³

¹³¹ Personal interview with Mr. Sudalaimuthu Thevar, aged 62, temple priest of Virumandi temple at Karumathur, Usilampatti taluk on 19th March, 2018

¹³³ Observations made by the researcher: Gods are propitiated through animal sacrifices and naming children with god's names.



PHOTOGRAPH 3: Researcher's interaction with a Piramalai Kallar temple priest.
(Source: Photograph taken by the researcher at Karumathur, Usilampatti taluk, Madurai district.)

Ghost Cult (Demonolatry)

To Piramalai Kallar, premature death in any form whether it was a case of suicide or accident or disease was a curse from God and they believed that the souls which failed to lead fulfilled lives could harm others as bad spirits or ghosts. It was feared that such spirits bore hatred against the living and were very much fond of mischief and blood and would cause damage to crops and even deaths, especially of the youth. They also believed that the spirits were capable of influencing the welfare of the living in a mysterious way. Further, they strongly believed that even malevolent spirit could become tutelary if provided with a cult. Hence in order to appease them, they were deified and

animal sacrifices were offered.¹³⁴ As Durrant suspects, perhaps this type of ghost cult would have gradually transformed into ancestor worship.¹³⁵



PHOTOGRAPH 4: Animal sacrificial altar of Piramalai Kallar's temple. (Source: Photograph taken by the researcher at Karumathur, Usilampatti taluk, Madurai district)

Ancestor spirits were also worshipped perhaps out of admiration or fear. To invoke their blessings and to propitiate them, the children were named after their ancestors. They believed that their ancestors continued their existence as spirits and had power over their children's lives. To keep them happy, ceremonies with offerings of cooked food of their usual preference, banana, sweets etc. were observed by members of the family or lineage.¹³⁶

The Piramalai Kallars had deified their women especially the deceased ones like Silakkariamman of Chellampatti¹³⁷ and Sivandammal of Tideyanad.¹³⁸ Moreover, hero

¹³⁴Interview with Mr. Sadaiyandi, aged 66, a temple priest, at Pappapati, Thirumangalam Taluk, Madurai district on 18th March, 2018

¹³⁵Will, Durant. "The Story of Civilization-Part I-Our Oriental Heritage." (1954)., p.63.

¹³⁶ Interview with Mrs. Pappathi, aged 80, a female shaman, at Thirumangalam, Madurai district on 18th March, 2018

¹³⁷ Folklore narrated by Mr. Sudalaimuthu Thevar. Silakkari was a priest's daughter who was killed by the god. She is worshipped as a secondary deity in the temple of her lineage and as main deity in the lineage of her son who was miraculously saved by the god at the time of his mother's death.

worship was also a common feature. They respected those who were shot dead or hanged by the government while fighting for their freedom by erecting memorials with a citation and even stone images were made for them and worshipped as deities. Even today, besides ancestor worship, the Piramalai Kallars tend to worship their community leaders like Pasumpon Muthuramalinga Thevar, Mookaiya Thevar, and others by erecting statues in their villages.¹³⁹

Totem worship was also common among them. Animals and trees are predominately worshipped as totems. The Piramalai Kallar temples till date have housed statues of dogs and horses as to help the deities to protect people from demons. Undeniably they were animists. Sun was considered as the Father and the Moon as the governor of fertility. Women worshipped her as a protecting deity. Since they believed trees, mountains and water sources as abodes of spirits, they were all worshipped. Even some of the stone tablets, marking the old boundaries in villages had become deities and were worshipped as *Ellai Amman* and *Ellai Chamy* (boundary god and goddess).¹⁴⁰

Various Cult Worships

Three kinds of cult were prevalent among Piramalai Kallars namely, Lineage cult, Village cult, and *Nad* cult. The general social characteristics of the cults were Maniyam (tax-free land tenure), Governing Council of the temple and *Mudalmei* or Primacy, i.e., distribution of honours.

Lineage Cult

Cult worship followed by a particular lineage group by erecting a *sonda kovil* (own temple) or lineage temple. A lineage temple was richer and more elaborate than the village temple. Usually, only during the annual festival, it came to life. The pujari (priest)

¹³⁸ Folklore narrated by Mr. Sudalaimuthu Thevar, aged 68, at Valanthur, Thirumangalam taluk, Madurai district on 16th March, 2018. Sivandammal's fiance Pichan went to Madurai to buy jewels for his marriage with Sivandammal. But he was arrested by the police and put to death. His fiancée Sivandammal killed herself by fire.

¹³⁹ Interview with Mr. Kaalai, aged 64, village head of Tidiyan, Usilampatti taluk, Madurai district 20th March, 2018

¹⁴⁰ Interview with Mr. Sadaiani, aged 56, temple priest, at Usilampatti, Madurai District on 19th March, 2018

and *kodangis* (shaman) were exclusively Piramalai Kallars. Each temple had a pantheon of 21 gods consisting of ancestor gods surrounded by a sanctuary of watchmen gods. Worshippers of a certain deity claimed to be agnates (descendants of a same male ancestor) and marriages were forbidden among them. Usually, they sought marriage alliance with the worshippers of another deity who were affines. Karumathur, the religious capital of the Piramalai Kallar Nad, is famous for lineage temples. The Virumanti temple of Karumathur is a famous lineage temple.¹⁴¹ Through lineage cult worship, membership of Piramalai Kallars to a particular clan was demonstrated and also asserted by the exclusive performance of certain rituals during the festivals.



PHOTOGRAPH 5: The Virumanti Temple (Source: Photograph taken by researcher at Karumathur, Usilampatti taluk, Madurai district)

¹⁴¹Folklore of Virumanti Chamy was narrated by Mrs. Pappathiammal, aged 69, a Piramalai Kallar, on March 19th 2018, at Karumathur, Usilampatti taluk, Madurai district. There was a severe famine in the region. The people listening to an oracle invited Brahma from Kerala to offer plenty to the people. The people also promised him the offer of a goat and pregnant women in sacrifice. He was given a local name, Virumanti, his temple built and worshipped with human and animal sacrifices. It is said in times yore a pregnant woman was sacrificed on the day of the God's festival. This custom now has ceased to exist but they offer a pregnant goat. Thousands of people throng to the temple on the occasion of the festival.

Village Cult

Each village had a common temple called *pothu kovil* (common temple) with a presiding deity – either male or female and was called after that deity. Village gods and goddesses were worshipped to protect the respective villages from epidemics and natural calamities. Hence the worship was occasional. In most of the villages, the guardian deity was a female one in the name of Mariamman, Ochchandamman, etc. Another cult was that of Karuppasamy (Black god) whose temple was located to the north of the village. Another god, Aiyyanar whose temple was situated on the bank of the tank, was concerned with the prosperity of the village. Each family or each house in a village contributed a sum of money prescribed by the members of the governing council, designated as Thevars, to celebrate the cult in the village temple and also for its maintenance. Non-Piramalai Kallar castes could also be priests here. Her temple was invariably seen on the southern side of every village behind a tree. In the month of September or October an annual festival common to all including the non-Piramalai Kallar communities of the concerned village was celebrated.¹⁴²

Nad Cult

Each *nad* or province had a common temple with a presiding deity and was called after that deity. It was the location of the chief temples that entitled the respective places to be the capitals of the territorial units. The following were the chief deities of the 8 Kallar *Nads*

1. Sonai Muthaiah and Nalluthu Karuppasami Tideyan
2. Angaleshwari and Kalyana Karuppasami Valandur
3. Moonusami (Kaluvanadan, Angala Iswaran Karumathur & Nalla Kurmbaiyar) and Ochchandamman
4. Perumal Malairaman Puthur
5. Mayandisamy and Ochchandamman Pappapatti
6. Pekama Karuppasamy and Chinnasamy Kokkulam

¹⁴² Interview with Mr. Andi, aged 54, a temple priest, at Paraipatti, Thirumangalam taluk, Madurai district 15th March, 2018

7. Malaichami alias Perumal Veppanuthu
8. Ochchandamman Tummakkundu

However, the temples were not reserved for the Piramalai Kallars only but were open to the people of all castes, living in the concerned *nad* or province. The *nad* cults had a dual nature. On one hand, they were lineage cults or local cults which the Piramalai Kallar community inherited and on the other, they represented the union of the lineages. For instance, *Virumanti Chamy Koil* at Karumathur was originally a lineage temple of the Piramalai Kallar and later it was developed into a *nad* temple for all the caste people of the region and was the most important place of worship for all the Piramalai Kallars. *Sivaratri* festival was celebrated in the Tamil month of *Maci* with great pomp and show for 3 days. The sacrifice of a goat by each family was one among the principal items of the festival. They strongly believed that their sins would be forgiven through animal sacrifices. Every temple had its own shaman and priest. *Pujari* (priest) had to perform worship, rituals, cure ailments, protect one from evil spirits and officiate the life cycle rituals. Nowhere a Brahman priest was employed. *Kodangi's* (Shaman) function was that of an Oracle. *Kodangi* means incarnated the god and was supposed to be the one who was possessed by the deity. He divined the fortunes and misfortunes ahead of the people. Since he was believed to be directed by the deity, his words were taken as the words of the deity and obeyed. He also enjoyed the privilege of choosing a successor to *pujari* on his demise. A group of dancing *kodangis* was a general feature of festivals.¹⁴³

A peculiar feature of their religion was the sacred boxes.¹⁴⁴ Every important Piramalai Kallar deities have their own sacred boxes. The jewels, silk cloth of the deities, models of eyeballs, eyebrows and a sacred thread made of gold were kept in it. *Pujari* was the custodian of that box which was kept in a sacred place. Once a year during Mahasivaratri, the sacred boxes of all the temples were carried from temple to temple by the second

¹⁴³ Interview with Mr. Mayandi, aged 54, at K. Paraipatti, Thirumangalam taluk, Madurai district 15th March, 2018

¹⁴⁴ Mr. George Karuppusamy Thevar, aged 66, at Valanthur, Madurai district on 16th March, 2018. He narrated about it as, “this sacred box resembles the Ark of Covenant of the Israelites which contained the Ten Commandments of the Lord and carried wherever they went.”

pujari. Kodangis and the *pujaris* of the temples used to go dancing before the sacred boxes with the accompaniment of music.

Every temple was governed by a Council of Chiefs called Thevars. Almost all the temples had two or three Thevars on their governing councils. These councils were in charge of the maintenance and upkeep of the temple they governed. They acted as the financial custodians of the temples and also as organizers of the festivals.¹⁴⁵

Thus in the realm of their religious life, fear was all dominant. Fear of the evil spirit, fear of the departed spirit of ancestors, fear of the evil powers playing with human life in times of disease and death proved to be the inner reason for many an unreasonable illogical action. The fear was alleviated by demonolatry through elaborate sacrificial rituals.

COLONIAL CONSTRUCTION OF PIRAMALAI KALLAR AS “CRIMINALS”

ARYAN RACISM TO COLONIAL RACISM

Since the early times of the recorded history the black skinned Piramalai Kallars exhibiting Australoid racial traits were looked down by the light-skinned Aryo-Dravidian Communities and they occupied lower strata in the social hierarchy. Robert Caldwell, a scholar-missionary in colonial south Tamil Nadu, asserted that the Piramalai Kallar was an “indigenous Dravidian” people, distinct ethnically and religiously from their high-caste oppressors, whom he referred to as “Brahmanical Aryans”. The racial subjugation of Piramalai Kallar was further strengthened during colonial times on basis of scientific racism.¹⁴⁶

Herbert Hope Risley’s advocacy of anthropometry as an important tool in an ethnographic study, and his theories about the relation of race and caste was clearly

¹⁴⁵ Interview with Mr. Kaalai, aged 67, a village head man, Valandur, Thirumangalam taluk, Madurai district on 16th March, 2018

¹⁴⁶ Caldwell, Bishop Robert. *A Political and General History of the District of Tinnevely in the Presidency of Madras, from the Earliest Period to Its Cession to the English Government in 1801*. Government Press, 1881.

fundamental to the definition of the ethnographic project in colonial India.¹⁴⁷ During the last decade of 19th century Risley was appointed as the director of Ethnographic Survey of India; and Edgar Thurston as superintendent of ethnography for Madras presidency. Thurston emphasized the importance of anthropometric data in describing particular population group based on race. The findings of colonial anthropometric data were greatly influenced by the then prevailing scientific racism of the 19th century Europe. Scientific racism built a stereotype of white races is superior and intelligent than inferior and barbaric dark races. Influenced by this notion, Thurston opined that “intelligence is in inverse proportion to the breadth of the nose”. As he wrote wittily in his diary,

“when I am investigating the claims of applicants for a clerkship in my office, I am in the habit of scrutinizing the nose as well as the handwriting, though I do not advertise the fact, in the local papers or gazette, that ‘no one with a nasal index exceeding 78 need apply.’”¹⁴⁸

The nasal index of the Piramalai Kallar is around 85.19;¹⁴⁹ as Piramalai Kallars exhibit Australoid racial elements they possess mesorrhine to platyrrhine (broad nose); their nasal index is low. Based on anthropometric data and with racist prejudice the colonial administrators constructed Piramalai Kallar as dark-skinned race with low intelligence level exhibiting hereditary barbaric and criminal traits.

¹⁴⁷ Risley, Herbert Hope, and William Crooke. *The people of India*. Asian Educational Services, 1999.

¹⁴⁸ Thurston, Edgar. *Ethnographic Notes in Southern India: With 40 Plates*. Superintendent, Government Press, 1907..pg.487

¹⁴⁹ Based on anthropometric data of nasal width and length of eight Piramalai Kallar community members; collected using sliding vernier caliper.

Sl. No.	NAME OF THE PIRAMALAI KALLAR	SEX	AGE (yrs.)	NASAL WIDTH (mm)	NASAL LENGTH (mm)	NASAL INDEX ¹⁵⁰
1	Sumathi	F	29	42	53	79.24
2	Raman	M	28	53	61	86.88
3	Karuppaiya Thevar	M	75	50	58	86.20
4	Rani	F	55	44	52	84.61
5	Chellapandi Thevar	M	67	49	55	89.09
6	Mayandi Thevar	M	72	45	56	80.35
7	Ramesh	M	37	52	59	88.13
8	Karuppan	M	38	54	62	87.09

TABLE: Measurements of Nasal Index of Piramalai Kallar members. (Source: Measured by the researcher using sliding vernier caliper)

FOLLOWERS OF NON-BRAHMANICAL PRACTICES – DEMONS / CRIMINALS

Piramalai Kallars dominated by demonolatry (devil worship – malevolent spirit). They practice elaborate rituals to appease the malevolent spirits for not causing havoc in their community. These rituals include bloody sacrifices of animals. Colonial ethnographic data describes folklores mentioning human sacrifices.¹⁵¹ This belief of demonolatry with its sacrificial rituals was considered as non-Brahmanical practices.

During 19th and 20th centuries, the British officials using Brahmins as informants and seeing Brahmins as the carriers of high culture officially legislated over and over again the process of ‘Sanskritization’. Sanskritization is a natural social process that involved

¹⁵⁰ Nasal Index = (Nasal Width / Nasal Length) × 100. The mean nasal index of the above eight Piramalai Kallars is 85.19

¹⁵¹ Hildebeitel, Alf. *Criminal gods and demon devotees: essays on the guardians of popular Hinduism*. SUNY Press, 1989.

the emulation of Brahmins and Brahmanic social customs by upwardly mobile groups.¹⁵² In this context, the communities which were practicing non-Brahmanic traditions are regarded as uncivilized, barbaric, demon followers, criminals, etc.

Robert Caldwell describes that the missionaries faced Hindu-caste system as the biggest impediment to their evangelical activity of conversion during the 1st half of the 19th century.¹⁵³ This was further accentuated by the British 'policy of non-intervention' under Queen Victoria's Proclamation of 1858. Missionaries persuaded the British officials to label the communities practicing barbaric non-Brahmanic rituals as uncivilized and criminals so that they can be subjected to the evangelical practice of Christian conversion to become civilized. From above it is evident that labeling of Piramalai Kallars as 'barbaric criminals' had the dual utility of appeasing both Brahmins and Christian missionaries.

LOSS OF TRADITIONAL LIVELIHOOD DUE TO THE COLONIAL POLICIES

Kudi kaval System

In defiance of the British authority, they perverted the kaval system into a blackmail called *kudikaval* system. In the words of Louis Dumont "actually, both watching and thieving seem to have been used by the Kallars in order to levy a 'tithe' on the productive castes."¹⁵⁴ Accordingly, the Piramalai Kallar *kavalkarars* imposed themselves on the villagers so that their village was exempt from Kallar crime which resembled more or less the levy of the Chauth¹⁵⁵ by the Marathas. In case of theft during their watch, stolen property was either recovered or compensated. But if the crime was reported to the police, no portion of any property was ever recovered or compensated. For fear of the Piramalai Kallars, the villagers refrained from reporting and that enabled the Piramalai

¹⁵² Srinivas, Mysore Narasimhachar. "A note on Sanskritization and Westernization." *The Journal of Asian Studies* 15, no. 4 (1956): 481-496.

¹⁵³ Wyatt, Joseph L. "Reminiscences of Bishop Caldwell." (1894): 3-8

¹⁵⁴ Dumont, Louis. *A South Indian subcaste: social organization and religion of the Piramalai Kallar*. Oxford University Press, USA, 1986.pg.14

¹⁵⁵ Chauth – According to J.N.Sarkar, the payment of Chauth saved a place from the unwelcome presence of the Maratha soldiers and thus only a means of buying off one robber. Source..V. D. Mahajan, India Since 1526, Chand and Co., New Delhi, 1964, p. 180.

Kallars to get a free hand. The Piramalai Kallars had got the upper hand over the police and at times it appeared as though the British Raj was powerless and meek against the Kallar Raj.¹⁵⁶

Gradually the *kudikaval* system deteriorated involving no responsibility with regard to residence or patrolling in the localities. No guarantee of immunity of crime or compensation of stolen property was given by the *kavalkarars*.¹⁵⁷ Sometimes two different sets of Kallars claimed kaval right for one particular village and attributed crimes to the other group thus making the life of the villagers quite miserable. Matters got still worsened as arrears of payment were reflected in the form of cattle-theft and 'accidental' fires in houses. Whenever the villagers rejected the Kallar *kavalkarars* more and more cases of cattle-theft occurred.¹⁵⁸

Cattle-lifting

The Piramalai Kallars were adept in the 'technique' of manipulating the trachea of the cud-chewing animals (*sangu odhukkuthal*) in such a way that they became mute while stolen. With amazing and mind-boggling speed, they were carried away to distant places and hidden. Cattle were returned to their owners only through a Piramalai Kallar intermediary who was invariably a close associate of the thief, on payment of *tuppu-coolie* or 'clue-hire' which was about half the value of the stolen cattle.¹⁵⁹ If *tuppu-coolie* was paid, the Kallars were 'honest enough' to return the stolen ones. But if reported to the police, no Piramalai Kallar would ever help the owner to recover his lost animals and the police would be of no avail in this regard. Thus the Piramalai Kallar *kavalkarars* derived their additional income from theft as well as protection against theft. The people who suffered most at the hands of the Piramalai Kallar *kavalkarars* were the shepherds i.e., Konars, whose sheep and goat fell an easy prey to the Piramalai Kallar raids.¹⁶⁰ They

¹⁵⁶ E.B. Loveluck, "The Kallar Problem", The Police Magazine, Journal for Publicity Bureau, September, 1921, pg. 90

¹⁵⁷ Mullaly, Frederick S. *Notes on criminal classes of the Madras Presidency*. Superintendent, Government Press, 1892. pg.79

¹⁵⁸ Interview with Mr. Nallathambi, aged 56, at Usilampatti, Madurai District on 19th March, 2018

¹⁵⁹ *Madurai Under the English East India Company, 1801-1857*. Madurai: Raj Publishers, 1987.

¹⁶⁰ Ghani, Muhammad Abdul. *Notes on the Criminal Tribes of the Madras Presidency*. Minerva Press, 1916., p.75.

were lifted usually for kaval fees, alleged to be overdue and restored on payment of *tuppu-coolie*. Thus their recidivism went on unabated that culminated in the anti-Kallar agitation, started by one Ammayappa Konar and lasted from 1893-1896 in which many lives were lost and villages burnt on both sides. Disorder lingered on until the British Government took effective police vigilance to curb it. From around 1900 onwards, suspected *tuppu* agents were arrested and punished. Still, crimes continued challenging the police.¹⁶¹

Cattle branding system

The Police magazine gives a vivid picture of this. It states that to prevent cattle-lifting by the Piramalai Kallars, a novel system was introduced in 1909 by the then District Superintendent of Police¹⁶² which involved branding of cattle with particular letters or numbers. The aim was to make it difficult for the Piramalai Kallars to dispose of those identified animals. Even possession of those identified animals was a cognizable offense.¹⁶³ This system was in vogue for more than a decade but had to be given up owing to several reasons.

First of all this system of branding the cattle failed in its principal aim of deterring the Piramalai Kallars from lifting them. Instead, the elusive and crafty Piramalai Kallars invented new methods of cattle lifting and began extracting more ransom money (*tuppu-coolie*) by hiding the branded animals in non-traceable places.¹⁶⁴ Moreover, they had their own way of deterring the villagers from having their animals branded by slaughtering the branded ones and thereby leaving the owners at a total loss. The message they tried to convey to the villagers was simple and explicit – had they not branded their cattle, they could have at least recovered the cattle at half of its value. Besides, the villagers believed that branding of the cattle spoiled the skin of their cattle due to the application of strong chemicals. Further branding technique involved onerous and

¹⁶¹ Interview with Mr. Meiyappan, aged 67, at Thirumangalam, Madurai District on 17th March, 2018

¹⁶² E.B. Loveluck, "The Kallar Problem", The Police Magazine, Journal for Publicity Bureau, September, 1921

¹⁶³ Interview with Mr. Kalaiarasan, aged 67, Retired Inspector of police, at Usilampatti, Madurai district on 19th March, 2018

¹⁶⁴ Mullaly, Frederick S. *Notes on criminal classes of the Madras Presidency*. Superintendent, Government Press, 1892.

repetitive process which was painful not only to the cattle but also to their owners due to the expenditure involved. Hence the villagers, despite police persuasion, allowed only 1/5 of their cattle branded and that too only unhealthy and old animals. The failure of this branding system made the Government realise that even if the Piramalai Kallars were prevented from lifting the cattle they would indulge in some other nefarious activities.

Convictions and imprisonments had no deterrent effect on this community at all because the Piramalai Kallars considered committing crimes as adventurous as well as rewarding deeds. The enormity of this clan made it impossible for the Government to have any proper settlement with them and to mend their habitual misdemeanor. Even agricultural settlements proved futile. The crime rate was on the increase especially in the Piramalai Kallar dominated areas of the presidency thus rendering the Government helpless.¹⁶⁵

House-Breaking

Mullaly have dealt in a very descriptive manner about the crimes and criminal methods of the Piramalai Kallars. They were usually armed with *vellari thadis* or clubs and occasionally with knives of the Malabar pattern. Their method of housebreaking was to make a breach in the wall under the door with an instrument called *kannakol* and a lad would creep in and open the doors for the elders. Jewels worn by sleepers were seldom touched. The booty which was hidden somewhere for some time would be returned to the owner on receipt of *tuppu-coolie*, or else were disposed off through merchant castes like 'Mangapotto' and 'Nattukottai' Chettis, in the case of costly items and through vendors of arrack and toddy in case of petty things.¹⁶⁶ The womenfolk seldom joined the men in crimes but assisted them in their dealings with the Chettis.¹⁶⁷

Criminal as a Hero

Unfortunately, their success in a robbery in due course made them feel that it was not wrong to commit such crimes. The successful criminal was regarded as a hero and a most

¹⁶⁵ Arnold, David. *Police power and colonial rule, Madras, 1859-1947*. Oxford University Press, USA, 1986.

¹⁶⁶ Mullaly, Frederick S. *Notes on criminal classes of the Madras Presidency*. Superintendent, Government Press, 1892.

¹⁶⁷ *Ibid.*, pg.90

eligible and sought after life partner by the girls of his village. Any Piramalai Kallar convicted three or four times became a martyr. Naturally, with a sense of emulation, even boys of well-to-do families indulged in crimes just to prove that he was inferior to none.¹⁶⁸ Nelson perhaps rightly states “the boyhood of every Kallan is supposed to be passed in acquiring the rudiments of the only profession for which he can naturally be adapted, namely, that of a thief and robber”.¹⁶⁹

Thus right from the unsettled times prior to the advent of the British rule in Madurai District and during a considerable portion of the British rule, the Piramalai Kallars had earned a bad name as dacoits, thieves, and cattle-lifters.¹⁷⁰ Hence the British were intent on finding out ways and means to subdue the Piramalai Kallars on a permanent basis. In this context, the British government through the Criminal Tribes Act of 1911 labeled the entire community as ‘criminals’.

CRIMINOLOGY: KALLAR SETTLEMENTS AND RECLAMATIONS

CRIMINAL TRIBES ACT OF 1911

Rules and procedures of the Criminal Tribes Act

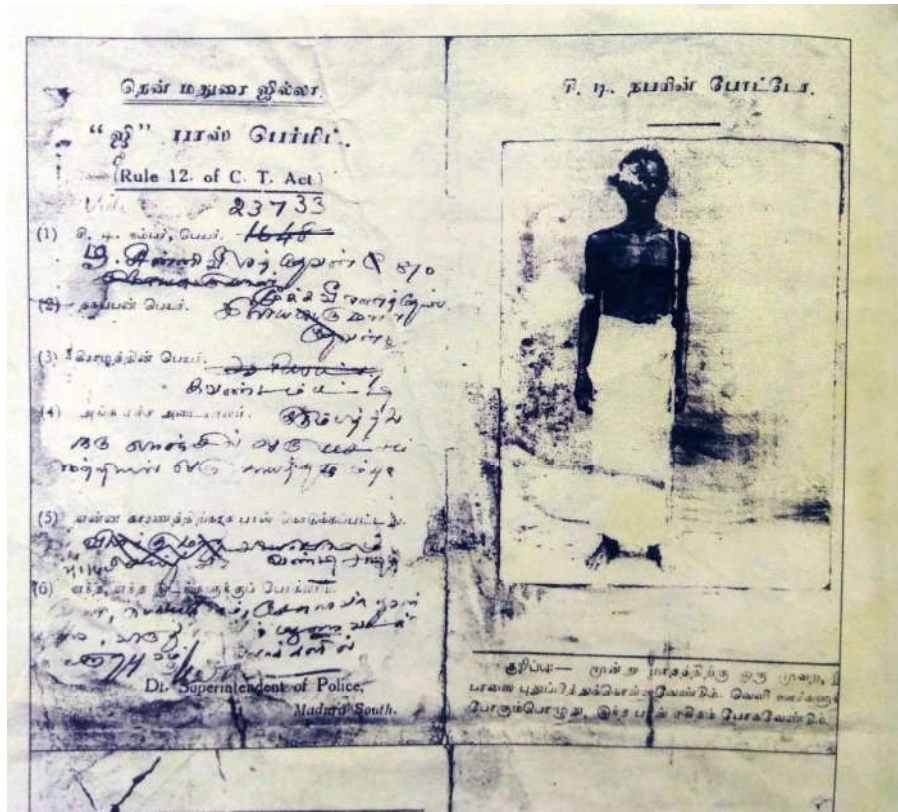
1. The Criminal Tribes Act it enables the following rules and procedures,
2. As per section 3 of the Act the local government was authorized to designate any class of person, who was addicted to the systematic commission of non- bailable offenses as a criminal tribe.
3. The section 10-1-B of the Act was also extended to the Criminal tribes the provision says, ‘ every registered member of the Criminal tribe who has been required under section (b) to inform his place of residence and any subsequent change of address. He shall immediately notify his permanent place of residence, his temporary residence if any to the head man of the village. This shall be entered in the register kept by the village.

¹⁶⁸ E.B. Loveluck, “The Kallar Problem”, The Police Magazine, Journal for Publicity Bureau, September, 1921

¹⁶⁹Nelson, James Henry. *The Madura country: a manual*. Asian Educational Services, 1989. pg.55.

¹⁷⁰ The Hindu, Madurai edition, dated November 25, 1915

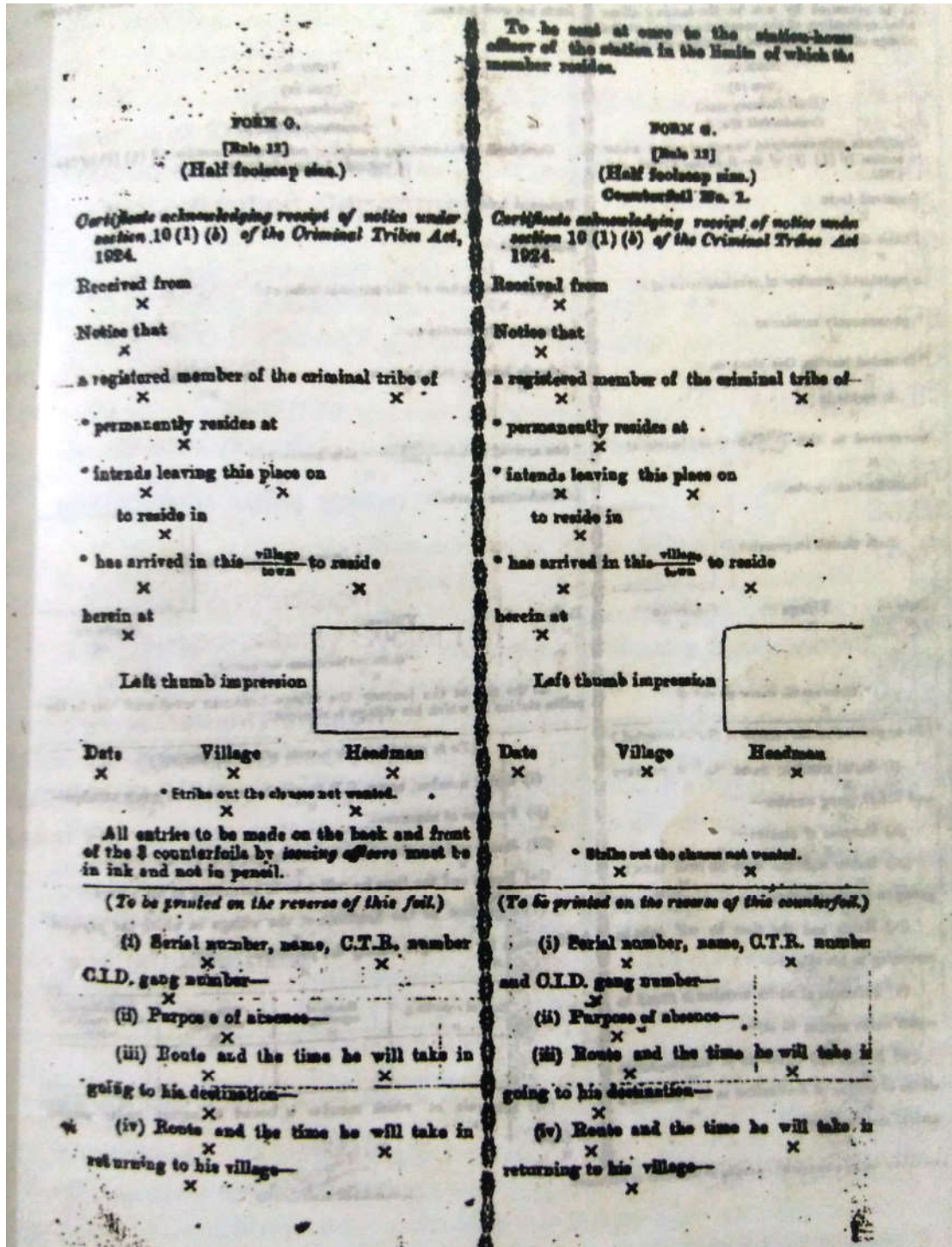
4. Every registered member of the CT Act should report himself either once in a week or as per stipulation made by the District Magistrate to the police or village authority in whose neighborhood the registered member happened to be at that time.
5. As a result of this condition the movement as well as their privacy restricted.
6. According to Section 10-1-A register should be maintained by the local police station or the panchayat, the name and the left thumb impression of every adult male member of 16 years and above of each Piramalai Kallar family and the names of their families including the children and dependent.
7. Section 10-1-B the names and the left thumb impression of the convicted criminals and those persons who violated the provisions of 10-1-A.
8. It also stated to hold '*rathari chit*' or passport, to travel from one 's residence to outside the village or town. The *rathari chit* consisted of the details of the registered tribes, such as serial number, name, criminal tribes registered number, criminal investigation department. Gang number, the purpose of absence, on the route, the time the person stole for going to his destination and the time he preferred to return to his village and his thumb impression.



PHOTOGRAPH 6: A Rathari Chit issued to a Piramalai Kallar. (Source: Photograph taken by the researcher at a Piramalai Kallar’s house, Thirumangalam)

9. The receipt of the *rathari chit* consists of three counterfoils.
10. The first counterfoil was sent to the station house office of the member’s habitation of residence it consists the details of the above receipt of the certificate.
11. The second counterfoil was sent by post to the station house officer of the station of the destination. It was to be returned by him to the issuing officer after verification of the member’s arrival at the village destination and his departure. It contained the details about the interval at which members were to report under Section 10-1-A of CT Act and also the report regarding the member’s arrival and departure with the signature of the station house officer.

12. The third counterfoil was given to the member intending to go on a journey. It covered in detail of the person and his route of the journey . There was also the signature of the headman submitted of the village where the *rathari* chit holder stayed at night during the journey. At the end of the journey, the village headman submitted this to the police station.
13. If, by circumstances, any registered member permanently change the residence place of his residence to a different district the registered sheet of the member concerned had to be transferred to the office of the Superintendent of police of that district. The transferred slip consisted of the details about the registered member and the district where he was migrating along with the date.
14. After the transfer, the registered number was renumbered once again in the new district. The new number would be intimated to the Criminal Investigation Department and Forensic Department. The acknowledgment was sent to the former district.
15. According to Section 10-1-A and B, the registered members of the Criminal Tribes Act were compelled to attend a roll call once or twice every night between 11 p.m to 4.a.m. The newly married males too had to spend their nights in the premises of the police station leaving their wives at home. The safety of the male member is not guaranteed, because even on a mere suspicion these people were arrested either put behind the bar or deported to unknown places or just disappeared.
16. In short, unlike the other nomadic criminal tribes of the Madras Presidency, the Kallar Tribes settlement proved a failure and was impossible, however, the ingenious 'Rathari Chit' of the police made the whole of Kallar Nadu as a settlement camp, restricting the movement of every Kallar within his own villages.



PHOTOGRAPH 7: Counterfoil 1 of the *Rathiri Chit*, which is used by the colonial administration for surveillance. (Source: Photograph taken by the researcher from archives of Madurai Kamaraj University)

To be sent at once by post to the station-house officer of the station of destination and to be returned by him to the issuing officer after verification of the member's arrival at the village of destination and departure therefrom.

FORM G.
[Rule 15]
(Half Foolscap size.)
Government No. 2.

Certificate acknowledging receipt of notice under section 10 (1) (b) of the Criminal Tribes Act, 1924.

Received from _____
X

Notice that _____
X

a registered member of criminal tribe of _____
X

* permanently resides at _____
X

* intends leaving this place on _____
X to reside in _____
X

* has arrived in this village to reside herein at _____
X

Identification marks _____

Left thumb impression _____

Date _____ Village _____ Headman _____
X X X

* Strike out the above not wanted.
X X

(To be printed on the reverse of this counterfoil.)

(i) Serial number, name, C.T.R. number and O.I.D. gang number—
X

(ii) Purpose of absence—
X

(iii) Route and the time he will take in going to his destination—
X

(iv) Route and the time he will take in returning to his village—
X

(v) Intervals at which member is found to report under section 10 (a)—
X

(vi) Report and signature of station-house officer of station of destination as to member's arrival and departure.
X

To be given to a member reporting intention to go on a journey or to change his place of residence temporarily or permanently. Use a separate form for each person.

FORM G.
[Rule 15]
(Foolscap size.)
Government No. 3.

Certificate acknowledging receipt of notice under section 10 (1) (b) of the Criminal Tribes Act, 1924.

Received from _____
X

Notice that _____
X

a registered member of the criminal tribe of _____
X

* permanently resides at _____
X

* intends leaving this place on _____ to reside in _____
X X

* has arrived in this village to reside herein at _____
X

Identification marks _____

Left thumb impression _____

Date _____ Village _____ Headman _____
X X X

* Strike out the above not wanted.
X X

At the end of the journey the village headman must send this to the police station in which his village is situated.

(To be printed on the reverse of this counterfoil.)

(i) Serial number, name, C.T.R. number and O.I.D. gang number—
X

(ii) Purpose of absence—
X

(iii) Route and the time he will take in going to his destination—
X

(iv) Route and the time he will take in returning to his village—
X

(v) Signature of the headman of the village in which the passport holder stays for the night during the journey—
X

Date of reporting	Name of reporting	Village of reporting	Signature of officer receiving report
X	X	X	X

(vi) Intervals at which member is bound to report under section 10 (a)—
X

To be filled by a constable reading of the words or sentences.

PHOTOGRAPH 8: Counterfoil 2 and 3 of the Rathiri Chit, which is used by the colonial administration for surveillance. (Source: Photograph taken by the researcher from archives of Madurai Kamaraj University)

IMPLEMENTATION OF THE ACT

To start with, in May 1914, the Piramalai Kallars of Keelakuilgudi a village situated very near to Madurai on the western side, popularly known as ‘Keelakudi Kallars’, who had a strong Kaval control over the inhabitants of Madurai town was declared as a Criminal Tribe.¹⁷¹ In the next year itself, the Piramalai Kallars of Sorikkampatti, Mela-Urappanur, and Poosalapuram villages in Tirumangalam taluk of Madurai district were notified under the Act.¹⁷² Later on, it was extended to the Piramalai Kallars as a whole.¹⁷³ By March 1921 the names and fingerprints of 23,642 Kallars belonging to 848 villages were registered on local police station rolls.¹⁷⁴ The number of Kallar men registered increased further in the coming years.

When the Criminal Tribes Act was rapidly implemented by the British administration it was considered by the Piramalai Kallar community as a social humiliation of the first order. Committees were formed by them consisting of prominent inhabitants of different villages to work out a plan to overcome this humiliation. Telegrams were sent by them to the Government pleading to exempt them from this Act since they were peaceful peasants paying all the taxes regularly. In some villages only after repeated warnings of “dire consequences” did Kallars come forward and register their names.¹⁷⁵ The Piramalai Kallars of Perunkamanallur strongly resisted the registration move, particularly section 10-1-A of the Act, which ended in a violent clash between the Piramalai Kallars of Perunkamanallur and the police leading to the death of sixteen Kallars including one woman in the police firing on 3 April 1920.¹⁷⁶ The Perungamanallur revolt against

¹⁷¹ Benson, Charles, ed. *A Statistical Atlas of the Madras Presidency*. Government Press, 1895.

¹⁷² G.O.No.1023, Judicial, 4 May 1914.

¹⁷³ G.O.No.2233, Judicial, 16 September 1915.

¹⁷⁴ G.O.No.1331, Judicial, 5 June 1918

¹⁷⁵ Report on the Administration of the Madras Presidency, 1913-1914, Madras, 1914.

¹⁷⁶ Deputy Magistrate of Madurai to L.Davidson, on 14 July 1920, in G.O.2307, Home (Judicial), 15th September 1920, India Office Records cited in David Arnold, *Police Powers and Colonial Rule*, p.253, Ft.No.158; Administrative Report of the Police of the Madras Presidency, 1924, pg.24.

Criminal Tribes Act and the massacre that followed can be compared in scale and impact to the Rowlatt Act and the Jalianwallah Bagh massacre.¹⁷⁷

Before declaring the Kallars of a particular village as a criminal tribe, elaborate statements were prepared regarding the name of the gang or tribe, professed mode of their livelihood, the character of the crimes committed by them and the criminal methods adopted by them. This was one of the ways of the colonial administration, to justify the application of the Act.¹⁷⁸ Under the heading of ‘professed mode of livelihood’ of the Piramalai Kallars of Madurai district, it was stated that

“In addition to a professed mode of livelihood derived from agriculture, 14 of the families comprising 251 adult males collect kaval fee from certain villages in the Madura and Thirumangalam taluks of the Madura District, each family having its well-defined area from which the kaval fees are collected. This *kavalship* is only a form of blackmail; it involves no responsibility as regards residence or patrolling in the localities.”¹⁷⁹

In addition to the implementation of the Criminal Tribes Act over the Piramalai Kallars, the colonial state was pondering over some programmes for the socio-economic development of the Piramalai Kallar community which could be the only permanent solution for the century-old problem of Kallar criminality. Suggestions were invited from Christian missionary establishment who gained some experiences in this field by managing some criminal settlements or through voluntary services. The final outcome was the “Kallar Reclamation Scheme”.¹⁸⁰

KALLAR RECLAMATION SCHEME

The most important and significant measure which accompanied the implementation of the Criminal Tribes Act against Piramalai Kallar was the implementation of a scheme popularly known as the “Kallar Reclamation Scheme”. This scheme was a liberal and

¹⁷⁷ Dr. K. V. Jeyaraj, N. Maheswari, “Perungamanallur in Indian Freedom Struggle”. Madurai Muthuramalinga Thevar research center, Madurai kamarajar University, Madurai, pg.51

¹⁷⁸ Personal Inetrview with Kamalakannan aged 68,in Tidiyan Village.

¹⁷⁹ G.O.No.2233, Judicial, 16 September 1915, p.9.

¹⁸⁰ Report on the Administration of the Madras Presidency, 1914-1915, Madras, 1915.

modified version of another programme called as “Criminal Tribes Settlement”; a wider strategy of the colonial government to deal with ‘extreme cases’ among those notified and registered under Criminal Tribes Act. This strategy of establishing separate settlements for ‘extreme cases’ of criminals, to start with, was attempted by the Thuggee and Dacoity department of the colonial state in north Indian provinces as early as in 1830’s.¹⁸¹ When the Criminal Tribes Act was enacted in 1871 this settlement strategy was incorporated in the provisions of the Act and consequently many ‘Criminal Tribes Settlements’ were established in different parts of north India. In managing such settlements the colonial government invited the help of Christian missionary organizations who were considered to be more appropriate and experienced for this task.¹⁸² As a result, with the financial help extended by the government, missionary organizations particularly the ‘Salvation Army’, was managing many Criminal Tribes Settlements in north Indian provinces.¹⁸³

The outline of the ‘Kallar Reclamation Scheme’ was prepared and given proper shape by Loveluck, the then Superintendent of Police of Madurai district. As a man of vision, he was very meticulous in preparing the scheme. The scheme was so comprehensive that it incorporated all the essential ingredients for the overall development of the Kallar community.¹⁸⁴ The Kallar Reclamation Scheme was formally initiated in 1920 in the Madurai district. The colonial authorities in their analysis of Kallar criminality came to the conclusion that pressure on land was the most important reason. Consequently even before the Kallar Reclamation Scheme was given the final shape, they decided to establish agricultural settlements for the land-less Kallars in uncultivated government lands. Management of the land settlement was vested in the hands of American Madura Mission. American Madura Mission, a Protestant Christian Missionary, was working among the Kallar population of Madurai region right from 1833 and was involved in

¹⁸¹Short Notes on Kallar Reclamation Scheme, Madurai and Dindugul Anna Districts, Government of Tamil Nadu, Madras, 1995..

¹⁸² G.O.No.2233, Judicial, 16 September 1915.

¹⁸³ Radhakrishna, Meena. *Dishonoured by History: "Criminal Tribes" and British Colonial Policy*. Orient Blackswan, 2001.

¹⁸⁴ Arnold, David. *Police power and colonial rule, Madras, 1859-1947*. Oxford University Press, USA, 1986.p.535.

civilizing activities through establishing boarding schools, medical dispensaries, industrial training centers and model farms.¹⁸⁵

The Kallar Reclamation Scheme was a package of multi-faceted programmes which could be listed as follows.¹⁸⁶

- 1) Mass Education to the Kallar children.
- 2) Industrial Training Centres for Kallar youth.
- 3) Agricultural Loan facilities to the Kallars.
- 4) Establishment of Kallar Co-operative Societies.
- 5) Improving Transport facilities.
- 6) Panchayat system in Kallar villages.

David Arnold commented that “Nowhere else in the Presidency was such a comprehensive scheme undertaken”.¹⁸⁷ As a striking innovation Kallar caste Panchayats were established in many villages consisting of leading Piramalai Kallar inhabitants as members. These Panchayats were made responsible for destroying the levy of Kaval fee and Thuppucooli for reporting a crime, for reporting absences, for surrendering and excommunicating the guilty, for sending children to schools and for encouraging the Piramalai Kallar youth to emigrate to tea estates.¹⁸⁸ Here it is possible that by this strategy of creating village Panchayats the colonial state was trying to win over the rural Kallar elite to its side and driving a wedge between the richer and poorer sections of the Kallar community, as part of the British policy of divide and rule.

Within two months of the implementation of the scheme 28 schools for Piramalai Kallar children were opened and education was made compulsory for the Piramalai Kallar

¹⁸⁵ Interview with Mr. Malaipandi, aged 67, at Karumathur, Madurai District on 19th March, 2018

¹⁸⁶ Muthu Thevar, P., Devendra Kula Thevar Samuga Varalaru, (Tamil) III edition, R.K.K & sons, Thirumangalam, (Madurai) 1994pp.291-294

¹⁸⁷ David Arnold, 'Dacoity and Rural Crime in Madras, 1860-1940', Journal of Peasant Studies, Vol. 6, No. 2, January 1979., pg.145.

¹⁸⁸ Interview with Mr. Muthusamy, aged 67, at Thirumangalam taluk, Madurai District on 17th March, 2018

children in the age group of 5 to 12. Parents were also warned with punishments if they failed to send their children to school. In course the number of schools and schools with boarding facilities increased. By 1925 there were about 321 schools functioning and among the four were for the girls.¹⁸⁹ In the meantime, industrial training centers were established at Tirumangalam, Sathangudi, Poosalpuram, Usilampatti, Keelakudi, Chekkanoorani, Puliankulam, and Cumbum. They imparted training to Kallar youth in spinning, weaving, tailoring, carpentry, rope-making, and basket-making. During the training period, they were provided with a stipend.¹⁹⁰



PHOTOGRAPH 9: A Functional school of Kallar Reclamation Scheme. (Source: Photograph taken by the researcher at Vadakampatti, Thirumangalam taluk, Madurai district)

Besides the above efforts, the government concentrated on popularizing co-operative movement in Kallar villages and distribution of lands to landless Kallar families. Within a short span of time about 3013 acres of land was distributed and 90 co-operative stores were established. Loans for buying bulls and sinking wells were provided by these

¹⁸⁹ Muthu Thevar, P., Devendra Kula Thevar Samuga Varalaru, (Tamil) III edition, R.K.K & sons, Thirumangalam, (Madurai) 1994

¹⁹⁰ Baliga, B. S. *Madras District Gazetteers: Madurai*. Vol. 2. Superintendent, Government Press, 1957.

societies. In the meantime, employment was found for about 5000 Kallars in the tea estates. Louis Dumont has assessed the scheme in the following terms:

“It is true on the whole that the Kallar use the advantages which the government has put at their disposal. It is also true that their mode of life became more normal. Nevertheless, the second objective of the reform policy, that of opening new horizons for Kallar initiative and activity have not been realized....”¹⁹¹

However, in a long run, many problems crept in. The functioning of the special officer of Kallar Reclamation Scheme in addition to the local Superintendent of Police caused some frictions in the administrative circle. While the special officer insisted more on reform programmes the police officials emphasized on repression. The co-operation from other administrative departments was also not on the expected levels. This bureaucratic rift was well utilized by the Piramalai Kallars and the crime rates once again soared. In the agricultural settlements, many Kallars violated the regulation, by either mortgaging or selling out their land allotted to them. In course of time, the District Police Superintendents were made responsible for the implementation of the scheme. Gradually the scheme lost its earlier spirit, which was reflected in the increasing crime rates.¹⁹²

However, it should be borne in mind that the Kallars were deprived of any welfare measure by the then British Government which considered them as a thorn in its flesh. When reduced to abject misery and beggary the instinct of survival forced them to have recourse to the act for which they had been trained traditionally. Here it would be apt to quote Tannenbaum -"crime is the web and woof of society The amount, the character and the kind of crime are socially conditioned".¹⁹³ P.K. Rao also inclines to the view that, "criminal behaviour as such is a reaction of human nature and human experience to the total situations such as social, economic and political". He further adds that "crime is the product of a combination of various causative factors such as nationality, race, geographical characteristics, social and communal hatreds and a

¹⁹¹Nelson.J.H., *Madurai Country, A Manual*, Part-11, Madras 1868., p.30.

¹⁹² Francis, W., *Gazetteer of Madurai District*, Madras, 1906.

¹⁹³ F. Tananbaum, *Crime and The Criminality*, Glencoe, Illinois,1968, pg. 7

psychological aberration".¹⁹⁴ After all, all the Kallars were not born criminals. They became criminals only when they were deprived of the bare necessities of life. During the settlement period, the Kallars were pushed down and not allowed to come up. This made them feel insecure and underprivileged and so they turned violent and indulged in various nefarious activities. In fact, values are only relative and not relevant always. Sati, once considered a noble deed, was later condemned as a crime. Similarly, so many other practices such as Temple prostitution and courtesanship which had the royal patronage were later denounced and made cognizable offenses. Likewise, undoubtedly the Kallar's profession once considered an exemplary one and an act of valour came to be condemned as a crime when it was directed against innocent civilians. No one with a sense of justice could ever tolerate or justify their debasing atrocities. The Kallars after the passage of time ought to have changed their lifestyle and refrained from committing such barbarous activities. But they had failed to change themselves according to changing times. Hence they were branded as criminals and looked down upon even by their own brethren settled in other places.¹⁹⁵

CULMINATION OF RACISM, DEMONOLATRY AND CROOKED HERO INTO THE TAG OF HEREDITARY CRIMINAL

Not a single factor, rather the culmination of multiple factors led to the criminal construction of the Piramalai Kallar community by the British officials with the aid of Indian elites (Brahmins). The existing caste/varna system with Brahmanical tradition was crystallized through modern British criminal justice system; in this way, it was easy for the colonial power to establish their rule of law in an easier and smooth manner. The communities outside the purview of caste/varna system following deviant non-Brahmanical practices like Piramalai Kallars were tagged as "criminals". In doing so, the British colonial power proved the then prevailing western notions of racism, positivism, liberalism, and rationalism (as discussed in the first chapter). Moreover, there was a need for the colonial rulers to appease the powerful colonial Christian missionaries after 1858-Queen's Proclamation, in order to do so the Britishers labeled certain non-Brahmanical

¹⁹⁴ P. Kamalakara Rao, *Professional crime in India*, Cosmo Publications, New Delhi, 1983, pg.4.

¹⁹⁵ Dumont, Louis. *A South Indian subcaste: social organization and religion of the Pramalai Kallar*. Oxford University Press, USA, 1986. p.15.

communities like Piramalai Kallar as criminals and provided the legitimate ground for the missionaries to convert them in the name of reformation. These factors led to the enactment of the Criminal Tribes Act of 1871 and 1911.

To conclude, though they were criminalized by the colonial rule they were benefitted through their reclamation policies like impartment of education through Kallar residential schools. Economic empowerment of the community was triggered by constructing irrigation networks by the British government. In the same way, political empowerment in independent India was achieved by acting as a large vote bank for deciding the ruling government in Tamil Nadu.¹⁹⁶ Today the Piramalai Kallars are involved in caste conflicts, female infanticide, high-interest lending finance business. So, they are stigmatized as a community having criminal antecedent by the mainstream communities.

¹⁹⁶ Interview with Mr. Nallakamman, aged 67, a Piramalai Kallar, resident of K.Paraipatti, Thirumangalam taluk on 15th March, 2018

CHAPTER 4

COLONIAL CRIMINALISATION AND ITS IMPRINTS ON THE NARIKORAVAR

In this chapter, an attempt has been made to better understand the colonial construction of Narikoravar community as a criminal tribe through an ethnographic study. The selection of study area is a Narikoravar colony of Thendral Nagar in Theni district, Tamil Nadu and preliminary observations were made in April 2018. This helped me to get familiar with the study and to gain personal knowledge about the Narikoravar community people and to develop a rapport with them for data collection. The study was carried out with the aim of knowing the socio-cultural practices of the Narikoravar community people and how it was used by the colonial administrators to brand the entire community as criminals. The ethnic group of the Narikoravar has a very underprivileged position in today's Indian society. Unlike the PIRAMALAI KALLAR, most of Narikoravar have no direct access to necessary living resources such as drinking water or sanitation, nor to education.¹⁹⁷ In the course of the colonization of India, the Narikoravar are alienated from their original, nomadic way of life as a hunter and massively disadvantaged in the Indian social system.

OBJECTIVE OF THE STUDY

1. To study the occupational structure of the itinerant community, Narikoravar.
2. To get into the depth of understanding their socio-economic and cultural life. How these were used for their criminal construction.
3. To analyze how they lost their livelihood and came under the Criminal Tribes Act of 1911.
4. To get into the understanding of the reformatory settlements run by the Salvation Army.

¹⁹⁷ Interview with Ms. Kalai, aged 56, a resident of Thendral Nagar, Theni District on 4th April, 2018

SELECTION OF STUDY AREA

When I was thinking to do my dissertation on the criminal tribes and the colonial understanding of criminality, Narikoravar, as an itinerant community came into my mind apart from the settled community Piramalai Kallar. So in order to understand the Narikoravar, I had to choose an area of study in southern Tamilnadu as it had the majority of Narikoravar population. Before choosing Theni district I had gone to several places to gain the knowledge from them but in certain places like Madurai and Trinaveli the settlement of this community was very scattered. While in Thendral Nagar of Theni district the Narikoravar settlement is a small hamlet; as the government has constructed it. In addition, the community members of Thendral Nagar were supportive throughout my fieldwork. Theni is a neighbouring district of Madurai and it shares same geography and history with it.



MAP 3: Theni district, the study area of Narikoravar, shown in Map of Tamil Nadu.

(Source: Wikipedia)

PRE-COLONIAL FACTORS LEADING TO THE CRIMINAL CONSTRUCTION OF NARIKORAVAR

ORIGIN

The Narikoravar are an indigenous ethnic group located in India in the state of Tamil Nadu. The name Narikoravar is composed of the Tamil words "Nari" and "Kurava", which translates into as much as "Jackal people".¹⁹⁸ The name refers to the former livelihood of the Narikoravar, the hunting of wild animals.

The origin of Nari Koravar is disputed. Some members of the community claim their origin as Tamil indigenous, while some as they migrated from northern India in ancient past. Mr. Murugaiyya, an elder member claims the Tamil origin as, "we were originally men from one stock, originally we were servants of the temples in South India and were driven out from our position by a higher class of priests who came at a later period".¹⁹⁹ The theory of Tamil origin was substantiated by Mr. Paupo Rao Naidu,²⁰⁰ who has made a study of the caste. The term Koravar occurs in Tamil mythology and Puranas referring vaguely to a community of hunter-gatherers, among whom Valli, the consort of Lord Murugan, was raised. This usage has its roots in ancient pre-Sanskritized Tamil traditions.²⁰¹ Various Tamil literary and folk traditions mention about Koravar as the hill people of the Kuram community with their soothsaying women, *Kurattis*.

On the other hand, an elder member of the community Mr. Onnanandi says that they speak a language called "*Vagriboli*" which has close similarity with Gujarati.²⁰² And he further claims that a folklore mentions about their migration to Dravidian countries in the

¹⁹⁸ Interview with Mr. Kovilmani, aged 67, a resident of Thendral Nagar, Theni District on 2nd April, 2018

¹⁹⁹ Interview with Mr. Murugaiyya, a Narikuravar, aged 76, resident of Thendral Nagar, Theni district on 4th April, 2018

²⁰⁰ Naidu, M. Paupa Rao. *The history of railway thieves in India: with illustrations & hints on detection*. Vintage Books, 1995.

²⁰¹ Ghani, Muhammad Abdul. *Notes on the Criminal Tribes of the Madras Presidency*. Minerva Press, 1916.

²⁰² Origin is not very clear; though they claim a Tamil Origin but they speak a language which has traces of Gujarati.

ancient past. The migration would have probably happened around 5th century CE.²⁰³ Whatever might be their origin the colonial administrators clubbed all the wandering communities of Tamil Nadu into a single group called Nari Koravar. Their disputed origin and their absence in varna-jati hierarchy made it easy for the colonial administrators to classify them as criminals.

ECONOMIC LIFE

Historically Narikoravar were hunter-gatherer and petty traders. They also got involved in traditional healing practice using the medicinal herbs from the forests. The Tamil term *Kuruvikkaran*, another name for these people means “bird catcher or hunter of small fowls.”²⁰⁴ They used to barter their forest produces with settled communities for their sustenance. In this way they move from one village to another selling their forest produces till they reach the Coromandel coast of the Tamil Nadu. Upon reaching the coast they refill their bags with salt, henceforth which will be used as trading commodity until they reach the foothills of the Western Ghats²⁰⁵. In this way, they maintained the livelihood of nomadic traders from hills to the coast and vice versa. In order to sustain their nomadic trade, they maintained a large volume of cattle to carry their commodities.²⁰⁶

Narikoravar increased their income from other additional activities. They entertained the public through performing arts. Among these were musicians, dancers, singers, storytellers, acrobats, gymnasts, puppeteers and tightrope walkers. They were also engaged in fortune telling. Narikoravar were involved in magic and sorcery,²⁰⁷ by which they extorted money from villagers in a cunning manner. Their cunning nature made other community people to be suspicious upon them.

²⁰³ Interview with Mr. Onnanandi, a Narikoravar, aged 73, a resident of Thendral Nagar, Theni district on 6th April, 2018

²⁰⁴ Interview with Mr. Mayilarasan, a Narikoravar, aged 62, resident of Thendral Nagar, Theni District on 5th April, 2018

²⁰⁵ Interview with Mr. Kannan, aged 85 at Thendran Nagar, Theni District on 7th April, 2018

²⁰⁶ Hatch, William John. *The land pirates of India: an account of the Kuravers, a remarkable tribe of hereditary criminals, their extraordinary skill as thieves, cattle-lifters & highwaymen, and their manners & customs*. Seeley, Service & co. limited, 1928.

²⁰⁷ Interview with Mr. Nadodi, a Narikoravar, aged 54, Thendral Nagar, Theni District on 9th April, 2018

An old Narikoravar, Mr. Uthappan narrated a heroic tale of infamous Ulundurpettai Govindan, which describes the cunning nature of the community. He said with much glee how the people are gulled by the wizard or the man who claims to practice magic. He also told that in those days colonizers thought them to be “deviant” from the mainstream because of such practices. Mr. Uthappan narrated that, “Ulundurpettai Govindan was a well-known expert in alchemy, medicine, and native drugs. He was also a smart thief and used his magic to help him in his nefarious work. He was in need of money, and magic was practiced to extort it. The magician took quicksilver and drugs and chose a young and tender tree, perfect in form, and then placed the chemicals in the bark, where they would be absorbed in the sap, and after a certain time, known by experiment to the magician, the tree would begin to wither and die. The drugs were inserted unknown to the party to be influenced, and the magician then called on the man whom he wished to captivate and allure. The crowd gathered to see what the magician would do. He laid down his demands, worked himself into a kind of frenzy, and stated the amount to be given him, saying that unless the money were handed over at once a terrible calamity would befall the victim. He then pointed to the tree he had treated with his drugs, and the people saw that it was quite normal in appearance. Then he chanted *mantrams*, and with his spell cursed the tree. There was silence and he waited his time, Sorcery and Magic and then, before the eyes of the astonished villagers, the tree began to fade and wither. He announced in solemn tones that such a calamity would happen to the man whom he bewitched. The people at once began to urge their friend to pay the money so as to prevent such a calamity befalling him, and the magician went off with his gains”.²⁰⁸ The suspiciousness of the mainstream society over the Narikoravar for their cunning acts made colonial administrators to classify them as criminals.

²⁰⁸ Interview with Mr. Uthappan, a Narikoravar, aged 83, resident of Thendral Nagar, Theni district on 8th April, 2018. He narrated folklore about an infamous alchemist cum magician and how he used the same to extort money from the gazers.

SOCIAL DIVISIONS²⁰⁹

Narikoravar community is divided into three divisions, which are, 1. *Sāthepāti*. 2. *Kāvadi*. 3. *Mānapāti*. The members of the first two divisions are regarded as high and pure as they are legitimate descendants who have never married outside their community. The third division represents group consisting of descendants of mixed marriages. Nari Koravar are tolerable towards mixed marriages with communities regarded higher than them in the social hierarchy. They boycott marriages with untouchable communities considered lower than them in the social hierarchy.

Mr. Paupa Rao Naidu²¹⁰ describes that these are all corrupted Tamil words. *Sāthepāti* is a corrupt version of *Sāthupādi* means adorning deity with valuable materials. *Kāvadi* means a pole carried by the devotee to which a basket containing offerings to the deity is tied. *Mānapāti* is a corruption of *Mānpadi* means singing in praise of the god. During religious ceremonies, each division has fixed duties. The members of the first division, *Sampathi*, have the right of dressing and decorating the god in festive attire. Those of the second division, *Kāvadi*, carry the deity in a religious procession by buying incense sticks. Those of the third division, *Mendrakutti*, drag the temple car by singing and shouting aloud.

MARRIAGE²¹¹

When a Narikoravar wants to marry, he or she has to choose a partner from divisions other than his or her own. A female Narikoravar belongs to her partner's division after her marriage. In this context, it is hard on the women of the first division as they bound to descend in the social scale after the marriage. However, their daughters can again rise in the social scale by marrying the first division grooms.²¹² Narikoravar's notion of

²⁰⁹ Interview with Mr. Aiyavoo, a Narikoravar, aged 64, resident of Thendral nagar, Theni district on 6th April, 2018

²¹⁰ Naidu, M. Paupa Rao. *The history of railway thieves in India: with illustrations & hints on detection*. Vintage Books, 1995.

²¹¹ Interview with Mrs. Kuyil, a Nari Koravar, aged 69, resident of Thendral nagar, Theni district on 4th April, 2018.

²¹² J.P. Vijayathilakan, *Studies on Vaagrivala: A collection of papers on the Narikorava People of Tamil Nadu*, Tambaram: Madras Christian College Dept. of Statistics, 1977

marriage is hard to define and comprehend. Spouses are seen as companion and helpmate. They do not believe in having a permanent relationship and this has universal acceptance among the community members. Marriage is seen an instrument of necessity rather than a sacrament. Many Narikoravar have more than two spouses. More the number of spouses higher the social respect in the community.



PHOTOGRAPH 10: A Narikoravar family. (Source: Photograph taken by the researcher at Thendral Nagar, Theni district)

Narikoravar's marriage agreements happen in liquor shops. After a betrothal has been fixed the Narikoravar goes to the liquor shop and there the two parties settle the marriage contract over a draught of toddy. The father of the groom-to-be buys a pot of toddy and offers the same to the father of the bride-to-be. And he receives and drinks the toddy as a sign of agreement that in due course his daughter will become the wife of his son. The pot is again refilled and offered to the headman of the community, and he asks the girls' father "for what this drink is for?" The girl's father will reply that "I have given my daughter to his son as a wife". Upon his answer, the entire party drinks and celebrates

upon witnessing the marriage contract. After the contract at the liquor shop, they will go on have a feast at the girl's house.

Narikoravar women who have number of successive husbands are held with high respect and thought to be a perfect partner. She holds a special position among the womenfolk and called as "*Pedda Boyasani*", which means "the great lady". A woman of that high esteem is thought to have special qualities by which she captivates and lure men. A man marrying such a respected woman should please her. If she finds defects in him, she will end the bond with him and looks for another man. Adultery is a ubiquitous phenomenon among both Narikoravar men and women. But under any circumstances, a Narikoravar woman does not consort with a man, who is regarded lower than her community status. Their rationale behind this is, offsprings of such a union will inherit poor qualities from the father.²¹³ Due to their promiscuous sexual nature, they are considered as immoral and highly deviant from the mainstream society. The colonial administrators captivated this existing prejudice upon this community towards their criminal construction of the community.



PHOTOGRAPH 11: A group of Narikoravar women. (Source: Photograph taken by the researcher at Thendral Nagar, Theni district)

²¹³ Interview with Mrs. Valli, a Nari Koravar, aged 67, resident of Thendral nagar, Theni district on 3rd April, 2018.

RELIGION²¹⁴

The faith of Narikoravar could not be comprehended. They follow a rudimentary form of the Hindu religion with the absence of Brahmin priests in their various life cycle ceremonies. Their religious folklore mentions that gods are at war in the upper world, the devils quarreling in the lower world and the free spirit is roaming in the land between them.²¹⁵ Lord Subramanya²¹⁶ is the chief god of Narikoravar community. Various groups worship different gods, but religion plays an important role in everyone's life. Fowls and sheep are offered as a sacrifice to the gods. Of all the gods, Maduraveeran receives the most of animal sacrifices. He is regarded as an intermediary between Narikoravar and Lord Subramanya, so his favour must be obtained.

Narikoravar's principle is to keep on good terms with all gods and demons so that each will help them at the proper time. No attention need be paid to a good god, as he will never do him any harm. *Mudevi* is a goddess which the Narikoravar worships. She loves darkness and dwells in dark corners and dark forests and caves. She is the goddess of sleep. The coming of Sridevi, the goddess of light, always drives Mudevi away, but, as the Narikoravar favours darkness, as they are involved in magic and sorcery. Narikoravar is not very much attached to Sridevi and is doubtful of any help from her, so *Mudevi* is worshipped by them. *Mudevi* is very alert at night and can help the Narikoravar to keep awake and give him success. The goddess Kali is also worshipped and blood sacrifices are offered to her. A secluded spot is preferred for performing animal sacrifices and there is a distribution of liquor in honor of the goddess. The priest with his compatriots slays a buffalo and they used to drink blood from the dying beast and pour it over the god's idol.

Unlike Piramalai Kallars, Narikoravar worship the Hindu gods but their religious practices in deviant from the established Brahmanical traditions of Hinduism. Due to their weird and bizarre religious practices like blood sacrifices, the caste-Hindus regarded

²¹⁴ Interview with Mr. Singampuli, a Nari Koravar, aged 65, resident of Thendral nagar, Theni district on 4th April, 2018

²¹⁶ Lord Subramanya is regarded as the son of lord Shiva and lord Parvathi. The folklore narrated by Mr. Singapuli mentions that Lord Subramanya was captivated by the beauty of a Nari Koravar girl named Valli and made her as one of his consorts.

them to be Avarna. By Avarna it is meant that they are outside the purview of the varna-jati hierarchy. This deviant nature of their religious practices is used as an ingredient by the British towards their criminal construction.



PHOTOGRAPH 12: Worship of Hindu gods by the Narikoravar unlike the Piramalai Kallar's ancestor /demonolatry worship (Source: Photograph taken by the researcher at a Narikoravar's house, at Thendral nagar, Theni district)

COLONIAL CONSTRUCTION OF NARIKORAVAR AS "CRIMINALS"

LOSS OF TRADITIONAL LIVELIHOODS DUE TO THE COLONIAL ECONOMIC POLICIES

Colonial economic policies which had the objective of revenue rising like railways and forest during the nineteenth century destroyed the occupations of a number of communities. These policies of the administration severely affected the livelihood of indigenous communities who were involved in petty trading and nomadic activities. One

such policy was the salt policy of the government, aimed at increasing the revenue, was instrumental in destroying the salt trade of Narikoravar.²¹⁷ Under this policy, salt manufacturing becomes the exclusive domain of the state. The traders now had to buy salt only from the government agencies. Under the patron of the government, few large railway trading companies began manufacturing and trading in salt, resulting in the ruin of both traditional salt manufacturers and traders.²¹⁸ Narikoravar were the worst affected as they operated in very small scale. Narikoravar operated within the Madras Presidency the region between the Western Ghats and Coromandel Coast.

The forest policy of 1878 prevented free grazing of animals and collection of forest produce. The Narikoravar were worst affected by the forest policy as they maintained a large number of donkeys, which were crucial in transporting their merchandise especially salt. Forest policy did not allow Narikoravar to collect bamboos and leaves, which are used for making mats, baskets, and brooms, etc. Moreover, they used to buy salt by bartering the forest produce which they have collected.²¹⁹ Common pasture land and grazing areas were made inaccessible to this community for grazing their cattle. The famine of 1877 blew the final death nail to the Narikoravar's livelihood as many cattle owned by them died during the famine.²²⁰ The salt policy, the forest policy, and the 1877 famine totally crippled the livelihood of the Narikoravar as petty traders. Around the last quarter of the nineteenth century, the Indian countryside witnessed the increasing rate of crime against property and small thefts. It was mainly because of change in the way of living of many communities who lost their traditional livelihood means due to the colonial policies. Narikoravar is one such community. This triggered the administration to adopt the concept of the "hereditary criminal".²²¹

²¹⁷ Interview with Mr. Mari, aged 67, resident of Thendral Nagar, Theni District on 5th April, 2018

²¹⁸ Radhakrishna, Meena. "The Criminal Tribes Act in Madras Presidency: implications for itinerant trading communities." *The Indian Economic & Social History Review* 26, no. 3 (1989): 269-295.

²¹⁹ Government of Madras, Administration Report of the Forest Department (Southern and Northern circles), Madras Presidency for 1889-90, Madras, pg. 27.

²²⁰ Manuscripts written by Kavalan in the year 1900 accessed in one of the house in Thendral Nagar Theni

²²¹ David Arnold, 'Dacoity and Rural Crime in Madras, 1860-1940', *Journal of Peasant Studies*, Vol. 6, No. 2, January 1979.

The trading communities like Narikoravar who were previously classified as “wandering tribes” by the administration are now being classified as “criminal tribes”. The official perception of these communities got changed after they lost their traditional livelihood means. The usefulness of these communities as lost mile connectivity traders was forgotten and they were viewed as “hereditary criminals with thievery in their blood” by multiple sections of the Indian society.²²² The significant change in the administrative thinking was witnessed in the first decade of the twentieth century due to the more scientific explanation of crime given by the positivist school of criminology. In this context, the Narikoravar community was included in the list of criminal tribes under the Criminal Tribes Act of 1911.

NARIKORAVAR AND EUROPEAN GYPSIES SHARING SAME PREJUDICES AS NOMADS

The prejudice and marginalization faced by the Narikoravar can be related to the 19th-century gypsy travelers of England. David Mayall has pointed out some of the prejudices and marginalizations faced by wandering communities as a whole. The established government views that nomad as a threat to their order because they lack property ownership and their lack of due regard to others’ property. Itinerancy as a way of life is seen as an escape route from the established rigid social norms of the society.²²³ In this context, Narikoravar can be regarded as once they were caste-Hindus through their worship of Hindu gods. And they chose itinerancy to escape from strict and rigid varna-jati social order.²²⁴

The other accusation against the nomadic communities is they are simply fleeing from all forms of hard works. In agricultural societies, men escape from the hard work of ploughing and tilling and the women from the hard labour of house-keeping and child rearing. The marginalization of the nomadic communities in the mainstream society is due to their deliberate rejection of the established life by these communities. This attitude

²²² Nijhar, Preeti. *Law and imperialism: criminality and constitution in Colonial India and Victorian England*. Routledge, 2015.

²²³ Mayall, David. *Gypsy-travellers in nineteenth-century society*. Cambridge University Press, 1988.

²²⁴ Observation made during the study.

of the nomadic community offends the members of the sedentary societies and invites their wrath and prejudices.²²⁵

Additionally, the nomadic communities through their extensive travel have gained the superior knowledge of the world. This helps them to manipulate the members of the sedentary societies for their own gains.²²⁶ Present day Narikoravar community members have immense knowledge about history and characteristics about various castes of Tamil Nadu.²²⁷ The colonial authorities saw nomads as disloyal as they are uncontrollable due to their unpredictable wandering nature and changing loyalties to different patrons. Moreover, due to their wandering nature, colonial administrators could not raise any revenue or tax them. In this context, they are seen as a major irritant to the administration. Their fluid social institutions and lack of a rigid code of conducts made administrators to think to be licentious and highly deviant from the mainstream society.

As described earlier nomadic Narikoravar community are well-trained street players performing the acts of acrobatics, singing, rope walking and fortune telling. Like in Europe, the street entertainment provided by this community is seen as a threat to the public order by the colonial administrators. Since they are large crowd attractors, with their smartness can instigate the crowd against the government and this made the administrators nervous. Moreover, the British officials favoured the entertainments which are supervised and controlled by them.

David Mayall mentions that in the 19th century England laws related to gypsies were made to protect the settled communities from the itinerants and not the other way around.²²⁸ With no legal protection, the itinerant communities faced large-scale harassment by the settled communities. In this backdrop, the Criminal Tribes Act of 1911 made the Narikoravar more vulnerable and subjected them to wide-scale humiliation and harassment. Among the all Denotified Communities at present in Tamil Nadu,

²²⁵ Madura District Records, Vol. No. 4680, pp. 326-30.

²²⁶ Booth, General. "In darkest England and the way out. Salvation Army." (1890): 1.

²²⁷ Observation made during interaction with the Narikoravar community members in Thendral Nagar, Theni district.

²²⁸ Mayall, David. *Gypsy-travellers in nineteenth-century society*. Cambridge University Press, 1988.

Narikoravars are least developed and highly discriminated community.²²⁹ This is evident through their socio-economic indicators.

JOBLESS, LANDLESS AND PROMISCUOUS AS “CRIMINALS”

From the above ethnographic data, it can be seen that a number of wandering communities like Narikoravar earned a livelihood through petty trade with local settled village communities. Traveling over rough terrain, they used to carry their merchandise on the backs of animals and moved around selling essential commodities to outlying and unconnected villages. Such communities slowly lost their livelihood means when the road and railway networks began to connect villages and towns. The British triad of Salt policy, Forest policy and the mismanagement of the 1877 famine totally destroyed the livelihood means of the Narikoravar. As a result of the British revenue policies, the Narikoravar faced a massive economic setback by the end of the 19th century. Not only Narikoravar, almost every indigenous community faced economic hardships due to the effects of century-long various economic policies of the British. This resulted in the increase in crime rate in rural communities.²³⁰ The British administrators suspected all nomadic people that they must be living crime after they had their legitimate means of livelihood as petty nomadic traders. In this context, all the nomadic communities without legitimate living were branded as “criminals”.

Furthermore, the British administrator made use of already existing cultural or caste prejudices against Narikoravar as their proof of criminality. The promiscuity of Narikoravar women was judged based on the Victorian morality and regarded as prostitution. The promiscuity of Narikoravar invited the prejudice of the high caste Hindus. The Victorian morality of the British many a time coincided with Brahmanical values regarding women, and in addition, they depended on high caste sections for testimonies of ‘good character’ of a villager. Moreover, the nomadic communities like Narikoravar used to mimic the high caste practices of wearing a turban or using a hookah

²²⁹ Interview with Mr. Vijay, a Narikoravar, aged 46, resident of Thendral Nagar, Theni district on 3rd April, 2018.

²³⁰ Arnold, David. "Dacoity and rural crime in Madras, 1860–1940." *The Journal of Peasant Studies* 6, no. 2 (1979): 140-167.

and they used to refuse to work in their lands, these instilled the wrath of the high castes. Thus colonial administrators turned the already existing prejudice against the Narikoravar's promiscuity as with no means of livelihood this community women started involving in the illegal practice of prostitution and in turn criminals.²³¹ Unlike the Piramalai Kallar who were tagged because of their race, demonolatry worship and they being the crooked hero involving into thefts, crimes etc. so the basis on which these two tribes were classified as "criminals" were different. This different basis of classification rather the misclassification poses difficulties even today in independent India.

NON APPLICABILITY OF CRIMINAL TRIBES ACT OF 1871

Many reasons were given by the Madras administration for not accepting the Criminal Tribes Act of 1871. Firstly, the Inspector General of Police of Madras Presidency denied at that time, citing that there was no large magnitude of crimes committed by particular communities' members happened in his presidency.²³² And he firmly opposed the declaration of itinerant communities as criminal tribes. He seriously he doubted, whether these communities are actually committing crimes. His arguments were based on statistics, which shows that dacoities related crime data in the districts of Narikoravar's active trading is comparatively fewer than the districts with which they did not have a contact at all.²³³ Moreover, the suspicion and claim of Narikoravar as criminals by one section of the administration was strongly opposed by another section. For example, in the 1860s the claim of Superintendent of Operations for the Suppression of Thuggee and Dacoity, Narikoravar as criminals was contradicted by the Inspector General of Police of Madras Presidency.²³⁴ Thus, the government was in limbo to declare itinerant communities as criminals at that time.

The rationale behind the non declaration of itinerant communities like Narikoravar as criminals was that the Madras administration recognized the usefulness of these

²³¹ Interview with Mrs. Kuyil, a Nari Koravar, aged 69, resident of Thendral nagar, Theni district on 7th April, 2018.

²³² Arnold, David. *Police power and colonial rule, Madras, 1859-1947*. Oxford University Press, USA, 1986.

²³³ Raghaviah, V. *Tribal Justice*. Andhra Rashtra Adimajati Sevak Sangh, 1977.

²³⁴ David Arnold, 'Dacoity and Rural Crime in Madras, 1860-1940', *Journal of Peasant Studies*, Vol. 6, No. 2, January 1979, p. 145

communities as petty traders who reached till the last mile. These petty traders were the only means to supply the essential commodities to the interior regions. At that time cart traffic was not possible. These communities carried the essentials using bullocks and donkeys and thrived the trading intercourse between the hinterlands and coast. The government recognized the fact the Narikoravar formed a channel for distribution of salt, by which they raised the revenue. Narikoravar through their logistics expertise sold salt at a very low price in the interiors than any other merchant.²³⁵ The usefulness of itinerant communities triggered debate in the Central legislative council itself. Thus it can be concluded that the Narikoravar along various itinerant communities though stigmatized and prejudices functioned as a useful member of the society rather than as a threat by committing crimes.

CRIMINOLOGY: SETTLEMENTS AND REFORMATORY POLICIES

CRIMINAL TRIBES ACT OF 1911

The Criminal Tribes Act (CTA), 1911 had its origin in the report of the Indian Police Commission, 1902-3.²³⁶ The Commission in its report laid down that every police system should try and obtain knowledge about, and supervise control of, criminals. Starting from this principle, the Commission declared that the police should have more powers to control the criminal tribes, and with that in view recommended certain amendments to the CTA of 1871, then in force in certain parts of British India. By 1911, this recommendation was put into effect by the Government of India, who repealed the 1871 Act and the new Act was substituted in its place.²³⁷

The new Act was more comprehensive than the old one. The primary task of the new Act, which was introduced after the 1909 political reforms, was to enlarge the powers of control by enabling local governments to declare communities criminal on their own authority, and provide for the registration of criminal tribe (CT) members, without

²³⁵ Radhakrishna, Meena. "The Criminal Tribes Act in Madras Presidency: implications for itinerant trading communities." *The Indian Economic & Social History Review* 26, no. 3 (1989): 269-295.

²³⁶ Home (Judl.), GO 523, 5.3.1917

²³⁷ Interview with Mr. Mayandi, aged 68, a resident of Thendral Nagar, Theni District on 6th April, 2018

insisting on their settlement, or provision of the means of livelihood, as the 1871 Act did.²³⁸

The new CTA, therefore, enabled the local governments to declare any tribe, section or class of the people to be a criminal tribe; to order the registration of the criminal tribe members and the taking of their fingerprints: to direct that every such registered member should report himself at fixed intervals to a police officer of the village: to report to the police officers or the headman change of residence; and to restrict the movements of criminal tribe members to a particular area.

Another important feature of the Act was that, under Section 16, the local governments were authorized to establish industrial, agricultural or reformatory schools and settlements for the CT members. Under this scheme, employment was to be given to the CT members either on agricultural land or in a private enterprise. The members were not allowed to go out without a pass, which was issued at the discretion of the manager of the settlement.²³⁹

Under the provisions of the Act the government could deport any number of persons any distance from their homes, could employ them in any form of labour, hire them out to employers, punish them with a fine and imprisonment if they refused to work, bring them back if they attempted to escape, and subject them to additional disciplinary measures. These measures were not limited to persons against whom a conviction had been registered, or even to those who had no ostensible means of livelihood or who could not give a satisfactory account of themselves. They applied to all members of the group: men, women, and children.²⁴⁰

²³⁸ Interview with Mr. Kalai, aged 65, resident of Thendral nagar, Theni District on 4th April, 2018. He is a member of Narikoravar Welfare Association.

²³⁹ Criminal Tribes Act, 1911.

²⁴⁰ Interview Mr. Mani, aged 55 resident of Thendral Nagar, Theni district on 2nd April, 2018. He is the head of the Narikoravar Welfare Association.

ROLE OF HEADMEN AND POLICE:

As per the recommendations of the Indian Police Commission of 1902-03, the powers of the village headmen had been increased when the Criminal Tribes Act came into force.²⁴¹ The commission felt it was safe to enlarge the village headmen powers in ryotwari areas, especially Madras Presidency, as the headmen performed the combined functions of village magistrates, police offices and revenue heads. The commission further noted that the headmen of the Madras Presidency are to be in “more efficient state” than other parts of the country.²⁴² The regular police could accomplish little without the help of the headmen. In other words, at the beginning of 20th century the village headmen had considerable police and judicial functions. The commission felt that the strengthening the position and powers of the headmen will increase in the revenue collection as they performed the function of revenue heads. The village headmen should not be considered subordinate to the police. These were the more relevant of the recommendations of the Indian Police Commission which show the latent possibility of abuse of power by village headmen in the enforcement of the Criminal Tribes Act and their interest in declaring numerous castes and communities criminal.²⁴³

This was inevitable because of the multiple interests a headman would have in notifying these communities: punishment for supposed caste offenses, free labor in their fields, settling disputes with rivals, and so on.²⁴⁴ The provisions of the Criminal Tribes Act were directly linked to the expanded powers of the village headman.²⁴⁵ Under Section 10, a registered member of the CT could not leave the village without informing the village headman, either temporarily or permanently. On arrival in another village, he was to present himself to the headman there and show him a certificate from his own village to prove his credentials. Failure to do so would qualify as another offense under the Act.

²⁴¹ Government of India, Report of the Indian Police Commission, 1902-03, Govt. Central Press, Simla, 1904, paras. 34-51.

²⁴² Interview with Mr. Kalvarayan, aged 85, at Thendral Nagar, Theni district on 3rd April, 2018

²⁴³ This influence and position of the headmen was further strengthened by the Commission by recommending that headmen could be punished only under the orders of the district officers or of ‘carefully selected subdivisional magistrates’.

²⁴⁴ Interview with Kamatchi, aged 67, resident of Thendral Nagar, Theni district. She is a member of Narikoravar women association on 4th April, 2018.

²⁴⁵ Raghaviah, V. *Tribal Justice*. Andhra Rashtra Adimajati Sevak Sangh, 1977.

The concerned individual could also be accused of having absconded in order to commit a crime. The unlimited power in the hands of the headmen can thus be easily imagined, especially in the case of migrant communities who needed to move from one village to another all the time in order to practice what remained of their trade. In general, it was recognized that the attendance system was used as a means of oppression by the village headman.²⁴⁶ More specifically, it had been alleged that a convenient method of getting agricultural workers, by the landlords, was to get the Act applied to socially vulnerable communities. “If a landlord wants the services of agricultural labor, all that he has to do is to create some sort of disturbance and ... to bring these people (Koravars) under the Criminal Tribes Act.”²⁴⁷ In addition, the Criminal Tribes Act could be used as an instrument of caste oppression.

INDUSTRIAL SETTLEMENTS

In 1913 Narikoravar along with few other communities were declared as Criminal Tribes. Though colonial administrators gave multiple reasons for their criminal construction, the most important reason given by them is the community has lost their livelihood means. Many of the itinerant communities lost their legitimate form of subsistence by the turn of the twentieth century due to ill-affected various colonial revenue policies.

The colonial administration thought that it is their moral responsibility to reform these “hereditary, habitual and incorrigible” Criminal Tribes. This notion of the reformation process met their own objective of supplying cheap laborers to their various emerging economic enterprises like cotton mills, quarries, mine and plantation estates. By making them wage labourers colonial administrators thought these communities’ livelihood will become legitimate and will lead to their development. This task of reformation as wage labourers was bestowed upon the Salvation Army, who have past positive experience for the same.²⁴⁸

²⁴⁶ Interview with Mr. Muni, aged 72, a resident of Thendral Nagar, Theni District on 6th April, 2018

²⁴⁷ Raghaviah, V. *Tribal Justice*. Andhra Rashtra Adimajati Sevak Sangh, 1977.

²⁴⁸ Booth, Frederick St George De Lautour. *Criminocurology; Or, The Indian Criminal and what to Do with Him: Being a Review of the Work of the Salvation Army Among the Prisoners, Habituals and Criminal Tribes of India*. Liddell's Printing Works, 1916

The British administrators intended of turning Narikoravar as agricultural labourers by giving them certain land grants as it would inculcate a sense of property and self-respect; which would lead them to live a settled life in a decent way. But the Salvation Army turned them as industrial wage labourers; in the long run, it was not a successful endeavor. Upon observation of Narikoravar of Thendral Nagar, it was found that their ancestors have worked as labourers in Harvey's cotton mills at Madura and they also worked in different tea estates in the Annamallais.²⁴⁹ The governance of these settlements was not with the government but with the owners of the economic enterprises. In the name of reforming the adult male members of the community, the whole dependent family members were also altogether displaced to the respective industrial settlements. This turned the life and livelihood of the community miserable in terms of healthcare, education and it amounted to low self-respect.

In his discussion of the evolution of prisons, Foucault has traced the threefold separation of the 'criminal judgment' into the legislative (which classified the acts and attributed penalties to them), the judicial (which passed the sentences) and finally, the carceral.²⁵⁰ The third embodies what he called the Declaration of Carceral Independence: the prison authorities were free to make prisoners work, discipline them, and to apply moral means for their cure and normalisation. These features, in fact, underlie the concept of surveillance under the CTA, especially that of CT settlements under the supervision of the Salvation Army.

KORAVAR RECLAMATION SCHEME

Koravar Reclamation Scheme was established along with the Kallar Reclamation Scheme in 1920 itself

1. Maintenance of Adult Education Centres
2. Construction of houses for Koravars
3. Sinking of drinking water wells and irrigation wells

²⁴⁹ Interview with Mr. Narikuppan, a Narikoravar, aged 76, resident of Thendral nagar on 5th April, 2018, whose father has worked in the mill.

²⁵⁰ Foucault, Michel. *Discipline and punish: The birth of the prison*. Vintage, 2012.

4. Supply of bulls and agricultural implements to Koravars
5. Provision of moral instruction to Koravars and
6. Maintenance of agricultural farm.

Unlike the Kallar Reclamation Scheme, Narikoravar Reclamation Scheme was a failure as none of its objectives were met.²⁵¹

To conclude, the colonial administrators to cover the negative effects of their economic policies branded certain communities like Narikoravar, who lost their livelihood means. The British constructed that these communities with no livelihood means are weaned towards crimes. The British criminal construction was further nourished with the existing social prejudices of ruleless itinerancy and promiscuous relation. In the course of reformation, their collective memory was reprogrammed as criminals and they were turned as labourers for various colonial enterprises. At present, Narikoravar's, criminalised past with ill intended reformatory policy, unlike Piramalai Kallar, have made them highly marginalized from the mainstream society. Their very low socio-economic indicators have made them as one of the highly stigmatised communities of today's world.

²⁵¹ Interview with Mr. Maniappan, aged 76, a Narikoravar, resident of Thendral Nagar, Theni district on 4th April, 2018.

CONCLUSION

Independent India envisioned to build an egalitarian society in which people with diverse socio-cultural and economic background can have equal opportunities and level playing field with dignity and honour. With this, in mind, the constitution framers categorized different people into different categories in terms of caste, Tribe, and class which form a basis for affirmative actions for the deprived and depressed categories. However, the identification of the marginalized sections has been critical and complex. The constitution of India has dedicated various articles to define identity and protect scheduled caste, scheduled tribe, and various other vulnerable sections but it has failed to deal with the Denotified and Nomadic Tribes. With the already existing “criminal” prejudice and the different levels of treatments by the Indian government have brought in the differences amongst them in terms of social recognition, economic sustainability and even in the political process of democratic participation. This difference was realised only after meeting and interacting with the members of Piramalai Kallar and Narikoravar communities. Hence the findings have contradicted with my research hypothesis, where I have hypothesised that both communities with similar tag of “Criminal Tribes” would have had same level of developmental process. My major research finding is that the present uneven development amongst these communities is mainly because of the colonial misclassification and different reformatory process upon them. Further, the successive governments in Post-colonial India neglected the developmental needs of Narikoravar. So, it is important to discuss their difference that they face today.

At the dawn of independence, Narikoravars were left crippled as industrial settlements were shut down. As they did not have any land entitlements, skill sets, education and livelihood they faced problem in the post-Independent India. Unlike the Piramalai Kallar who had benefitted from the Kallar Reclamation scheme of the Britishers in terms of Education and the construction of Mullai Periyar Dam which benefitted the community in terms of agriculture. So the Narikoravars had to start a new beginning so they had a hope on the Indian government and still the hope is unfulfilled. In 1952 through Habitual Offenders Act, the Narikoravars along with Piramalai kallar and other Criminal Tribes were declared as “De-Notified Community”. Piramalai Kallar salvaged their beginning

with their already existing economic resources in the form of land-holdings, which is not the case with the Narikoravar. In this context, they honed their pre-existing skill of hunting and dependent on the forest. They trapped animals like jackals and various birds and sold them in the market which helped them to meet their sustenance. But their livelihood as animal trappers were short-lived due to the enactment of Wildlife Protection Act in 1972. The act made hunting and trapping of scheduled animals as a criminal offense and banned their entry into forest reserves. In search of new living they got involved in the art of bead making, which they practice till today. Many members of this community recently have got involved in rag picking as an additional income source.²⁵²



PHOTOGRAPH 13: A Narikoravar girl making beads. (Source: Photograph taken by the researcher at the Thendral nagar in Theni district)

In terms of present socio-cultural status they occupy were low strata, unlike the Piramalai Kallar who have developed in terms of their economic resources by involving themselves in high-interest lending business and in terms of political representation. After M.G.Ramachandran breaking away from DMK, a major political party in Tamil Nadu, Piramalai Kallar have played a huge role as a major vote bank for the AIADMK, another major political party in Tamil Nadu, with Sasikala, belonging to the Kallar community, acting as a key figure. In today's Tamil Nadu Government there are three ministers who

²⁵² Interview with Mr. Ajith, aged 25, a Narikoravar, resident of Thendral Nagar, Theni district on 7th April, 2018. Through rag picking he earns around Rs.100 in a day, by which he meets his daily sustenance.

holds different portfolio like O.Pannerselvam as deputy chief minister and the other two ministers are Sellur.K.Raju and Dindigul C.Srinivasan.²⁵³ They have a political history of mobilizing themselves as a single collective vote bank. They are well organized unlike the Narikoravars, who doesn't have any voice to represent in the political system and at the level of policymaking.

Almost the entire Narikoravar community is deprived of education and other employable skills. They were not ready to explore new employment avenues as they are not accepted by the mainstream because of their socio-cultural norms like the way of dressing eating habits, corrupt version of spoken Tamil.²⁵⁴ So they are not able to escape the vicious circle of poverty. The prejudice of promiscuity still lingers among the Narikoravar women. They are subjected to sexual abuse.²⁵⁵ Due to the fragmentation of the settlements, they lack cohesiveness and political unity to voice their grievances, unlike the settled Piramalai Kallar community. There is hardly any in-situ community-based organization to bring their hardships to the limelight. Due to administrative apathy, they are not properly enumerated and classified as intended beneficiaries for various welfare schemes.²⁵⁶

The major problem that exists with the Denotified Tribes even today is the problem of their classification and enumeration.²⁵⁷ Denotified Communities came into existence in 1952 after the passing of Habitual Offenders Act, then on their classification is not clear different states follow different methods of classification as there weren't any nodal organization dealing with these communities and even today things dint change though there is a nodal organization named National Commission for Denotified, Nomadic, and Semi-nomadic Tribes (NCDNT), even they had left it to the state to decide on the classification of these communities. The result was that some Denotified communities

²⁵³ Interview with Mr. Chellapandi, aged 56, a resident of Usilampatti, Madurai district on 19th March, 2018

²⁵⁴ Interview with Mr. Vikram, aged 21, a Narikoravar, resident of Thendral Nagar, Theni district on 5th April, 2018. He narrated that he was denied employment in a local spinning mill.

²⁵⁵ Interview with Ms. Kamala, aged 26, a Narikoravar, resident of Thendral Nagar, Theni district on 4th April, 2018.

²⁵⁶ Interview with Mr. Surya, aged 55, a Narikoravar, resident of Thendral Nagar, Theni district on 4th April, 2018. He did not have any official identification cards used for availing welfare benefits.

²⁵⁷ Dandekar, A. "Invisible people Inaudible Voices: The Denotified Tribes of India." *India International Centre Quarterly* 41, no. 2 (2014): 90-96.

were placed under SC or ST or OBC there wasn't any uniformity. As a result of which there was a lack of welfare measures and positive intervention by the state. This, in turn, led to the confusion of either the Denotified Communities belonged to a caste or a Tribe. In Tamil Nadu, all the denotified communities are given Denotified Communities (DNC) certificate and they are classified under the Central list of Other Backward Classes. This led to the further deprivation of rights and welfare measures.

The government of Tamil Nadu has already declared its decision of implementation of the recommendation of Mandal commission. Since the nomadic and Denotified tribes have been clubbed with other advanced sections of the societies in the Mandal commission report, they will never be in a position to avail any benefit out of it. The Denotified communities demand that they should be included in a separate schedule having a constitutional status equal to the Scheduled Caste and Tribes. This is a great injustice especially to the most neglected community like the Narikoravar as they need most of the welfare measures.

Further, all the classified Denotified Communities all over India face this problem of lack of their count. DNTs have not been enumerated in any official censuses since 1931. Most estimates place the total number of DNTs at around 10% of India's population.²⁵⁸ In particular, the Narikoravar face this problem of enumeration to a large extent as they even today wander and they are not settled. There are many in the community still didn't receive any of the governmental identity cards to avail the welfare measures.

Today the Narikoravars sell beads and participate in exhibitions to display their bead ornaments. During my study, it came into my notice that these days the Government asks for money to put up their shop in the exhibition and even the bead selling is not promoted they are curtailed as they sell beads on streets and roads due to lack of the provision of the shop.²⁵⁹ Unlike the Piramalai Kallar who have a stronghold in politics, business and various other fields of economic livelihood. The role of administration and the individuals of the community have a huge role to have a better future

²⁵⁸ Dandekar, A. "The Issue of Denotified Tribes in Independent India-Working Paper 214." *Gujarat: IRMA* (2009).

²⁵⁹ Interview with Ms. Kalai, aged 65, in Thendral Nagar, Theni District on 7th April 2018

Since 1953, the Indian government has appointed various committees and commissions to look into the status of Denotified communities. The various committees appointed by the Indian government favored that the Denotified communities should be dealt separately and it shouldn't be combined with the other groups like the SC, ST and OBC. They stated that the problems they face are different from the others and even culturally they are different since they carry a colonial stigma.

In recent times with the recommendation of Renke committee, formed in the year 2003, Government of India has formed the National Commission for Denotified Nomadic and Semi-nomadic Tribes (NCDNT) in 2005, which will look into their problems and work towards their prospects. There are a list of recommendations put forth by the Renke commission which has to be taken up by the National Commission for Denotified, Nomadic and Semi-Nomadic community. Some are²⁶⁰

- The constitution may be amended to include “Scheduled Communities” under Article 330 and Article 332 to enable these communities to be eligible for reservation of seats in the Houses of the People and in the Legislative Assemblies of the States.
- Union Government initiate steps to enumerate and classify DNTs in the next census due in 2011.
- It is necessary that the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 be, mutatis mutandis, made applicable to DNTs, and the implementation of the same be reviewed and monitored from time to time.

There is an international intervention to their prospects, “The United Nations Committee on Convention for the Elimination of All Forms of Racial Discrimination (CERD) is concerned that the so-called Denotified tribes, which were listed for their alleged ‘criminal tendencies’ under the former Criminal Tribes Act (1871), continue to be stigmatized under the Habitual Offenders Act (1952).”²⁶¹ In 2007 it recommended the

²⁶⁰ <http://pib.nic.in/newsite/PrintRelease.aspx?relid=118570>

²⁶¹ Concluding Observations of the Committee on the *Elimination of Racial Discrimination, India, CERD/C/IND/CO/19 (May 5, 2007)*

repeal of the Habitual Offenders Act and the implementation of remedial measures to rehabilitate those affected by this discriminatory legislation.

Thus, in this dissertation an attempt has been made to look at the colonial construction of criminal tribes and how the two ex-criminal tribes of my study that is the Piramalai Kallar and Narikoravar were categorized as criminal for different colonial administrative purposes and at present in the post independent India how these Denotified Tribes differs at various aspects and how far the Government has acted upon them.

The question arises here is that how far these recommendations are implemented today; still the main objective of enumeration has not happened with the Narikoravar. Other objectives seem far from reality. Even from the side of civil society, it is important to analyse, whether they are really ready to take up the problems faced by the Denotified Tribes? The main problem is, are the Denotified communities themselves ready for the change? And, is the mainstream society ready for the inclusive systematic functioning of the society? Unless and until the civil society and the people of the Denotified Communities organize themselves and fight for their due rights it's impossible to wake up from dusk to dawn.

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Interview with Mr. Vikram, aged 21, a Narikoravar, resident of Thendral Nagar, Theni district on 5th April 2018

Interview with Ms. Kamala, aged 26, a Narikoravar, resident of Thendral Nagar, Theni district on 4th April 2018

Interview with Mr. Surya, aged 55, a Narikoravar, resident of Thendral Nagar, Theni district on 4rd April 2018

Interview with Ms. Kuyili, aged 65, at Thendral Nagar, Theni District on 7th April 2018

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