

# **SC- S-CRIMINAL TRIBES AND COMMUNITIES OF INDIA : A SOCIOLOGICAL STUDY**


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This is to certify that the dissertation, entitled 'Ex-Criminal Tribes and Communities of India: A Sociological Study' submitted by Mr. D.V. Kumar for the Degree of Master of Philosophy has not been previously submitted for any other Degree of this or any other University. We recommend that this dissertation to be placed before the examiners for their consideration for the award of M.Phil Degree.

  
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A handwritten signature in black ink, appearing to read 'D.V.K. Umar', enclosed within a hand-drawn circle.

( D.V. K UMAR )

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## INTRODUCTION

An understanding of any phenomenon would essentially involve a proper definition of that phenomenon. This was what was repeatedly emphasised by Emile Durkheim. The very foundation of studies in crime causation rests upon the definition of crime and "criminal". They are the subject matter of traditional criminology. Both are defined by law, but while the limitations which such definition imposes upon research has been lamented by the criminologist, it has not been seriously questioned. Even such astute critics of criminological research as Michael and Adler stated :

"The most precise and least ambiguous definition of crime is that it defines it as behaviour which is prohibited by the criminal code -- not only is the legal definition of a crime precise and unambiguous, but it is only one possible definition of crime".<sup>1</sup>

These authors go even further in their interpretation of the concepts under discussion. While they recognise that a person who violates the criminal law

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1. MICHAEL, JEROME & ADLER, MORTIMER J : Crime Law & Social Science. New York, Harcourt, Brace & Co; 1933 pp. 1-2 & note on p.2.

thereby becomes a criminal they add that the most certain way to distinguish criminals from non-criminals is in terms of those who have been convicted of crime and those who have not ----- Both for practical and for theoretical purposes we must proceed as if that were true. The criminologist is therefore quite justified in making the convict population the subject of his studies as he does.<sup>2</sup>

#### CRIME NORMS

Among the various instrumentalities which social groups have evolved to secure conformity in the conduct of their members, the criminal law occupies an important place, for its norms are binding upon all who live within the political boundaries of a state and are enforced through the coercive power of that state. The criminal law may be regarded as a body of rules which prohibit specific forms of conduct and indicate punishments for violations. The character of these rules, the kind or type of conduct they prohibit, the nature of the sanction attached to their violations etc. depend upon the character and interests of those groups in the population

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2. Ibid. p. 3.

which influence legislation. In some states these groups may comprise the majority, in others a minority, but the social values which receive the protection of the criminal law are ultimately those which are treasured by dominant interest groups.

The criminal norms i.e. the conduct norms embodied in the criminal law, change as the values of the dominant groups are modified or as the vicissitudes of social growth cause a reconstitution of these groups themselves and shifts in the focus of power. Thus crimes of yester year may be legal conduct today, while crime in one contemporary state may be legal conduct in another. Then one of the distinguishing characteristics of the definition of crime is its variability in temporal and spatial sense.

#### Physiological and Psychological Theory of Deviance

Since this is essentially a sociological study into the phenomenon of crime, these theories may not be of much significance. Nevertheless, a brief appreciation of these theories may not be quite out of place.

Cesare Lombroso, an Italian army doctor in his book L'uomo Delinquente, published in 1976 contended that criminals were a throwback to an earlier and more



primitive form of man. He claimed to have identified a number of genetically determined characteristics which were often found in criminals. These included large jaws, high cheek bones, large ears, extra nipples, toes and fingers and an insensitivity to pain. These were some of the outward signs of an inborn criminal nature.<sup>3</sup>

Sheldon and Eleanor Glueck claim to have found a causal relationship between physical build and delinquent activity. They argue that stocky, rounded individuals having a body type known as mesomorph tend to be more active and aggressive than those with other builds. Their research has shown that delinquent behaviour is associated with mesomorphs. The British psychologist Hans Eysenck argues that there is a link between genetically based personality characteristic and deviant behaviour. He maintains that there is a connection between personality traits such as extroversion and criminal behaviour. The extrovert "craves excitement, takes chances, often sticks his neck out at acts on the spur of the moment, and is generally an impulsive individual".<sup>4</sup>

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3. GEORGE B. VOLD - Theoretical Criminology New York, Oxford University Press, 1958, p. 28.

4. EYSENCK, H : Crime and Personality (Routledge and Kegan Paul, London, 1964) pp. 165.

Psychological theories of deviance share certain similarities with biological theories.

- (1) They see the deviant as different from the population as a whole.
- (2) He is abnormal in a normal population.
- (3) His abnormality predisposes him to deviance.

However, psychological theories are still debating as to whether the deviant's abnormality is acquired or genetically determined.

THE ECOLOGY OF DEVIANCE - "THE CHICAGO SCHOOL"

During the 1920's a group of sociologists based in Chicago, who later became known as the Chicago School, developed an ecological approach to the study of social life. Ecology refers to the relationship between organisms and their environment. Members such as CLIFFORD SHAW and HENRY MEKAY of the Chicago school applied this concept to the growth of cities and argued that behaviour could be explained in terms of the urban environment.<sup>5</sup>

SHAW and MEKAY divided the city of Chicago into 5 zones, drawn at two mile intervals and radiating

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5. SHAW AND MEKAY : Juvenile Delinquency in Urban Areas, The University of Chicago Press, pp.72.

outwards in concentric circles from the central business district. They examined the rate of crime for each of these zones. Using statistics on male delinquency from the juvenile court they discovered that the delinquency rate steadily decreased from zone 1 the area surrounding the central business district to zone V, on the outskirts of the city.

Shaw and McKay explain their results in the following way. Zone 1 is a 'Zone of transition', it has a relatively high rate of population turnover. The reasons being that rural migrants to the city usually begin their urban life in Zone 1. In Chicago it houses mainly low-income white and black migrants from the Southern states. Many migrants move out to higher income areas only they have become established, so making room for new arrivals. The expansion of the central business district into the Zone of transition provides the second reason for high population turnover. This produces population movement as the business district 'invades' former residential areas. They argue that these processes of city growth explain the high concentration of crime and delinquency in the Zone of transition.

An important feature of this perspective is that it has the virtue of linking structural and sub-cultural theories with those of community.

In my view it can be criticised on the following grounds:

- 1) The emphasis on social disorganization tends to underplay the degree of organization of criminal and delinquent subcultures.
- 2) There is a tendency for the theory to be tautological that is saying the same thing twice over in different words. Since crime and delinquency are evidence of social dis-organization, social disorganization cannot be used to explain them.
- 3) The theory tends to see man simply reacting to forces outside him and beyond his control. The natural growth of cities shapes his behaviour and he has little say in the matter. Many sociologists reject this positivist approach which tends to see man simply reacting to external stimuli.

#### FUNCTIONALIST PERSPECTIVE

There are a number of functionalists. It may not be possible to deal with all of them. So we will be essentially dealing with two important representatives of the functionalist school i.e. Emile Durkheim

and R.K. Merton. Emile Durkheim develops his argument on crime in the *The Division of Labour*. He argues that crime is an inevitable and normal aspect of social life, it is 'an integral part of all healthy societies'.<sup>6</sup> It is inevitable because not every member of society can be equally committed to 'collective sentiments': the shared values and moral beliefs of society.<sup>7</sup> Since individuals are exposed to different influences and circumstances, it is impossible for all to be alike. Therefore, not everybody shares the same restraints about breaking the law.

He further agrees that crime is not only inevitable, but it can also be functional. He says it only becomes dysfunctional when its rate is unusually high. He feels that all social changes begin with some form of deviance. In order for change to occur, yesterday's deviance must become today's normality. Since a certain amount of change is healthy for society, so it can progress rather than stagnate, so is deviance. For change to occur the collective sentiments must not be too strong, too hostile to change; they must

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6 . DURKHEIM, E. THE DIVISION OF LABOUR, (The Free Press, New York 1938), p. 86.

7, Ibid. 88.

have only moderate energy; if they were too strong they would crush originality, both the originality of the criminal, and the originality of the genius.

If crime is inevitable, what is the function of punishment? Durkheim argues that its function is not to remove crime in society; rather it is to maintain the collective sentiments at their necessary level of strength. In Durkheim's words, punishment serves to heal the wounds done to the collective sentiments. If punishment is not meted out to the deviance, the collective sentiments would lose their force to control behaviour and the crime rate would reach the point where it causes social disintegration.

#### ROBERT K. MERTON-SOCIAL STRUCTURE AND ANOMIE

Merton argues that deviance results not from "Pathological personalities" but from the culture and structure of society itself.<sup>8</sup> He begins from the standard functionalist position of value consensus i.e., all members of society share the same values. However, since members of society are placed in

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8. MERTON, R.K., Social Theory and Social Structure, Enlarged Edition (The Free Press, New York, 1968 pp.278).

different positions in the social structure, they do not have the same opportunity of realising the shared values. This situation can generate deviance. In Merton's thinking the social and cultural structure generates pressures for socially deviant behaviour among people variously located in that structure.

Deviance could be the outcome of a process of disjunction between widely accepted cultural goals and institutionally acceptable means to achieve these goals. For instance, the extreme emphasis upon the accumulation of wealth as a symbol of success in the American society militates against the completely effective control of institutionally regulated modes of acquiring a fortune. More or less the same situation prevails in the Indian society also. Fraud, corruption, vice, crime, etc, become increasingly common-goal becomes divorced from a co-ordinated institutional emphasis.

It is also important to recognize that other phases of the social structure, besides the extreme emphasis on pecuniary success, must be considered if we are to understand the sources of anti-social

behaviour,. A high frequency of deviant behaviour is not generated simply by "lack of opportunity" or exaggerated pecuniary emphasis. A comparatively rigid class structure, a feudalistic or caste order, may limit such opportunities far beyond the point which obtains in any society. As a result, the deprived groups tend to deviate from the social norms.

Merton cites the case of Blacks in the American society to substantiate his theory.<sup>9</sup> Immigrant Blacks have successfully assimilated the dominant caste's values of pecuniary success and social advancement, but they also recognize that social ascent is at present restricted to their own "caste" almost exclusively. As a result the pressures on Blacks to deviate from the institutionalized means to achieve success goals are tremendous. That's why the incidence of crime among Blacks has been said to be on the increase.

R.K. Merton also tried to analyse the findings of Lohman<sup>10</sup> who has shown that specialized areas of vice in the near north side of Chicago constitute a "normal" response to a situation where the cultural emphasis upon pecuniary success has been absorbed, but

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9. Ibid. p.133.

10. JOSEPH D. LOHMAN: "The Participant Observer in Community Studies". Soc. Rev. 1937, 2, 890,898.



where there is little access to conventional and legitimate means for attaining such success. The conventional occupational opportunities of persons in this area are almost completely limited to manual labour. Given cultural stigmatization of manual labour and its correlate, the prestige of white collar work, it is clear that the result is a strain toward deviant practices.

Patrick applied Merton's theory to criminal tribes of India particularly to mention the location of this tribe Man Garudi. He observes that the criminality of the many Garudi was a function of the Indian social structure. He writes: "They (criminal tribes) experience certain conventional aspirations of Indian society (desire for status, respect and subsistence) but were lacking in socially structured means by which they could realize those aspirations. The situation in which they were engulfed was one of norm lessness or anomie".<sup>11</sup> In other words, what he says is that these criminal tribes put stress upon the commonly accepted success goals. But because of the inaccessibility of socially approved means, they tend to indulge in crime as a short-cut method.

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11. CLARENK H. PATRICK, "The Criminal Tribes of India with special emphasis on the Man Garudi: A Preliminary Report", Man in India, Vol.48, No.3, July-Sept, 1968, p.247.

### A SUBCULTURE THEORY OF DEVIANCE

Albert Cohen's theory of deviance is a modification and development of Merton's position. He criticizes Merton's theory of deviance on two grounds.

1. He argues that delinquency is a collective rather than an individual response.
2. Cohen argues that Merton fails to account for the non-utilitarian crimes such as vandalism and joy-riding which do not produce monetary reward.<sup>12</sup>

Cohen regards deviance as an essential concomitant of the fact that working class boys hold the success goals of the mainstream culture, but because of their deprived position in the social structure they are unable to realise them. Consequently they suffer from a strongly entrenched 'status-frustration'. They attempt to resolve their frustration not by turning to criminal paths to success, as Merton suggested, but by rejecting the success goals of the mainstream culture. They replace them with a deviant subculture based on an alternative set of norms and values in terms of which they can achieve success and gain prestige.

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12. COHEN S.(ed) - Delinquent Boys, (The Free Press), Glencoe, 1955) p.42.

The delinquent subculture not only rejects the mainstream culture but reverses it. In Cohen's words, the delinquent sub-culture takes norms from the larger culture but turns them upside down.<sup>13</sup> Thus, a high value is placed on activities such as stealing, vandalism and trauncy which are condemned in the wider society. The delinquent subculture is more than an act of defiance: It is a negative reaction to a society which has denied opportunity to some of its members. It offers positive rewards. Those who perform successfully in terms of the values of the subculture gain recognition and prestige in the eyes of their peers. Thus stealing becomes, according to Cohen, not so much a means of achieving success in terms of mainstream goals, but a valued activity which brings glory, prowess, and profound satisfaction. Thus, Cohen views deviance as a collective response directed by subcultural values.

In my view this can be applied to a study of denotified communities in India. Children of various denotified communities are socialized in such a way that they do not fail to internalize the prevailing criminal beliefs and actions of that tribe. They are praised and encouraged in every possible way to adhere

to sub-cultural values. In fact, only those who show considerable skill and competence in the art of committing a crime stand any chance of becoming the leaders of an ex-criminal tribe. Most of these ex-criminal tribes are an impoverished and destitute lot and are generally denied opportunities to achieve the success goals of the mainstream culture.

#### ECONOMIC INTREPRETATION OF CRIME :

Social scientists and common men alike have sought to explain crime in terms of economic factors. Karl Marx would invariably come to our mind while dealing with this proposition. The essence of his thesis was that social arrangements are generally profoundly affected by the existing system of economics, and the problems and social mal adjustments of society such as crime are likewise the product of and affected by the existing economic arrangements. He implied that a reduction of poverty would result in a reduction of crime.

An anthropologist like Biswas, criminologists like Gillian, historians such as Bruce and others attributed tribal criminality to poor economic conditions.

Biswas studied criminal colonies in Delhi state and came to the conclusion that their expenditures for living were exceeding their income, and as a result, they were forced to commit crime in order to compensate their deficit budgets. Gillin described the tribes deplorable living conditions as a cause for their criminal behaviour. In his words:

"It is easy to see that the bulk of the population lives on the verge of starvation most of the time. Let a famine come along and millions die unless they are assisted by govt. or relief organization. Under such conditions, which have extended over decades, there is small wonder if whole families and tribes have resorted to criminal methods to get a living".<sup>14</sup>

It is reasonable to argue that their weak economic position was a powerful influence on some of these criminal tribes. Majority of these tribes led nomadic life and in order to survive., they took to robbery and stealing. This is substantially true in case of certain important denotified communities like the Kanjars and Nats: some of these communities are nomadic and are living on the periphery of the civilized society. We notice that they get enraged on a little provocation

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14. JOHN LEWIS, Gillin, Taming the Criminal, New York, The Macmillian Co. 1931, p.106.

and do not desist from even major violations of life and property. Under the provocative circumstances, it is possible that sections of these nomadic people were forced to live a life of crime.

#### DIFFERENTIAL ASSOCIATION

The first theory departing from the disorganization theory of criminal and delinquent behaviour in American sociology was that proposed by SUTHERLAND in 1940. He thought of his theory as a "genetic" rather than as a "mechanistic" explanation.<sup>15</sup>

A "genetic" theory is an explanation which seeks to find the cause in the life history of individuals. It is distinguished, according to SUTHERLAND, from the mechanistic explanation used principally by physical and biological scientists and which seeks to find the cause of delinquency in separate and distinct factors operating at the time that a crime occurs.

Two notable points in Sutherland's theory are as follows:

- 1) Criminal behaviour is learned in interaction with other persons, especially in intimate personal groups.

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15. EDWIN H. SUTHERLAND, Principles of Criminology, 4th ed. (Philadelphia, Lippincott, 1947) pp.6-7.

- 2) Learning criminal behaviour in association is the same as learning any other kind of behaviour.

Applying this theory to crime among criminal tribes one could say that in the Indian context, the social contacts atleast in traditional society, from one caste to another were almost lacking. But within the same social group, for instance, a criminal tribe or a caste group, contacts were possible and hence Sutherland's theory of differential association would be relevant. The families of criminal tribes are the training grounds for their children in the profession of crime. One of the functions of the family was to socialize the children in the deviant habits and practices. In this way the tribes were effective.

#### DEFINITION OF A TRIBE

According to RISLEY a tribe is defined as a collection of families bearing a common name, which as a rule does not denote any specific occupation, generally claiming common descent from a mythical or historical ancestor. Occasionally, the totem is derived from an animal or plant but in some parts of the country, it is held together

only by the obligation of Kinship. Members usually speak the same language and occupy (or profess to occupy) a definite tract of country.<sup>16</sup> Following Risley, we may define criminal tribes as those groups in India which have traditionally committed criminal activities for their livelihood and which accept such activities as their way of life. For non-criminal tribes criminal activities are not the approved means of livelihood, even though their members might occasionally commit criminal acts.

#### WHAT IS A TRIBE?

Bailey<sup>17</sup> offered the following criteria to explain the features of a tribe.

1. Geographical Isolation: Each tribe occupies a particular geographical area. One has little communication with the outside world.
2. Language: Every tribe by and large has its own language.

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16. Sirherbert Risley, "The People of India" -Calcutta, India, Thacker Sprint and Co., 1908, p.61. The Government of India adopted the term 'Scheduled Tribes' into the Constitution.

17. Bailey, Tribe, Caste and Nation(Manchester, University of Manchester, 1960, p.60.



3. Religion: Animism is the religion of tribals (with the exception of christialised and Hinduised Tribes).
4. Economy: Characterized by economic backwardness. They live mainly by primitive techniques such as hunting food gathering, etc.
5. Heterogenity of occupation: They do not have specific occupations.

#### Theories of Crime and Their Relation to Criminal Tribes:

Here it would be better if we gain some theoretical understanding on the problem of crime among ex-criminal tribes.

The tribes in India are of two kinds:

- 1) Normal Tribes: Whose occupations were not supposed to consist of criminal activities though they may occasionally commit crimes. There are called Schedules Tribes under the present Indian Consti-tution (Article 244 and fifth schedule).
- 2) Criminal Tribes: Those who were said to have been living by criminal means through they occasionally abstained from committing criminal activities.

The criminal tribes exist in different parts of India bearing different names. These names sometimes were their own, but more often they were local names which were different from these by which they were known in other provinces. For instance, Yerukulas in Andhra Pradesh were the same as those of Madras State (now called Tamil Nadu) where the local name for Yerukula was Korawan which has the same meaning. It is difficult to enumerate all the tribes declared as criminal, but the report of the All India Enquiry Committee <sup>18</sup> 1949 listed 136 of them, besides the various mixed groups declares as such. The total population of these criminal tribes was estimated to be 3.5 million in all states taken together. <sup>19</sup> The criminal tribes were shown as a separate category for the first time in the 1911 census. Most of these tribes followed Hindu beliefs while keeping the tribal way of life intact.

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18. The report of the ALL INDIA INQUIRY COMMITTEE of 1949, p.9 Cited in Mamoria. Ibid; p.232.

19. The report of the ALL INDIA INQUIRY COMMITTEE of 1949, p.9, Cited in Mamoria, Ibid; p.232.

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The table below gives a recent estimate of the population of denotified tribes

TABLE - 1

POPULATION OF CRIMINAL TRIBES

State	Number
Uttar Pradesh	1,668,845
Bombay	623,809
Madras	595,490
Mysore	210,321
Madya Pradesh	76,722
Punjab	76,544
Orissa	74,762
Hyderabad	69,601
Rajasthan	65,400
Bihar	13,311
West Bengal	2,598
Total	37,052,212

Source: Mamoria, Social problem and Social disorganization, Allahabad, India, Kitab Mahal, 1960, p.232.

## REVIEW OF LITERATURE

An interesting study was conducted by Shastri and Goyal and his devoted assistants (1967) among the six denotified communities in U.P.<sup>20</sup> These are Khankurs, Bauriahs, Nats, Lohipitas and Kanjars. These researches have analysed the social structures and criminal patterns of these communities. The overall idea that emerges out of the study into the lives of these people fallen from grace is the basic need of acceptance of their human dignity and self-esteem. Without it no administrative control, not even economic relief can create in them a sense of belonging to the open society. However, a weakness of this report is that it is more descriptive than analytical.

Y. Simhadri (1979)'s<sup>21</sup> study focusses on the Yerukulas, one of the important criminal tribes of A.P. He was concerned especially with the changes which have been recently brought about by governmental legislation as well as social changes in the behaviour pattern of this tribe. In the course of the study one finds an analysis of the criminal activities of the criminal

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20. Sastri, Rajaram and Goyal, C.P. Social Organization, attitudes and motivations of Denotified communities in U.P., Varanasi, Kashividyapith Institute of Social Sciences, 1967.

21. Simhadri. Ex-Criminal Tribes of India. New Delhi.

tribes and their modus operandi. The changing criminal behaviour of these tribes before and after independence is adequately highlighted. Another interesting point he tries to highlight is that the criminal tribes seem to be acquiring the characteristics of caste groups. The author explains this process of transformation and also examines how the caste system plays its role in the village structure in keeping the criminal tribes as they are :

Dr. Biswas (1950)<sup>22</sup> studied denotified communities living in Delhi at the instance of the Research Programme Committee of the Planning Commission. He made a detailed scientific enquiry into the conditions of the denotified communities of Delhi proper, though it is limited in the scope as the area was restricted. But it certainly gives fuller details and scientific probe into living conditions and the habits of some displaced persons from Pakistan. In his book an attempt has also been made to evaluate the success of the varied welfare programmes undertaken by different welfare organisations. The study also includes the incidence of crimes and the effect of new occupation adopted by them. Changes in their

economic standards and those due to adaptation to new environment are also recorded.

R.G. Singh's<sup>23</sup> study of surrendered dacoits is also quite illuminating. He analysed at length the factors (sociological, psychological and historical) responsible for the emergence and perpetuation of dacoity. Particularly interesting is his finding that dacoits come from a variety of castes contrary to the popular belief that they invariably hail from a few selected castes. He dwelt at length on the success achieved by government and non-government organisations in weaning the dacoits away from their anti-social profession.

Though not a sociologist by training, Kennedy had written a book criminal classes in India which is quite useful for those who are interested in research on these much mis-understood classes. His brief analysis of every important criminal class in India can be carefully studied to gain an appreciation of their social structures, pattern of crime they indulge in etc.

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23. Singh, R.G. - Rehabilitation of the surrendered dacoits of chamber valley, J.N.U., 1980.

Sher Singh's study of Sansis of Punjab has removed many misconceptions that surrounded this tribe earlier. He dwelt at length on the criminal patterns of these people and analysed their social structure from a critical point of view.

### Discussion of the Chapter Scheme

In the present Chapter, We already dwelt at length on the theoretical perspectives of crime. We have tried to perceive them in relation to crime. We have attempted to see how far they are useful to understand crime among the denotified communities.

Chapter 2, titled "Social and Legal Antecedents" deals with the circumstances that were prevalent and which led these communities to take to crime. It also deals with the historicity of criminal tribes act. This act was passed by the British Govt. to bring all these tribes under a tight vigil. Their movements were constricted by this Act. However the severity of the Act was acknowledged by Jawaharlal Nehru himself.

Chapter 3, deals with selected denotified communities. We have included Sansis, Bauriahs, Thugs,

and Dacoits in the chambal valley. Their social structures and criminal patterns are sought to be understood in the chapter.

Chapter 4, deals with deviance among the Yerukulas in A.P. We have selected this group because it is the most notorious ex-criminal tribe in A.P. Further study can be made on the criminal Tribes in A.P.

In conclusion we seek to give suggestions for their amelioration. The importance of listening to their grievances and removing them is stressed.

#### METHODOLOGY

This study is essentially descriptive in the sense that it tries to deal with various studies already made by sociologists and social anthropologists. I have basically drawn from books, reports etc. This study is definitely not conclusive in nature. I have attempted to see the social structures and criminal patterns of these denotified communities in relation to each other. I have only attempted to bring together various studies made on these communities and bring



out a coherent picture of the whole situation.

In spite of the limitations of this work, I sincerely believe that this will generate interest among students of sociology so that more illuminating studies can be made on these denotified communities.

## CHAPTER - II

### SOCIAL AND LEGAL ANTECEDENTS

Criminal tribes are a peculiar phenomenon in India. Nowhere in the world and in none of the civilised societies, have sections of population ever been condemned as criminal right from birth. Even a new born child on seeing the light of the day was labelled as criminal in India; this was the legal position of over four million people upto the year 1952. Today these legal disabilities have no doubt, disappeared, but the social stigma continues to be as deep as ever before. Despite their legal emancipation, they are still socially subjected to a life of repression by police and of hate, distrust and suspicion by society.

#### Socio-Historical Aspects:

If we go a bit farther into Indian history, we would observe that according to historians at the time of Aryan immigration into this country, the local residents were generally civilized and had established city states; but there also were non-settled communities at war with the settled population. The Aryans

were a nomadic predatory tribe. They came into India in different waves, and they over-powered the local people (probably the Dravidians). They were given an inferior status in social system. The Aryans were white skinned and the local residents were dark complexioned. The latter were largely absorbed as Vaishya and Shudra, the elite amongst them as Vaishya.

Gradually there emerged other castes some of which were formed by the other unsettled predatory groups within the land and others which emerged as a result of the unions in violation of established norms. A man could marry a woman of a lower 'varna'; but a woman could not marry a man of a lower 'varna'. The off-springs of the latter type of unions were called "Chandala" and they were looked down upon with contempt. Many of them resented such a social attitude and acted out their feelings by violating the norms of the civilized society, took revenge and indulged in loot and plunder.

The Aryans were not accepted by the then local residents all at once after the initial defeat. The local communities continued to be on war with the Aryan

invaders for centuries and even during the period of Ramayana we notice the 'Asuras' and 'Rakshashas' disturbing the religious performances of the Aryan 'Rishis'. They were none other than the uprooted local rulers and their forces, and this state of war continued for centuries.

The author of Ramayana, 'Valmiki' was a notorious dacoit, non-Aryan in origin, but turned to be a saint-Lord Rama was helped in his invasion of Lanka by many nomadic and jungle dwelling tribe. Some of the Bauriahs today trace their origin from one such predatory tribe who came to the North with Rama.<sup>1</sup>

Waves of immigration to India continued even till the 16th century. Many of the immigrants who could not make their place in Indian society were isolated and remained nomadic. Some of them were employed by invaders and other chieftains and gradually learned to live on loot, plunder and even murder.

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1. Shastri, Rajaram and Goyal, C.P., Social Organization: attitudes and motivations of denotified communities in U.P. Varanasi., Kashividyalpith, Institute of Social Sciences, 1969.

Arab enemies had bands of unpaid soldiers and they were employed by several of the minor rulers and the feudal chieftains. The custom of distributing the booty among the forces was also prevalent among the Muslims rulers. These unappointed forces took to pillage as effective and profitable way of reimbursing themselves. (In the South small bands of retainers and they styled themselves as Zamindar, Talukdars, Inamdars, etc., and their activities created terror like those of the highway robbers. The fortresses built by these Zamindars aided their activities.)<sup>2</sup> There were during the Mughal rule other dissatisfied groups who were lawless and had been continuously attacking the imperial forces. This problem was more acute in the area now occupied by the state of Rajasthan and the adjoining districts of U.P., M.P. and Gujarat, where the dissatisfied and aggrieved bands of people had migrated for protection. They had become nomadic, as by continuous movement they could save themselves. They looted the travellers and convoys of the rulers and when the East India Company became the chief political power they started looting them too.

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2. Majumdar, D.N. Races and Culturer of India, Lucknow, Universal Publishers Ltd. 1961. p.74.

At the time of the advent of the British on the Indian political scene there was a wide-spread anarchy in the country and the problem was further aggravated by the armies of the defeated chieftains and rulers. They had lost all means of subsistence and were given no place in the new political set up. They turned their attention to looting and arson on their own account as a means of subsistence. The unsettled political situation in the country during the early years of company rule, the loss of control by the Indian rulers and even encouragement of the unlawful activities by company officers and losing rulers was another factor resulting in the emergence of bands of robbers and dacoits. Here it may be useful to make a digression and discuss the theories of origin of criminal tribes in order to have a better socio-historical appreciation.

#### Theories of Origin: A Critique

Majumdar nicely summed up three existing explanations for the origin of these ex-criminal tribes.

Firstly, "they are the descendants of the aboriginals of India. Racially they are much of a mixture, but it is believed that aboriginal characteristics can be found in some of them".<sup>3</sup> The Anthropometric studies of Dr. Majumdar and other anthropologists have practically disapproved this hypothesis. They maintain that India is an admixture of racial groups, wherein racial purity is only a myth and has no scientific basis. Furthermore, they have been mixing amongst themselves and also with other communities in the society resulting in diffusion of racial features. The promiscuous sex behaviour of the females of some of these communities also accounts for much of the racial admixture. However, there may be some truth in the belief that some of them may be cultural, and also to some external biological descendants of the aboriginals of India. The Doms and their kinsemen are an illustration of this point.

The second approach is "they are the descendants of the Gypsy tribes of India. It is sometimes difficult to distinguish between the Gypsy tribes and criminal tribes. The Gypsies in general gain their living in

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3.Ibid.106

lawful way by singing, dancing and exhibiting animals. But it is very possible some of them under economic pressure have given free rein to the Gypsy tendency i.e., petty pilfering and have become full time robbers". This approach is based on the belief that certain important denotified communities as for instance, the Kanjars and Nats are of Gypsy origin. The Kanjars and the Nats and for that purpose even the Banjaras and Sansias are held to be descendants of the Gypsy tribes. Dr. Majumdar also recognizes this approach but rejects the same in principle. "The Gypsy tribes are found all over the world and it is believed that they all have emanated from a common origin, but there is little evidence to show that our criminal tribes belong to the same stock of Gypsies found in the present day Europe or other parts of the World".<sup>4</sup> The Ahirs and Gadariyas and many groups lead a nomadic life but they were never criminals. It is no doubt true that under the economic pressure and due to certain historical reasons there is a possibility of the nomadic tribes converting into gangs of criminals. The hypothesis, therefore, may be considered only partially true.

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4. Bhargava B.S. - "The Criminal Tribes", Introduction by Dr. D.N. Majumdar.



The third approach to the origin of the ex-criminal tribes maintains. "The tribes themselves claim descent from the Rajputs and bear Kshatriya clan names. Most of these criminal tribes of Northern India trace their descent from Rana Pratap of Chittorgarh in Rajputana. According to their own legends they trace their social degradation from the siege of Chittorgarh by Alauddin Khiliji in A.D. 1308. To save themselves from the inroads of Islam, they became nomads and resorted to stealing as a means of economic security."<sup>5</sup> This holds true in the case of Bauriahs. An other nomadic group Lohpitas, according to all evidence are descendants of the Rajputs of Chittoor are totally nomadic but do not take to life of crime. The Sansiyas too trace their origin to legendary Maharana Pratap's brother, Sainsmal but their culture reflects little affinity with the Rajputs. During the last fifty years or so, in fact, there has been a tendency amongst the denotified communities to identify themselves with the Rajputs to gain social prestige and acceptance. This also helps in communication and establishing business and trade relations with members of other

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5. Majumdar, D.N. Races and Culturer of India, Lucknow; Universal Publishers, Ltd., 1961, p.101.

communities in society. This association, actual or hypothetical, positively helps in the integration of these communities into the fold of the Indian society. It would also be noticed that many of older members of the denotified communities do not claim their affinity with the Rajputs but the younger generation emphatically does so. Resultantly, they respect Hindu gods and goddesses, swear by them, and in their social functions, e.g. marriage, child birth and death, long to adopt Hindu rituals. It is a sign of integration.

It is very unwise to confuse the criminal tribes with the aboriginal tribes. There seems no cultural affinity between two. In fact, the word tribe in the term 'Criminal Tribe' is a misnomer and only reflects lack of knowledge and understanding.

It can be easily recognised that most of the tribes follow beliefs and practices which are common among the Caste Hindus, particularly in the rural areas. The similarities led the Indian Anthro-sociologist Ghurye to think that they were backward Hindus. But some tribes follow the Muslim religion and other have embraced

Christianity. But this could be recent phenomenon consequent upon Muslim and British conquest. Curiously enough while some of the tribals claimed membership in upper castes, others have become untouchables irrespective of their claims and religion. Many of the criminal tribes on account of their food habits and occupations are reported to occupy at present the lower rungs of the population, equivalent to the untouchable castes.

The criminal tribes were wandering criminal tribes who from times immemorial have earned their livelihood by practising nefarious acts of the same kind which the Gypsies adopted until a generation or two ago. These tribes were known as criminal tribes because "the men and women born within it take to crime just as duck takes to water because it is a duck".<sup>6</sup> Member of those groups were always suspect in the eyes of the Govt. and people in general. As a manifestation of their deeply entrenched apprehensions about these tribes, the tribes with criminal occupation were categorized as criminal tribes.

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6. B.S. Haikerwal. "Economic and Social Aspects of Crime in India" London, George Allen and Unwin Ltd. 1934, p.144.

## Legal Regulations During British Rule

The Government was initially dealing with criminal tribes through the acts such as the regulation xxvi of 1793 etc. But when the Govt. felt that the threat posed by these tribes began to assume alarming proportions, it wanted to take up certain preventive and deterrent steps. One of the first steps was to treat the entire tribal group legally as a criminal tribe. In this way it was assumed that constant watch and vigilance could be maintained on these members. The concrete expression of this belief was the enactment of the Criminal Tribes Act of 1871. There was a strong feeling that members of a particular tribe are born criminals and that they should be severally dealt with. The then Member for Law and Order Mr. T.V. Stephens expressed the same view at the time of introducing the Bill of 1871 in Central Legislature when he said:

"The special feature of India is the caste system. As it is, traders go by castes; a family of carpenters will be carpenters, a century or five centuries hence, if they last so long. Keeping this in mind the meaning of professional criminal is clear.

It means a tribe whose ancestors were criminal from times immemorial who are themselves destined by the usages of caste to commit crime and whose descendants will be offenders against law, until the whole tribe is exterminated or accounted for in the manner of the "Thugs". When a man tells you that he is a offender against the law, he has been so from the beginning, and will be so to the end, reform is impossible, for it is his trade, his caste; I may almost say his religion is to commit crime."<sup>7</sup>

This led Sociologist and Anthropologists to believe that Mr. Stephens was linking the tribe to a caste which follows a traditional occupation given to its members at the time of birth.

The Govt. took its stand on three assumption:

- 1) All persons born in a particular group or caste would become criminals from birth because they take up the father's profession.
- 2) Secondly, when once they become criminals they will always continue to be criminals because they

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7. V. Raghaviah. "The Problems of Criminal Tribes", Delhi, Akhila Bharatiya Adima Jaji Seval Sangh, 1946, p.6.

believe it to be a legitimate profession.

- 3) Thirdly, because of continuous criminal practices, they become hardened criminals.

The Act, therefore, provides for registering all the members or any members of such tribes declared as criminal tribes. It also required such registered members to report themselves to the police authority at fixed intervals.<sup>8</sup> The Act authorized the Govt. to restrict any criminal tribe or any member of such a tribe in its or his movements to any specified area or to ask it or him to settle in the place of residence specified and enjoined upon the registered member to take out a pass whenever he crossed the limits of the place in which he was settled.<sup>9</sup> The Act also prescribed punishment for those who contravened these rules. The punishment was:

"Liable to imprisonment for one year as a first conviction, for two years on a second conviction,

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8. Kapadia, K.M. "The Criminal Tribes of India", Sociological Bulletin, 1. 11 March, 1952, p.100.

9. Ibid. p.24.

and for three years or to five, which may extend to Rs.500, or to both on any subsequent conviction."<sup>10</sup>

The Act provided for registering of all the members of any group or tribe, including the non-criminal members, as potential criminals. This meant a social and legal stigma both on the criminals and non-criminals within a group. Thus, for fear of non-acceptance by the society and fear of the government, even the non-criminals were probably forced to take to crime as a profession. As Sutherland points out: "Crimes also will increase by making the law."<sup>11</sup>

Gradually there was a change in the attitudes of administrators apparently as a result of findings of social science research in favour of reformation. It was recognized that criminal behaviour was a function of the associations. The Youngster had learned from his adult criminal. That is why it was felt necessary to separate the children from the criminals. A provision was made permitting separation of the children of

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10. Ibid. p.38.

11. Sutherland. "Criminology" cited in Haikerwal's "Economic and Social Aspects of Crime in India," London, George Allen, And Unwin Ltd. 1934, p.17.

the criminal tribes between the ages of 4 to 18 years from their parents and placing them in reformatory settlements. Untill 1908 then method was to put into those who were caught. It was discovered, however, that the families of these men were usually involved. If the men were thrown into prison, the families either had to continue their depradations or else were in great distress. Moreover, the authorities found that criminals who were released from prison were worse off than before. But, meanwhile, the Salvation Army and, some other religions organizations had been experimenting with some of the criminal tribes and with released prisoners to ensure that they took to honest channels of living.

Finally in 1908 the first criminal Tribe settlement Act was passed. It permitted the various provincial governments of India to make plans whereby tribes suspected of living by crime could be registered and supervised by the police, and those members of criminal tribes which had been convicted, could be placed in settlements. In these settlements they were taught to work. Instructions were given to lead an honest



life. Their children were sent to schools. It hoped to have a complete reformation of the criminals.

But the desired result was not achieved by the Act of 1908. Consequently, it was again amended in 1911. The main features of the law were as follows:

"If the local Govt. has reason to believe that any tribe, gang or class of persons or any part of a tribe, gang, or class is addicted to the systematic commission of non-bailable offences it may, by notification in the local official gazette, declare that such persons or group is a criminal tribe as the term is used in this Act. There are two methods of dealing with these people - registration and settlement. Registration attempts to keep track of them under police surveillance in the communities where they live, or, if they are wandering tribes, where they may be found when suspected of crime - settlement means locating them in a special place provided so that they can be more closely controlled than by registration."<sup>12</sup> In these settlements they were under the control of the criminal tribes' settlement officers.

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12. John Lewis, Gillin, Taming the Criminal, New York: The Macmillan Company, 1931. p.111.

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

According to the Act of 1911, the criminal tribes were classified into three categories, viz.

- A) Tribes whose members were originally criminals, but had settled down to honest occupation although some sections of them or individuals continue to live by crimes.
- B) Tribes whose members had settled abodes and generally some ostensible occupation but who periodically committed dacoities - and robberies at distant places from their homes and lived by such gain.
- C) Nomadic tribes which wandered continuously and committed robbery whenever opportunities offered. Because of this classification different methods were suggested for dealing with the different groups.

On the recommendation of the Indian Jail Inquiry Committee (1919-20) the Criminal Tribes Act was again amended in 1923 and it was applied to the whole of British India in 1924. The committee recommended that a formal inquiry was necessary before any individual was registered as a member of a Criminal Tribe. Under this Act, an individual of any community who was considered to be a habitual offender, or who committed systematic crimes, came under the purview of the Criminal Tribes Act for constant surveillance.

Some of the main features of the Act are discussed below:<sup>13</sup>

NOTIFICATION:

Section 3 of the Act empowered the local government to declare any tribe, gang or class or persons, or a part thereof, as criminal tribe, if it has some reasons to believe that they are addicted to the commission of non-bailable offences.

REGISTRATION:

After the notification of a tribe as a criminal, the District Magistrate was asked by the local Government

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14. Sher Singh, The Sansis of Punjab, Delhi: Munshiram Manoharlal, 1965. p.238.

to make a regular register of the members of the criminal tribes living within his jurisdiction. Then the District Magistrate would call every member of the tribe concerned and would ask each one to furnish the information required by him. The finger prints of the person were taken in the register, with full particulars. The members were then registered, according to the recommendation of the police.

So members of the Ex-Criminal tribes were absolutely at the mercy of the village headman and the police authorities, who abused their powers to such an extent that even blind persons were registered. The District Magistrate of the local government used to order the registered members to report themselves to the village headman, or to the police at fixed intervals which usually occurred at inconvenient hours like 11.00 P.M. and 3.00 A.M. The movements of a registered member were also restrained and he had to procure a pass from the police to cross the limits of his village. If even he needed to go to some other village, he had to secure a pass in which he had to give the full particulars of his place of destination and on reaching there he had again to report to the

authorities of that place. The member who flouted this restriction used to be punished under section 22, by imprisonment up to 3 years or a fine of Rs. 500.

SETTLEMENT OF CRIMINALS:

Section 16 of the Tribes Act provides for the establishment of reformatives and educational and agricultural settlements for criminals and it empowered the local government to place any tribe, group or any individual in any type of criminal settlement. Often, individuals were sent to the criminal settlements for not paying a fine of one rupee.

UNJUST PUNISHMENTS AND SENTENCES :

Section 23 of the Criminal Tribes Act declared that any person belonging to the criminal tribes convicted once for any offence under the Indian Penal Code specified in Schedule 1, if convicted of the same offence for the second time, will be punished with imprisonment for 10 or not less than seven years and on third or any subsequent conviction with transportation for life. This section contemplated further punishment also.<sup>14</sup>

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14. Ibid. p.245.

From the above summary, we see how unwarranted restrictions were imposed on the tribes. More often than not they were insulted by insisting on their getting a pass and reporting themselves to the police. The police and the village headman extracted forced and free labour from the poor. This gave birth to bribery on a small scale. Many a time the headman or the police made wrong and unreasonable demands on innocent persons due to personal grudges.

After India achieved its independence the social reformers took note of this problem. It appeared to have been realised that the Criminal Tribes Act was a blot on the Indian Statute. Jawaharlal Nehru once stated in a speech delivered at Nellore, Andhra Pradesh, even before Independence, in October, 1936, that;

"I am aware of this monstrous provision of Criminal Tribes Act which constitutes a negation of Civil Liberty. Wide publicity should be given to its working and an attempt made to have the Act removed from the the Statute Book. No tribe could be classified as criminal as such as the whole principle was not in consonance with civilized principles of criminal justice and treatment of offenders."<sup>11</sup>

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11. Raghaviah, op.cit. p.13 cited speech by Nehru.

Various states in India took steps to repeal the Criminal Tribes Act. The Madras Govt. (A.P. then in Madras State) was the first to take steps to repeal the Act in 1949. Bombay followed suit. The Central Government (Federal Government) appointed a committee in 1949 to study the usefulness of the law. It concluded that the Act was against the spirit of the Constitution. As a result, the slavery of 80 years of the Criminal Tribes Act was repealed in 1952 and in its place, the Habitual offenders Act was enacted in the same year. With this abrogation of the Act about 2,300,000 persons of the country were set free legally. Thus legal stigma attached to the tribes was squashed. The 1949 Committee also recommended that suitable steps should be taken for the amelioration of the criminal tribes after the repeal of the Act. The Govt. started taking necessary steps to wean them away from criminal activities.

#### PRESENT STATUS OF THE CRIMINAL TRIBES

After India became a Republic a novel policy was incorporated in the present Constitution. The Constitution postulated that no person under law can be discriminated against on the basis of Caste, creed,

religion, or colour (Art. 13). All are equal before the law and equal opportunity is provided to all sections of the people (Art. 14). But it was realised that equal opportunity was meaningless under unequal circumstances. So special facilities to the socially and economically backward classes were made statutory necessary in order to bring the sections upto par with others (Art. 15). Now the ex-criminal tribes came to be known as denotified tribes or Vimukta Jain (meaning those who are set free). Subsequently in some states some ex-criminal tribes were placed under the category of 'Scheduled' Tribes and hence were entitled to special privileges. In Andhra Pradesh the Yanadis, Sugalis, Yerukula were accordingly categorised as Scheduled Tribes. Incidentally it may be said that the ex-untouchable castes were declared as scheduled castes for special protection.

Part XIV of the Constitution provided that for ten years (later amended twenty years) from the commencement of the Constitution, seats are to be reserved for the Scheduled Tribes in Parliament and in the State Legislatures in proportion to the numbers and that 7½% of the jobs should be reserved for them. Hence, under Article 330, 332 and 334 of the Constitution seats proportionate



as far as possible to their population in the States have been reserved for the Scheduled Tribes in Parliament and State legislators.

#### CRIMINAL TRIBES IN ANDHRA PRADESH

We have stated earlier that under the composite state of Madras the C.T. Act was repealed in 1948. Even earlier in 1949, under the 1924 Act, the provinces had power to amend or repeal the Act in its application to its territory. Under this provision the Government of Madras amended the Act twice before its repeal in 1948 by (1) The Criminal Tribes (Madras Amendment) Act 1943 and (2) The Criminal Tribes (Madras Amendment) Act 1945. In the first amendment the term "Criminal Tribes" was legally changed to "Notified Tribes" and before a member of such a tribe could be registered, the District Magistrate had to provide a reasonable opportunity for him to show cause, against such registration. Further, the sentences were greatly reduced. The children of the notified tribes could also be placed in the certified school or other educational institutions approved by the Madras Govt. As many as 48 tribes and castes in the composite Madras province were included in the Criminal Tribes list before its before its repeal

in 1948.<sup>16</sup>

In the composite Madras State (which comprised the present Andhra and Tamil Nadu) three criminal tribe settlements were established in Andhra region at three places as far as in 1914. Consequent on the repeal of the Criminal Tribes Act, the Criminal Tribes both in the erstwhile Hyderabad and composite Madras State came to be called 'Denotified Tribes' or Vimukta Jatis. The list of 'Denotified Tribes' maintained by the social welfare Department and the Police Department were not, however, identical.<sup>17</sup>

Further, within the present day Andhra Pradesh the same tribe is treated as a scheduled tribe in Andhra region and as a denotified tribe in the Telangana region. This is true of Yerukula too. Now efforts are being made to include all the denotified tribes. Then the Yerukulas of Telangana would also be treated as scheduled tribes as in the Andhra region.

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16. "DENOTIFIED TRIBES OF ANDHRA PRADESH": A Report prepared by the Tribal Cultural Research Institute, Hyderabad, Andhra Pradesh, p.5.
17. Report 1939, p.p. 59, P.F.Cressey: "THE CRIMINAL TRIBES OF INDIA" Soc & Soc. Research, 1936, Sept. p.24.

It enacting the criminal Tribes Act, Govt. had the economic rehabilitation of these tribes in view along with their correction. Let us examine the steps taken in pursuance of this objective and their achievement. In order that these people may live a settled life Govt. opened settlement, some run under the direction of the Govt. and some under the supervision of missionaries. Though the settlements were supposed to train the detenus in the art of honest living and thus make them ordinary citizens, the objective had not been fulfilled because in actual working they are more like jails than hospitals. The novelty of the settlements was that often the whole family or the whole group was interned rather than the individual or individuals and to a certain extent the individuals so interned in the setting of the group lived more cheerfully than those in the prisons.

### CHAPTER - III

#### SUB-CULTURE AMONG THE DENOTIFIED COMMUNITIES -

##### A SELECTED STUDY

In this chapter we will be dealing with a few selected communities which are said to be criminals almost as a result of hereditary transmission. These groups are chosen keeping in view the availability of sufficient material and the places where they are scattered.

##### THE THUGS

The famous community of murderers who were accustomed to infest the high-roads and strange travellers for their property. The Thugs are of course extinct, having been finally suppressed by measures taken under the direction of Captain William Sleeman between 1825 and 1850.<sup>1</sup> The only existing traces of them are a small number of persons known as Gorands or Gayanda in Jabalpur, the descendants of

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1. Kennedy. "Criminal classes in India" p.46.

Thugs employed in the school of industry which was established in that town. These work honestly for their living and are believed to have no marked criminal tendencies. The form of robbery and murder practised by these people was probably of considerable antiquity, and is referred to as follows by a French traveller, Therenot, in the sixteenth century.<sup>2</sup>

"Though the road I have been speaking of from Delhi to Agra be tolerable yet it hath many inconveniences. The cunningest robbers in the world are in that country. They use a certain slip with a running noose which they can cast with so much sleight about a man's neck. When they are within reach of him, that they never fail, so that they can strangle him in a trice. They have another cunning trick also to catch travellers with. They send out a handsome woman upon the road, who with her dishevelled hair seems to be all in tears, sighing and complaining of some misfortune which she pretends has befallen her. Now as she takes the same way that the

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2. The Renots - Travels, Part-III, p.41. Quoted in Dr. Sherwood's account, Ramaseena, p.359.

travellers goes. He falls easily into conversation with her and finding her beautiful offers her his assistance, which she accepts; but hath no sooner taken her up behind him on horseback, but she throws the snare about his neck and strangles him, or at least shuns him until the robbers who hid come running to her assistance and complete what she hath begun."

This passage seems to demonstrate an antiquity of three centuries for the Thugs down to 1850. The thugs did not apparently ever constitute a distinct caste but were recruited from different classes of the population. For instance, the Muhammadan Thugs consisted of seven clans, Bhais, Barrote, Kachuni, Hattar, Garru, Tandel and Rathur. These names, however, are of Hindu and not of Muhammedan origin, and it seems probably that many of the Thugs were originally Banjars or cattle-dealers and Kanjars or gipsies.

As is well-known the method of the Thugs was to attach themselves to travellers, either single men or small parties, and at a convenient opportunity strangle them, bury the bodies and make off with the

property found on them. The gangs of Thugs usually contained from ten to fifty men and were sometimes much larger ! On one occasion as many as three hundred and sixty Thugs committed the murder of a party of forty persons at Bilaspur(Central provinces).<sup>3</sup> They pretended to be traders, soldiers or cultivators and were usually unarmed in order to disarm suspicion and secured permission to accompany parties travelling with arms. There was nothing alarming or suspicious in the appearance of these murders. Indeed, they looked, mild and benevolent and were peculiarly courteous, gentle and obliging. They were accustomed to get friendly with travellers by doing them some service or asking permission to unite their parties as a measure of mutual protection. They would then journey on together and strive to win the confidence of their victims by various friendly gestures. Sometimes days would elapse before a favourable opportunity occurred for the murder.

### RELIGION

Thugs justify their own criminal acts on the ground that they are religiously sanctioned. They do not look back upon murders they have committed with any feelings of remorse. In fact, they feel that if

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3. Kennedy, "Criminal Classed in India", p.55

anybody tries to punish them, he will incur the wrath of Devi. Kings who punished these Thugs were said to suffer from some incurable disease or met with death few days after they meted out any punishment to these Thugs.

Kali or Bhawani was the principal deity of the Thugs. In earlier times they held that the Goddess was accustomed to relieve them to the trouble of destroying the dead bodies by devouring them herself; but in order that they might not see her doing this she had strictly enjoined on them never to look back on leaving the site of a murder.

The Thugs believed that the wishes of the deity were constantly indicated to them by the appearance or cries of a large number of wild animals, and birds from which they drew their omens and indeed the number of these was so extensive that they could never be at a loss for an indication of the divine will and difficulties could only arise when the omens were conflicting. As a general rule the omen varies according, as it was heard on the left hand known as pilhao or the right known as Thibavi. On first



opening an expedition an omen must be heard on the left and be followed by one on the right it signified that the deity wanted them to go on. When they were preparing to march starting on a road an omen heard on the left encouraged them to go on but if it came from the right they halted. These groups migrated to distant places or to jungles and their ideology and ways of behaviour remained as they were when they left their homes. Their original communities have changed and advanced but they continue to live the life of 15th century even in 20th century. It is a problem not merely of culture lag but of "arrested cultural growth".

#### THE SANSI COMMUNITY

The Sansi community which is mainly based in Delhi and other surrounding areas indulged in various crimes during the reign of Maharana Pratap<sup>4</sup> when they were put to very straightened circumstances. These people claim that their ancestore served in the army of the Rana and were brave soldiers. However, in one of the Rana's encounters with Akbar's army they were defeated and had to seek refuge in the neighbouring jungles where they led a very hard life. In the

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4. Biswas, "Ex-Criminal Tribes of Delhi"; Delhi, University of Delhi, 1960, p.10.

course of the struggle for existence they were forced to take recourse to looting occasionally travellers and passersby; and then in the long run the members of the community became notorious as professional robbers, dacoits and thieves. The origin of prostitution among the womenfolk of the tribe is attributed to the fact that their women were employed in Mughul Courts as spies engaged to get secret information for the Rajput chiefs. Even after Mughal rules their women continued the practice of prostitution. It was said that the ancestors of the tribes were healthy, tall and energetic and their only profession was theft and robbery. They would rob the villagers of their corn, when it would be fully ripe, thrashed out and stocked. In fact, they obtained all the bare necessities of life by stealing and robbing systematically. Their means of transport were horses and asses. All the belongings of the tribe were carried on the backs of these animals. These nomads had no houses at all in their organization. They were so strong that even the policemen were frightened to tackle them. However, in due course of time they were all arrested and shut in jails and still later

they were gradually rehabilitated by the Govt. who gave them land and cattle for subsistence.

The criminal habits of the tribe are slowly disappearing. The tribe is gradually getting rehabilitated and enlightened. But even now theft, prostitution and gambling are not uncommon. Social vices such as drinking habits in men and women and adultery still persist among the men and women of the tribe. The Sansis have been included in the list of the ex-criminal tribes because they directly or indirectly are associated with the crimes mentioned above.

CRIME PATTERN:

There are two types of thieves

1. The habitual offenders
2. Those who commit theft occasionally. In

addition to these there are others who do not actually commit the crime, but assist the thieves by either giving them protection in their houses or by selling the stolen goods.

Here I would like to draw on three cases analysed by Biswas who has done extensive research among these Sansi people located in the Metropolis

of Delhi.<sup>5</sup> In one of the cases which occurred at red Fort Colony a man named Sohan Lal was alleged to have received a stolen radio, but most of Sansi of the colony charged the head constable with corruption. They also lodged a strong complaint with the I.G.P. describing the indecent behaviour of the constable.

Another incident took place in December in Andha Mughul colony. The researchers were informed by the people that the house of one Hira Lal was raided by a party of four policemen who robbed this man of his forty seven rupees on grounds that he was gambling. Later on a protest was lodged by the accused with the court which convicted the policemen for misusing their powers.

Another incident occurred in the month of November. It is alleged that Jai Singh of Andha Mughul committed a theft in a shopkeeper's house and it is said that he stole nearly Rs.40,000/-. He was arrested

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5. Ibid. P.45.

on suspicion, but was later released as nothing incriminating could be proved against him. Gambling is a common practice among the people and is pursued in various ways. In one of the methods it is playing cards; in other with 'chess' or with 'chasipar'. The winner in most of the cases spends the whole amount by giving feasts to the participants and other friends. The women may participate in gambling but more often they assist their husbands or relatives, by counting the money lost or gained in gambling.

The Sansi women pursue prostitution in various ways. They may go to the vicinity of the cinema halls where they lure the people coming out of the movies at night. Begging is another profession which many women have adopted and which may be either associated with theft or with prostitution. Begging may be a regular profession for many of them while the others it may be so during important festivals. The number of those families which include one or more members who are affected with either of these habits, is however, significant. Sixty eight out of a total of eighty one families or in others words, nearly 84 percent of them

have indulged in deviant habits or professions mentioned above.<sup>6</sup>

TABLE - 2  
TYPE OF CRIME INDULGED IN BY  
BOTH THE SEXES

Nature of Commitment	Total male	Number Females	Adult Males	Adult Females	Families affected with the nefarious habits
Addiction to liquor	20	1	14.6%	0.73%	67.81-89.95%
Gambling	25	1	18.24%	0.73%	"
Begging (irregular)	1	41	0.73%	29.92%	"
Begging (regular)	4	18	3.92%	13.13%	"
Theft	18	3	13.13%	2.19%	"
Prostitution	18	3	13.13%	2.19%	"
N:	86	67			

Source: Biswas: Ex-criminal Tribes of Delhi, University of Delhi, 1960; p.96.

6. Ibid. p.76

Crime develops among the people through the normative weaknesses induced by the larger society. After this they are led on by the impunity of their offences and then prison association increases their delinquency. Alcoholism renders them vulnerable and impulsive. Thus they continually tend to commit various crimes and become habitual offenders. The society by abandoning them after they leave prison renders them crime prone. The society does not offer any protection in their struggle for life nor helps them gain an honest livelihood.

#### SOCIAL ORGANISATION: RELIGION AND FAMILY

The Sansis are included at present in the list of scheduled tribes. But they consider themselves as descendants of the Rajputs, a well-known martial race of the North, who fought for Maharana Pratap in his battle against the then Emperor of India, Akbar. The ex-criminals are Hindus by religion and believe in Hindu gods and goodesses.<sup>7</sup> Their strong belief

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7. B.R. Mehta. "Religious thought and woship amongst the chodras of Gujarat". Journal of the Anthropological Society, Bombay, Vol.XI, No. 4, 1934.

is that if the gods and goddesses are properly propitiated, they will help the poor devotees in their worldly affairs. Hence to have their desires fulfilled they make offerings of goats, clothes and money to the gods and goddesses which are worshipped after consulting the 'siana'. These 'sianis' are supposed to control a vast number of malevolent spirits like 'syed', 'pret' 'kali' and 'phullan devi' etc.

The birth, marriage, death, customs and the festivals of the Sansis are the same as of the other Hindus. The birth of a male child is more welcome than that of a girl. It is believed that without a male child the parents cannot get salvation as it is mentioned in the Hindu religious books.

An important fact regarding marriage is the system of bride price. The bride's father usually charges Rs.300 to Rs.1000 from the father of the bride-groom. Generally small boys and girls. However, if the boy and girl concerned are grown-up and if either of them does not agree to marry the bride or the bridegroom selected by their parents, the engagement can be broken at any stage.



Another religious custom is that when they were nomads they used to bury their dead bodies but at present they cremate them. After three days the ashes of the dead bodies are thrown into the river. That is called Jamuna. Those who can afford to go the river Ganges, carry the ashes there and immerse them in the sacred river for the good of the departed soul. The Sansis believe that after death the spirits of the dead may become ghosts and trouble their relatives. But those who led a pious and good life i.e. life led according to the tribal laws and rules are given a place in heaven, while those who are sinners go to hell.

#### FAMILY

The nuclear unit of the Sansi community is a family consisting of parents and children. Though monogamous families are the rule yet a few cases of polygynous families are also found. Economically, it is difficult to afford more than one wife due to the system of high bride price which ranges generally from Rs.300 to Rs.1000 as prevalent among them. Joint

families have become more or less a thing of the past. The family is patrilocal in residence. The wife comes to her husband's house to live. The Sansis are patrilineal. Property is equally divided among the sons. When there are no sons, it goes to one's brother's sons or cousin's sons.<sup>8</sup> Women do not inherit except in the case of widows remarry they have to relinquish this right. A Sansi when issueless adopts either his sister's or brother's son. A feast is given to the relatives after getting the adoption duly registered with the govt. family is an economic unit in which all earning members contribute to the income and share the expenses. Divorce is not practised.<sup>9</sup>

Another tribe we will be considering is that of Bauriahs.

They are the most notorious thieves of the northern India. Their women neither beg nor labour hard, nor generally contribute to the family income.

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8. Biswas. "Ex-Criminal Tribes of Delhi", Delhi State, Delhi, University of Delhi, 1960.

9. Ibid. p.78.

In the 19th century, they were generally nomadic and wandered about all over northern India. With their women and children. They carried their luggage on mules and kept dogs for watch. They are apt house breakers. At present the Bauriahs in U.P. are settled in Muzzafarnagar district.<sup>10</sup> The women and children generally live in the village and men go about and they return home after months. Some of their males have turned into wandering Sadhus who spend a part of their time in their village and most of the time all over U.P., Bihar and even Bengal. They are, infact, the chief source of information and also contact. The Sadhus go to different villages, stay there for some days, collect information and provide it to those who actually commit theft. They get their share when they return to the locality. They have special tools of their own for breaking into house with which they usually remove bricks and dig the wall under a window, firstly because if it is a pucca house there is no pressure on the bricks and they can be removed

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10. Shastri, Rajaram and Goyal, C.P. Social Organization: attitudes and motivation of Denotified Communities in U.P. Varanasi, Kashoridyapith, Institute of Social Science, 1969. p.75.

easily, and secondly, because there will be no wall in front. By removing a few bricks they get into the house and make away with whatever they get.

The Bauriahs commit organized thefts in gangs. The gangs are organized right in their own village, leave one by one and meet at a pre-settled place. They also have a system of signs by which they report and inform each other<sup>11</sup> of their arrival, and in case of dangers about departure of another place. The programme is set for a number of places. The sadhus are their principal means of contact. Sometimes they use their women also, more particularly those who are very clever and young, in collecting information. They participate in set rituals before embarking upon an act of crime. They generally do not use any fire arms in their crimes. The Bauriahs also maintain a physical distance with women of other castes, and do not touch them. Therefore, they do not remove ornaments from the persons of women who are awake. On the other hand they are skilled in removing ornaments from the bodies of sleeping women.

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11. Ibid. 59

Cheating is also very common amongst the Bauriahs. Sometimes a Bauriah accompanied by few other members of his community and one or two women will go to a new town, take a big house on rent and show off as a rich seth. He will express anxiety for the marriage of his beautiful daughter and will sometimes settle her marriage in some rich family. They also offer some ornaments and money to the groom's family and then receive in turn ornaments and clothes from the latter. Generally the ornaments that the Bauriahs offer are fake. Sometimes before marriage and sometimes after marriage the whole gang disappears with the ornaments and money of the groom's family. This is not regular feature but at the same time it is not very uncommon.

Their women are also very clever. They sometimes develop illicit sex relations with rich men and fleece them of their money. Their women do almost the same with members of their caste and whenever a Bauriah comes with good amount of money from outside he has no dearth of women, young and beautiful, to cohabit with him. The Bauriah women, are not regular prostitutes but at the same time are of very loose morals. On consideration of money, good food, good clothes and

extravagant living they can leave their husbands and go to live with another men. There is very little control on their sex behaviour. It is said that the Bauriah males during the medieval period (more particularly in the 17th and 18th century) were official executioners of the conspiring rulers and chiefs. They were hired by warring rulers for the murder of their enemies. They entered their bedrooms, beheaded the target person and brought the head to the master. This has become rare but still the Bauriah retains his character as a dare devil criminal and ready to indulge in assault and murder on little provocation and for money.

#### SOCIAL STRUCTURE

##### RELIGION:

As mentioned earlier, all most all the denotified communities claim to be Hindu by religion. Many of them have come to claim their identify with high caste Hindus. Most of the denotified communities are worshippers of Mother Goddess and the older one among them only call their Goddess though they can not give a

particular name to Her. They are worshippers of "Shakti" who has in fact has no form. They keep a place in their house and say that it is the dwelling place of the Goddess. Bauriahs are no exception to this.

For Bauriahs cow is a sacred animal and they consider pig as profane, though pig plays an important role in their traditional rituals as marriage and is fondly eaten by them. Regarding the priestly classes, the Bauriahs invite Brahmins to their religious functions, marriages, last rites etc. They have what they call 'mana' which means a respected person. He is generally either a brother-in-law or a sister's son (nephew), who officiates at marital and funeral rites as priest. Bauriahs cremate their dead.

#### FAMILY:

The type of family prevailing almost as a rule, amongst the denotified communities is unitary,<sup>12</sup> except in the case of those who are settled on agriculture and have taken to peaceful means of livelihood. Bauriahs, whose principal means of subsistence till today is

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crime, are organized in small nuclear families. However, those who have abandoned the criminal mode of livelihood have come to form larger familial groups of the extended type. In the Bauriah community, the family comes up as a result of the marriage rituals and the general system is partriarchical. However, because of the economic participation of the female of the life of the family, she also occupies a prominent position. She exercises her right to say in the affairs of the family. A young female after her marriage goes to live with her husband. The decisions in the family are taken jointly by the husband and wife though the husband has the upperhand. The property is inherited through the males despite the new proclamation of the Hindu Marriage Act.

#### MARRIAGE:

Marriage is a universal phenomenon. Whoever comes of age must get married. Usually parents play a greate role in arranging marriage. However, sometimes young people choose their own partners. The caste panchayat after considering the prohibition degree of the marriages sanctions <sup>the</sup> and match. Bauriahs are an endogamous group in the sense that marriage are



performed within that community. But there is an exception to this general rule. A Bauriah man cannot marry any other woman outside his caste but a Bauriah woman may do so. Unlike the upper caste Hindus, who have an almost universal practice of receiving dowry at the son's marriage, the denotified communities invariably practise the custom of bride price.

#### CASTE PANCHAYAT:

The strength of the denotified communities lies in the rigid social control exercised by the tribal or caste councils. Almost all the denotified communities are controlled by the caste panchayats and this is more so in the case of Bauriahs. The caste council is not a permanent body. In case of any dispute, adults or elderly persons constitute a panchayat and they are to be acceptable to the parties to the dispute. There is no institution of a permanent Sarpanch or a caste chief nor is the office of panch or Sarpanch hereditary.

Regarding the function of panchayats, the settlement of disputes amongst the members of the particular caste is the most important. Among the Bauriahs, the sanction of a marriage before it is actually solemnized has to be obtained from the caste panchayat. Violations of religious and collective norms

are an exclusive jurisdiction of the caste panchayats which rarely take cognizance them. Caste panchayats generally take up cases relating to physical assault by one member of the caste on another, non payment of debt, etc.

#### DECOITS IN THE CHAMBAL VALLEY

Another interesting sociological category that can be included in our present discussion is that of dacoits in the Chambal valley in Madhya Pradesh. These dacoits come from different castes and religions. The reasons as to why they join the dacoity gang are also varied.

Societies irrespective of the fact that they are civilized or backward develop and maintain some system of relationships. Without some system, some patterning of behaviour some regularity or some sort of internal organization, there will be no social life and no society. But due to some reasons or the other, some people fail to conform to their group and deviate from the socially established goals and procedures prescribed to achieve them, in their normal life. In spite of the

various measures of control evolved and imposed by the society, they violate the rules and regulations laid down for them and thus become a threat to its peace and maintenance. Such had been the case in the Chambal and Bundelkhand regions of Central India, specifically known as band lands for various dreaded dacoits and their merciless and heinous deeds. A brief appreciation of various socio-economic factors that were responsible for the emergence of dacoity would be in order.

ECOLOGICAL BASE:

Some would like to believe that the physiographic conditions are mainly contributory to the inception, growth and continuance of the dacoity system in the regions of its manifestation. Some others fond of the spirit of myth regard that whosoever takes the water of the Chambal turn out to be violent. They believe that the chemical composition of the water of this region is such that it infuses predatory habits in those who drink it.<sup>13</sup>

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13. R.G. Singh, "Rehabilitation of the Surrendered Dacoits of Madhya Pradesh", J.N.U. A Thesis published in 1977.

Although it is true that there is not a grain of truth in the superstition which relates criminal propensity to physiographic condition, yet it is the peculiar ecological setting of the area which helped the dacoity system to establish its sway for centuries. None can deny that it is the physiographic conditions which fed if not bred the dacoits. The inaccessible ridges of dense Aravalli or the Vindhyan ranges, the dense forests of Gwalior and the deep ravines of the Chambal and its tributaries favoured the bandits all the time in central India by providing them convenient hideouts and a sanctuary out of reach of their chasers.

#### HISTORICAL BASE:

Historically speaking, organised banditry began with the 12th century A.D. when Anangpal, a Tomar king of Delhi was thrown out by his cousin Prithvi Raj Chauhan and took refuge in the Chambal basin. The Tomars then made ceaseless efforts to reoccupy Delhi but they were thwarted both in the time of Prithvi Raj and after. After the defeat of Prithivi Raj, Delhi

fell into the hands of the Muslims and came under the rule of the Sultanate. The remnant Rajputs around Delhi moved to the forests crossed by the ravines of the Chambal the neighbouring safe place in the South, as did the Tomars who preceded the Rajput in taking refuge there.<sup>14</sup> Thus the expelled Rajputs spread over the whole of the Chambal basin, occupied territories and established small dynastic rulerships in due course as in Dholpur, Etawah, and Gwalior.

In fact, it was believed that it was mainly because of the unmanageable trouble caused by these rebellions Rajput sardars that the Moghuls were compelled to transfer their capital from Agra to Delhi. In fact, the Moghuls, throughout their long reign, suffered heavily at the hands of these predatory clans of the Chambal ravines. It was not uncommon for the imperial treasury to be looted while passing through the area even under heaviest escorts. Sher Shah Suri tried to provide protection to the wayfarers by building

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14. Bhaduri, T.C. "Chambal, the Valley of Terror," Bombay Vikas Publishers House; p.104, 22-24, 1972.

many roads dotted with shelters and fortresses along the old Bombay-Agra routes.<sup>15</sup>

CASTE:

It should be mentioned that dacoits belong to different castes. One cannot contend that they invariably belong to a particular caste. However, majority of these dacoits are Rajputs. New to Rajputs were the Gujars and the Brahmins. This would be clear from the following table.

TABLE - 3

CASTE DISTRIBUTION OF DACOITS

<u>Caste</u>	<u>Numbers</u>
Brahmin	10
Rajput	26
Gujar	13
Ahir	8
Gaderiya	10
Jatar	8
Other castes	26
	<u>100</u>

Source: Adapted from R.G. Singh. "Rehabilitation of the Surrendered dacoits of Madhya Pradesh". JNU, N.D.

Other castes refer to Gaderiya, Khangar, Dhobi etc.

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15. History of Madhya Pradesh Pol. C1 1965.

RELIGION:

As regards religion, 97% of the dacoits are Hindus while 2% are Muslims.<sup>16</sup> In fact, the Muslims population is very small because the area was all along dominated by Rajputs who was opposed to the Muslims as they were expelled from Delhi on expansion of the rule of the Muslim Sultanate and the Marathas also who succeeded from the South opposed the Muslim.

EDUCATION:

The majority of the dacoits are illiterate and only 3% have received formal education upto the matriculation.

TABLE - 4EDUCATIONAL STATUS OF THE SURRENDERED DACOITS

<u>Educational Standards</u>	<u>Number</u>
Illiterate	60
Literate	34
Middle	3
Matriculate	3
<hr/>	
N	100

Source: R.G. Singh, "Rehabilitation of the Surrendered Dacoits of Madhya Pradesh", JNU. New Delhi.

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16. R.G. Singh, "Rehabilitation of the Surrendered Dacoits of Madhya Pradesh", JNU. A thesis published in 1977.

If one makes a critical review of the writings of various people like Bhaduri<sup>17</sup>, Garg<sup>18</sup>, Davendra Kumar<sup>19</sup> and finally R.G. Sing<sup>20</sup> one is likely to come out with the following facts.

1. Dacoity appeared to be more common with heinous crimes committed in the process in Chambal than in Bundelkhand, Murders in Bundelkhand were by far very few but in Chambal they were very frequent.

2. The statistics of murder and other heinous crimes were **on the high side** in the chambal area, and so also to resistance against the dacoits who committed such crimes, where in Bundelkhand the feature was not there to a notable extent. Encounters in the latter region have been almost negligible as compared to be encounters that took place in the chambal region.

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17. Bhaduri, T.C., Chambal, the Valley of Terror, Bombay Vikas Publishing House, P.104, 22-24, 1972.
18. Davendra Kumar, "Surrender of Dacoits in Chambal Valley" Social Defence, Vol.X, No.37, p.27, 1974.
19. Garg, R.P., "Dacoit problem in Chambel Valley". Gandhian Institute of Studies, Varanasi, 1965.
20. R.G. Singh, "Rehabilitation of Surrendered Dacoits of Madhya Pradesh", JNU.



3.       Dacoity had been more organized with its developed organs and specific codes in the Chambal area. The gang was an organized body of armed outlaws who were hierarchically arranged with their statures and responsibilities. The hierarchy in a way was based on the kind of arms that a dacoit kept with him or had been allotted by the Chieftain. But the distribution of booty based on the kind of arms that a dacoit kept on his own or had been allotted by the Chieftain did not apply in the latter. In Bundelkhand, each dacoit was treated on equal footing with others in the matter of share and to portion of share was appropriated to be leader for supply of arms. However, the price of the arms was deducted from the share of the dacoit concerned.

## CHAPTER - IV

### ANALYSIS OF DEVIANCE AMONG THE YERUK ULAS

This chapter seeks to understand the type of crime and the pattern of crime indulged in by Yerukulas. It is important to recognise the fact that legislation and broader social changes have had considerable impact on their criminal behaviour.

There are quite a few criminal tribes or tribes with manifest criminal tendencies in A.P. some of these are Hill Reddis, chenchus, Gonds, Yerukulas etc. There have been significant changes in their behaviour due to influences emanating from growing industrialization on the one hand and strict government measures undertaken to curb their criminal activities on the other. They are increasingly getting out of their criminal activities and taking to lawful activities. This is especially true in the case of chenchus who could be easily seen on the roads in towns. They usually work as maid-servants, graze cattle and do other activities.

They are also taking up small time occupations. However it does not mean that they are completely abstaining from crime. It is only that of late they

show a decline of interest for indulging in crime. Still quite a few of them show a marked tendency to resort to criminal activity to supplement their legally earned income.

Similar is the case with Gonds who were once regarded as a criminal tribe. They used to be notorious especially in road robbery. Because of effective measures taken since the time of British rule, Gonds started resorting to lawful activities to earn money.

It may not be possible to study all of them because of the fact that scanty literature is available on these. We will be exclusively concerning ourselves with Yerukulas not only because it is the most criminally-inclined tribe in A.P. but also because sufficient literature is at our disposal.

#### The Period of Pre-Criminal Tribes Act:

The Yerukula's ancestors resided in the hilly and forest tracks. They were a semi-nomadic people making a living by dacoity, burglary and robbery.<sup>1</sup>

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1. K.M. Kapadia, "The Criminal Tribes of India", Sociological Bulletin, I.II (March, 1952), 45, p.110.

Periodically they visited the plains villages where they resided in the outskirts gathering information about the surrounding villages. They engaged in dacoity, looting and way-robbery. They moved mainly in bands covering long distances from their original place of dwelling. They followed certain ostensible occupations such as the salt business. Donkeys were employed not only for carrying salt but also their household goods. The womenfolk were famous as south-sayers or fortune tellers. But their man job was to assist the menfolk by working as intelligence agents. Yerukulas are known for their scanty dress. The traditional Yerukula male wears a small piece of cloth just sufficient to cover his private parts and the women wear a small saree.

It has been brought to the notice of sociologists and social anthropologists that the movements of the yerukulas in bands was a matter of fear for the plains villagers. It was particularly so during the beginning of the British occupation of the land as it had been before that time. Yerukulas occasionally plundered villages even during the day time. As a norm of 'caste' Yerukulas abstained from acts of violence

such as beating or killing unless the situation forced them to do it. Yerukulas are also known to be experts in stealing during darkest nights by entering the houses by making holes in the walls. It is to be noted that a great many houses in the villages are made of mud with thatched roofs.

The Criminal Tribes Acts was passed in 1879(in former Madras Presidency) as a result of which the movements of the Yerukulas 'caste' were curbed. The nature of the Criminal Tribes Act was dealt with elsewhere. However, to recapitulate what has been discussed it is enough if we remember that the law made it compulsory on the part of the Yerukulas to register themselves with the police and to report to the police about their movements. Whenever they came to a village they had to report to the local munsif or village officer who was in charge of law and order. One unintended consequence was that the police officials exploited the Yerukulas by using them as forced labour. Because of increasing ruthlessness shown on these Yerukulas by the police, the influence of caste panchayat has considerably declined.<sup>2</sup> This gradually

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2. Sandal Rober, "The History of the Salvation Army, Third Volume on Social Reform and Welfare Work", New York, Thomas Nekon and Sons, Ltd., 1955,p.102.

drove them to undertake legal activities like pig breeding, basket making etc. However, with few exceptions, the majority of the Yerukulas seem to have continued their acts of robbery and as a result the Government had to control the criminal acts with an iron hand.

Because of ceaseless efforts made by the British Government to effect certain reforms among the members of this community, considerable changes occurred. These changes were generally in a positive direction in the sense that a number of them took to agriculture, and small scale industry more seriously. They abandoned criminal activities since carrying them out was much more difficult than ever before. Here it may be important to point out that the Salvation Army was handed over the task of rehabilitating them.<sup>3</sup> The women continued their occupation of sooth-saying as a means of livelihood as well as a means of intelligence for the men. The inhabitants of the settlement were supposed to report every day to the Manager of the Salvation Army about their movements and to obtain prior permission to leave the village. Those

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3. Simhadri, "The Ex-Criminal Tribes of India", Delhi, National Publishing House, 1979, p.48.

who were caught as criminals were also expected under law to call on the police station every day or periodically as required. This led to considerable curtailment of the movement of the Yerukula settlers. The Salvation Army would not allow them to go out of the village for long or in large groups.<sup>4</sup> Therefore, the Yerukulas had to restrict their criminal activities to the nearby villages and they could go out only in small groups. Thus the settlement process together with the provisions of the Criminal Tribes Acts restricted the size of the gang and distance to be covered.

With the repeal of the Criminal Tribes Act certain major changes took place in the criminal behaviour patterns of the Yerukulas. Old restrictions regarding their movements have been removed.<sup>5</sup> This has enabled them to move out to far-off places and commit crimes. Their womenfolk now work as escorts instead of sooth-sayers. Both males and females put on modern dress and use cosmetics in order to impress gentlemen. Actually they have started more aggressive

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4. Raghavaiah, V. "The problems of Criminal Tribes", Delhi, Akhila Bharatiya, Adimajah Sevak, Sangh, 1949, p.38.

5. Simhadri, "Ex-Criminal Tribes of India", Delhi, National Publishing House, 1979, p.32.

methods along the lines of Naxalite etc to commit dacoity or robbery. They have even shed their initial inhibition of killing people. Now they have become more prone to killing people.

The most common type of crime which they used to indulge in was robbery.<sup>6</sup> They would move in groups from village to village. When they were confronted by victims or authority they sometimes resorted to violent acts such as beating and throwing stones. They ventured out to engage themselves in robbery only during dark nights when the moon is on the wane. The rest of the ten or twelve days they remained at home resting and making preparations for the next trip. As mentioned earlier they moved in gangs and each gang is headed by a leader called the Vothali.<sup>7</sup> He is the person who explains the conditions and terms to his gang members about the shares that they would get out of the booty if the operation is successful. He determines the place where they will go to indulge in that crime and lends money to his group members for expenses. Further, he purchases alcohol, chicken and port and gives a party on a day before the gang is supposed

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6. Majumdar, B.C. "The Aborigines of the Highlands of Central India," Calcutta, University of Calcutta, 1927, p.87.

7. Sinhadri, "Ex-Criminal Tribes of India," Delhi, National Publishing House. 1979. p.32.



to go out.

It is totally upto the discretionary powers of the leader to select people. Generally the qualities which the Vothali expects his gang members to have are experience, ability and tactfulness. The contract is based on the principle of offer and acceptance. It means the Vothali offers certain conditions and if the individuals agree to those conditions a "gentleman's contract" is said to have been agreed upon. The individual's reputation to commit theft would be given weight in the selection process. Simhadri gave the case study of two Yerukula criminals who narrated the mode of operation of theft. I quote from that.

"One persons stands at the outskirts of the village or at the mouth of the street concerned. The second one stands just outside the house usually on the street keeping watch over all sides and sending information through accepted signals to the fellow thieves who are entering or who are in the house. Two persons enter the house: of the two, one person is Vothali who actually steals from the house and the

second one is Palakodu who watches over the sleeping householders. All the four jointly work in the game. One individual cannot work without the help of the other members.<sup>8</sup> They further stated:

The goods or money stolen will be shared by all the persons who are engaged in this trade. There would be six shares in all. One share for the investor i.e. who has advanced money for undertaking the job of dacoity for thefts; half share for the God (Demudu Vata); one and a half share for the Vothali, and the rest of the members get one share each. The half share intended for the God is not actually for God but is meant for making payments to the police who alter the records and look the other way when necessary. The rest of the money is spent on alcohol and purchase of pigs and chickens before and after the theft.

It is interesting to note that they are highly humane people. This is reflected in the fact that they never want to kill people intentionally unless the situation demands it. They would not normally commit

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8. Ibid. p.55

the dastardly act of killing anyone. Their conscience would be thoroughly shocked if someone were to point out the possibility of killing someone without any provocation. They used to stay in forest and hills near a target village and the men and women enter village pretending to be fortune tellers and so on. Then they acquaint themselves with the general conditions prevailing in that village and also identify the family before they undertake the robbery.

Pick-Pocketing:

A section of the Yerukulas are also engaged in a pick-pocketing.<sup>9</sup> Their modus operandi is very simple. They wait for buses or trains to arrive and as people jostle with each other to get into buses, they snatch away the money or gold or other valuables from pockets. If need be, they do not feel hesitant to cut the pockets with the help of scissors.

It has been reported that some of the pick-pockets have acquired the technique of swallowing the

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9. Manoria, C.B. "Social problems and Social Dis-organization in India, Allahabad, Kitab Mahal, 1960, p.175.

coins or small pieces of gold instantly. What they do is that they hide the ornament or money in their throats without the knowledge of anybody; whenever they need it, they can get it back. Sometimes they may be forced to swallow it. Only those who are interested in pick-pocketing will be inducted into the group. After they are inducted they are given proper training so that they can get along with their business efficiently.

Investors:

We have learned that the Vothali or the leader must advance money to this group members before they embark upon any criminal activity.<sup>10</sup> But a leader is not always rich enough to meet their expenses and hence the practice of investing money in criminals came into being. Certain families, both Yerukula and non-Yerukulas, were always ready to extend money for such purposes. It was highly institutionalised. Sometimes when the Vothali was rich enough, he could also become an investor. Sometimes the local investor may be short of cash. In such cases he uses his links with outside investors.

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10. Aiyappan, A. "Report on the Socio-economic Conditions of the Aboriginal Tribes of the province of Madras." Madras Government Press, 1948.

The actual business of investment is mainly carried out by the housewife of the investing male head. Nevertheless, the male continues to take care of the business of investment and the accounts.

### The Fence

Though the practice of fencing was illegal according to the Indian Penal Code it was institutionalised by the Yerukulas.<sup>11</sup> What they do is that they steal goods first and then hand the stolen goods over to the fence who could be a male or female and who maintains contacts with the non-Yerukula fence. They have revealed that the two castes such as Kansali (Goldsmith) and Marvaris (a business community) receive the stolen goods from them. The Yerukula fence purchases from the criminals at a lower price and sells the goods to the Kansalis and Marvaris,. Through the Kansalis and Marvaris the stolen goods enter the regular market in the urban community.

It is possible for the criminal to engage in more than one type of work.<sup>12</sup> For instance, a thief

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11. Ibid p.82

12. Simhadri. "Ex-Criminal Tribes of India," Delhi, National Publishing House, 1979, p.84.

can become an investor if he has sufficient money to lend and the investor can also become a thief provided he has the necessary skill. Similarly, a gold receiver could become an investor or a thief, if he acquires the necessary qualifications. Hence, by no stretch of imagination can these jobs be mutually exclusive even though some division of labour exists.

### RAAFU

Raafu is a type of game in which Yerukulas very dexterously manage to hoodwink the people.<sup>13</sup> What they do is that when people pass by, Yerukulas approach them and show them gold, telling them that they want to sell it. Then they might start bargaining because of their interest in the gold, and when this process gains momentum, Yerukulas manage to replace real gold with the artificial gold and then this is passed on to the customer. However, this practice is on the decline.

### Stealing Goats:

Another criminal activity they indulge in is that of stealing goats and sheep. This is usually done during festive occasions. A team of four or five persons

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13. For a similar situation see Shastri, Rajaram and Goyal, C.P. Social organization attitudes and Motivations of Denotified Communities in U.P., Varanasi, Kashividyapith, Inst. of S.Sciences, 1969, 74.

goes to the nearby villages and steals goats and sheep from the herds under the care of the shepherds. To give a concrete instance.

A night before a festive occasion a group of six persons went to a nearby village and brought six goats from among a herd of goats. In the same night they killed all the goats. Some meat was cooked immediately and some of the meat was deposited in pots and in bushes. In the morning of the following day the shepherds came to the tribal settlement and requested the manager of the Salvation Army.<sup>14</sup>

After investigation the meat was traced. The thieves escaped from the place and the settlers did not reveal the names of the thieves because of their communal ethics. But with the help of office-peons the Salvation Army could know the names of the culprits and a case was filed against them.<sup>15</sup> It was learned that 20 years back this practice of criminal behaviour was frequently committed but the modern trend is that they do it during festive occasions only.

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14. Ibid. 125.

15. Raghavaiah, "The problems of Criminal Tribes", Delhi Akhila Bharatiya Adimajati Sevek Samaj, 1949, p.55.

Kulakattubatu (Caste or Group rules)\*

The Yerukulas are governed and controlled by the Yerukula "in-group" or "caste"-rules. They are not supposed to reveal information to non-Yerukulas. Violation of this rule is met with by punishment in the nature of ex-communication. Secrecy is facilitated by their distinctive dialect. They talk in their language which is mostly unintelligible to non-Yerukulas. This is the problem that is being faced by the Salvation Army officers. Due to the language and caste rules they are not able to ascertain the information about them. The Yerukula caste rules are very rigid and strict. For them their caste rules are much more important than their life. This is because of the fact that if they reveal their caste rules, they will be killed by their caste men. Despite being under the custody of the police they do not reveal the facts for fear of reprisal by the other members of the community.

Yerukula Panchayat :

Just like in any other caste, there is a "caste" panchayat among the Yerukulas also who maintain and



support caste rules. The administration of justice in the settlement is done in accordance with the customs of the caste. The elders decide disputes according to the facts of each case. When the panchayat members meet to discuss the case the two parties agree to abide by the decision taken by the panchayat. Each of the contending parties nominates its representative to discuss the issue with elders on his behalf.

The panchayat is said to decide mainly the following issues :

- (1) Disputes about land
- (2) Disputes relating to sex
- (3) General quarrels between two individuals or families
- (4) Disputes regarding criminal activities such as sharing of stolen goods, violation of promises regarding shares either of the investors or co-thieves etc.

TABLE - 4

TYPE OF CRIME AND SEX OF CRIMINALS AMONG  
THE YERUKULAS OF DHARMAPUR, DECEMBER, 1971

Type of Crime	Sex	Number of criminals
<u>Blue Collar Criminals</u>		
Thieves	Males	119
	Females	-
Pick-Pocketers	Males	22
	Females	5
Escorters	Males	-
	Females	26
<u>White Collar Criminals</u>		
Investors	Males	13
	Females	14
Gold Receivers	Males	6
	Females	15
	Total:	<u>230</u>

Source: Adapted from- Simhadri, Ex-Criminal Tribes of India", National Publishing House, 1978, p.59.

Following are some interesting cases drawn from Simhadri's research, to refer on Yerukulas.<sup>16</sup>

Case - I

A group of eight Yerukula settlers of Dharmapur settlement robbed houses in the Nagarjunasagar Canal Colony, about fifty miles away from Dharmapur. They broke open the doors of three quarters, one of a Junior Engineer, Second of a Supervisor and third of an Upper Division Clerk. They knocked at the doors and as the inmates opened the doors, the thieves entered the house. At the point of daggers and knives they relieved residents of jewellery and cash worth Rs.10,000. It is said that before raiding the houses the dacoits visited a taxi driver working in the colony. The driver was once imprisoned in Guntru sub-jail. He gave some information to the burglars. The driver also arranged for a taxi and took them to the colony and helped them to do the job.

Case - II

A criminal, who was involved in a theft case narrated the following incident.

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16. Simhadri, "Ex-Criminal tribes of India", Delhi, National Publishing House, 1979, p.32.

"I along with other three members went to a village by dusk. We pretended to be cattle-purchasers. We went around the village and saw a komati (businessman) house which was slightly away from the village. When it was dark, two of us sat in the bushes near the komati house and kept observing the movements of the family members inside the house. It was a two-storeyed house and the family members slept upstairs. After they slept we started our veta (game). Myself and another broke the lock doors open with the help of some instrument called agara (with which holes can be drilled) and entered the house. The two others put off the kerosene lamp and went upstairs. We had a torch light and with its help we could see the wife and husband. My friend was watching the couple. Meanwhile some others also joined us with sticks in hands. When our Vothali was bringing the iron box full of money and jewellery from an almyrah, the komati woke up. But I threatened him to kill. Meanwhile the lady also woke up. She was also threatened. Meanwhile the Vothali was able to take the box out of the house. We all then escaped."

The above case illustrates quite clearly that though they are in a position to inflict injuries, they

usually refrain from doing so. They have mastered the techniques of entering the house either by making holes in the mud or brick walls or normally breaking the locks open or breaking the inside lockers by way of drilling through the wooden frame of the door. Occasionally they keep the householders quite if they wake up during the thieving operations, by forcibly inserting some cloth into their mouth. They beat only when it is absolutely necessary. Of late, however, beating etc. has become more frequent.

### Case - III

A Yerukula woman, mother of one of the dacoits, told the following story :

"Six of our people used the help of a taxi driver who knew the office of an Engineer. Knowing that the Engineer was not in the house, they went to the house and called the lady out. When she and two of her young daughters came out they caught them by force and threatened to kill them if the keys of the safe were not handed over. They took the keys and took all the money and jewellery. While coming back one mischievous fellow raped one of the girls".

#### Case - IV

A different type of case was described by one of the involved Yerukulas.

"Three of our families went to a small town 200 miles away we took three rooms for rent and told them that we have come to search for work in the field around. During dark night our males used to go to the neighbouring villages and commit theft. In fact the ladies used to go first to the villages as beggars and get information for us."

#### Religion and Yerukulas

Caste and religion are inextricably interlinked.<sup>17</sup> This is evident from the fact that Max Weber contended that caste is the concretization of Hinduism. Initially, caste used to derive its strength from religious beliefs. However, of late it is getting strengthened by secular interests (Political, economic etc.)

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17. M.N. Srinivas, "Caste in Modern India and other Essays", New York, Asia Publishing House, 1962, p.3.

It is widely believed that Yerukulas believed in animism earlier. But do to the influence of the Salvation Army many of them got converted to Christianity.<sup>18</sup> However, more recently they have shown considerable willingness to identify themselves as Hindu because special safeguards would not be available to them otherwise. This is evident from an amendment in the Second Schedule of the Bill of 1969. They now call themselves Reddy Christain, K amma-Christians etc. though their common religion is christianty, It might be surprising to know that Reddy Christian would not like to marry in a from K amma-Christian family, a fact which speaks volumes of their disposition to persist with their caste affiliation.

Determination of Social Status on the basis of Food Habits:

The social hierarchy in India is also determined by the food habits in which a group was habituated. The habit of food eating is a group behaviour rather than individual behaviour. Even if the individual deviates from the group atc, he has to identify with the group's customary habits.

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18. Sandal, Robert. "The History of the Salvation Army", Third Volume on Social Reform and Welfare Work, New York: Thomas Nelsons and Sons Ltd., 1955, p.68.

It was observed earlier that certain caste groups are vegetarians, and others are both vegetarian and non-vegetarians.<sup>19</sup> A tradition has been established that the vegetarians have to occupy the highest status; meat eaters such as chicken and goat, (excluding pork and beef) are in the second rank, the groups who eat meat including pork but excluding beef are the lowest. According to this formula Brahmin and vaisyas fall in the first category Sudra castes in the second, Yerukula who eat pork but not beef are in the category of the third rank, and the untouchables who eat beef are in the last rank. It may be, however, mentioned that Kshatriya (warrior caste) even though they are not vegetarians, still fall in the first category of the upper three varna system because of their political and economic power.

Similarly, Muslim (who do not eat pork) had the habit of eating beef did not fall in the category of untouchables for two possible reasons.

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19. Srinivas, M.N. "Caste in Modern India and other Essays"; New York, Asia Publishing House, 1962, p.15.



- 1) They were not in the Hindu-fold structure, as they were a separate religions group.
- 2) Like the Kshtriya, the Muslims were once in the upper economic and political power structure and consequently were unconcerned about social status in the Hindu fold, nor were the Hindu bothered about them.

If seems as if in the pre-vedic period, all sections of the country had no food distinctions.<sup>20</sup> Pork eating was a lesser taboo. Beef eating coupled with the occupation of leather was still less dignified. Gradually the caste system rigidified and slowly the Brahmins and vaisyas gave up the habit of eating non-vegetarian food by completely confining themselves to vegetarian food.<sup>21</sup> In this they took up the highest states in the society. But Yerukulas like the sudra castes continued to eat meat and also pork although they abstained from beef eating. The practice has become

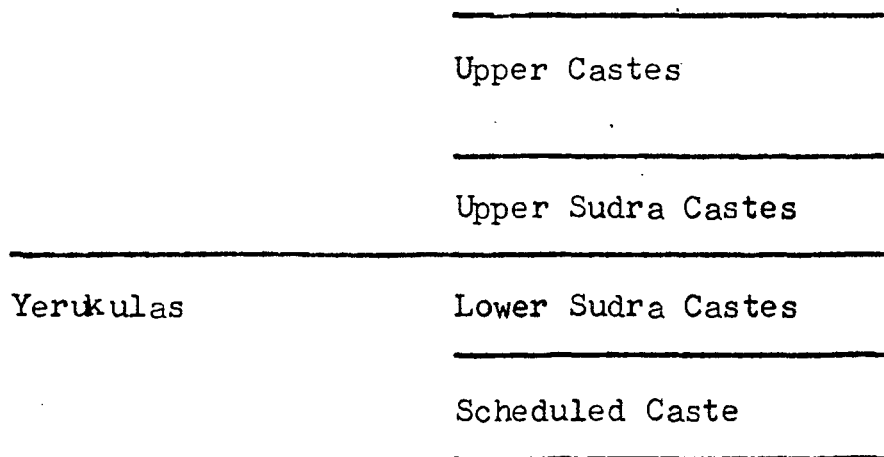
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20. Ibid. p.16

21. Hutton, Op. Cit., p.111

another measuring rod for placing the Yerukulas next to upper sudras, since port eating is considered an unclean habit. Consequently the Yerukulas were given a social rank among the sudras castes equivalent to those others who eat pork and breed pigs.

It is clear that a social group like the Yerukula which was an endogamous group could easily fit into the caste structure as it accepted a place in the caste hierarchy commensurate with the food habits and occupations. The Yerukulas are now for all practices and purposes a caste and themselves feel that they belong to a caste in tune with the larger Hindu Social Structure. This change process is depicted in the chart given below.



CHAPTER - VCONCLUSION

Until now we have tried to understand the social structure and the criminal patterns of criminal tribes in India in general and those in A.P. in particular. In conclusion we can try to make some suggestions that could determine the perception of the larger society towards criminal tribes and also what are the measures to be undertaken for the development of these tribals.

To start with it is important to say that that the studies on the denotified communities have been very few and there are hardly any systematic sociological studies on the subject worth the name. Interest by sociologists has been shown during the last ten years and a few studies have been reported largely based on observations and short term associations with the communities concerned. The old studies and reports made by British scholars even till date remain classical reference books on the subject. They were based largely on the reports of the officers of the govt. working in

the particular areas in which the members of the denotified communities lived. At present, welfare workers and the planning commission felt concerned with this state of non-availability of basic data about the ex-criminal tribes or denotified communities. On account of their wandering habits and more particularly because of the deep distrust against administrators and reformers adequate data could not be collected. For want of sympathy from the people, the administrators and well-off citizens of villages and towns, the members of the denotified communities could not easily convince themselves of the good intentions of the people that sought to approach them. Their attitude is one of isolation and withdrawal. They were alienated by the civilized society and they in their turn dis-associated themselves from the fold of civilized society. No doubt, their attitudes of distrust, fear and lack of faith in the civilized society have historical roots. But unfortunately these are persistently ingrained in every new generation by the institutions of socialization. Their criminal activities have strengthened their attitudes of hostility, distrust and fear of the society.

Much has been done for the amelioration of their conditions by the British and the national Govts. on hypothesis not based on actual data and not confirmed by the analysis of results. Settlements were set up, colonies were established, financial assistance for the construction of houses was given. The factories established in the settlements to provide them employment have borne little fruits. Some of the efforts have been to change them from hunting and food gathering stage to agricultural stage. The results have been disappointing. Dr. Guha, the former director of Anthropology, Govt. of India rightfully observed that changes should not be imposed suddenly: Attempts should be made in a gradual manner to transform them from hunting and food gathering communities into settled agriculturists. He further observed that this cannot become successful unless the scheme is drawn up in gradual stages without completely disrupting their present hunting and food gathering life at the outset.

#### SUMMARY OF THE PREVIOUS CHAPTERS

To summarize what has been discussed in the previous chapters, one could say that we began our discussion by first paying attention to various theories

of crime which could be successfully applied to understand crime among denotified communities. In this context we have talked of functionalist theory, Marxist theory, Sutherland theory of deviance, labelling theory, Merton's theory etc.. It is true that Sutherland's differential association theory<sup>1</sup> would explain the differential incidence of crime and existence of criminals, but it appears as though the degree of differences in the economic and educational levels has more impact on one's behaviour and attitude.

Similarly Merton's theory does not seem to be quite applicable to the explanation of incidence of crime among the denotified tribes in general and the Yerukulas in particular. For one thing Merton's scheme is applicable only when there is a clear discrepancy between the cultural goals and institutional means of a given society. If we take the traditional Hindu socio-cultural system as a whole, it should not be difficult to see that there was never a possibility of this system raising hopes among the tribes to a high level of life and that it failed to provide the necessary means for achieving the goals of higher status.

Then we tried to understand the socio-historical genesis of an important criminal act concerning the criminal tribes. We found that the British with a view to having better control over the criminal tribes. Passed Criminal Tribes Act in 1871. This act severely restricted the movement of criminal tribes and though it succeeded in containing crime among these tribes to some extent, it sought give an unfortunate impression that these tribes were criminals by birth and also that all the members of a particular tribe are criminals. After India gained independence our leaders realized how obnoxious this act was and repealed it in 1951, much to the joy of these criminal tribes.

We also dwelt a little on the summing up of theories of origin of criminal tribes by Majumdar.

Then we got down to the actual business of understanding the criminal patterns and social structures of different criminal tribes in general. In this connection we have taken up Sansi, Bauriahs and Thugs partly because they are from different parts of the country and partly because they are considered highly criminal tribes. After this we considered

Yerukulas of Andhra Pradesh in some detail. We considered problems being faced by the Govt. and the significant changes occurring in among these tribal groups.

Criminality amongst the denotified communities is a pattern of livelihood, a means of support and also a psychological need to express their hostility towards the civilized society which has rejected them, humiliated them and done wrong to them. Those who appreciate the concern of the civilized society for them and those who are finding gainful occupations in a sympathetic society are abandoning criminal activities. Only a scheme of employment insurance, just payment and continued engagement along with a programme for their education and psychological support will help in weaning them away from a career of crime. They are gradually realizing the disadvantages of criminal behaviour. Many of them feel that indulgence in crime makes their life insecure. The decreasing social assistance and security provided by the caste groups to the victims of police action is also adding to their desire to abandon criminal patterns of behaviour. If the inner



solidarity of the community decreases, the vigilance of the law enforcing agencies increases, the employment opportunities become abundant and the returns of one's labour are just, no doubt they will abandon the criminal patterns of behaviour and will like to lead settled, respectable, and comfortable lives.

Suggestions for Rehabilitation:

The repeal of the criminal tribes act is a far reaching and daring measure adopted by the govt. but the mere repeal of the act will not relieve them of the social stigma that is attached to their name. The govt. may be sympathetic, the law may treat them as equal citizens of the country but the effectiveness of these measures is possible only when the officers of the govt. the social elites and the ordinary members of the public realize and understand the underlying philosophy of these measures. The denotified communities have been doing wrong but they have been much wronged against. Unless this realization occurs amongst people in general and administration in particular no really useful work is possible.

One explanation of the continuing criminality amongst the members of the denotified communities is the persistent attitudes of hostility and rejection amongst them. It is believed that their criminal activities are just mere expressions of their perception of the social attitudes towards themselves. If this hypothesis holds true the initiative for a different treatment has to come from social elites and the public.

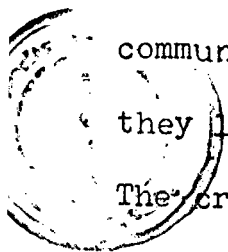
The Govt. therefore, has to organize propaganda campaigns and other educational activities to explain and emphasize the positive role played by the members of the communities in the socio-economic life of the society. For instance, the sacrifices made by some of the members of these communities in the struggle against Mugal Rule and also in the recent freedom movement should be publicised. The voluntary agencies and people's council's should be associated with the running of the programmes and agencies for their amelioration. This shall create understanding and goodwill. Some of the cultural programmes organized by the members of these communities will help create a sense of appreciation for these communities.

Knowledge about the organization and social system of the denotified communities is very meagre. There have been very few systematic studies of their life pattern. The planning commission has been allocating funds but these have not been made available to scholars. The difficulty lies both on the administrative and the academic levels. Administrative help should be available from the welfare department. It is also possible to set up research cells in some selected universities, preferably in schools of social work to initiate studies in culture and life of the people of the denotified communities.

Rehabilitation of semi-nomadic and nomadic members of the communities should be done with caution. Isolated colonies of members of the communities will only perpetuate the criminal patterns of behaviour as will be seen from the review of the settlements established for the members of these communities. Attempts should be made to integrate them into the larger society and they should be encouraged to take on rent or construct houses in localities inhabited by the people in general.

If a house is made for the nomad provided to him free, he does not feel any sense of belonging to the house. He has no love for the particular place. In fact, he should be involved in selecting the site, planning the structure, collecting the materials and constructing the same. This will stimulate a love for his particular plot and shall tie him to the site. The houses constructed by the Govt. for the nomadic lohpitas in Chittoor, and other places in Rajasthan show the failure of the Govt. initiative. On the other hand the houses constructed with grants from the govt. have been well utilized and have given them a sense of having roots in the land in the villages of western U.P.

Whether the denotified communities should be settled in colonies marked for them is a matter of dispute amongst administration and social workers. Settlement of the members of the communities gives them a community, life and also provides them an opportunity for promoting and running programmes for their welfare with lesser cosg. But at the same time these settlements tend to become pockets in the larger



community and become so closed and self-sufficient that they lose all contact with the rest of the society.

The criminal activities tend to be concentrated in these areas and there is little assimilation of this community in the larger society. Infact, separate and distinct settlements of any community are not desirable. Such isolated settlements or 'Ghettos' cause the various psychological problems among the settlers.

Many of the members of the denotified communities are engaged either in hunting or pastoral stage or are petty-craftsmen. Very few of them are agriculturists. To force them to take to agriculture either through assistance or through schemes of rehabilitation is not a correct approach. Their talents in crafts or in animal rearing can be well utilized for similar activities. Many of them are sturdy, hardworking and every one of them seeks quick returns for his labour. Agriculture due to its long term investments and periodic returns is not a useful occupation. The returns accrue only at the time of harvest and one has to learn to be thrifty and systematic in his expenditure if one has to be an independent agriculturist. Failing these during the

non-harvesting season they will always be short of money. This can be seen in the case of Bauriahs who were settled in on land but have sold most of it to provide for their needs during non-harvesting times. Agriculture also does not provide them continued employment. In this age of fast industrialization they can be conveniently settled near sites of brick kiln factories and in urban centres. They will be employed. Land also gives them a sense of economic security in case of trouble from police. They can provide security if they need a bail. Some of them give out their land on share cropping basis to other agriculturist classes and thus feel secure to go out on their criminal exploits.

The Bhoodan movement should also pay some attention to these unfortunate citizens. Those who are keen to take to agriculture should be given land for cropping without any right to sell or transfer in any form. They should be allowed the fruits of land without fetters.

Trade and crafts cooperatives should be encouraged amongst them. The welfare dept. can provide

initiative in this regard. Infact, community organizers should be appointed to work them and their assignment should be to promote alround development of the families with which they are working. Those who are keen to practice certain vocation or crafts should be given financial assistance.

Another suggestion is also worth trying. Those industrialists who choose to set up a factory in an area inhabited by denotified communities should be provided some assistance in the form of free land or loans by the Govt. The products of such factories may also be exempt from sales tax for some time. It is necessary because such an enterprise will have to run many risks in the initial years.

The social workers, administrators and sociologists feel that it is difficult to reform and reclaim the older members of the communities from the life of crime and it is also very difficult, if not impossible, to change their ways of living and modes of thought. They feel that the younger generation should not be allowed to grow under similar influences and instead should be brought up under socially desirable, planned and

protected conditions. I suggest that the children when they are pretty young should be removed from the homes and brought up in residential educational institutions. In fact, this scheme was mooted in the beginning of the second Five Year Plan and Ashram Type schools started coming up as early as 1958. Two schools were initially started in U.P. and now their number is eight. The children are brought to these institutions on voluntary basis. However, this is a costly scheme and perhaps all children of the denotified communists cannot be covered.

The problem of police harassment is another contributory factor to criminality. Members of denotified communities often complain of most inhuman methods being used by the police to extract confessions from them. Continued torture by the police has a latent function of perpetuating crime among these communities. Though they ceased to indulge in criminal activities, police continue to question them for every crime and this is what drives them towards these activities in desperation.

#### RESEARCHABLE AREAS :

As of now, there is scanty literature available on changes that have occurred as a result of various



measures undertaken by the govt. and voluntary organizations for the amelioration and development of these tribes. It is interesting to know how they respond to various programmes initiated by various bodies.

It is also interesting to study if there have been changes in methods adopted by them to commit crimes from, say, 1930's to 1980's.

Another area would be in the nature of their relationship with dacoits and robbers who frequently strike in towns and cities. Do they have any implicit understanding regarding the area of operation?

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APPENDIX - 1

The failure of the settlements as reformatory schools lies in the fact that the members of the so-called criminal tribes on their return from the settlements have not been absorbed among the people at large. We have been constrained to say this for two reasons.

1) We do not know exactly how many inmates of the settlements were discharged and how they lived thereafter. That they were few is confirmed by the Munshi Committee which observed that though a part of the appreciable increase in crime in the Sholapur settlement (formerly Bombay presidences) could be explained by the absence of employment, yet the figures taken as a whole showed that the settlement had achieved little in weaning the population from a criminal life. It is a tragic commentary on the settlement life and system in Sholapur., that despite the settlement and free colony a population of over 3,000 for years the number of persons discharged were few. And this situation in the Sholapur settlement was acclaimed a great success by the Indian Jails Commission in 1919.

2) Secondly, the Govt. itself was very apprehensive of the inmates improvement as is quite clear from the rules of discharge and of the life these people had to live on their discharge. A person placed in a settlement for six years or so was discharged if during the last three years of his residence in such a settlement, he has had no disciplinary punishments for breach of rules of the settlement, and in the opinion of the settlement officers he would be able to maintain himself and his dependence by honest means on discharge from the settlement.

The released family had to take up residence either in a free village adjacent to the settlement or in some other village designated by the settlement officer. A friendly supervision was maintained there by the settlement officials. They must follow some honest occupation and might not move from their village without official permission. They might be returned to the settlement for any violation of the conditions release. This period of probation did not ordinarily exceed six years; it could be extended by the settlement officers in his discretion.

This only means that a discharged member of this group even when he had behaved to the entire satisfaction of the settlement officer for the

three years and was found fit for being discharged on that account was suspected of relapsing into crime as soon as he was freed from the supervising eyes of the settlement officers and was hence kept under his supervision and subjected to the old restrictions, though toned down in certain respects for at least six years more. Government's own suspicion about his being reformed tacitly corroborates our contention that the settlements were not expected to effect any cure in their inmates, that reformation was a secondary function and that the settlements were new types of jails rather than reformatory centres. The programme of reformation through the settlement has failed because the Govt. started with the suspicion about the criminal propensity of the individual and was at no stage free from it, because to the government he is a born criminal and remains so far his life. He has never been trusted nor treated as an ordinary human being capable of being reformed or of being a good citizen.

Indian Jails Commission has thrown some light on the reasons for the failure of settlements to reform these tribes. One of these important reasons

being that the sums earned were not sufficient for living. For instance, at Kaveli, where mainly cool work in mending roads, repairing tank bunds, clearing channels as the like was provided the sums earned were not sufficient, with the result that about 40% of the adult population of the settlement either absconded or were in Jain for absconding.

APPENDIX - IILIST OF SOME OF THE EX-CRIMINAL TRIBES OF INDIAANDHRA PRADESH

Yerukalus  
Pamolas  
Lambadi  
Ghasi  
Ambaigersi

KARNATAKA

Kaikadis  
Pardhi  
Tadri  
Gantichoras

TAMIL NADU

Telaga  
Uraligaundans  
Yanadhi

MAHARASHTRA

Biradi  
Bhaptasi  
Pardesi

MADHYA PRADESH

Nati

Pasil

Sansis

Moghiaj

GUJARAT

Hingoral

Sandhis

Sumarasi

UTTAR PRADESH

Khatik

Kanjari

Pasi

Haburai

RAJASTHAN

Mogiar

Bawaris

Bhomta

Minar

DELHI

Sansis

Gahias

Boriya

Badak

PUNJAB

Dheosi

Meenos

Manesn

Berial

BIHAR

K arwal

Musahars

Baurah

Chak aru

ORISSA

Telaga

Paidin

Dome



APPENDIX - IIINunekunda (Oil pot) and Gaddapara (Iron Road)

When hard facts are not available, a case will be decided taking recourse to supernatural ordeals which are called Nunekunds (Oil pot) and Gaddapara (Iron Road) ordeals. The ordeals decide the righteousness or otherwise of the act of a person. When two parties are in conflict the alleged culprit is expected to go through the ordeal in order to prove his innocence or the righteousness of his act.

- (1) Gaddapara Ordeal : A new piece of iron without any rust is heated in a fire of nine hundred cow dung cakes. When the rod becomes hot, the suspected culprit is asked to hold it. It is belief that if the alleged culprit is innocent his or her hands (palms) will not burn. If the palms are burnt his statements are taken to be untrue.
- (2) Nunekunda : This is another method of establishing one's own statement of fact. About a half-kilo of oil or ghee is boiled in a new pot and the person who wants to establish the truth of his statement should put his or her fingers in the

boiling oil. If the fingers are not burnt, his statements are considered to be true.

In both the methods the party who first seeks justice takes a bath, prays to God and then goes through the ordeal, when this performance takes place all the Panchayat members, the two parties and their representatives are present. It is important to note that before the ordeal takes place the panchayat makes every effort to arrive at the truth on the basis of available facts. The researcher (Simhadri) attended a case of this sort when arrangements were being made for the nunekunda order. But at the last minute the ordeal was avoided since the two parties came to an agreement regarding the dispute relating to land. The researcher was told that usually the suspected culprits were spared from the ordeal. During the last years only one individual is reported to have gone through the ordeal of gaddapara and it is reported that he did not have his hands burnt because he was right in conduct. On inquiry it was said that he caught the burning gaddapara of iron rod and immediately threw it away.

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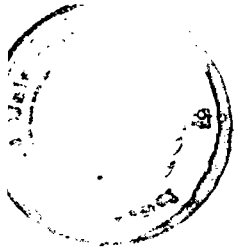
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