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The Criminal Tribes Act during the Madras Presidency

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Abstract: The Criminal Tribes Act of the Madras Presidency was passed in 1871 to tackle the problem of habitual criminals. This Act was an attempt to identify criminal tribes in the Madras Presidency and to control their activities. It provided for the registration, surveillance, and control of members of these tribes, and imposed restrictions on their movements. It also criminalized their traditional occupations and activities, and provided for their resettlement in particular areas. This Act resulted in immense social and economic hardship for members of these communities, as they were subjected to various forms of discrimination and exclusion. The Act was repealed in 1949, and its repeal marked a major shift in the policy towards criminalized communities.

Keywords: Criminal Tribes Act, Madras Presidency, Social Exclusion, Social Discrimination and Criminal Stigma.

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INTRODUCTION

Since the 1870s, many colonial laws passed during British control in India have been referred to as the Criminal Tribes Act (CTA), which criminalised entire communities by classifying them as repeat offenders. People who were severely oppressed by the Inheritance Act under British rule are known as Seeramarapinar. The criminal Inheritance Act was put into effect in north India by the central government in 1871 C.E. to restrict people's movement and stop crime in India¹. It was first put into effect in the Madras province in CE 1911. Since its introduction, this Act has undergone numerous revisions and was most recently revised by the criminal Inheritance Act IVth Amendment in 1924².

The Act passed in 1871 CE was first implemented in Madras Province in the middle of the nineteenth century. The Madras provincial government tried to establish criminal dynasties during this time. In Tamilandu, 68 castes have been identified as criminals. The Kuraver community alone has more than 20 of them. The inhabitants of the hilly regions were known as Kurinji or Kurar. Most of them resided in the foothills. They live in the forest and eat deer, rabbit, wild chicken, honey, and tubers as their primary sources of nutrition. The forest was their only source of food.

To build railway tracks across the nation, the Forest Act of 1850 C.E. was passed. The woodland had tens of thousands of trees taken down. The new forest restrictions passed by white people who were driven out of the forest and started moving into the towns deprived

the Kuras, who had relied on the forest for thousands of years, of their food. The Criminal Inheritance Act was adopted in Madras province in 1911 of north India as a result of the 1887 famine there, as well as the impacts of the forest Act, for competitive trade, and the expansion of railway transport, which led to social deterioration and a rise in crime.

The British officially labelled certain groups of people as "criminal tribes" in 1871. Due to the requirements of the Criminal Tribes Act, the British government then established special settlements for them where they were imprisoned, shackled, caned, and flogged while being confined by high walls.

The Background and Purpose of the Criminal Tribes Act

In central India, which was near the British Bengal Presidency, the Thugee or Thugs cult* was renowned for killing and robbing wealthy traders and visitors. The Thugees travel in caravans, make friends with traders and wealthy travellers, and then kill them by strangling them and stealing their belongings. The origin of the Thugee cult is thought to have occurred after the Mughal Empire fell. It had substantially increased by the time the British had arrived in India. The desire to maintain control over the Thugee Cult grew as the death toll rose along with the tales and legends surrounding them, to the point that they were adopted into British vernacular and popular culture through works like *Confessions of a Thug* (1839).

The Thugee and Dacoity Department was established when the British Raj decided to finally

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combat them, and Major William Sleeman, who was put in charge of Narsingpur, in Jubulpur District, the Thugees' most affected area, became the department's first Superintendent of operations in 1835, and later its commissioner in 1839. Under his direction, the fight against gangsters ramped up. With the help of around 17 assistants and 100 workers, they were able to apprehend about 3,000 thugs, of whom 466 were executed, 1,564 were transferred, and 933 were given life sentences. The Thugs eventually became nearly extinct by the 1850s.⁴

The Thugees were not a specific community; they were a loose confederation that could include both Muslims and Hindus and had no fixed home or territory. They move from their home country in great distances, form a group, and assault the traders. After a predetermined amount of time, they leave again and rejoin the original group or another one. They choose one of their sons to be their student, and the family and women remain in the village where they were raised, keeping their status as thugs secret and unknown.*

After such an unwelcome interruption, the government was politically and socially motivated to utilize the same expertise to address related issues on a national level. Theories that emerged during the Thugs' suppression gained enough traction in the decade that followed to pass for fact and gain public acceptance. Soon after, similar organizations that the British government considered to be "hereditary killers" were discovered, which finally led to the creation of the "Criminal Tribes Act."

The Indian Evidence Act of 1872 was also formulated by jurist James Fitzjames Stephen, who stressed the various ethnological caste theories that connected occupation, upbringing, and background when he introduced the Bill in 1871. As he noted, "People have pursued the caste system-defined occupations since the dawn of time. For example, weaving and carpentry were hereditary professions. Therefore, there had to be inherited criminals who followed in the footsteps of their ancestors." Defining his thesis on another occasion, he had said, "When we refer to "professional criminals," we... (mean) a tribe whose members are caste-bound to perpetrate crime and whose offspring will continue the tradition until the tribe as a whole is eradicated or accounted for in appropriate fashion."⁵

Because of their alleged "criminal tendencies," the tribes "notified" under the Act were referred to as Criminal Tribes. Because of this, regardless of their criminal history, everyone born in one of these 160 communities across the nation was considered to be a "born criminal." This allowed the police broad authority to apprehend them, manage them, and keep an eye on their whereabouts. Once a tribe received official notice, there was no legal way for its people to get the notices revoked. From that point forward, district magistrates

were obligated to keep records of all such people, and their movements were monitored by a system of mandatory registration and passes that stipulated where the holders could travel and stay.⁶

A report from an inquiry that was launched in 1883 to see if it was necessary to apply the Act to the rest of India was positive. Another revision to the Act was made in 1897, enabling local governments to create separate "reformatory" settlements for indigenous boys from the age of four to eighteen, away from their parents.⁷

For political purposes, the British labelled the nomadic tribe communities as "criminals." The tribes were once nomads who travelled between the coastlines and the interior forests carrying significant goods like salt and honey. In order to build their own commerce networks and to lead their soldiers through uncharted territory, the British relied on these networks. Indeed, the new overlords profited from the Adivasi knowledge of flora and wildlife, transportation, as well as communication, making these traders and cargo carriers essential informants. Such networks became obsolete in the 1850s as railways and telegraphs were constructed. Numerous tribes who had previously harvested food from the forest turned to crime. When they refused to be cowed, they were occasionally shot on sight. Those who were settled were subjected to a pass system to control their movements and were rehabilitated through rigorous labor.⁸

Some of the warrior communities were also labelled as "*Criminals*" for political reasons and to solidify the British Empire. The villagers, zamindars, and independent princely states employed these warrior communities as traditional village and town-guards (police) to keep the locals safe and collect kaval fees from them. The British were aware of the need to end the parallel native police and revenue system.

These former allies were viewed as possible enemies in the wake of the Sepoy Rebellion in 1857. The colonial rulers became concerned about spies they could not directly control moving about and delivering information. For "the notification of criminal tribes," an Act was passed in 1871.⁹

In British India's north, the Criminal Tribes Act of 1871 was initially put into effect. Later, it was extended to Bengal (1876) and other regions. The Madras Presidency was the last to implement it in 1911. The Act required the police to keep an eye on 151 castes that had been identified as "hereditary offenders" under the Hindu system. Additional castes were added to the list. These groups were labelled as "criminal" not because of any genetic predisposition, but rather because of a local trade that was being passed down from one generation to the next. So, in order to help these people be reclaimed, the Act called for the establishment of

reformatory schools and settlements. Their freedom of movement was limited to certain locations, and the Act allowed for their warrantless arrest in the event of a violation. The offences included housebreaking, murder, theft, robbery, and dacoity in addition to coin and currency forgery. Children between the ages of 6 and 18 were taken away from their parents and placed in reform schools.¹⁰

Salient features of the Criminal Tribes Act

First, before a group was labelled a criminal tribe, "respectable people" of the community were consulted; these individuals were almost always headmen, members of high caste groups, or landlords; frequently, these groups overlapped. Before they could visit or leave a village, the members of the criminal tribe who had been informed had to obtain the headman's approval. There is proof that these headmen/landlords utilized the act to demand free labour from the members of the criminal tribe before allowing them to pass through the village.

Second, one of the provisions required the members of the criminal tribe who had been alerted to go to the nearest police station and sign up for the twice-daily attendance requirement. The subordinate police frequently utilized these powers for extortion and harassment, which raised some administrative concerns.

Thirdly, under the Criminal Tribes Act, the police administration ordered members of criminal tribes to work in mills, factories, mines, quarries, and plantations in order to relieve them of their own watchful tasks and transfer control to the employers' extraordinary powers. This act essentially supplanted the Workmen's Breach of Contract Act, particularly on the plantations, in key aspects because it allowed even ordinary labourers to be labelled criminal tribes if their work performance was unsatisfactory.

For the purposes of this specific application of the Criminal Tribes Act, any caste or weaker segment of the population could be designated as a criminal tribe and made to work in an enterprise; any person, including an enterprise manager, could be held accountable for their control; and any location, including an enterprise, could be designated as a criminal tribe settlement.¹¹

By effectively controlling "anti-social individuals addicted to criminal activity," the Act was intended to "maintain peace, law and order." The tribes were informed by the District Magistrate. The Superintendent of Police kept a register, took tribal members' fingerprints, gave them identification cards, and instructed them to report to the police on a regular basis. They were forced to work for pitiful pay in the settlements. The nomadic and Adivasi people were labelled as "criminals" by various landowner castes and communities in order to recruit them for agricultural and land restoration projects.¹²

Criminal Tribes Act in Madras Presidency

The Criminal Tribes Act was repealed in 1902 and again 1911. After the repealing the Act was extended to the warrior tribes who hold a parallel and competitive administration and Police. These warrior tribes are sons of soil and they denied the supremacy of the British, which resulted in regular and constant rebellious activity. The Criminal Tribes Act was introduced in Madras Presidency in 1911¹³. The repealed Criminal Tribes Act was to enlarge the power of control of police by enabling the local government to proclaim the Criminal Tribes on their own authority and provide for registration of their members without reference to question of settlement or the provision of the means of livelihood.¹⁴

The following provisions of the new Act provide the local government the ability to¹⁵:

- To declare any tribe, gang, or class as a criminal tribe if it determines that they have a habit of regularly committing crimes that are not subject to bail;
- To mandate the registration of any criminal tribe's members and the collection of their finger prints
- To mandate that each registered member report themselves at predetermined intervals or disclose any changes to their residence.

Another important feature of the Act is that¹⁶ A criminal tribe may be prohibited from moving to any certain area or from settling in any specific place of residence, the local government may also order, with the approval of the Government of India. However, before such action is taken, the Government of India must be confident that to restrict the movements of such tribe or settle it in a place of residence and that the means by which it is propose that such tribe shall earn its living are adequate settlement may be industrial, agricultural, or reformatory.

Another important feature of the Act is that¹⁷ The establishment of industrial, agricultural, or reformatory schools and the separation of children from their parents are both permitted by the local government. This clause is one of the most helpful parts of the Act since it allows the local government to protect children, educate them, and raise them in a more wholesome environment than they would have been if the tribe hadn't been settled. By doing this, it was believed that the kids would become good citizens and that the tribe's criminal tendencies would vanish completely within a generation or two. After the finalisation of these regulations in May 1913, tribes were notified in accordance with sections 3 and 10(b) of the Act. 14 of the 24 criminal tribes recorded during the Madras Presidency were Tamil-speaking tribes, primarily the Pirmalai Kallars in the Madurai district.



Table 1. The list of criminal tribes by the end of 1915 is shown below, according to Section 10(b) of the Criminal Tribes Act:

01. Veppur Parayas	South Arcot
02. Togaimalai Koravas	Trichinopoly, South Arcot, Chengalpet, North Arcot and Cudappa Districts.
03. Korachas or Korvas of Yerukul known as Salem-Melurnad Koravas.	Salem, Coimbatore, Trichinopoly and North Arcot Districts
04. Korachas or Koravas of Yerukul known as Attur - Kilnad Koravas	Salem, South Arcot and Trichinopoly Districts
05. Gandharvakottai Koravas	Tanjore District
06. Vanganur Paraiyas	North Arcot, Chittoor, Chengalpet and Nellore districts
07. Kilagudi Kallars	Madurai District.
08. Vellayankuppam Padaiyachis	South Arcot District
09. Kuttapal Kallars	Tanjore and Trichinopoly Districts.
10. Chettinad Valayas	Ramnad District.
11. Kallars of Sorikkampatti.	Madurai District
12. Kallars of Mela-Urappanur	Madurai District
13. Kallars of Pusalapuram	Madurai District
14. Uppu Koravas	Tinnevely District.

Source: Criminal Tribes Act 1915. Madras Presidency under sec 10(b).

Table 2. According to Section 10(b) of the Criminal Tribes Act from 1915, the following list of criminal tribes has been registered and settled:

Name of Tribe	Districts where found	Number of adult males in the Tribe	Where settled	Remarks
01. Veppur Parayas	South Arcot	386	Aziznagar, South Arcot district, Stuartpuram, South Arcot District	
02. Gandarva Kottai Koravas	Tanjore district	55	Pillaiyarpatti, Pudukkottai district	The settlement just opened
03. Uppu Koravas	Tinnevely	25	Kulasekarapattinam, Tinnevely District	

Source: Criminal Tribes Act 1915 sec. 10(b) settlement. Madras Presidency.

List of Criminal Tribes registered in 1915 under section (b) of the Criminal Tribes Act that have not yet

been settled but are proposed to be settled is provided below:

Name of the Tribe	District where found	Number of adult males composing the gang	Where proposed to be settled	Remarks
01. Attur Kilnadu Koravas	Salem South Arcot, Trichinopoly	141	Under consideration	
02. Kilagudi	Kallars of Madurai district	329	Madurai district	The district magistrate is considering the formation of voluntary settlement
03. Mela Urappanur	Kallars of Madurai district	351	Madurai district	do-
04. Sorikkampatti	Kallars of Madurai district	90	Madurai district	do-
05. Pusalapuram	Kallars of Madurai district	220	Madurai district	do-
06. Vellayan	South Arcot	220	Reserve forest at	-

KuppamPadaiyachis			Edayalam South Arcot district	
07. TogamaliKoravas or Kepmaris	Trichinopoly, South Arcot, Chengalpet, North Arcot, Cuddapa and Salem	94	Near Grand Anicut, Trichinopolydistrict	Underconsideration
08.VanganurParayas	North Arcot, chittoor, Nellore and chengalpet	155	Sholingur,NorthArcotdistrict	The District Magistrate of Chittoor is framing proposals.

Source: Criminal Tribes Act 1915 sec.10 (b) proposed settlement. Madras Presidency

CONCLUSION

The Criminal Inheritance Act, which was in effect from 1911 until 1947, was advocated to be abolished in the Madras Legislative Assembly. The petitions from lawmakers and members of the public asking for the repeal of the Criminal Inheritance Act were also taken into consideration by the government of the time. The Indian penal code's criminal procedure provisions are adequate to deal with offenders from this lineage, so the government decided there was no need to continue enforcing the special provisions found in the criminal inheritance law, and this law was repealed. It was determined that the application of legal provisions on criminal heirs is more likely to make them into serious criminals than to reform them¹⁸. In addition, the government designated 68 castes as "Sirmarapira," or castes who were negatively impacted by the criminal inheritance statute. By passing a legislation and leaving a scar on Indian society, the British Government, which was expected to preserve social harmony, failed in its mission. The name given to them at the time was "Kurtaa Parambaraikarar," despite the fact that this law did not exist.

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