

# CRIMINAL TRIBES ACT – A STUDY

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**Abstract:** The Criminal Tribes Act had its origin in the report of the Indian Police Commission of 1902 - 1903. The Commission laid down the principle that it should be the aim of every police station to obtain knowledge and too have secret supervision over all the persons addicted to crime. Muthuramalinga Thevar, a political leader and a powerful orator, attacked vehemently the Criminal Tribes Act and asked the people to defy the Black law. This was one of the political activities which gained him fame and name.

**Keywords:** Criminal Tribes, Madras presidency, kalars, Muthuramalinga Thevar

## INTRODUCTION

India's long freedom struggle spread over centuries, had to pass through various critical stages, Before the Indian nation won freedom, each patriot contributed to the best of his capacity and spared neither energy nor wisdom to see the motherland free. A grateful nation, – India was in the memory of those who sacrificed their comforts and laid their lives for the noble cause of liberating mother India from a foreign yoke<sup>1</sup>. People belonging to different shades and political ideologies contributed much to the great struggle as an attempt to portray. The image of an united and politically advanced India.

The British administration in India witnessed the introduction and implementation of stringent measures against those nations which opposed their rule. Whenever they found any anti British activities, they took measures to suppress them for safeguarding their power in India. Accordingly the British, suppressed the Poligari institutions ending with Kattabomman (1799). South Indian rebellion (1800-1801).Vellore mutiny (1806). Travancore Rebellion (1809). Sepoy Mutiny (1857) and so on<sup>2</sup>. Though the British army had dealt the rebellions with iron hand they could not put an end to the aspirations of the people. Among the measures of the Government the Criminal Tribes Act as 1871 came to occupy a predominant role in bringing down anti British activities. This act was introduced with the object of controlling the activities of individual offenders<sup>3</sup>. On the recommendations of Loveluck, the District Superintendent of Police endeavoured to wean the Kallars from their lawless habits and criminal propensities. It was believed that the Kallars were then as communities living on the crimes. Most of the crimes in the district were believed to have been committed by them. They stole cattle and returned them to their owners through intermediaries, on payment of half of their value called **tuppucoolie** and levied fees for **Kaval**.

## Origin of Criminal Tribes Act

In the Madras Presidency, the Piramalai Kallars, Maravas, Ahamudayars and Koravars raised the banner of revolt against the British during the 19th century. In order to bring these sets of people under the Central Government and Madras Government implemented the Denotified Tribes Act, which created untold miseries and hardships to these people<sup>4</sup>. The commission declared that the Police should have more powers of control over the criminal tribes with this object in view<sup>5</sup>. It recommended certain amendments to the Criminal Tribes Act of 1871.

The Criminal Tribes Act had its origin in the report of the Indian Police Commission of 1902 - 1903. The Commission laid down the principle that it should be the aim of every police station to obtain knowledge and too have secret supervision over all the persons addicted to crime. To control this cattle breeding system (1909) was introduced but it was found unsuccessful. Though it then in force in due course the Government of India considered these recommendations of the commission and repealed the act instituting in its place the Act of 1911<sup>6</sup>. One of the ugly overtones of imperialism was its in human approach to the subject races, which manifested in such acts notified in the Criminal Tribes Act of 1911 of the the Madras Presidency<sup>7</sup>.

## Registration of Criminal Tribes Act

The system of registration of Kallars was initiated by the District Magistrate of Madurai. He proposed this Criminal Tribes Act be imposed on one section namely the Kilagudi Kallars. He also referred to the difficulty of the cause since it cannot be said that every Kallar, as a criminal or a prospective criminal as they did not work in recognized gangs<sup>8</sup>. Besides, he recommended to deal separately with the in habitants of each of the more notoriously criminal villages and so to exempt those residents, who were leading honest lives. In due course under section 10.1 (a) and 10.1 (b) of the Criminal Tribes Act of 1911 the government accepted Knapp's recommendations and issued a notification declaring the Kilagudi Kallars of the Madurai District as criminal tribes. In 1915 a similar notification was issued in regard to Sorikkampatti, Melaurappanur and Pusalapuram Kallars. In September 1915 Paddison, the District Magistrate of Madurai, had forwarded a petition to counsel George Joseph

recommending the exemption from the registration of the replebe ones among them subsequently<sup>9</sup>. In September 1915 section 5 of the Act exempted those Kallars who proved respectability. This Act provided two methods to deal with the criminal tribes they were registration and settlement. Later in 1915 attempt were made to restrain the criminal activities of the Kallar by the Provisions of the Criminal Tribes Act. In August 1917 section 10 (a) of the Criminal Tribes Act was formally applied to the Kallars in general<sup>10</sup>.

The Pusalapuram Kallars, who had their residence in Ramnadu district, were also registered under the Act<sup>11</sup>. In 1918 Paddison reported to the government about the applying of section 10 (a) and (b) to the Pramalai Kallars in Thirumangalam taluk. He stated that many of the villages where Pramalai Kallars lived were notified as criminal tribes. But in a few villages the registration was not done because the people refused to accept the order. Subsequently temporary Inspector of Police was employed for the registration of kallars in Madurai district<sup>12</sup>. Thereby the exercising of registration had doubled in Thirumangalam taluk, where the Pramalai Kallars were predominant, but the Kallars had joined together and resisted vigorously in many villages protesting against the imposition of the Act, which they considered highly humiliating<sup>13</sup>.

### Thevar and Criminal Tribes Act

In 1932 the people suffered a lot by the Criminal Tribes Act. The suffering of the people touched the young heart of Thevar. Thevar made a violent speeches against the British and demanded there peal of the act in 1932 in a public meeting at Ramanathapuram<sup>14</sup>. He argued that the police had the right to arrest those who made crimes and at the same time they had no right to arrest the whole people who belonged to a particular community.

By 1933 the total number of Kallars registered 38,000 which were equal to the total number registered from all the other 250 castes together with tribes. Almost every Piralalai Kallar was registered under the Criminal Tribes Act since as per the census returns they numbered about 15,000 to 20,000 in 1933<sup>15</sup>. Criminal Tribes Act was considered to be a Kallar control act in Madurai region. The enforcement of the Criminal Tribes Act on this community appeared the blackest part in the history of the Mukullattor specially the Kallars<sup>16</sup>. The worst part of the act was that mostly husbands both young and old, were separated from their wives and they were directed to spend their nights in the police stations<sup>17</sup>. Since husbands were not able to go to other places for employment the wives were forced to take charge of the entire household. Mostly women were forced to take part in the economic duties. Many women worked as coolies in different areas. This position of women made them to dominate in the family. Since the women were the worst sufferers in the family, they don't want female babies. As the husbands were not present in the nights, women folk felt that female children could not be protected properly<sup>18</sup>. Since the women were the prime head of the economy there are not in a position to give dowry to the female child. Then the husband, spent part of their life in the Police stations the primary importance to them was reduced and women thought that they could live even without their husband's support<sup>19</sup>. As a result, it led to divorce in large numbers. Thus the Criminal Tribes Act, seemed to have disturbed adversely the socio-economic life of the people. In 1934 Thevar along with Sasivarna Thevar, Perumal Thevar and others decided to send a deputation to the Governor for the removal of the Criminal Tribes Act<sup>20</sup>.

In order to pacify the people the British appointed a Commission under Loveluck. On the recommendation of Loveluck the Kallars reclamation was started for the benefit of Kallars. However, the British did not take only steps for the repeal of the Act. Hence, people were threatened by the Criminal Tribes Act<sup>21</sup>. So, a tumult took place at Kubanampatti in 1935. The people were cruelly ill – treated by the police. This ill -treatment gave a shock to Thevar.

This was the time that the elections to the Ramnad District Board and the Madras Legislative Assembly were to take place. As part of election propoganda in the conference, a number of resolutions passed on that occasion. They have also decided to hold such conferences at the following places.

Kamudi (28<sup>th</sup> October 1936) Mandala Manickam 29<sup>th</sup> October 1936 Mudukulathur (30<sup>th</sup> October 1936) Valanadu (31<sup>st</sup> October 1936) Kadaladi (01<sup>st</sup> November 1936)<sup>22</sup>. Sayalkudi (02<sup>nd</sup> November 1936). Sikkal (03<sup>rd</sup> November 1936) Perunali (04.11.1936) and Mandalamanickam (08<sup>th</sup> November 1936) Muthuramalinga Thevar was then the President of the Mudukulathur Taluk Congress Committee, Sasivarna. Thevar was the Secretary and U.M.S. Velusamy Nadar was the Chairman of the Reception Committee of the conference. The President of the Congress was Somayajulu of Sankaran kovil<sup>23</sup>.

The officials who were connected with the case under sec.108 cr.p.c. against Muthuramalinga Thevar were, the Sub Inspector of police. Sub Magistrate, Mudukulattur Taluk. Joint Magistrate Ramnad District and the District Magistrate Ramand<sup>24</sup>. The Sub Magistrate of Ramanad in his letter to the joint Magistrate, Ramnad wrote that on the motion of Sub-Inspector that he had issued order under sec 144 against the speakers of the Peraiyur Conference as those speeches were disseminating seditious views in the public which will lead to disturb the peace and order<sup>25</sup>. Further it was reported that they were going to hold such meetings in various other places cited above in Mudukulattur Taluk<sup>26</sup>. If such conferences were allowed it would lead to disturb the peace and tranquility of people of that area and hence he justified his action of ordering 144<sup>27</sup>.

However, a petition was filed by Muthuramalinga Thevar Sasivarnathevar U.M.S. Velusamy Nadar, M. Subbiah pillai, Murugaiah pillai and Athisayam pillai and others numbering 15 in total against the order of the Second class Magistrate of Mudukulattur District dated, October 28th 1936,<sup>28</sup>through their lawyer K.R.Venkatarama Ayyar before K.Rummunnimenon,

District Magistrate of Ramnad. He put forth the arguments but of no use. In his letter to the Chief Secretary to Government Public Department K.Rummunnimenon states that on the examination of the speeches delivered at Peraiyur conference, he was of the opinion that Muthuramalinga Thevar was responsible for several seditious utterances<sup>29</sup>. He accused the British thus “That the British Government was a government by dacoits, that the government established by law in British India tyrannised over the people by giving them nothing but the Rowlett Act and the Punjab Massacres,<sup>30</sup> that the government was comprised of persons without character etc”.

District Magistrate also stated that he had gone through speeches of Muthuramalinga Thevar which was delivered on 23, October 1936 at Manamadurai and had come to the conclusion that Muthuramalinga Thevar should be put up under section 108 cr.pc<sup>31</sup>. He also stated that he had given instruction to the Sub-Magistrate to serve order under section 108cr.pc and 112 to Muthuramalinga Thevar and to rescind the order under section 144 passed by him<sup>32</sup>. However, order under section 108 cr.pc. and 112 was passed and served only to Muthuramalinga Thevar and not to other 14 members on whom section 144 was passed by Sub-Magistrate at Peraiyur<sup>33</sup>. According to Muthuramalinga Thevar, was served with an order under section 108cr.pc passed by joint Magistrate, Ramnad. K.G.Menon<sup>34</sup>. ICS Calling upon Thevar to show cause why he should not be bound over for one year and prohibiting him from any speeches<sup>35</sup>.

In the course of the order the Joint Magistrate stated that, “Thevar had intentionally disseminating the seditious matter by delivering speeches on 23rd and 27th October 1936 at Manamadurai and Peraiyur<sup>36</sup> respectively. The substance of which is that the government established by law in British India themselves or through their agencies like the police harass and tyrannies the subjects beating innocent men and women and children, etc. and that the government of the country is foreign in origin and the character that it is a government by dacoit. The government commits atrocities and dispense injustice and foment religious and caste troubles between sections of the Indian, etc. was punishable under section 124 (a) and 153 (a) of Indian penal code<sup>37</sup>. Hence, the Joint Magistrate had ordered Muthuramalinga Thevar under section 108 cr. show cause why he should not be ordered to execute a bond under section 108 cr.pc to be of good behavior during a period of one year for a sum of Rs.1000 with two sureties each for a like sum<sup>38</sup>. He had also passed an interim order under section 117 (3) with a view to prevent him from committing offences under sec 124 (a) and 153(a) I.P.C. to execute a bond to be of good behaviour until the enquiry to conclude with a sum of Rs.1000 and one surety for a similar amount<sup>39</sup>.

Thevar accordingly, furnished the required interim bond and defended the case by giving written statement in which he denied all the allegations leveled against him under see 108 cr.pc and also explained that such cases were failed to prevent him addressing the electors of his constituency to the Madras Legislative Assembly to which he had opposing Raja of Ramnad K.R.Venkatrama Ayyar was his advocate. However, the Joint Magistrate, Ramnad gave his verdict not in favour of Muthuramalinga Thevar and Thevar was bound over for a months.

Muthuramalinga Thevar was unique in his approach and posed a threat to the British Administration<sup>40</sup>. He was a ferocious orator whose oratorical skill had aroused the national feelings among the ignorant and illiterate masses in the rural areas. While all the leaders of the Indian National Congress used to convene the conferences only in the urban centers. Muthuramalinga Thevar alone for the first time, conducted a “First village political conference” at Peraiyur on 27th October 1936<sup>41</sup>. Throughout the history of Indian National Congress only two persons were prohibited from addressing the public the one was Balagangadhara Tilak during the early part of the 20th century and other one was Muthuramalinga Thevar in the south during the middle of the 20th century<sup>42</sup>. Muthuramalinga Thevar was a popular leader accepted by all communities irrespective of caste, creed, religion etc.

Finally the District Magistrate submitted his report to the government on 6<sup>th</sup> May 1937<sup>43</sup> in which he narrated the whole story from the motion of Sub-Inspector of Periyar to the judgment of Joint Magistrate, Ramnad. In his report he had quoted words in the statement of Sub Inspector which runs as follows. “If the persons are not prohibited from delivering speeches and holding meetings in Mudukulathur Taluk, where Muthuramalinga Thevar has a large followers of illiterate Maravars and Nadars and men of other castes and creeds there is very likelihood of serious breach of peace and disturbance in public<sup>44</sup>.

Thevar did not bother about the introduction of this Act and he continuously criticised the diplomatic idea of the British in public meeting<sup>45</sup>. In 1938 the Government of Madras, on the basis of the police report, branded Thevar, a rebel instigating the community against the British.

The suffering of the people increased day by day. Thevar induced the Mukullattor people and specially Kallars to fight against the Criminal Tribes Act Thevar became a leader of the Kallars<sup>46</sup>. In 1939 a drama was enacted at Chekkanurani under the chairmanship of Thevar to depict the miserable conditions of the people under Criminal Tribes Act<sup>47</sup>. The drama explained to the audience that Kallars were like any other human beings living in the land and there was no justification to enforce the Criminal Tribes Act against Kallars. Thevar addressed a large gathering in Madurai and surrounding places and condemned the action of the British. The British government had a problem to deal with this new situation. Thevar carried on a systematic work that induced the people to oppose the British for not repealing the Criminal Tribes Act<sup>48</sup>.

This act was vigorously entered, which in turn created bitterness among the people. Muthuramalinga Thevar, a political leader and a powerful orator, attacked vehemently the Criminal Tribes Act and asked the people to defy the Black law<sup>49</sup>. He contacted the educated youth among Piramalai Kallars, of whom Mookkiah Thevar and V.K.C. Natarajan, organised a protest

meeting and convention demanding the government to withdraw the implementation of the Criminal Tribes Act<sup>50</sup>. His audacious encounters with the Government kindled the masses and they began to unite under his leadership to get them freed from the iron grip of this Act.

The congress leader also sympathised with the Mukkulattor community people and they took effective steps and moved this matter in the Madras Assembly. Also due to the efforts of the Madras Government P Subbarayan ministry moved a resolution to repeal this Act in the council in vain<sup>51</sup>. After Independence Thevar pleaded with Prakasam ministry to repeal the Criminal Tribes Act, The demands of Thevar along supported by congress leaders the Act was repealed in 1947<sup>52</sup>. This was an important contribution made by Muthuramalinga Thevar during his life time.

## CONCLUSION

The commission appointed by the Government, declared that the Police should have more powers of control over the criminal tribes with this object in view. It recommended certain amendments to the Criminal Tribes Act of 1871. It should be the aim of every police station to obtain knowledge and too have secret supervision over all the persons addicted to crime. The British claimed that the main aim of the Criminal Tribes Act was to reform certain criminal communities by keeping them under strict watch and vigilance and educating them. Muthuramalinga Thevar, a political leader and a powerful orator, attacked vehemently the Criminal Tribes Act and asked the people to defy the Black law. This was one of the political activities which gained him fame and name.

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