

REPORT

THE CRIMINAL TRIBES ACT ENQUIRY COMMITTEE

(1949-50)



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TABLE OF CONTENTS

	PARAGRAPHS
CHAPTER I Introductory	1 to 8
CHAPTER II Historical	9 to 34
CHAPTER III. Criminal Tribes	35 to 170
Adi-Dravidas	37
Aheria or Behelia or Aheris	38
Ambalgars (Moottakampatti Ambalgars & Ambalgars of Suriyanur)	39
Badaks or Badhiks	40
Behelias	41
Rairagis	42
Banjaras	43
Banchhadas	44
Barrars	45
Barwars	46
Baurias or Baories, Baurias, Bawaryas, Bawari, Marwaris, Baurias, Mog- hia	47
Bedyas	48
Bengalis or Bhangalis	49
Berads or Bedars	50
Berias	51
Bhamtas (Takari)	52
Bhamtas (Rajput)	53
Bhanmates	54
Bhantus	55
Bhars	56
Bhats	57
Bhattu Turkas	58
Bhedkuts	59
Bhils	60
Bhura Brahmans	61
Bijorias	62
Boriyas	63
Boyas (Peddas and Dongas)	64
Buda Bukkalas (Chakalas or Pamulas)	65
Chamars	66
Chandravedis, Sanorias or Sanaurias	67
Chhuras or Chuhras	68
Daleras or Dalarias	69
Dandasis	70
Dasaris (Dongas and Gudus)	71
Dharis	72
Dheas or Dhes	73
Dhekarus	74
Dhenwars	75
Domars or Dommars (Reddis & Arais)	76
Doms (Magahiyas, Oriyas, Audiniyas & Bansfores)	77
	78

CHAPTER III.—Criminal Tribes (*continued*).

Donga Yerukalas	79
Dusadhs (Chakais, Palwars & Magahiya)	80
Gandhillas	81
Gantichores or Gantukollars	82
Gidhiyas	83
Ghasis	84
Ghosis	85
Gondas	86
Gujars	87
Haburas	88
Handijogies	89
Hingoras	90
Irulars	91
Jaintra Pans	92
Jats (Gatkas & Dillons)	93
Jogis or Jogulas	94
Kaikadis	95
Kaladis	96
Kallars (Peramalais, Koottapals & Pariya Suriyurs)	97
Kanjars	98
Karwal Nats	99
Kepumaries	100
Kewars	101
Khatias	102
Kintali Kalingas	103
Komakapus	104
Konda Doras	105
Korachas and Karavas	106
Kuchbands	107
Karumbaravas	108
Labanis or Lamanis or Lambadis	109
Lodhas or Lodahs	110
Madigas	111
Mahatams	112
Malas	113
Mallahs	114
Mang-Garudis	115
Maravars (Sambanads Appanad-Kondayankottai Maravars)	116
Mewatis	117
Mianas	118
Minas	119
Moghias	120
Multanis	121
Munda Pottas	122
Mutharachas	123
Musahars	124
Naiks	125
Nakkals	126
Nirshikaris	127

CHAPTER III.—Criminal Tribes (*concluded*)

Nokkars	128
Nuts or Nats	129
Oddars	130
Oudhias	131
Paidis	132
Pardhis	133
Parnas or Pernas	134
Pasis	135
Picharis	136
Pichguntlas	137
Poligars	138
Paraiyas	139
Rachbands	140
Reddikas	141
Rellis	142
Sansis	143
Sanorias	144
Singhikats	145
Sugalis	146
Sanghedias, Sardhis and Sumras	147
Tadvīs	148
Tagus	149
Taga Bhats	150
Talayaris (Devagudi)	151
Talega Pamulas or Peedati Gollas or Thella-Pamalwads	152
Tellungappalatti Chatts	153
Thottia Naicks	154
Uraligaundans	155
Valayars	156
Vallayankuppam Padaychis	157
Vettaikarans	158
Vettuya Goundans	159
Waddars, Waddewads or Woddars	160
Yatas	161
Yenadis (Madras) or Yenadiwads (Hyderabad)	162
Yerūkals	163

CHAPTER IV.—Working of the Criminal Tribes Act in the States 171 to 331

(a) General	171 to 191
(b) Notification, Registration and Restrictions under sections 10 and 11 of the Criminal Tribes Act, 1924	192 to 224
(c) Settlements	225 to 244
(d) Treatment of the Criminal Tribes children and Reformatory Schools	245 to 260
(e) Welfare work among the Criminal Tribes	261 to 279
(f) Laws relating to the surveillance and control of the Criminal Tribes in the States included in Parts B and C (except Ajmer, Coorg and Delhi) of the First Schedule to the Constitution	280 to 331

	PARAGRAPHS
CHAPTER V.—General observations and recommendations	332 to 411
(a) General	332 to 375
(b) A review of existing State laws for restriction of Habitual Offenders and suggestions for the Central Restriction of Habitual Offenders Act	376 to 409
(c) Social and economic uplift of the Criminal Tribes after the repeal of the Criminal Tribes Act	410 to 411
CHAPTER VI.—Summary and conclusion	412 to 414



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REPORT OF THE CRIMINAL TRIBES ACT ENQUIRY COMMITTEE, 1949-50.

CHAIRMAN

1. Shri Ananthasayanam Ayyangar, M. P.

MEMBERS

2. Shri A. V. Thakkar, M. P.
3. Shri K. Chaliha, M. P.
4. Shri V. N. Tivary, M. L. A. (Uttar Pradesh).
5. Sardar Gurbachan Singh, M. L. A. (Punjab).
6. Shri J. K. Biswas, Retired Additional Chief Presidency Magistrate, Calcutta.]

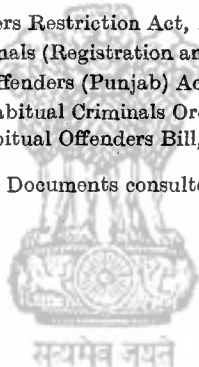
SECRETARY

7. Shri P. C. Dave.



APPENDICES

	PAGES
I. The questionnaire issued by the Committee	107-114
II. A. A list of persons who have replied to the questionnaire or submitted written memoranda	115-119
B. A list of witnesses examined by the Committee or the Sub-Committee	120-125
C. A list of deputations of Criminal Tribes which met the Committee or the Sub-Committee	126-127
D. A list of prominent persons or members of organisations whom the Committee or the Sub-Committee met during their tour for discussing the working of the Act in general	128-130
III. A list of Criminal Tribes in various States	131-136
IV. A list of colonies, settlements, schools and other institutions operating under the Criminal Tribes Act	137-139
V. A list of laws relating to Criminal Tribes in force in the States included in Parts B and C of the First Schedule to the Constitution	140-141
VI. Extracts from the Report of the Enquiry Committee, U.P. 1947	142-143
VII. A. Madras Restriction of Habitual Offenders Act, 1948	144-148
B. Bombay Habitual Offenders Restriction Act, 1947	149-155
C. Rajasthan Habitual Criminals (Registration and Regulation) Act, 1950	156-163
D. Restriction of Habitual Offenders (Punjab) Act, 1918	164-166
E. Matsya Registration of Habitual Criminals Ordinance, 1949	167-172
F. Mysore Restriction of Habitual Offenders Bill, 1949	173-176
VIII. A list of Books, Reports and Documents consulted	177



CHAPTER I

INTRODUCTORY

Our Committee was appointed by Resolution No. 22/1/49-Police-I, dated the 28th September 1949 of the Ministry of Home Affairs of the Government of India. This Resolution, *inter alia*, states :

“ There has been a persistent demand in the Central Legislature in recent years that the Criminal Tribes Act, 1924, should be repealed as its provisions, which seek to classify particular classes of people as Criminal Tribes, are inconsistent with the dignity of free India. Some of the Provinces have already repealed the Act in its application to their areas and replaced it by other suitable legislation, *e.g.*, Habitual Offenders' Acts. The Government of India consider that the question whether the Act should be modified or repealed altogether on an all-India basis should be considered after an enquiry into the working of the Act in the Provinces”.

2. Our terms of reference were :—

- (i) to enquire into the working of the Criminal Tribes Act, 1924, in the Provinces ; and
- (ii) to make recommendations for its modification or repeal.

3. We had our first formal meeting on the 17th December, 1949. At this meeting it was decided that certain members of the Committee, either singly or in groups, should examine the position regarding the Criminal Tribes Act in particular areas and should place their conclusions before the full Committee. The Committee were then to decide about the places to be visited by them. At the second meeting held on the 10th February 1950, the questionnaire was approved by the Committee. About 300 copies of this questionnaire were sent to the witnesses designated by the local Governments and to a few persons whose names were suggested by the members. A press note was also issued through the Press Information Bureau to all the prominent papers so that the persons, who were conversant with the subject and were desirous of supplying necessary information to the Committee, might do so. The last date fixed for the receipt of the replies to the questionnaire was 31st March 1950 but this was later extended by one month. Many persons, specially from Uttar Pradesh, Punjab and Delhi States, availed themselves of this opportunity. The replies were then examined and the persons, whose oral evidence was considered necessary to elucidate the information given in the replies, were called for examination. In addition, we examined a number of official witnesses suggested by the States and leading members of the public, who, in our opinion would be able to give useful information. We took special care to examine members of the Criminal Tribes, wherever we went, and tried to acquaint ourselves as to how the Act and the Rules made thereunder actually affected them. A number of replies, to the questionnaire were received, and about 200 witnesses were examined. The questionnaire issued by us is given as Appendix I. A list of persons who have replied to the questionnaire and a list of witnesses examined by us are given in Appendix II-A and Appendix II-B respectively. Besides the formal examination of witnesses, we had informal discussions with the Ministers of the States, Chief and Home Secretaries and other high ranking officers in some of the States visited by us. In addition we met a number of welfare workers, Presidents and Secretaries of the Congress Committees, representatives of the Salvation Army, the Arya Samaj, the Harijan Sevak Sangh, the Ramakrishna Mission and other social service organisations.

4. We toured in the Punjab, the Uttar Pradesh, Bihar, West Bengal, Orissa, Bombay and Madras for examining the witnesses and also visited 5 Criminal Tribes settlements and 14 colonies and villages. We covered about 10,000 miles by rail and about 1,200 miles by road.

5. A Sub-Committee, consisting of three members *viz.*, Shri K. Chaliha, M.P., Shri V. N. Tivary, M.L.A. (U.P.) and Sardar Gurbachan Singh, M.L.A. (Punjab) was appointed for touring and other work in Ajmer, Bhopal, Rajasthan and Madhya Bharat and accordingly this Sub-Committee toured and did all the necessary work including the examination of the witnesses and visited the institutions in those States. They also covered about 1,400 miles by rail and about 650 miles by road.

6. We regret to say that Shri A.V. Thakkar, M.P., who has special knowledge and experience of welfare work both amongst tribes and Harijans was unable to be with us because of weak health as his doctor had advised him not to tour.

7. Detailed observations were made during our visits to institutions and villages and notes of our observations were drawn up. These personal visits to institutions were very useful and interesting, and the direct contact with the Criminal Tribes as a result of these visits, cleared up many points and we got first hand information regarding their mode of living, habits etc., and also about their difficulties and grievances.

8. In all we held 34 meetings of the Committee, 28 of which were devoted to the examination of witnesses. In addition we spent about 24 days in paying visits to colonies, settlements and other institutions.



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CHAPTER II

HISTORICAL

9. Before the enactment of the Indian Penal Code in 1860 and the Criminal Procedure Code in 1861, certain specified tribes which were committing systematic crimes, vagrants and suspected persons in the Northern India were dealt with under a special regulation—Regulation XXII of 1793, under which “Magistrates were invested with summary powers, and could put members of certain specified tribes, vagrants and suspected persons to work on roads, and could imprison them for six months if they absconded. When the Indian Penal Code and the Criminal Procedure Code were enacted, the above summary powers came to an end.” However in order to check the serious menace caused by dacoits and thieves to the peace loving people, a system of registration and roll call of suspected criminals was adopted in the Punjab, Oudh and the North Western Provinces by executive orders. But the officers had no power to punish those who broke the rules of registration and roll call. As later, the Punjab Courts expressly declared such rules to be illegal, it was found difficult to control the persons, who were formerly subjected to those rules. It was reported by the local Government that as a result of the break down of the system of registration and roll call, there “was a most serious and alarming increase of crime”.

10. In the first half of the 19th century, Northern India was overrun by thugs and dacoits. The population in general was much disturbed and did not feel secure. The Government of India had therefore to take special measures to meet the situation and systematic operations to suppress the terrible crimes committed by the thugs were started in 1830. In 1839, the work of suppressing dacoities was also entrusted to a newly created Thagi and Dacoity Department, which succeeded in suppressing the heinous crimes to a great extent. During its work of suppression of dacoities and other crimes, it had also brought to the notice of the Government of India that certain tribes in Northern India, notably the Meenas of Shajanpur village in the Punjab were in the habit of systematically committing offences against property. An extract of one of the reports received by the Government of India in the beginning of 1871 from the Superintendent of Operations for suppression of the Thuggee and Dacoity, which was actually read out in the Council at the time of the debate on the Criminal Tribes Bill 1871 by the Hon'ble Mr. T. V. Stephens, the then Member for Law and Order, is reproduced below :—

“ It is a fact that Shajanpur is inhabited almost exclusively by Meena plunderers. As many as five hundred adult Meenas have habitation there and distant robbery is notoriously their profession, and their livelihood. Their houses are built of substantial masonry, some with upper stories to them and with underground passages. Five wells have been constructed at their own expense. The land they cultivate and for which they duly pay revenue yields no more than would be sufficient for a fourth part only of the population, men, women and children combined, which the number of their adult males represents. They maintain fleet camels, some of which may be found secreted in their premises in readiness for an expedition, or but now arrived from some unknown raid. Cows, buffaloes and goats are among their possessions ; they live amid abundance and they want for nothing. Their festivals of marriage and other ceremony whether of joy or solemnity are attended with lavish expenditure. Flesh is their food and liquor their potation. Trinkets of gold and silver and fine dresses adorn, on pleasure days, the persons of their females. Gold and coral

*Vide abstract of the Proceedings of the Council of the Governor General of India, 1897.

†Vide abstract of the Proceedings of the Council of the Governor General of India, 1871.

necklaces, ear-rings and good turbans are the display of the men; bracelets and frontlets studded with various coins, the ornaments and particoloured garments, the apparel of their children. Music and every-entertainment without stint, form the accompaniments of their feasts. Revelling and quarrel mark their termination. Plenty they have, plenty they spend and plenty they bestow and there is no end to their charity”.

11. In 1871 the Government of India therefore considered it necessary and desirable to keep the movements and activities of the Meenas and similar tribes in control and accordingly decided to enact a suitable law for the purpose. It was originally proposed to confine the measure “to tribes who had fixed places of residence during at least part of the year. The reason of this was that it appeared exceedingly difficult to deal with tribes which had no place of residence but perpetually wandered. To prevent them from wandering might in many cases be equivalent to preventing them from earning their living ; and it did not follow that, because a tribe of basket makers or grain sellers might occasionally, or even frequently commit thefts, they were to be treated as a Criminal class, who travelled about for the purpose of committing crime, and made their ostensible occupation a mere pretence for the purpose of enabling them to do so with more convenience. The tribe who were chiefly in the mind of the framers of the bill when it was introduced were persons like the Meenas of whose habits Mr. Stephen had already given a description. The local Government had however, represented to the Committee that wandering gangs of criminals were both common and dangerous and that few, if any, criminal tribes were of greater importance, or more urgently required the discipline which this bill would provide for them”.

12. The first Criminal Tribes Act was passed in 1871. According to this Act, before a gang, a tribe or a class of persons could be declared as criminal, the local Government had to report their case to the Governor-General in Council, giving in their report reasons for regarding the gang, tribe or class of persons as criminal, the nature of crimes which they were suspected of committing, and if the tribe was a wandering tribe, the reasons showing that the lawful occupation which it was following was merely a pretence for the purpose of committing crimes. The report had also to state the arrangement made for enabling the tribe to earn its living when it was settled in any fixed place of residence.

13. While the provisions of this Act were suitable for controlling the tribes that were settled, it was impossible on financial as well as administrative grounds to make a wider use of this Act for controlling most of the people belonging to the predatory tribes as before the application of the Act to any wandering tribe or gang, it was necessary, under the provisions of the Act to make arrangements to the satisfaction of the Government of India for settling it in some specified place, and for enabling it to earn its living there.

14. This Act of 1871 did not make any provision for separating the children of the Criminal Tribes from their parents although the need for such action was stressed by a member during the course of the debate on that bill in the Council. An extract from his speech is reproduced below:—

“ No one who had to do with the police execution of a district could fail to know how deeply inbred in certain classes of the population these lawless habits were and how impossible it was for a child, so unfortunately circumstanced, to break away from the traditional habits of the community in which it was born. These children were brought up to look upon theft as an honourable duty and as a matter of daily occurrence. The Sonari's, for instance, were a wandering tribe, of which the children were systematically trained for, and employed in practices

*Abstract of the proceedings of the Council of the Governor General of India, 1871.

of theft. The skill and intelligence of the children were very remarkable and it was a pity that they should not be utilized for right and useful purposes instead of being directed to mischievous and depraved ends. If the State exercised a wholesome severity on the one hand, it was only right that, on the other, it should extend the opportunity of improvements to every class of its subjects."

15. As a result of the serious crimes committed by the Sansiah tribe, which was described as dangerous and mischievous, and in consequence of the recommendations of the Police Committee appointed by the Government of the North Western Provinces, the Government of India decided in 1897 to take stricter measures against the Criminal Tribes. Accordingly, the Criminal Tribes (Amendment) Act was passed in 1897. Under this amending Act, minimum penalties on second and third convictions of members of the Criminal Tribes for specified offences, were prescribed and the local Governments were empowered to separate children of the Criminal Tribes between the ages of 4 and 18 years from their irreclaimable parents and place them in reformatory "Settlements" specially established for children.

16. The defect in the Act of 1871 which prevented its wider application was forcefully brought to the notice of Government by the Indian Police Commission 1902-03, which recommended that "a special provision be inserted in the Criminal Tribes Act to authorise the simple registration of notified criminal gangs and the taking of the finger impressions of the adult male members where necessary". As a result of the recommendations of the Police Commission, the new Criminal Tribes Act was passed in 1911 and this Act replaced the Act of 1871.

17. While introducing the Criminal Tribes Bill 1911 in the Legislative Assembly, the Honourable the Home Member pointed out that the Act of 1871, which was amended from time to time, was never found to be very satisfactory. He classified the Criminal Tribes into three categories *viz.*, (i) Tribes who were originally criminal but had settled down to honest occupation although some sections of them or individuals continued to live by crimes; (ii) Tribes who had settled abodes and generally some ostensible occupation but who periodically committed robberies and dacoities at distant places from their homes and lived by such gains and (iii) wandering tribes who wandered continuously in the country and committed depredations whenever opportunities offered. He pointed out that it was obvious that different methods should be used for dealing with the different tribes.

18. The new Criminal Tribes Act of 1911 empowered local Governments to declare a tribe to be a Criminal tribe without requiring its settlement or the provision of means of living. After due notification, the members of the tribe could be registered and their finger impressions taken for observation and supervision. The more criminally minded members of the notified tribes could be restricted to any specified area or interned in settlements to be specially established for them. The provisions of this Act could therefore be suitably applied to the Criminal Tribes and their members could be given treatment according to the degree of their criminality. The minimum age of the children who could be separated from their recalcitrant parents was raised by this Act from 4 to 6 years.

19. Although the Criminal Tribes Act was a Central Act, the local Governments were empowered to frame rules under that Act for proper administration of the Act to suit the local conditions. In practical administration of this Act, however, difficulties were experienced and local Governments made representations to the Government of India for the amendment of the Act in certain respects. This led to the convening of a conference consisting of representatives of various Provinces and Indian States in Delhi in 1919. The conference made certain proposals requiring amendment of the Act to remedy the defects which experience had brought to light and regarding the policy to be followed.

20. One of the terms of reference of the Indian Jails Committee appointed by the Government of India in 1919 was to make enquiries regarding the administration of the settlements constituted under the Criminal Tribes Act of 1911. The Committee visited settlements in the Punjab, Uttar Pradesh, Bombay and Madras and made certain suggestions regarding settlement administration in the Provinces. They recommended *inter alia* that a formal inquiry was quite essential before any individual was dealt with under section 11 or 16 of the Criminal Tribes Act was not to be allowed to be converted into an engine of oppression. The Committee also pointed out that the ultimate aim of the settlements should be the absorption of the settlers into the general body of the community.

21. Taking into consideration the recommendations of the Indian Jails Committee and the various proposals made by the conference referred to above, Government of India decided to amend the Act of 1911 and consequently the Criminal Tribes (Amendment) Act was passed in 1923.

22. In addition to the minor amendments to the provisions of the Act of 1911, the Criminal Tribes (Amendment) Act, 1923 made the following important additional provisions in the Act :—

- (i) The Criminal Tribes belonging to one Province could be restricted or settled in another Province with the consent of the Government of that Province.
- (ii) Before any Criminal Tribe was interned in a settlement, an enquiry was prescribed to establish the necessity of placing the tribe in a Settlement.
- (iii) The Criminal Tribes belonging to the then Indian States found in the Provinces could be removed to those States provided that necessary provision for restriction and settlement of the Criminal Tribes was made by law in those States.

23. Regarding the policy to be followed, Government of India, in their Home Department letter No. 593 of 3rd April 1920, made it clear to the local Governments that it did not intend to interfere with the decision of the local Governments in the detailed administration of the Act. Among other points, mentioned in that letter regarding the general policy which might be followed by the various local Governments, it was stated that the administration of the Act should be carried out in such a way as to ensure firstly, the effective prevention of crime, secondly, proper treatment of the Criminal Tribes in the matter of wages, housing, etc., and thirdly, their reclamation.

24. The Criminal Tribes Act of 1911 was already amended by the Repealing and Amending Act, of 1911 and 1914 and also by the Devolution Act of 1920. With important modifications in the Act made by the Criminal Tribes (Amendment) Act of 1923, the law in question had got considerably scattered and somewhat difficult to ascertain and it was considered necessary that the whole law should be put together in one place so that reference to the various provisions in the Act would be more convenient. In 1924, the whole law relating to the Criminal Tribes was accordingly consolidated into one Act *viz.*, the Criminal Tribes Act, 1924, which has remained in force till today.

25. With the passing of time, members of the Criminal Tribes began to be educated slowly and some of the tribes or parts of them settled down in lawful occupations. As they came more and more in contact with general population, they felt that some of the provisions of the Act, especially section 23 of the Act, which laid down minimum enhanced punishments for members of the Criminal Tribes who were convicted a second or third time for specified offences, were harsh and needed to be repealed or modified. Public opinion also supported this view. It was also considered that the rigid control over the Criminal Tribes provided in the Criminal Tribes

Act should be relaxed and that whole tribes or castes should not be dubbed as criminal. In 1946, a private bill to amend section 23 of the Act was introduced in the Central Assembly. It was passed in 1947, and became Criminal Tribes (Amendment) Act, 1947. By this Act the minimum punishments prescribed for second and third convictions for specified offences were abolished.

26. Two private bills seeking to repeal the Criminal Tribes Act were also introduced in the Central Legislative Assembly in 1946 and 1949. The first bill was not moved after the introductory stage and consequently it lapsed. The second bill was not proceeded with after the introductory stage as the Honourable Minister of Home Affairs gave an assurance that a Committee would be appointed to enquire into the working of the Act in the Provinces and to recommend whether the Act should be modified or repealed.

27. Although the Criminal Tribes Act, 1924, is a Central Act, the Provinces having concurrent jurisdiction in this matter could amend or repeal the Act in its application to their territories. Under this provision, the Governments of Madras and Bombay amended the Act before its repeal in those States.

28. The Madras State amended the Criminal Tribes Act on two occasions by (1) The Criminal Tribes (Madras Amendment) Act, 1943, and (2) the Criminal Tribes (Madras Amendment) Act, 1945.

29. The first amending Act liberalised the provisions of the Criminal Tribes Act. The "Criminal Tribes" were legally named "notified tribes" and before a member of such tribe could be registered, the District Magistrate had to give a reasonable opportunity to him to show cause against such registration. Section 22 of the Criminal Tribes Act was also amended and the sentences were reduced to a great extent, to wit, section 22 (1) and (2) were replaced by the following :—

"Whoever being a registered member of a notified tribe, contravenes the rules made under section 20 shall be punishable :—

- (a) on first conviction with imprisonment for a term which may extend to six months or with a fine which may extend to 200 rupees or with both ; and
- (b) on any subsequent conviction with imprisonment for a term which may extend to one year or with fine which may extend to 500 rupees or with both".

Section 23 of the Act was also so amended that a 1st Class Magistrate could try a second offence and even a third offence under certain conditions. A new section namely 23 (a) was inserted in the Act. By this new section, the State Government could direct that any member of a notified tribe, who was accused of an offence, should in lieu of prosecution thereof, be placed in a Settlement or could release a member of a notified tribe who was undergoing imprisonment and place him in a Settlement.

30. Section 17 of the Criminal Tribes Act was so amended that the children of the Criminal Tribes who were ordered to be removed from their parents could be placed in a certified school established under the Madras Children Act 1920 or in an industrial, agricultural or reformatory school or other educational institution for children established or approved by the Madras Government.

31. By the amending Act of 1945, the words "or subject to his control the Superintendent of Police" were inserted after the words "District Magistrate" in the proviso to sub-section (1) of section 10 of the Criminal Tribes Act of 1924.

32. The Criminal Tribes Act, 1924, was repealed in its application to the Madras State in 1947, by the Criminal Tribes (Madras Repeal) Act, 1947.

33. As a result of the recommendations of the Criminal Tribes Act Enquiry Committee appointed by the Government of Bombay in 1937, section 23 of the Act was amended in that State by the Criminal Tribes (Bombay Amendment) Act, 1942. By this amendment, the minimum punishments prescribed for second or subsequent convictions of a Criminal Tribe member for specified offences, were abolished. The Act has been repealed in its application to this State with effect from 13th August 1949.

34. The Criminal Tribes Act, 1924, as amended by the Criminal Tribes (Amendment) Act, 1946, is at present applicable to the remaining States (ex-Provinces).



CHAPTER III

CRIMINAL TRIBES

35. The total population of Criminal Tribes in India, about quarter of a century ago, was estimated at four millions, and they were spread over the whole of India. The latest available population figures of Criminal Tribes in the various States, as supplied by the States, are given below : —

Name of State	Population		Remarks
	Total	Registered	
1. Punjab	76,564	3,389	24,358 refugees who have not so far been located are not included in the total population.
2. Uttar Pradesh	*16,68,845	29,839	*Based on 1941 census figures.
3. Bihar	13,311	3,724	
4. Assam	156	156	
5. Orissa	74,762	2,723	
6. West Bengal	**2,598	2,598	**Total population is not available; hence only registered population is given.
7. Delhi	†457	38	†In addition to 457 people 656 Sansis have migrated to Delhi from West Punjab.
8. Ajmer	1,152	479	
TOTAL	18,37,845	42,946	
9. Mysore	††2,10,321	809	††Based on 1941 census figures.
10. Hyderabad	69,202	1,873	
11. Bhopal	1,500 (Approx.)	583	
12. Madhya Bharat	76,722	3,238	
13. Rajasthan	65,440	25,931	
14. Kutch	500	40	
15. Saurashtra	2,308	507	
16. Vindhya Pradesh	983	..	According to the Rewa Wandering Criminal Tribes Act, 1925, which is applied to Vindhya Pradesh, the C.T. members are not required to be registered.
17. Patiala and East Punjab States Union.	3,453	1,158	The population figures do not include the Bawaria population as they have been exempted from the C. T. Act at present.
18. Jammu and Kashmir	74	74	
TOTAL	4,30,503	34,213	
GRAND TOTAL	22,68,348	77,159	

NOTE.—In Bombay and Madras States where the Criminal Tribes Act, 1924, has already been repealed, the total population of Criminal Tribes was 6,23,809 and 5,95,440 respectively and the number of registered Criminal Tribes members were 490 and 30,370 respectively, just before the repeal of the Act in those States.

36. Before we proceed to study the working of the Criminal Tribes Act in the various States, we consider that it will be helpful to give briefly a general description of the various tribes, who were or are still considered criminal and who have been subjected to the control and restrictions as imposed by the Criminal Tribes Act. We therefore give below short notes on these tribes. A list of the Criminal Tribes in the various States is given in Appendix III. The notes contain information about the origin of the tribes, as far as it is possible, to ascertain their present social position and the crimes in which the active criminals belonging to these tribes generally indulge, so as to give some idea regarding the measures which may be adopted for their reclamation*. For convenience of reference the notes have been arranged in an alphabetical order.

SHORT NOTES ON CRIMINAL TRIBES

37. **Adi-Dravidas.**—They were notified as a Criminal Tribe in the Chingleput district of the Madras State and are reported to be a section of the Mala community. They are mostly Tamil speaking and in spite of their good physique they are lazy and averse to manual labour. Some of them own lands and houses. The criminals belonging to this tribe commit thefts and house breakings during dark nights.

38. **Aherias or Behelias or Aheris or Heris.**—They are notified as a Criminal Tribe in nine districts of the Uttar Pradesh, Patiala and East Punjab States Union and in the Punjab. Sir Denzil Ibbetson in his "Punjab Castes" states that Thoris and Aheris of Punjab are the same, and that they are, by heredity, hunters and fowlers. Their name signifies 'cowherd' from 'her' a herd of cattle. They are vagrant in their habits but settle down in villages if they find employment. They catch and eat all sorts of wild animals. They have now mostly settled down in villages. They work in reeds and grass and in addition to this, they work in the fields and especially move about in gangs at harvest time in search of employment as reapers. They also cut wood and grass and work as general labourers on roads and other earth works. In some parts, they are said to be addicted to thieving but this is not their general character.

According to the Uttar Pradesh report, they have a strong panchayat and crime is fast disappearing from their midst. They are not nomadic now.

Aherias are listed as a Scheduled Caste in the Uttar Pradesh.

39. **Ambalgars (Moottakampatti Ambalgars and Ambalgars of Suriyanur).**—Ambalgars were notified as a Criminal Tribe in the Trichinopoly district of the Madras State. Ambalam means an open place and Ambalakkaran (by which Ambalgars are also known) denotes one who proclaims decision of those assembled in an ambalam. In the Madras Census Report, 1891, Mr. H. A. Stuart wrote "I am not able to state what is the precise connection between the Ambalakkaran and Kallan castes but from some accounts which I have obtained, the Ambalakkarans seem to be very closely connected if not identical with Multiriyans (Mutracha) who have been classed

*These notes have been compiled from the information supplied by the States or collected during the Committee's tours and by reference to the following books:—

1. The Tribes and Castes of the North Western Provinces By W. Crooke.
and Oudh.
2. The Tribes and Castes of Bengal By H. H. Risley.
3. The Tribes and Castes of the Central Provinces of India By R. V. Russell and R. B.
Hira Lal.
4. Castes and Tribes of Southern India By Edgar Thurston.
5. The Tribes and Castes of Bombay By R. E. Enthoven.
6. The Punjab Castes By Sir Denzil Ibbetson.
7. Census Reports of India, 1931
8. Notes on Criminal Classes in Bombay Presidency By M. Kennedy.

as village watchmen". The upper sections of Ambalagars style themselves as Pillai but others are usually called Muppar in Tanjore and Ambalakkaran, Multiriyan and Sevaigasan in Trichinopoly. Like Maravars they call themselves the descendants of Kamnappa Naiyanar of the 63 disciples of Shiva who himself was the "Veda". They are good huntsmen with nets and the most common form of eking out their livelihood is by hunting with nets. The persons, who are criminals, are generally cattle-lifters but some of them indulge in robberies and dacoities occasionally.

40. **Badaks and Badhiks.**—Badaks have been notified as a Criminal Tribe in Budaun, Kheri, Muttra and Shahjahanpur districts of the Uttar Pradesh. The origin of the Badaks is not certain but from the fact that they speak a dialect, which is a form of Gujarati, it seems that they originally belonged to Gujarat. They claim to be Rajputs and say that their ancestors had fled from Chittor on one of the historical occasions on which it was attacked and sacked. "But as they spoke Gujarati it seems more probable that they belonged to Gujarat, a fertile breeding place of criminals, and they may have been descended from the alliance of Rajputs with the primitive tribes of this locality, the Bhils and Kolis". Badaks are supposed to be the same as Bagris and Baorias, (*vide* notes on Bawarias). The Badhaks have a regular caste organisation and members of the different classes married with each other like the Rajputs, after whom they were named. They admit into their caste, members of any respectable Hindu Caste. The following extract is taken from "The Tribes and Castes of the Central Provinces of India" by Russel and Hira Lal :—

"The Badhaks still exist and are well known as one of the worst classes of criminals, practising ordinary house breaking and theft. The name Badhak is now less commonly used than those of Bagri and Baori or Bawaria both of which were born by the original Badhaks. The word Bagri is derived from a tract of country in Malwa which is known as the Bagar or 'hedge of thorns' because it is surrounded on all sides by wooded hills. There are Bagri jats and Bagri Rajputs, many of whom are now highly respectable land holders. Bawaria or Baori is derived from banwar a creeper, or the tendril of a vine, and hence a noose made originally from some fibrous plant and used for trapping animals, this being one of the primary occupations of the tribe. The term Badhak signifies a hunter or fowler, hence a robber or murderer. The Bagris and Bawarias are sometimes considered to be separate communities but it is doubtful whether there is any real distinction between them."

It is reported that in a nomadic state, the Badhaks are formidable dacoits and whenever they lapse to their old habits they easily form gangs. They are daring people, and unlike Bauriahs, they do not hesitate to be violent if necessary. They take to petty thieving also, but generally they are daring criminals who rob openly. The Badaks colonised in Shahjahanpur district are no longer criminal. The incidence of crime among them is just as much as it may be in any other community.

Badaks are reported to be a Scheduled Caste in the Uttar Pradesh.

41. **Behelias.**—See **Aherias.**—They are classed as a Scheduled Caste in the Uttar Pradesh.

42. **Bairagis.**—Bairagis are notified as a Criminal Tribe in Bhopal State. Bairagis are a class of religious mendicants who roam over the whole of India and are recruited from North Indian Castes. The Bairagis of Bhopal claim to have descended from the Rajputs and originally belonging to Gwalior and Karauli. They live in 'Deras' or groups and keep their women-folk with them. They are habitual house breakers. They seldom keep their stolen property in their camps. They do not generally commit crimes near the locality they live in, but move about far and wide in gangs for the purpose. In Bhopal they are not nomadic.

43. Banjaras.—also called **Vanjaris, Lamanis, Lambhadis, Lambadis, etc.**—They are notified as a Criminal Tribe in four districts of the Uttar Pradesh and in parts of Rajasthan and Madhya Bharat. Lamanis of Bijapur, Belgaum and Dharwar districts, and those from other Provinces, were notified in Bombay State and Lambadis (also known as Sugalis) in Madras were once declared as a Criminal Tribe. Charan Banjaras are a notified Criminal Tribe in Hyderabad. The name Banjara seems to have been derived from the Prakrit word “vanijjaaras” meaning a trader. The name Labhani or Labani seems to have been derived from Lavanah meaning salt which used to be carried by these people for trade. It is also said that Vanjari is derived from Sanskrit words “Van” (forest) and “Char” (to wander) meaning wanderers in forest. They are described by Mr. Grierson as a well known tribe of carriers who are found all over Western and Southern India. They claim to be of Rajput origin. Their carrying trade, which was noticed for the last three centuries and over, greatly suffered since the opening of cart roads and Railways. Some of them took to thieving and other crimes due to their bad financial circumstances as they naturally found many occasions for such crimes during their continuous tours in the country. It is said that in the Uttar Pradesh, they worship their family deity before embarking on a criminal errand. The active criminals belonging to this tribe commit robbery, dacoity and cattle lifting. They rear cattle in the terai of Jamuna in the Agra district. The mode of dress of the Banjaras is very typical and is remindful of the gypsies of Central Europe. In the Hyderabad State, some of the Banjaras lead respectable lives by cultivating lands or lending money on interest. Those of them who are not settled commit offences during their wandering life.

They are classed as a Scheduled Caste in the Madhya Bharat State.

44. Banchhadas.—They are mostly found in Rajputana and Central India and are notified as a Criminal Tribe in Dhar, Sitamau, Dewas Sr. and Indore in Madhya Bharat.

They claim their origin from Rajputs but in fact they are the same as Beriyyas. In Northern part of Gwalior, they are known as Beriyyas while in Southern parts they are called Banchhadas. They are not dangerous and are reported to have now taken to settled life. They are reported to have adopted prostitution as a means of livelihood instead of violent crime against property and person. Kidnapping of girls and cattle-lifting are the crimes in which they used to indulge.

45. Barrars.—Barrars are notified in the Punjab and Patiala and East Punjab States Union. Barrar is a sub-caste of Sansis and their mode of living is like that of other low vagrant tribes.

They are classified as a Scheduled Caste in the Patiala and East Punjab States Union and the Punjab State.

46. Barwars.—Barwars are found in the districts of Gonda, Hardoi, Sultanpur and Bareilly in the Uttar Pradesh, where they are notified as a Criminal Tribe. They are said to be descendants of Kurmis although they claim to be Kshatriyas like other Criminal Tribes. They worship some of the Hindu deities but they also worship Mohammedan Pirs. They do not commit theft in the night. They are settled and those who are not leading a life of crime are agriculturists.

They are classified as a Scheduled Caste in the Uttar Pradesh:

47. Bauriahs or Baoriess, Baurias, Bawaryas, Bawaris, Marwaris, Baurias, Moghias. Baories, also called Bauriah or Bawariya, Bagri, Moghia, etc., are notified as a Criminal Tribe in the Punjab, Delhi and Ajmer States, in Muzaffarnagar and Meerut districts of the Uttar Pradesh and also in parts of Rajasthan and Madhya Bharat, where they are known as Bawarias or Moghias. They are also notified as a Criminal Tribe in Bihar under the name Marwari Bauria. Bauria is a functional term being derived from Bawar or noose made of leather with which they snare wild animals. The term

Bauria denotes "hunter by profession". The Bauriah have come to be regarded as a separate caste from the Sansis. They trace their origin to some degraded Rajput at Chittor to whom they say, they were attached at the time of the sack of that town by Ala-ud-Din Khilji. In the Punjab Census Report of 1881, Sir Denzil Ibbetson has stated that he considered the Kanjars of Eastern Punjab to be Bauras, and it is now generally recognised that Kanjars are Sansis. As early as 1872, when the Baurias were found chiefly in the Southern districts of the Province, the Punjab Government in their report to Government of India had referred to Baurias "as professing to be descended from Sans Mal Rajput." From these facts, the inference would be that Baurias, Kanjars and Sansis are really one people. Major Gunthorpe gives the Bauriah the cognomen of "Badak" and states that the Vaghris of Gujarat, and the Pardhis of Deccan are offshoots of this tribe. This view is supported by the facts that the dialect of these tribes though living far apart have much resemblance, so also some superstitions and customs. In Central India, the Bagris are called Moghias. According to one version of the origin of Moghias, the Rajputs who took low caste women became separated as Moghias while the others became Baurias. It is said that the criminal section of the tribe will admit men of other castes to their fraternity on payment.

The Baurias were once notorious for theft and house breaking by night. They sometimes used to indulge in robberies and dacoities also. They wandered throughout India in the garb of Sadhus or Bairagis. They are now fairly settled down in agriculture in a colony in Muzaffarnagar district of the Uttar Pradesh. In the Punjab also, they have now taken to agriculture and have mostly forsaken their past traditions. Many of them have also taken to cultivation in the Ajmer State.

In Bhopal, Madhya Bharat and Rajasthan also, they are reported to have been reformed considerably and most of them are now engaged in cultivation.

In the Uttar Pradesh, Bihar, the Punjab and Ajmer States, they are classified as a Scheduled Caste. In Jodhpur Division of Rajasthan State, Bagris are classed as a Scheduled Caste.

48. **Bedyas.**—They are notified as a Criminal Tribe in West Bengal and also in the Punjab, Vindhya Pradesh and part of the Uttar Pradesh where they are called Berias. Sir Risley in his book "The Tribes and Castes of Bengal" describes Bedyas as a generic name of a number of vagrant gipsy-like groups, such as Babajiva Bazigar, Kabutri, Mal, Mir Sikar etc. The notes sent by the West Bengal Government state "they are reported to be the descendants of the Pindharis of the Province of Bombay and Madras. They themselves claim to have come from Gujarat but have no idea as to where it is situated". In the Uttar Pradesh, they are mostly found in the district of Etawah. The Berias of Central India differ in many respects from those of Bengal. Some of them say that some generations ago, two brothers resided in the Bharatpur territory. One brother was named Sans Mull while the other Mullanur. The descendants of Sans Mull are the Sansis while those of Mullanur are the Berias or Kolhatis. Russel and Hira Lal in their "Tribes and Castes of the Central Provinces in India" state that the Beria women are professional prostitutes and the men keep concubines drawn from any fairly respectable caste. They further say that if the boys want to have regular marriage, they are generally to obtain girls from outside. "For a bride from the caste itself a sum of Rs. 100 is usually demanded and the same has to be paid by a Beria man who takes a wife from the Nat or Kanjar castes as is sometimes done. When a match is proposed, they ask the expectant bridegroom how many thefts he has committed without detection and if his performances have been inadequate they refuse to give him the girl on the ground that he will be unable to support a wife". In Bengal, they have no fixed tribal occupation and take up many forms of manual labour. They are reported to be specialists in burglary but do not resort to violence in committing crime. In the Uttar Pradesh, it is stated that generally men commit crimes while the women take to prostitution, but now it is mostly on the prostitution of their women that the Berias depend for their living. Most of them have also now settled down. They are classed as a Schedule Caste in West Bengal and in the Uttar Pradesh.

49. Bengalis or Bhangalis.—Bengalis have been notified as a Criminal Tribe in the Punjab. They are said to have emigrated from Hoshiarpur to Kangra in which districts they are chiefly to be found. Sir Denzil Ibbetson, in his "Punjab Castes" says "as they are sometimes said to be a Sansi class and as the word Bengali seems to be applied in some districts to all Kanjaras and in others to all Sipadas or snake charmers it is probable that the Kangra Bhangalis are not a separate caste. According to another authority, they are a vagrant tribe of immigrants from Bengal. "They keep dogs and donkeys and exhibit snakes, eat all sorts of vermin and have a dialect of their own. Their women dance, sing and prostitute themselves. They are not criminal in the ordinary sense but are in the habit of kidnapping boys to sell to Hindu Mahants. The name is also applied generally to Musalaman jugglers." They are classed as a Scheduled Caste in the Punjab State.

50. Berads or Bedars.—Same as Boyas.

51. Berias.—Same as Bedyas.

52. Bhamtas (Takaris).—Bhamtas were notified as a Criminal Tribe in the Bombay Province. They are notified as a Criminal Tribe in the Hyderabad State. Bhamtas are also called Takaris, Ghantichors, Uchalias and many nicknames have also been given to them. Their names Ghantichors and Uchalias are derived from their profession of stealing and picking pockets. Mr. Enthoven in his "Tribes and Castes of Bombay" states that Bhamtas "are also occasionally styled as Khisa-Katru (Pocket-cutters), Vadaris, Kalwaddars, Tudug Waddars and Kawatis. Their home speech, which is broken Telugu, and their names, which have a southern or eastern form, seem to show that they have come from the Telugu districts" either of Madras or of Hyderabad. The author of the Bombay Gazetteer considers that the Poona Bhamptas are not true Bhamtas and asserts that the proper Bhamtas come, not from the east or south east but from the north, and are of Rajput descent. Their social position is low but they are not considered untouchables. Picking pockets in thefts in bazaars, temples, fairs, and Railway trains are their usual crimes but occasionally they commit house breaking and robbery also.

53. Bhamptas (Rajput).—Rajput Bhamptas or Pardeshi Bhamptas are a distinct class from the Takari Bhamptas. They were notified as a Criminal Tribe in the Bombay Province. Mr. Kennedy in his "Notes on Criminal Classes in the Bombay Presidency" states that the Rajput Bhamptas "owe their origin to the tribe of Sonarias, the great diurnal thieves of Bhopal and Bundelkhand and are probably identical with Jowari Bhamptas of Edalabad in His Highness the Nizam's Dominions." Among themselves, they speak Hindustani but all can speak Marathi and some Kanarese and Telegu. They are generally fair and their social position is somewhat higher than the Takaris. Many of the Rajput Bhamptas have lands but still some men go on long tours on thieving expeditions while the women stay at home and attend to field work. They commit thefts at crowded fairs, markets, and Railway trains. They steal generally by day only and stealing by night is punished with excommunication.

54. Bhanmates.—They are notified as a Criminal Tribe in Dewas (Senior) in Madhya Bharat. Bhanmate is a sub-caste of Bedyas or Berias and its social status, mode of living, etc., are the same as Bedyas.

55. Bhantus.—Bhantus are notified as a Criminal Tribe in the Uttar Pradesh. According to the tradition, they are the descendants of Rajputs, who, after the defeat of Rana Pratap Singh, became homeless wanderers with no other means of subsistence except regular looting. Bhantus and Karwals are almost alike. They intermarry and have similar social and religious customs. Before being confined to settlement, they were mostly in Rohilkhand Division. They claim to be Kshatriyas and some of the Karwals, who are educated, write Rajput after their names. The Karwals are so much intermixed with Haburas, Bhantus and Sansis that it is

difficult to distinguish their social customs. In the Uttar Pradesh they are now confined in settlements or are restricted in the villages and hamlets near Police Stations. Bhantus have no hereditary lawful occupation or means of livelihood and when they find it difficult to commit crime, they take to begging. Their crimes are similar to those of Kanjars, Nats and Sansis with whom they associate also.

In the Uttar Pradesh they are classified as a Scheduled Caste.

56. Bhars.—They are notified as a Criminal Tribe in West Bengal, and Banaras and other four districts in the Uttar Pradesh. They are chiefly found in the Uttar Pradesh, West Bengal and Bihar. The Bhars of Gorakhpur claim to be the descendants of an early Kshatriya king named Bhardwaj. Sir C. Elliott writes "The scene before us in Oudh at the fall of the historic curtain is an uninhabited forest country and a large colony of Surajbhansis occupying Ajudiya as their capital when the curtain rises again we find Ajudhia destroyed, the Surajvanshis utterly banished and a large extent of country ruled over by aborigines called Cheros in the far east, Bhars in the centre and Rajputs in the West. The great revolution seems to be satisfactorily explained by the conjecture that the Bhars, Cheros, etc., were the aborigines whom the Aryans had driven to the hills and who swarming down from thence not long after the beginning of our era overwhelmed the Aryan civilization even in Ajudhya itself drove the Sarajbhansis under Nanaksen to emigrate into distant Gujarat and spread over all the plain between the Himalayas and that spur of the Vindhya range which passes through the south of Mirzapur."

In the Uttar Pradesh, they call themselves Rajbhars. They are good agriculturists and masons. They have strong panchayat and they agitated for the removal of their caste from the list of Scheduled Castes. In the past, they were burglars and field thieves and they were known to combine for road robbery and dacoity. In the Uttar Pradesh, it is now reported that they are living a peaceful life and the incidence of crime among them is almost nil.

In West Bengal, they come to work as mill hands and are found in and around Calcutta and also in the colliery areas in Burdwan. They commit theft, burglary, robbery and dacoity, and their criminality extends to many districts of West Bengal.

57. Bhats.—Bhats have been notified as a Criminal Tribe in the Jodhpur Division of the Rajasthan State. Bhats are the bards or poets, who tell the family history of some of the castes. The Bhats, who are notified as a Criminal Tribe in Jodhpur, appear to be Kanjar Bhats and probably some are Kanjars.

58. Bhattu Turkas.—Bhattu Turkas were notified as a Criminal Tribe in the Chittoor district of Madras State. They are also known as Bhattu Rajas as they used to maintain themselves by praising the Rajas and other rich men. They have settled in the Chittoor district. Some of them have lands but they are not sufficient for their maintenance. They beg and also resort to crimes mostly in day light, generally disguising themselves as pilgrims. They commit thefts, pick-pocketing and cheating.

59. Bhedkuts—Bhedkuts are notified as a Criminal Tribe in the Punjab. They are reported to belong to the Sansi fraternity and their mode of life is similar to that of Sansis. Bhedkut is a functional name, derived from *Bhed* meaning goat as they used to commit thefts of goats.

60. Bhils.—Bhils who were convicted of non-bailable offence or required to give security under section 110 Criminal Procedure Code on or after 1st January 1920 were notified as a Criminal Tribe in the districts of East and West Khandesh, Nasik, Ahmednagar, Poona and Sholapur districts in the Bombay State. They are notified as a Criminal Tribe in Jalore and Pali districts in Rajasthan. Mr. Enthoven in his "Tribes and Castes of Bombay" states that the original home of the Bhils "is the

hilly country between Abu and Asirgarh, from which they have spread westward and southward into the plains of Gujarāt and the Northern Deccan and lately under pressure of famine, even to Sind. They are found in considerable numbers in Rajputana and Central India." Mr. Kennedy in his "Notes on Criminal Classes in the Bombay Presidency" states that "Bhils are not a wandering tribe. They do not leave the district in which they are born unless obliged and are great home lovers. The sphere of their activity does not as a rule extend beyond the taluka in which they live and others bordering on it." He further states "The Bhil is not pre-eminently a criminal in the sense the Kaikadi is. He goes into open outlawry on a large scale only as a result of bad years, want, the exactions of money lenders or some other disturbing cause. When the pinch of agricultural distress is felt, or any other provocation arises Bhils readily go out in gangs and take to looting and wide-spread depredations. For the rest his activities are mostly confined to minor crimes against property, an occasional murder the outcome of jealousy, revenge, or a belief in witchcraft."

61. **Bhura Brahmans.**—Bhura Brahmans are notified as a Criminal Tribe in Kangra district in the Punjab. They are a section of Brahmans only but have taken to a life of crime.

62. **Bijorias.**—Bijorias are declared as a Criminal Tribe in the Bhopal State. They are the same as Kanjars, but are called Bijoria in Bhopal.

63. **Boriyas.**—Boriyas are notified as a Criminal Tribe in Fatehpur and Kanpur districts of the Uttar Pradesh. Their sub-divisions include Arakh, Bahelia, Pasi, Rajpasi, etc. It appears that Boriyas are connected, if not actually an offshoot of the Passi tribe.

64. **Boyas (Peddas and Dongas).**—Boyas were declared as a Criminal Tribe in Kurnool, Bellary, Anantapur, Cuddapah and Chittoor districts in the Madras State. Boyas are called Bedars or (Berads) in Kanarese and those of them who were convicted for non-bailable offences on or after 1st January 1920 were notified as a Criminal Tribe in the Bombay State. They are originally said to have been employed under Tippu and Hyder as soldiers and are the martial class of the ceded districts. In the Gazetteer of Anantapur district, it is noted that "the Boyas are the old fighting caste of this part of the country, whose exploits are so often recounted in the history books. The Poligar's forces and Hyder Ali's famous troops were largely recruited from these people and they still retain a keen interest in sport and manly exercises". Mr. Enthoven in his "Tribes and Castes of Bombay" writes thus :—"Under the Peshwas the village of Chikkadine, about 12 miles north of Belgaum was a centre of a small Berad State..... In the early years of British Rule they caused the trouble, but were reduced to order in 1820. They were still very unwilling to settle to regular work and preferred to sublet their land even at a small rent rather than be put to trouble of farming". In Bombay State there was a great Bedar outbreak in 1829 and they also gave trouble in 1895 by committing numerous dacoities. They are of two types called Gunta Boyas and Pedda Boyas and only the latter engage in criminal activities. They speak Kanarese or Telugu according to the localities they live in.

Boyas are of excellent physique and are a terror to the community. After the fall of Vizianagaram Empire, several of them established themselves as Poligars. They style themselves as Naiks, Naidus, Doras and Dora Biddas. They are good hunters and wrestlers and generally live in the interior villages bordering hills. They worship both Shiva and Vishnu. Pedda Boyas eat beef. Several Boyas hold lands, which are not very rich. Boya girls are sometimes dedicated as Basavis. Women are sometimes employed as domestic servants and kept by the employers.

The active criminals of this tribe are reported to be expert cattle-lifters, but they also commit robberies, dacoities and house breaking.

65. **Buda Bukkalas (Ghakalas or Pamulas).**—They are declared as a Criminal Tribe in Guntur district in Madras State. The name Budubudike has been derived from an hour-glass shaped drum or budbudki. Budubudukalas are gipsy beggars

and fortune tellers who pretend to consult the birds and reptiles to predict future. Chakala or Pamula Budabukkals are reported to be snake charmers and they wander from place to place. Tattooing, mat-making and rearing pigs are some of their common vocations. Some have settled down and do coolie work and agriculture. The criminal members of the tribe commit dacoities, house breaking and thefts. Thefts of crops from fields and snatching jewels from sleeping women are their usual crimes.

66. Chamars.—Chamars of Etawah, Ghazipur and Jaunpur districts are notified as a Criminal Tribe in the Uttar Pradesh. Their name is derived from the Sanskrit Charma-kara, a worker in leather. They are carriers, tanners, and day-labourers throughout Upper India. Their social position in the Hindu society is low, and they have been classed as a Scheduled Caste in the Uttar Pradesh. Active criminals from this tribe generally commit theft and house breaking.

67. Chandravedis, Sonarias.—Chandravedis are Sonarias or Sanaurias. Chandravedis are notified as a Criminal Tribe in Vindhya Pradesh, while Sonarias are notified as a Criminal Tribe in Bhopal State. Their origin is said to be from Sanadhya Brahmins of Bundelkhand but at present they are a confraternity recruited by the initiation of promising boys from almost all castes. It is said that persons recruited from various castes continue their relations with their original communities only but they all combine together for the purpose of their criminal activities. Their usual way of committing thefts is through the agency of a boy specially engaged and trained by them. The adults either engage the shop-keeper in conversation while the boy runs away with property or cash, or they pretend to quarrel violently in the crowd or near a shop and when the attention of the people is drawn to the fracas, the boy runs away with the property. Chandravedis commit thefts by day only.

68. Chhuras or Churas.—They are notified as a Criminal Tribe in village Sabhra in Amritsar district and Fatehgarh, Sabhraon in Ferozepur district of the Punjab State.

Chhuras are the sweepers and scavengers of the Punjab. In some parts of the Punjab and Patiala and East Punjab States Union, they do agricultural work. They prepare chhaj or winnowing pan, and also sirki (grass thatch) used for carts etc. Some of them eat flesh or dead animals. Criminals among them commit petty thefts sometimes followed by violence in the interior.

69. Dhaleras or Dalarias.—They are notified as a Criminal Tribe in Bareilly, Meerut and Moradabad districts of Uttar Pradesh. They are basket makers and day labourers. Their name is derived from Hindi 'diliya', a basket. According to the tribal tradition, a Bargujar Thakur violated a Kahar woman and was excommunicated. His descendants are the Dhaleras. They are supposed to be closely allied both to Khagis and Mallahs. They cannot say from where they originally came except that they came some where from south, many years ago. One of the story is that they were driven from Meerut and Bulandshahr by a famine.

Mr. Crooke has described their thieving activities as follows, in his book "The Tribes and Castes of the North-Western Provinces and Oudh". "The Dhaleras will not thief at night and carry on their operations principally at fairs, bathing places and the like. At such places, a Dhalera takes his seat near pilgrim and pretends to cook. While his neighbour's attention is occupied, the Dhalera steals his vessels or other property. When he steals a brass pot, he goes into the water and with an iron spike, which he carries, makes holes in it, which prevent the possibility of identification. Sometimes they make a mock disturbance in the bazaar and in the confusion snatch articles from shops which they rapidly pass into the hands of a confederate".

Their methods of crime closely resemble those of Barwars and Sanaurhiyas.

70. Dandasis.—They are notified as a Criminal Tribe in Ganjam district in Orissa State. Dandasi means worthy of punishment. He is the village policeman and the village thief.

They are the most troublesome Oriya tribe living in Ganjam district in Orissa. The Dandasis are employed for watching the fields and for preventing and detecting thefts. They speak Telugu, Oriya and Hindustani and are strongly built men. The members of the tribe like the Tamil Kallars, believed that thieving was their traditional occupation and as such regarded it as justifiable. There is a legend that they adopted this occupation as their profession, because their ancestors assisted the Pandavas to escape from the lac fort which was constructed by the Kurus. It is said that the Dandasis perform an interesting ceremony of initiation into the profession of thieving when a child is born. When it is three or five days' old, the headman is invited to attend. A breach is made in the wall or beneath the door sill. Through this the infant is passed by the headman three times and received by some members of the family. Each time the headman repeats the words "enter baby enter. May you excel your father."

They are reported to be committing thefts of grain and cattle and occasional robberies and dacoities also.

They are classed as a Scheduled Caste in Orissa.

71. Dasaris (Dongas and Gudus).—The Dasaris are religious mendicants and are to be found all over the Madras State. Several of them are distinctly criminal and are known as Donga Dasaris. Donga Dasaries were notified as a Criminal Tribe in part of the Madras State. They are Vaishnavites. Members of other communities are freely admitted into their fold and begging is their hereditary profession. The active criminals of this tribe commit theft, cattle lifting and also house breaking, robbery and dacoity.

72. Dharis.—They are notified as a Criminal Tribe in Patna, Monghyr and Bhagalpur districts of Bihar State. They are described as a sub-caste of Dusadhs, by Mr. Risley in his "The Tribes and Castes of Bengal". A short description of the Dusadhs has been separately given. Dharis are mainly spread over the districts of Patna and Monghyr in Bihar. They are generally thieves but on occasions take to violence and commit serious crimes like dacoity and murder.

73. Dheas or Dhes.—Dheas are a Criminal Tribe in the Punjab and Patiala and East Punjab States Union. They are scavengers but commit petty crimes in respect of property. They still lead a nomadic life in the Patiala and East Punjab States Union. They are classed as a Scheduled Caste in the Punjab and Patiala and East Punjab States Union.

74. Dhekars.—They are blacksmiths and generally live in Birbhum (West Bengal) and Manbhum (Bihar). Some of them earn their livelihood as labourers, cultivators and snake charmers. The members of this tribe who are convicted are notified as a Criminal Tribe in West Bengal but the whole tribe is notified as a Criminal Tribe in Santal Parganas of Bihar. The men commit thefts and burglaries while the women are skilful pickpockets and pilferers.

75. Dhenwars.—Dhenwars are notified as a Criminal Tribe in the Gurgaon district in the Punjab. The name seems to have been derived from Dhiwar, a Sanskrit word, meaning a fisherman. The Dhenwar, Jhinwar and Kahar are all attached to some function connected with water. They are either fishermen, or draw and carry water. In the Gurgaon district where they are notified as a Criminal Tribe, they form a distinctive group separated from Jhinwar and Kahars. They work as fishermen, boatmen and some of them as Bharbhunjas. In the past they travelled about in the disguise of musicians, singing, begging, pilfering and committing theft or burglary on a large scale when opportunity offered.

76. Dommars or Domars (Reddis and Arais).—Dommars and Domars were notified as a Criminal Tribe in part of Madras and are still a notified tribe in the Hyderabad State. They appear to be a section of the Doms. In Hyderabad State they are also known as Kalatis or Gopals, and give displays in physical exercises in villages. In Madras they are scattered all over the Telugu districts, and are reported to be jugglers, rope dancers, athletes, etc. Women are proficient in making combs out of horn and wood and also implements used by weavers. They also rear donkeys and make and sell mats. Women are generally of loose morals. Both men and women are drunkards. They commit thefts, robberies and dacoities and also cattle-lifting.

77. Doms (Magahiyas, Oriyas, Audiniyas and Bansfores).—They are found in the Uttar Pradesh, West Bengal, Bihar, Orissa, Madras and other States. In the Uttar Pradesh, the Doms are mostly found in the terai of the Himalayas, in Gorakhpur, Basti, Banaras and other eastern districts. Mr. Crooke describes them as a low Dravidian caste scattered throughout the North Western Provinces and Oudh. They are sometimes called Jallad meaning "executioner". It was considered as a degraded and out-caste tribe. Some of them claim to have been the rulers in the past and say that Domingarh in the Gorakhpur district in the Uttar Pradesh owes its name to Dom rajah whose capital and fortress were on this spot.

The Magahiya Doms which is a sub-caste of the Doms seem to have taken their name from the ancient kingdom of Magadha or South Bihar. They however say that their name means vagrant from the Hindi 'mag'. They are nomadic, very poor, quarrelsome and dirty. They are in lower grade nomads like the Sansyas or Haburas. Magahiya Doms are notified as a Criminal Tribe in Bihar while only the convicted members are notified in the West Bengal.

In the Uttar Pradesh where also they are notified as a Criminal Tribe, they are now settling down, most of them being employed as scavengers. The criminal instinct in them is said to be dying away.

In West Bengal, Magahiya Doms are found almost all over the State employed as scavengers and sweepers. Some of them commit thefts, burglary and robbery.

In Bihar, Magahiya doms who are active criminals are reported to be committing dacoities in addition to thefts, burglary and robbery. They are said to be active in Gaya, Shahabad and Saran. The active criminals from Bansfore Dome tribe in Bihar are reported to be desperate and dangerous criminals, who commit robberies and burglaries.

Audiniya Doms and Oriya Doms were notified as a Criminal Tribe in the Madras State. They are weavers, labourers and scavengers. In Madras, they are reported to be cattle-lifters, petty thieves, and some of them to be burglars.

In Orissa, there are two classes of Doms, *viz.*, Oriya and Audiniya Doms both of which are notified as a Criminal Tribe. Both these sub-sections are settled and are not nomadic. They visit weekly market places on pretext of petty trade but in fact they are their meeting places. The favourite crime of the active criminals of these sections is reported to be cattle theft but sometimes they commit extortion, burglary and dacoity also.

In the Uttar Pradesh, Bihar, Orissa and West Bengal they are classified as a Scheduled Caste.

78. Donga Yatas.—See Yatas.

79. Donga Yerukalas.—See Korchas.

80. Dusadhs (Chakais, Palwars, and Maghiyas).—Two branches of Dusadhs, *viz.*, Chakai Dusadhs and Magahiya Dusadhs, are notified as a Criminal Tribe in the Bihar State. Palwar Dusadhs have been notified as a Criminal Tribe in Ballia district in the Uttar Pradesh.

They are described by Mr. Crooke as a menial tribe found to the 'east of North Western Province.' The name is said to have been derived from the Sanskrit "Dush" "to be corrupted" and "ad" "to eat" or from daush-sadhika "a porter". Some of them describe themselves as descendants of Duhsasana while other as those of Bhimsen. In the hills, they call themselves Khasiya Rajputs. "It is said that most of Lord Clive's army which fought at Plassey consisted of Dusadhs". In Bihar, at present the Chakai Dusadhs are generally found on work in the coal fields. Maghaiya Dusadhs are confined to Darbhanga and Saharsa districts. In West Bengal and Bihar, Dusadhs occasionally worked as cooks and grooms for Europeans. Some of them hold small pieces of land but generally they hold a low place in the agricultural system. They are much reformed now but the active criminals of this tribe commit thefts, burglaries and sometimes robbery and dacoities.

81. Gandhillas.—Gandhillas have been notified as a Criminal Tribe in Muzaffarnagar district of the Uttar Pradesh and also in the Patiala and East Punjab States Union and the Punjab. They are said to belong to the Punjab but wander in the Uttar Pradesh also. Their name seems to have been taken from Sanskrit word 'Gandha' meaning smell in the sense of 'fetid' 'mal-odorous'. According to Sir Denzil Ibbetson, "they wander about bare-headed and bare-footed, beg, work in grass and straw, catch quails, clean and sharpen knives and swords, cut wood and generally do odd jobs. They are said to eat tortoise and vermin. They also keep donkeys and even engage in trade in a small way." They claim that in olden days they had a kingdom in a distant part of the Punjab which they lost and that they are under a vow not to wear shoes or turban till their possessions are restored to them. Even now they wander from place to place, do odd jobs, are dirty and uneducated and eat vermin.

In the Punjab and Patiala and East Punjab States Union, they are classified as a Scheduled Caste.

82. Gantichores or Gantukollars.—Gantichores otherwise known as Gantukollars were notified as a Criminal Tribe in the Mysore State. They are said to have come to Mysore from the neighbouring Telugu districts where they are called Donga Dasaris. They follow Korachars and Karamars in customs and habits and they mingle with them.

Some of them are expert cheats in passing base metal as gold. They also commit petty thefts.

83. Gidhias.—They are notified as a Criminal Tribe in Moradabad district of the Uttar Pradesh. They are nomads and are reported to be a sub-caste of Sansis. They eat jackals and their social position is low. They generally commit thefts and burglaries.

84. Ghasis.—Ghasis were notified as a Criminal Tribe in Vizagapatam district in Madras. They are also notified as a Criminal Tribe in the Orissa State. They seem to have taken their name from their profession of cutting grass and supplying it to horse owners. They are also known as Haddis and are a low class of Oriyas. They are akin to Malas, Madigas or Parias. Rellis form a sub-caste among them. Only a few of them were brought under the Criminal Tribes Act in Madras. They commit thefts and house breaking, and also thefts of cattle. In Orissa, it is reported that they demand foodstuffs and small amount of money for drink on threat of committing theft.

In Orissa and Madras they are classed among the Scheduled Castes.

85. Ghosis.—Ghosis are notified as a Criminal Tribe in Aligarh, Etah and Mainpuri districts in the Uttar Pradesh. Their name seems to have been taken from Sanskrit "Ghosha" shout. They are a tribe of Muslim herdsmen. There is little doubt that they are Ahirs converted to Islam. They still retain some Hindu beliefs and practices. They rear cattle and deal in milk and butter.

86. Gondas.—Gondas are an aboriginal tribe living chiefly in the districts of Sambalpur, Bamra State, Patna and Sonapur all in the Orissa State. There are four sub-sections of this tribe some of which live in Orissa. Their ostensible means of livelihood are weaving and singing. Those who are convicted are declared as a Criminal Tribe in West Bengal.

Some of them are addicted to the commission of picking pockets, burglary and road dacoities.

87. Gujars.—The Gujars are found in the western part of the Uttar Pradesh and their main occupation is reported to be agriculture and cattle breeding.

They take their name from the Sanskrit "Gurjara" the original name of the country now called Gujarat. General Cunningham identifies them with the Kushan or Yushi or Yochari, a tribe of Eastern Tartars. He says "about a century before Christ their Chief conquered Kabul and Peshawar country." The son of this Chief Hima Kadphises extended this kingdom to Upper Punjab, to the banks of Jumna and down to Mathura and Vindhya. Before the end of third century, the Gujars began to move southwards down the Indus. "The town of Gujarat is said to have been built or restored by Ala Khan Gujar in the time of Akbar" General Cunningham says "At present the Gujars are found in great numbers in every part of the North West of India from the Indus to the Ganges and from the Hazara Mountains to the Peninsula of Gujarat."

Mr. Crooke says "the Gujars as a tribe have always been noted for their turbulence and habit of cattle stealing." He gives some historical incidents in which Gujars are reported to have taken part in plundering. One interesting proverb quoted by him is reproduced below :—

Yar Dom re kina Gujar

Chura Chura Ghar Kardiya Ujar

Meaning.—When the Dome made friends with the Gujar, he was robbed of house and home.

They are still reported to be expert thieves in the Uttar Pradesh where they are notified as a Criminal Tribe.

88. Haburas.—They are found chiefly in the Gangetic basin in the Uttar Pradesh. There are two legends about their origin given by Mr. Crooke in his "Tribes and Castes of the North Western Provinces and Oudh." According to one story, the ancestor of Haburas chased a hare into a forest retreat, then occupied by Sita in exile. She was offended at the intrusion and cursed that his descendents would have to be wanderers and live by chase. According to the other story, they were once Rajputs who lived in Aligarh district. They rebelled against the Emperor and Ala-ud-din sent a force to coerce them. They were defeated and lived by hunting. Some of them compromised with the Emperor and so they returned to their homes. They learnt that one of their kinsmen had died and so they went to see his widow becoming Sati. When she was brought out, she saw a hare and immediately started after it with cries of hau ! hau ! Hence the tribe was called Habura. Due to this behaviour of this widow, they were excommunicated by other Rajputs and they have remained outcaste till the present day.

They are a vagrant and thieving tribe. "Ethnologically the Haburas are no doubt very closely connected with the regular gypsy tribes of Sansiya and Bhatu." Their women have loose morals.

In the past, they were reported to be robbing standing crops, attacking carts and passengers along the roads and committing robberies and dacoities. It was a practice among them that if a Habura was killed in the commission of any crime his accomplices gave his widow one hundred and fifty rupees, if he was only arrested they supported his family until he was released.

They are notified as a Criminal Tribe in the Uttar Pradesh. Most of them are reported to have been settled now. In the Uttar Pradesh, they are classed as a Scheduled Caste.

89. Handijogies.—Handijogies were notified as a Criminal Tribe in the districts of Bangalore and Kolar of the Mysore State. Handijogies do not seem to be one caste but composed out of the outcastes of various Hindu castes. They are also known as Handichikkas. This caste is traced to the Pakanati sub-section of the jogis, which name it bore some five generations back when the traditional calling was buffalo-breeding. But, as they subsequently degenerated to pig-rearing, they came to be known as Handijogis, 'handi' being the Canarese word for pig.

They mostly engage in rearing pigs and begging. They also hawk medicines and supply herbs to druggists. Their women sell needles and glass beads in country side. They used to commit dacoities, robberies, house breaking and thefts. It reported that now-a-days, they have mostly given up their criminal habits and have taken to agriculture. Handijogies are classified as a Scheduled Class in the Mysore State.

90. Hingoras.—Hingora is a Criminal Tribe in Kutch. They are settled at different villages in Kutch and generally follow the occupations of cultivation and labour. The active criminals commit house breaking, robbery, dacoity, cheating and smuggling.

91. Irulars.—Irulars were notified as a Criminal Tribe in the Madras State. (North and South Arcot, Trichinopoly and Madras City). They are a forest tribe found in Chingleput, North and South Arcot districts. Their chief source of livelihood is husking paddy, but they also gather firewood for sale. They also eat field rats and winged white ants. Some Irulars are herbalists and are believed to have the powers of curing certain diseases, snake poisoning, and the bites of rats and insects. They have no fixed place of abode. Mr. Stuart in his Manual of the North Arcot district states "Many members of this tribe have taken to agriculture in the neighbouring villages, but the majority still keep to the hills, living upon roots and wild animals, and bartering forest produce for a few rags or a small quantity of grain. When opportunity offers, they indulge in cattle theft and robbery." The Irulars of South Arcot, Mr. Francis writes (Gazetteer of South Arcot district) subsist by watching crops, bailing water from wells, and when times are hard, by crime of a mild kind. In Villupuram and Tirukkeyilur taluks and round Gingee, they commit burglaries in a mild and unscientific manner if the season is bad and they are pressed for want, but if the ground-nut crop is good, they behave themselves."

92. Jaintra Pans.—The Jaintra Pans have been notified as a Criminal Tribe in Orissa. They are a section of the Pans, who according to Sir H. Risley, are a low weaving basketmaking, and servile caste scattered under various names through out the north of Orissa and the southern and western parts of Chhota Nagpur. The social status of the Pans is very low. They eat beef, pork, fowls and drink wine. They regard themselves as superior to Haris. Their original profession was weaving but many do cultivation now. According to Sir H. Risley "the Buna Pans of Orissa are noted thieves". The Jaintra Pans reside in the jurisdiction of Jajpur Police Station in Cuttack district. They are reported to be addicted to burglary. They are classed as a Scheduled Caste.

93. Jats (Gutkas or Dillons).—Gutka Jats and Dhillon jats are notified as a Criminal Tribe in some parts of the Punjab State.

The Gutkas, a small sub-section of the Bhatti Jats residing in village Hudiana of Lahore district, are said to be descended from one Gurbakhsh Singh, a Sikh Jat, who earned the nickname of Gutka (meaning a collection of all that is bad), by his thieving propensities.

The small community of Dhillons residing in the village Dhillon was notified a Criminal Tribe on account of their habitually stealing cattle and dealing in them. The village had become a centre of "Bhumga" operations. Of the 50 adult males, 17 had been convicted, and there was well founded suspicion against other members of the tribe. Those who are criminals commit thefts and robberies.

94. Jogis or Jogulas.—The Jogis were declared to be a Criminal Tribe in the Madras State. They are a caste of Telugu mendicants and are summed up by Mr. H. A. Stuart (In Manual of the North Arcot District) as being "like the Dasaris, itinerant jugglers and beggars. They are divided into those who sell beads and those who keep pigs. They are dexterous snake charmers and pretend to a profound knowledge of charms and medicine. They are very filthy in their habits. They have no restrictions regarding food, may eat in the house of any Sudra and allow widows to live in concubinage, only exacting a small money penalty and prohibiting her from washing herself with turmeric water". In addition to begging and pig rearing, the Jogis are employed in cultivation of land, in the destruction of pariah dogs, scavenging, robbery and dacoity. In Tamil country, the Jogis are called Dhoddiyan or Tottinyan, and those who are employed as scavengers are known as Koravas or Oddans. They are said to eat crocodiles, field rats and cats. They commit robberies and dacoities on highways and mercilessly belabour their victims.

95. Kaikadis.—Kaikadis are found chiefly in the Deccan and in small numbers in the Karnatak and Southern Maratha countries. They are notified as a Criminal Tribe in Hyderabad and were also notified as a Criminal Tribe in the Bombay State. The name Kaikandi seems to have been derived from Tamil 'Kai' hand and 'Kude' basket. They state that their original home was Telangana, which seems probable from their language which is a mixture of Telugu and Kanarese. Mr. Enthoven states that "the tribe has been loosely organised and appears to have been recruited at times from other criminal tribes such as the Bhandus, Lawans, etc. Their social status is very low. Basket making is their traditional occupation. They, however, do not generally prepare baskets from bamboos but from cotton stalks, palm leaves and grass. In the south they are employed as carriers of stone, lime, bricks and gravel. They also make reed sizing-brushes used by weavers, snares for catching birds etc. Mr. Enthoven remarks that "they are a wandering tribe and were once notorious robbers; but have now adopted comparatively settled habits, though some of them still commit thefts and indulge in house breaking".

96. Kaladis.—Kaladis otherwise called 'Parayars' residing in and around Ulamgampatti Station limits (Ramnad district) in Madras State were notified as a Criminal Tribe. The Kaladis of Ramnad are agriculturists having sufficient lands. As there are no irrigation facilities they only have one crop during the rainy season and go out for committing crime when the rainy season is over. The nature of crime committed by them is theft, house breaking, robbery and dacoity. They are classed as a Scheduled Caste.

97. Kallars (Peramalais, Kootarpals and Periya Suriyurs).—Kallars were notified as a Criminal Tribe in the Madura North and South, Tanjore and Trichinopoly districts in the Madras State. Mr. H. A. Stuart writes as follows in the Madras Census Report about this tribe. 'A middle-sized dark skinned tribe found chiefly in the districts of Tanjore, Trichinopoly and Madura and in the Pudukota territory. The name Kallar is commonly derived from Tamil. Kallan which means theft. Mr. Nelson expresses some doubts as to the correctness of this derivation but Dr. Oppert accepts it; no other has been suggested. The original home of the Kallans appears to have been Todamandalam or the Pallava country and the head of the class, the Raja of Pudukota is to this day called the Tondaman. There are good grounds for believing that the Kalans are a branch of the Kurumbas, who when they found their regular occupations as soldiers gone "took to marauding, and made themselves so abnoxious by their thefts and robberies, that the term Kallan thief, was applied, and stuck to them as a tribal appellation". He further states "The Kallars will eat flesh,

excepting beef, and have no scruples regarding the use of intoxicating liquor. They are usually farmers or field labourers but many of them are employed as village or other watchmen, and not a few depend for their subsistence upon the proceeds of thefts and robberies. In Trichinopoly town householders are obliged to keep a member of the Kallan caste in their service as a protection against the depredations of these thieves, and any refusal to give in to this custom invariably results in loss of property". Kallars are addicted to dacoity in houses, or on highways, robbery, house breaking and cattle stealing.

98. **Kanjars.**—Kanjars have been declared as a Criminal Tribe in the Punjab, Patiala and East Punjab States Unions, Madhya Bharat, Rajasthan, the Uttar Pradesh, Ajmer and Bhopal States. They were notified as a criminal tribe in the Madras and Bombay States also before the repeal of the Criminal Tribes Act, in those States.

Mr. Crooke says that Kanjar is a name applied to an aggregate of vagrant tribes of gypsy type probably of Dravidian origin. They seem to have derived their name from the Sanskrit word "Kanan-Chara" meaning wanderer in the jungle. Kanjars are a branch of the great wandering race to which Sansiya, Habura, Beriya, Bhatu etc., belong. Kanjars are described as the same as Sansis by Mr. Enthoven in his "Notes on Criminal Classes in the Bombay Presidency". Sansis of Punjab however consider the Kanjars to be of a lower social status than themselves, while the Kanjars in Ajmer and in some parts of Rajasthan consider Sansis to be of lower status. Their origin is not quite certain. "The Kanjars, in their occupations and mode of life, closely approximate to the European gypsy". They commit thefts, robberies, house breaking, cheating and cattle thefts.

They are generally nomadic but most of them in the Uttar Pradesh are now reported to have settled down in agriculture.

In the Uttar Pradesh, Ajmer, Madhya Bharat, Rajasthan and Bhopal they are classed as a Scheduled Caste.

99. **Karwal Nats.**—Karwal Nats are notified as a Criminal Tribe in the West Bengal and in Bihar. In the Uttar Pradesh they are called Karwals only and they are notified as a criminal tribe. They claim that their ancestors lived in the Bhojpur in Arrah district. They are chiefly found in the eastern districts of the Uttar Pradesh and also in Bihar. The tribe has a large number of sub-castes. In the Uttar Pradesh some of the members are reported to follow their original calling and lead the life of hunters, some work as labourers while others have taken to cultivation but on a small scale. The vast majority of them are nomadic and wander about in the Uttar Pradesh and Bihar. In 1905 large gangs of Karwals were found to be committing robberies and dacoities in the eastern districts of the Uttar Pradesh when vigorous measures were instituted against them resulting in a Karwal exodus to Bengal.

The ostensible means of livelihood of the wandering Karwal Nats in West Bengal is begging. They commit dacoity, robbery, burglary and theft. Theft of goats is a very favourite form of crime with them. They are reported to be one of the most dangerous criminal classes in West Bengal.

100. **Kepumaries.**—Kepumaries have been notified as a Criminal Tribe in Mysore and were also declared to be a criminal tribe in the Madras State. Kepumaries are Korawas. They are a gypsy tribe found all over the Tamil country but chiefly in Kurnool, Salem, Coimbatore and South Arcot. In Mysore these people are said to have come from Jhogumalai in Trichy district. Korawas have usually been treated as being the same as the Yerukalas. Both castes are wandering gipsies, both live by basket making and fortune telling, both speak a corrupt Tamil and may have sprung from one original stock. But their names are not used as interchangeables in the districts where both are found. They do not inter-marry or eat together.

Kepumaries eat cats, fowls, fish, field rats, etc. Their social position is very low. They commit offences in banks, post offices, and railway carriages. They also pass base metal for gold and cheat their victims.

101. Kewats.—Kewats of Basti district are notified as a Criminal Tribe in the Uttar Pradesh.

They are a caste of fishermen, boatmen and cultivators. Their name is said to have been taken from "Kiwart", a corrupt form of "Kimwart" meaning "a person following a low or degrading occupation". They are very similar to Mallah and sometimes described as a branch of the latter.

In the Uttar Pradesh they are reported to be fast giving up their life of crime.

102. Khatiks.—Khatiks of Basti and Gonda districts are notified as a Criminal Tribe in the Uttar Pradesh. They are described by Mr. Crooke as "a cultivating labouring and vegetable selling caste found all over the Province. They are, no doubt, very closely connected with the Pasis of whom they are sometimes classed as a sub-caste." There are Hindu Khatiks as well as Muslim Khatiks. In the west of the Province they are considered next lowest to the Bhangis. In the east they also hold a very low rank and no one generally drinks water touched by them. Their chief occupations are keeping and selling pigs and selling vegetables and fruits, which they buy wholesale from Koiris.

They are classified as a Scheduled Caste in the Uttar Pradesh.

103. Kintali Kalingas.—Kintali Kalingas were notified as a Criminal Tribe in six villages in Pondur station limits of Vizagapatam district, Madras State. It is a small tribe chiefly occupied in cultivation. Their mother tongue is Telugu but those who wander also know Oriya, Hindustani and Marathi.

They pose as Sapta Godavari Brahmins, and wear sacred threads. As religious mendicants, they are allowed to enter the houses of the rich and given substantial presents. In these visits they become familiar with the houses and later commit crime. Begging is also adopted as a convenient cloak to visit the houses of the intended victims.

104. Komakapus.—Komakapus have been notified as a Criminal Tribe in the Hyderabad State. Komma and Kapus resemble one another in appearance and custom and it is possible that they have branched off from one and the same Dravidian stock. Kapus are cultivators, and farmers in the Telugu country. One of the sub-castes of Kapus is also Kammapuvi. This seems to be the same as Kammass, who in some places pass as Kapus. Their social status is rather low, and the active criminals among them commit thefts and house breaking.

105. Konda Doras.—Konda Doras were notified as a Criminal Tribe in South Vizagapatam district, Madras. They are a caste of hill cultivators. They talk Telugu. In the Census Report of 1901, Mr. W. Francis states that the Konda Doras "seem to be a section of the Khonds, which has largely taken to speaking Telugu, has adopted some of the Telugu customs, and is in the transitional stage between animism and Hinduism. They call themselves Hindus, and worship the Pandavas and a goddess called Talupularma. They drink alcohol and eat pork, mutton, etc., and will dine with Kapus". Their general occupation is cultivation but they are employed as watchmen also. They are generally settled but make predatory excursions occasionally. They commit thefts, house breaking and even robberies and dacoities.

106. Korachas and Koravas.—Korachas were notified as a Criminal Tribe in the Hyderabad and Mysore States and in almost all the districts in the Madras State under different names. Korachas, Koravas and Erukulas are the same. In the two Godavari districts, Krishna, Gunter and Nellore they are called Erukulas.

while their kinsmen in the other Telugu districts are called Korachas and in Tamil districts Koravars. They are said to have migrated into the Mysore State from the bordering States. They speak Telugu, and Erukula or Koracha language which is a corrupt form of Tamil. They profess to live by begging, rope making and tattooing. They are nomadic and wander all over the country. They commit all sorts of crime and particularly house breaking and petty thefts. Women are employed to gather information which they do by begging or by selling curry leaves. In Mysore some women also engage themselves in trade in beads and bangles. Due to large scale depredations indulged in by members of this tribe, and also the violence used during the commission of such offences, large numbers of this tribe were interned in Sitanagaram, Bitragunta and Stuartpuram settlements in Madras.

Korachas are classed as a Scheduled Class in the Mysore State.

107. **Kuchbands.**—Kuchbands have been notified as a Criminal Tribe in the Punjab. They are a sub-section of the Kanjars. Their name has been derived from “Kunch” or brush used by weavers for cleaning thread, which is prepared by them. They also prepare roofing mat, dig the khas khas grass used for making tattis, and also prepare ropes. They are notorious for their “zanp” which is a way of committing thefts from shops by a group of Kuchbands by keeping the shopkeeper engaged in talk.

108. **Karumbaravas.**—They were notified as a Criminal Tribe in the Ramnad district of the Madras State. This tribe was originally known as Karumpurattans. This term is said to be a derivation from the Tamil word “Karu-aruttan” which means an annihilator. The reason for the tribe inheriting this name is said to be that they are the descendants of a garrison of Chola Vellalas who treacherously allowed an enemy to enter the Tanjore Fort and annihilate the Raja and his family. They are a set of lawless people who have little respect for authority. They are known for their desperate actions and lawlessness. Originally they belonged to Tiruvalaimarudur in Tanjore district and settled down later in the Northern part of Ramnad district. They are also known as Karumaravans and speak Tamil.

109. **Labanis or Lamanis or Lamabdis.**—See Banjaras.

110. **Lodhas or Lodahs.**—They are notified as a Criminal Tribe in the Singhbhum district in Bihar and those who are convicted are notified in West Bengal. Lodhas are also notified as a Criminal Tribe in the districts of Mainpuri and Fatehpur in the Uttar Pradesh. They are said to be a branch of the Bhumijees, originally found in Midnapore. In Bihar they are few in numbers and said to have come to Singhbhum from the adjoining district of Midnapore in Bengal. They are also found in Hooghly and in the tea gardens of Assam, where they are looked upon as good labourers. They generally commit theft of cattle and occasional stray burglaries in Bihar. In West Bengal, however, active criminals are reported to be committing more serious crimes such as dacoities and to be using utmost violence, if opposed, when committing such crimes.

In West Bengal they are classified as a Scheduled Caste.

111. **Madigas.**—Madigas were notified as a Criminal Tribe in the Kurnool district in Madras. The Madigas are the great leather working caste in the Telugu country akin to Chucklers in the Tamil land. They are socially the most inferior caste and indulge in eating beef and flesh of dead animals. They drink heavily. They indulge in what is known as chinchu dance or sword dance which is often the cause of frequent friction between them and the Malas, as during dances, songs containing indecent reflections against the Malas are sung. Mr. H.A. Stuart writes in Madras Census Report 1891: “There was formerly a Matanga dynasty in the Kanarese country and the Madigas are believed by some to be descendants of people who were once a ruling race. Matangi is a Sanskrit name of Kali and it is possible that the Madigas once played an important part in the worship of the god”. The Madigas

are mostly field labourers and also trade in hides and work as tanners and shoe makers. In Kurnool district they are known as house breakers and cattle lifters.

They are classified as a Scheduled Caste in the Madras State.

112. **Mahatams.**—Mahatams are notified as a Criminal Tribe in the Ferozepore district in the Punjab. The origin of the Mahatams is very obscure. The word Mahatam is probably identical with Sanskrit Mahattam which is the superlative of the adjective Mahat, meaning great. The name would, therefore, ordinarily signify a title of honour unless it were used ironically, like the term Mehtar which in Persian means "very high" or "exalted" but is often applied to a sweeper.

Mr. Purser describes the Mahatam of Montgomery district. as under :

"They are a low Hindu caste, and are looked down upon by their neighbours. Their story is that they were Rajputs, and one of their ancestors was a Kanungo. Akbar was then on the throne. Kanungos were called Mahat, and thus they got their name. The first Mahat was dismissed and then settled at Mahtpur in Jullundur. His descendants emigrated and settled along the banks of the rivers as they found quantities of sarr (leaves of reed plant) in such situations, and working sarr was their chief occupation. It was not till the Nakkai chiefs held sway that they settled down permanently in this district. They adopted the custom of marriage with widows according to the form of 'chaddar dalna' and so became sudras. They are also called Bahrupias which is a corruption of "Bhorupias" and means people of many modes of life, because they turned their hands to any business they could find. They own a good many villages (19) most of which are in good condition. Where they are not proprietors of the whole village, they reside in a separate group of huts at some distance from the main abadi. They are great hands at catching wild pigs, but it is in cutting down the jungle on inundated lands that they excel. Though industrious, they do not care much for working wells and prefer cultivating lands flooded by the rivers. They are quarrelsome and addicted to petty thieving. They are of medium stature and stoutly made".

Till recently the Mahtams were a wandering tribe, residing mainly in riverine forests and living on hunting and crime. They appear to have begun settling down to fixed residence and taking to agriculture and other honest pursuits even earlier than the Baurias.

All the Mahatams are not members of Criminal Tribes. Only the notoriously criminal section of the Mahatams have been notified as Criminal Tribes in the Punjab.

Mahatams who are criminal are turbulent and dangerous. They indulge in cattle lifting, counterfeiting of coins, illicit distillation of liquor and thefts and dacoities accompanied with murder. They are also skilled in the use of skeleton keys. They are said to possess a very large number of unlicensed arms of prohibited bores.

113. **Malas.**—Malas were notified as a Criminal Tribe in Madras. They are the Pariahas of the Telugu country. According to some people the word Mala is derived from a Dravidian root meaning a mountain, which is represented by the Tamil Malai, Telugu Mala, etc. Malas will not take water from the same well as the Madigas, whom they despise for eating carrion, though they eat beef themselves and also drink. Socially they are very low. Malas generally engage in cultivation and as farm labourers while some of them are employed as weavers. The Malas in Kurnool are generally addicted to the commission of theft, house breaking, robberies and dacoities. Some Malas of the village Vendurupaka in the East Godavari district also engage in criminal activities. House breaking and theft are said to be their usual crimes.

They are classed as a Scheduled Caste in Madras State.

114. Mallahs.—Mallahs are notified as a Criminal Tribe in the Uttar Pradesh. The general term includes various boating and fishing tribes. The term Mallah is purely occupational and seems to have been taken from the Arabic term "mallah" meaning "to move its wings as a bird". Their origin is not definite but according to one story they are the descendants of Nishada, a mountain tribe of the Vindya range. They are also known as "Chain" in Mathura district. Their social status is low. They eat all kinds of fish and the tortoise. In the past they were reported to be committing river dacoities. But they are now reported to be operating in railway trains and other crowded places. They are also good at picking pockets, and also commit thefts and other minor offences. All of them are however not criminal and most of them have settled down in agriculture.

115. Man-Garudis.—Mang-Garudis were notified as a Criminal Tribe in the Bombay State. They are a section of the Mangs, known as Madigas in Kanarese. They were formerly snake charmers but now generally follow the occupation of shaving buffaloes. They are very dirty and wander from place to place, and live under temporary sheds prepared out of gunny cloth. They keep dogs and use donkeys, buffaloes, and pack animals. Their social position is very low. Some of them, who are now settled, are employed as scavengers and sweepers in Municipalities. Men are cattle lifters while the women commit petty thefts. Some of the men also pick pockets in bazars and crowded places.

They are classified as a Scheduled Caste in the Bombay State.

116. Maravars (Sambanads and Appanad-Kondayankottai Maravars).—Maravars were notified as a Criminal Tribe in Madras. They are found chiefly in Tinnevely and Ramnad districts in Madras. They say that they had assisted Rama in his war against Ravana and therefore Rama had exclaimed in good Tamil "Maraven" meaning I will never forget and that they have ever since been called Maravars. It is probable, however, that the name is derived from the word "Maran", pointing to their unpleasant profession of robbing and slaying their neighbours. Mr. Thurston says "in former days they were a fierce and turbulent race, famous for their military prowess. At one time they temporarily held possession of the Pandya Kingdom and at a later date, their armies gave valuable assistance to Tirumala Nayakkan. They gave the British much trouble at the end of last (eighteenth) century and the beginning of this (nineteenth) century, but they are now much the same as other ryots (cultivators), though perhaps somewhat more bold and lawless." Mr. F. S. Mullaly writes in his "Notes on Criminal Classes of the Madras Presidency" as follows :

"The Maravans furnish nearly the whole of the village police (Kavilgars, watchmen) robbers and thieves of the Tinnevely district. Very often the thief and the watchmen are one and the same individual."

117. Mewatis.—Mewatis are notified as a Criminal Tribe in the Uttar Pradesh and the Punjab. Mewatis are also called Meos. The word Mewati means a resident of the land of Mewat, the name which has been derived from the Sanskrit "Mina-Vati" "abounding in fish". Mr. Crooke in his "Tribes and Castes of North Western Provinces and Oudh" says "the similarity of names and the legend of Sasibadani, as well as the fact that the sections of both tribes closely agree, has led to the general belief that the Meenas and Meos, who are classed as distinct in their native home Rajputana, are really of common origin". Meos and Minas have the same social position, higher perhaps than the Ahir and other agricultural classes but below the Rajputs, from whom they say they have descended. Mewatis are all Muslims now, said to have been converted to Islam by Ala-ud-Din Ghor. "In the Ganges-Jumna Duab, they have been a thorn in the side of successive rulers since the dawn of history". "In the Mutiny they and the Gujars of the Upper Duab were notorious for their turbulence, and seriously impeded the operations against Delhi. The popular idea of them is quite in unison with their history ; Pahle lat, pichhe bat ; Dekhi

teri Mewat ; phale gali pichhe bat; are common proverbs which mean that in dealing with a Mewati, you had better kick or abuse him before you do business with him."

118. **Mianas.**—Mianas in certain parts of the Halar district in Saurashtra State have been notified as a Criminal Tribe. They are also called Sandhis and Sumeras. Sanghadias found in Nana Ambala appear to be a sub-caste of Mianas. They were originally Hindus but were converted to Islam many years ago. Some people hold that they are a section of Meos who went to Sind and Kutch and from there to the villages near the sea coast in Halar, where they have now settled down. They resemble the Sindhis closely and are handsome and virile-looking race. They are intelligent, active and courageous. Their women are also good-looking and reported to be of bad morals. Though Muslims, their mode of life is akin to that of Rajputs. Mianas were addicted to daring highway robberies, dacoities, cattle lifting, house breaking and thefts of all kinds. The Mianas of Malia were most notorious. Due to stringent supervision and enforcement of special regulations by the Police their activities are much reduced. It is now reported that they commit petty thefts and possess arms without license.

119. **Minas.**—Minas have been notified as a Criminal Tribe in the Punjab and Patiala and East Punjab States Union. Mina chowkidars have also been notified, as a Criminal Tribe in some parts of Rajasthan. Sir Denzil Ibbetson in his book on the Punjab castes writes as follows :—

" The Mina is, in the Punjab at least, almost invariably criminal. In Alwar and Jaipur, however, which are his home, this does not appear to be the case. Indeed the Jaipur State is said to be " really made up of petty Mina States, now under the chieftaincy of the Kachwaha Rajputs". "In Gurgaon indeed he cultivates land, but this does not prevent his being a professional thief. I extract the following description of the caste from Major Powlett's Gazetteer of Alwar:—

" Minas were formerly the rulers of much of the country now held by the Jaipur Chief. They still hold a good social position, for Rajputs will eat and drink from their hands, and they are the most trusted guards in the Jaipur State. The Minas are of two classes, the "Zamindari" or agricultural, and the Chaukidari or watchmen. The former are excellent cultivators, and are good, well-behaved people. They form a large portion of the population in Karauli, and are numerous in Jaipur".

" The ' Chaukidari' Minas, though of the same tribe as the other class, are distinct from it. They consider themselves soldiers by profession, and so somewhat superior to their agricultural brethren, from whom they take, but do not give, girls in marriage. Many of the ' Chaukidari' Minas take to agriculture, and, I believe, thereby lose caste to some extent. These Chaukidari Minas are the famous marauders. They travel in bands, headed by a chosen leader, as far south as Hyderabad in the Deccan, where they commit daring robberies and they are the principal class which the Thaggi and Dacoity Suppression Department has to act against. In their own villages they are often charitable ; and as successful plunder has made some rich, they benefit greatly the poor of their neighbourhood, and are consequently popular. But those, who have not the enterprise for distant expeditions and steal and rob near their own homes, are numerous and are felt to be a great pest. Some villages pay them highly as chowkidars to refrain from plundering and to protect the village from others. So notorious are they as robbers that the late Chief of Alwar, Bani Singh, was afraid lest they should

corrupt their agricultural brethren, and desirous of keeping them apart forbade their marrying or even smoking or associating with members of the well-conducted class."

"In April 1863, Major Impey, then Political Agent of Alwar, issued orders placing the Chaukidari Minas under surveillance; and under Major Cadell's direction lists of them have been made out, periodical roll-call enforced in the villages and absence without leave certificate, punished."

"I am not sure that, although speaking generally, Minas are divided into Chaukidari and Zamindari, there is any hard and fast line between the two classes. There is, I believe, an intermediate class, for Maharaja Bani Singh's attempts to keep the two apart were not very successful."

"There are said to be 32 clans of Minas. Out of 59 Minas apprehended for dacoity by the Dacoity Suppression Department, I found that the Job clan furnished 17, the Kagot 9, the Sira 8 and the Jarwal and Bagri 5 each. The Susawat was, I believe, formerly the most powerful clan, and that which held Ajmere."

"The Minas are the boldest of our criminal classes. Their headquarters, so far as the Punjab is concerned, are the village of Shahjampur, attached to the Gurgaon district but surrounded on all sides by Rajputana territory. There they till lately defied our police, and even resisted them with armed force. Their enterprises are on a large scale, and they are always prepared to use violence if necessary. In Marwar, they are armed with small bows, which do considerable execution. They travel great distances in gangs of from 12 to 20 men, practising robbery and dacoity even as far as the Deccan. The gangs usually start off immediately after the Diwali feast, and often remain absent the whole year. They have agents in all the large cities of Rajputana and the Deccan who give them information, and they are in league with the carrying castes of Marwar. After a successful foray they offer one-tenth of the proceeds at the shrine of Kali Devi. The criminal Minas are said to inhabit a tract of country about 65 miles long and 40 broad, stretching from Shapurah 40 miles north of Jaipur to Guraora in Gurgaon on the Rohtak border, the most noted villages being Koti Putli, Bhairor, and Shahjahanpur, each of which contains some 500 robbers. Their claim to Rajput descent is probably well founded, though they are said to spring from an illegitimate son of a Rajput; and in women's slang one woman is said to "give Mina" (Mina dena) to another when she accuses her of illicit intercourse. They practise karewa or widow marriage. They have a dialect of their own; or rather perhaps, a set of slang words and phrases which are common to the criminal classes. In the Punjab the Mina is almost confined to Gurgaon and the neighbouring portions of the Patiala and Nabha States. They are almost all Hindus and belong to the Chaukidari section and the Kogot clan."

In the notes received from the Government of the Punjab it is remarked that except for a few souls, the rest have now reformed and have been denotified. In Rajputana also they are now greatly reformed.

120. **Moghias.**—See Bawariahs.

121. **Multanis.**—Multanis have been notified as a Criminal Tribe in Udaipur and Bhilwara of Rajasthan State. They are said to be Muslim converts. They dress like Muslims but follow the customs of low Hindu Castes such as Banjaras. They eat all kind of flesh. They commit smuggling and also other offences against property.

122. Munda Pottas.—Munda Pottas were notified as a Criminal Tribe in the Ganjam district in Orissa. Their name seems to have been derived from "Mundo" head; 'patho' bury. They are mendicants who bury their heads in the sand or dust and expose rest of the body to arouse sympathy of the pilgrims. They wander about in Ganjam and Jagannath Puri. According to the notes sent by Orissa Government, they are reported to carry with them country made daggers, spears and guns. They commit petty thefts and house breaking and occasionally road robbery and dacoity. They are a Scheduled Caste in Orissa.

123. Mutharachas.—Mutharachas were notified as a Criminal Tribe in the Madras State. They are a Telugu caste found in Kisthna, Nellore, Cuddapah and North Arcot districts. Muthurians of the Tamil districts belong to the same community. Mr. H. A. Stuart writes about them as follows :—

"The Mutharachas were employed by the Vijayanagar Kings to defend the frontiers of their dominions and were honoured with the title of Poligars. The word Mutharacha is derived from the Dravidian roots "mudi", old, and "racha", a king ; but another derivation is from Mutu Raja, a sovereign of some part of the Telugu country. They eat flesh and drink liquor." Socially, their caste is considered a low one. Most of the members of this caste are poor. In the Nellore Manual, they are described as hunters, fishermen, bearers, palanquin-bearers, and hereditary watchmen in the villages. Mr. Thurston in his "Castes and Tribes of Southern India" states "in consequence of the fact that some Mutharachas have been petty chieftains, they claim to be Kshatriyas and to be descended from Yavati of the Mahabharat".

Several members of this community are now employed as Kavalgars, watchmen or village menials, while most of them are engaged in agriculture. Those who are criminal, associate in crimes with members of other communities and usually commit robberies and dacoities on the highways.

124. Musahars.—They are found mostly in the districts of Banaras division in the Uttar Pradesh. They are also found in Bihar. Musahars are notified as a Criminal Tribe in the Uttar Pradesh while a gang of Musahars as well as Musahars of Itahari are notified as a Criminal Tribe in the Bihar State.

They are described by Mr. Crooke as a Dravidian jungle tribe. According to one version their name is derived from 'Musa Ahar' meaning "rat-eater". According to other theory it is said to have been derived from "musa-hera" meaning "flesh seeker" or "hunter". They claim to be descendants of Shiva. They are also called Banmanus and it is not an uncommon sight to see them living in holes dug out in the embankment of tanks and tals.

They earn their living in the Uttar Pradesh by carrying palanquins, selling faggots of wood and making "donas" and "pattals" out of the leaves which they collect from the forests. They commit robberies and dacoities by making stray assaults on passers-by in the dark nights. They are reported to be committing dacoities also in Bihar and their criminal activities are carried out in the district of Shahabad and neighbouring districts.

In Bihar they are a Scheduled Caste.

125. Naiks.—Naiks have been notified as a Criminal Tribe in Jodhpur Division in the Rajasthan State. They are an aboriginal tribe akin to the Bhils and their social status is also similar to that of the Bhils. The active criminals from this tribe commit thefts, house breaking and sometimes robberies and dacoities also.

126. Nakkalas.—Nakkalas were notified as a Criminal Tribe in East Godavari district in the Madras. Bulk of the members of this caste reside in the rich delta of the East Godavari district, while a few are found in Vizagapatam and West Godavari districts. They are in fact a section of the Yenadis and not a separate caste. Nakkals or Nakka, meaning jackal, is also an exogamous, sect of Boya, Gudala, Golba and Mutracha. "The jackal is the vehicle of the Goddess Ankanna who is the tutelary deity of the Mutrachas" (Thurston).

Nakkalas are employed as Kavalgars or field watchers and frequently commit theft of agricultural produce. They also commit house breaking, theft of fowls, agricultural produce, etc., and do not hesitate to use violence if necessary.

127. Nirshikaris.—Nirshikaris were notified as a Criminal Tribe in Kurnool and Bellary districts in Madras State. They are the same as Haran Shikaris or Pardhis who were notified as a Criminal Tribe in the Bombay State. They are notified as a Criminal Tribe in Madhya Bharat under the name Pardhis. They are a wandering tribe and are found in the Madras, Bombay, Madhya Pradesh and in the Hyderabad State. They live by hunting, begging and collecting and selling forest produce and are experts in snaring birds. They are generally poor and dirty and have a very low social status. In Madras they commit house breaking, cattle lifting, theft of standing crops and pass spurious jewels and gold as genuine. In Bombay State the wandering Pardhis generally take to grain thieving or thefts of small livestock though occasionally they do commit more serious crimes.

128. Nokkars.—Nokkars or Nokkans were notified as a Criminal Tribe in Chingleput district in the Madras State. They are a class of mendicants who make periodical visits to villages where Pallis live and receive from them a small fee in money. This fee is received by the Nokkars from Pallis as it is said that one of their forefathers had helped the Pallis. They wear the sacred thread and carry with them a big drum and a pipe similar to that used by the snake charmers.

The Nokkars camp near villages and beg in day time. The women reconnoitre village houses and furnish information to the men who are expert burglars. They also commit petty thefts of fowls and paddy around their camping places.

129. Nuts or Nats.—Nats are notified as a Criminal Tribe in parts of the Uttar Pradesh and Rajasthan and also in the Punjab and Vindhya Pradesh.

The name of the tribe is taken from the Sanskrit word 'nata' a dancer. Mr. Crooke describes them as "a class of gypsy dancers, acrobats and prostitutes who are found scattered all over the Province". He further states "we have in Bengal a people known as Nar, Nat, Nartak, or Natak who form the dancing and musician class of Eastern Bengal; on the other hand many of the people, whom in these Provinces we class as Nats, such as Bazigarh, Sapera, and Kabutri, are classed in Western Bengal with the Bodiya who in Northern India are undoubted kinsfolk of the Sansyas, Habura and similar vagrant races." He concludes, "There seems, then, very little doubt that under the general name Nat, are included various tribes; some of whom are closely allied to the vagrant, criminal races like the Sansyas, Beriys and Haburas; and as we shall find a well pronounced totemistic system among some of the so called sub-castes, it seems possible that they have decided Dravidian relationship."

During their wanderings from place to place for earning their living by dancing etc., they seem to have taken up to various crimes. In Jhansi district in the Uttar Pradesh they are reported to be mostly cattle-lifters.

In the Uttar Pradesh and the Punjab they are a Scheduled Caste.

130. Oddars.—Oddars or Woddars were notified as a Criminal Tribe in the Madras State. They are notified in the Mysore and Hyderabad States also under the name of Wadders. They are Telugu speaking people who originally came to Madra

from Orissa. Woddars with confirmed criminal habits are called Donga Woddars. They quarry stones, sink wells, construct tank bunds and generally do all kinds of earth work and road repairing. They are divided into two classes *viz.*, Kal Oddars and Mann Oddars and each class into two sub-sections, *viz.*, Bandi Oddars and Donga Oddars. The different sections seldom inter-marry. They wear scanty clothing and live in small improvised huts made of mats grass etc., outside the villages. They are addicted to drinking. They are nomadic and seldom show a tendency to settle down. It is reported that they commit all sorts of crime against property from thefts to dacoities. Women also are criminal and commit petty thefts. They help the men in collecting information and collecting and disposing of stolen property.

Waddewads are found all over the Hyderabad State. Here they are divided into six sub-castes, *viz.*, (1) Matti Waddewads (2) Bandi Waddewads (3) Kalwadder (4) Pathrode (5) Yadagandi Waddar (6) Janti Waddar. They are strongly built and worship Goddess Yellama. They eat any kind of meat and also drink. They are reported as brave, nomadic, free looters and can face any opponent.

Waddars are classed as a Scheduled Caste in the Mysore State.

131. Oudhias.—Oudhias have been notified as a Criminal Tribe in Kanpur and Fatehpur districts of the Uttar Pradesh. They also call themselves as “Ajodhyabasis” or “Avadhpuris”. They consider themselves to be Vaishyas and do not take food from low castes. Brahmins are also invited for worship in their houses. Their social position is thus somewhat higher than other Criminal Tribes. They are addicted to cheating, picking pockets, thefts and house breaking by day. They disguise themselves generally as “Bairagis” and also use code words and signs when on criminal errands.

132. Paidis.—Paidis are notified as a Criminal Tribe in Korapur district in Orissa and were also notified as a Criminal Tribe in the Madras. They are akin to Malas and Adidravids. Some of them claim to have been descended from Valmiki, the author of Ramayana. It may be noted that a similar descent is claimed by the Boyas. Paidis are agricultural labourers and weavers. Some of them are employed as servants and village watchmen. They speak a corrupt dialect of Oriya. It is recorded in the Gazetteer of the Vizagapatam district that “the Paidis (Paidi Malas) do most of the crime, and often commit dacoities on the roads”. They commit thefts of grain and cattle frequently and being desperate, do not hesitate to cause unnecessary violence. They are a Scheduled Caste in Orissa State.

133. Pardhis.—Same as Nirshikaris. In Hyderabad State they are a Scheduled Caste.

134. Parnas or Pernas.—Parnas have been notified as a Criminal Tribe in the Jammu and Kashmir State. They are a vagrant tribe akin to Sansis and Kanjars, but more similar to Nats or Bazigars. The Parna women are jugglers and tumblers, but their characteristic occupation is said to be dancing and singing. Sir Danzil Ibbetson in his “Punjab Castes” says that “the men apparently do not perform but merely play the drum for the women to dance to. It is not quite clear that the word is anything more than the name of an occupation like Bazigar for some Pernas are said to be Chuhra by caste. It is possible that they are true caste but like many of the vagrant tribes will admit strangers to their fraternity on payment. They are almost all Musalmans and are said to marry by “Nikah”. Parnas are still nomadic in the Jammu and Kashmir State and commit crimes against property. Their women are reported to be of loose morals and some of them carry on prostitution also.

135. Pasis.—Pasis are found in the eastern districts of the Uttar Pradesh and in Oudh. They are notified as a Criminal Tribe in the Uttar Pradesh and Vindhya Pradesh.

According to one story of their origin Parasurama had created five men out of 'Kusa' grass and brought them to life by letting drops of his perspiration fall upon them in order to rescue the cows which were being killed by another man. The descendants of these men are called Pasis from the Hindi word 'pasina' i.e. sweat. Rajpasis say that they are a branch of the Pasis and originally come from Gujrat.

Most of the Pasis are labourers, collectors of palm-juice and some also prepare grinding stones. Some of them were reported to be clever thieves and burglars. General Sleeman says that in his time a number of Pasis were skilful thieves and robbers by profession and some of them were formerly Thags and poisoners as well. It is now reported that they have settled down to a life of agriculture and they are no longer desperate criminals. Most of them have also given up drinking.

In the Uttar Pradesh they are a Scheduled Caste.

136. Picharis.—They were notified as a Criminal Tribe in the Bellary district of the Madras State. The Picharis of this district are the same as Haran Shikaris or Pardhis and have relations among the Haran Shikaris in Bombay and Hyderabad States. They are nomadic. They hunt hares and deer and catch birds. Some are cultivators. They commit theft, robberies and burglaries.

137. Pichiguntalas.—Pichiguntalas were notified as a Criminal Tribe in Cuddapah district in the Madras State. Some members of this tribe move from village to village rearing and selling pigs, while the women beg. They commit robberies, house breaking and cattle thefts. They associate with other criminals in committing offences. Some of them have now settled down as labourers.

138. Poligars.—Poligars were notified as a Criminal Tribe in the Chittoor district in Madras. According to Yule and Burnell the Poligars "were properly subordinate feudal chiefs, occupying tracts more or less wild and generally of predatory habits in former days. They are now much the same as Zamindars (land owners) in the highest use of that term. The Southern Poligars gave much trouble about a hundred years ago and the 'Poligars' wars" were somewhat serious affairs. In various assaults on Panjalamkurichi, one of their forts in Tinevelly between 1799 and 1801, there fell fifteen British Officers". In Munro's "Narrative of Military Operations" (1780-84) it is stated that "the matchlock men are generally accompanied by Poligars, a set of fellows that are almost savages, and make use of no other weapon than a pointed bamboo spear 18 or 20 feet long". They now profess to live by cultivation but commit burglaries and dacoities. Their operations extend to Chittoor, Nellore, North Arcot and Chingleput districts.

139. Paraiyas.—The Renganur Paraiyas of Chittoor district and Reppur Paraiyas of South Arcot district in the Madras State were notorious for their criminal propensities and were notified as Criminal Tribe. The name, according to one version, is derived from Tamil word 'para' a drum, as certain Paraiyas are engaged as drummers at various festivals. In the Census Report 1901, Mr. Francis notes that the term Paraiyas "is now almost a generic one, and the caste is split up into many sub-divisions, which differ in manners and ways. For example the Koliyans, who are weavers, and the Vallurans, who are medicine men and priests and wear the sacred thread, will not inter-marry or eat with the others and are now practically distinct castes". Mr. Thurston remarks—"Till a score or so of years ago some were actually bond serfs, and there are instances on record in quite recent years which show that it was no infrequent thing for a Pariah to mortgage his son as security for the payment of a loan." They work as agricultural labourers, watchmen and scavengers. "The local criminals", Mr. F. S. Mullaly writes, "throughout the Presidency in all villages are the Paraiyas and though they cannot be considered *de facto* a criminal tribe, yet a very large proportion of criminals of the Presidency are of this caste, notable among them being the Vepur Paraiyas of South Arcot."

The crimes in which they indulge are theft of cattle, sheep and goats, and house breaking.

Paraiyas are classified as a Scheduled Class in the Madras State.

140. **Rachbands.**—Rachabands are notified as a Criminal Tribe in the Punjab. Rachhbands are a sub-section of the Kanjars. The name has been derived from 'Rachh' the weaver's comb, which they prepare.

141. **Reddikas.**—Reddikas are found in large numbers in two Godavari districts and Krishna in the Madras State, but only a small section of them, known to have been addicted to crime, were notified under the Criminal Tribes Act in East Godavari district. Picking pockets, snatching jewels from sleeping persons, dacoity and house breaking are the crimes in which they indulge. They associate with Kapu, Gollas and Settigas in crime. A few of them have now settled in Krishna district.

142. **Rellis.**—Rellis were notified as a Criminal Tribe in Vizagapatam district in the Madras State. They are a sub-caste of Haddis. The Relli scavengers are often called Bhatta or Karuva Haddis. Mr. Thurston in his 'Castes and Tribes of Southern India' says that "the main occupation of the caste is gardening, and selling fruits and vegetables. The famine of 1875-76 reduced a large numbers of Rellis to the verge of starvation and they took to scavenging as a means of earning a living. At the present day, the gardeners look down on the scavengers, but a prosperous scavenger can be admitted into their Society by paying a sum of money or giving a feast. Pollution attaches only to the scavengers and not to the gardening section". They reside only in Ganjam and the two Vizagapattam districts and their criminal activities are generally confined to the Vizagapatam district. Snatching jewels from sleeping women is their common crime and in summer when persons in villages sleep outside their houses this type of crime is easy. They also commit burglaries and thefts of agricultural produce.

They are classified as a Scheduled Caste.

143. **Sansias.**—Sansias have been notified as a Criminal Tribe in the Uttar Pradesh, Ajmer, Delhi, Bhopal, Madhya Bharat, Rajasthan, the Punjab and Patiala and East Punjab States Union and part of Jammu and Kashmir State. Sansias are a vagrant tribe, and trace their origin from Marwar and Ajmer. They trace their descent from one Sans Mal of Bharatpur whom they still revere as their Guru. The Sansia is a near kinsman of other wandering tribes such as Kanjars, Beriyyas Haburas and Bhatu. Some of them say that they are a sub-caste of Nats, but the Nats do not acknowledge their kinship. They act as a sort of Bhats or bards to some tribes of jats and to some Chauhan Rajputs. They generally eat all kinds of meat, vermins and leavings of all castes except perhaps sweepers. They are Hindus but some of them have now been converted to Islam or Sikhism. The Sansi groups who are criminal are said to admit any caste to their fraternity on payment. They commit thefts, burglary, highway robbery and also dacoities. Sansis in the Punjab, Patiala and East Punjab States Union and Jammu and Kashmir State have settled down.

In the Uttar Pradesh, the Punjab, Patiala and East Punjab States Union and Ajmer States they are a Scheduled Caste.

144. **Sonorias.**—See Chandravedis.

145. **Singhikats.**—Singhikats are notified as a Criminal Tribe in the Punjab. They belong to the Sansi fraternity. Their mode of living is similar to that of Sansis though the standard of living is lower than that of the Sansis.

146. **Sugalis.**—Same as Banjaras.

147. Sanghedias, Sandhis and Sumaras.—See Mianas.

148. Tadvīs.—Tadvīs who had been convicted of non-bailable offences are required to furnish security under Section 118 Criminal Procedure Code on or after 1920 were notified as a Criminal Tribe in the Bombay State. Tadvī is described as a subdivision of Bhils by Mr. Enthoven. The Tadvī Bhils belong to Khandesh in the Bombay State and are converts to Islam. Tadvīs residing in villages near forests have still some Hindu customs. All Tadvīs are not criminals. Those who are criminal commit thefts, burglaries and dacoities in gangs.

149. Tagus.—The Tagus of Karnal district have been notified as a Criminal Tribe in the Punjab. The Tagus or Tagas (derived from the word Tyagi) are Brahmins. They pick pockets and commit petty thefts especially in crowds and fairs. They steal only by day and seclude their women.

150. Taga Bhats.—Taga Bhats have been notified as a Criminal Tribe in Saharanpur district of the Uttar Pradesh. They appear to be a section of Tagus or Tage Brahmins, who are addicted to picking pockets and petty thefts in crowds and fairs.

151. Talayaris (Devagudi).—Devagudi Talayaris were declared a Criminal Tribe in the Cuddapah district in Madras State. "The Talayari (Talai), head or chief waturan is a kind of undepartmental village policeman who is generally known as the Talari." In the Gazetteer of the Tanjore district, it is noted that "from the earliest years of the British occupation of the country, fees were paid to the Talayari or village watchman. The Talayari was declared by the early Police Regulation (XI of 1816) to be part of the regular police establishment." In 1860 when the moffusil police was reorganised, all claims of the Talayaris as a servant of the State were formally abandoned. The cultivators however used to employ them for watching their fields. The population of Devagudi Talayaris is only about 200 at present. They used to commit non-bailable offences against person and property but are now reported to have been reformed and their reputation is fairly good.

152. Talega Pamulas or Peddati Gollas or Thella Pamalwads.—Talega Pamulas or Peddati Gollas were notified as a Criminal Tribe in Madras. They are also notified as a Criminal Tribe in Orissa. In Hyderabad State they are notified under the name Thella-Pamalwads. The members of this tribe are distributed in all the Telugu districts of the Madras State except Bellary but are principally found in the two Godavari districts. They are also known as Yerra Gollas, Peddeti Gollas, Parikinokkallas and Guru Dasaries. Some of them have migrated to Hyderabad. Snake charming is, as the name 'Pamula' implies, the ostensible means of livelihood of the members of the tribe, and in this they are akin to the snake-charming Karavars and Jogis of the Tamil districts. They are nomadic by temperament but in Madras State they have in recent years been settling down in large numbers in agriculture. In fact there are now no gangs who are constantly on the move. Small gangs are however formed occasionally and they wander about for a few months and then again settle down. They drink much and frequently use toddy shopkeepers as receivers and tappers as informers. Dacoities and robberies in which they indulged some years ago are now rare but they commit now house breaking, jewel snatching from sleeping persons and cheating.

In Hyderabad State, they prepare 'tattis' and baskets and sell them. They also do snake charming and begging. A section of thela-Pamalwads, called Yerragollas are addicted to committing dacoity and burglary.

153. Tellungappalatti Chattis.—They are Chetties residing in the village Tellungappatti and were notified as a Criminal Tribe in the Madras State. They are Vaishnavites and wear "Namam" and some of them use "vibhuti" also. They talk Tamil and move about from one district to another on business. Most of them

deal in grocery and a few attend to cultivation. Their usual crimes were picking of pockets in fairs, festivals and trains and also cheating.

154. Thottia Naicks.—Thottia Naicks also called Kambalathans, Jathipillays or Tottiyans were notified as a Criminal Tribe in the Madras State. Mr. H. A. Stuart writes in the Madras Census Report 1891 that “the Tattiyars or Kamballathans are a caste of Telugu cultivators settled in the districts of Madura, Tinnevely, Coimbatore and Salem. They are probably the descendants of Poligars and soldiers of the Nayakkan kings of Vijaynagar, who conquered the Madura country about the beginning of the sixteenth century. As regards the origin of their caste the Tottiyars say with pride that they are the descendants of the eight thousand Gopastries (milkmaids) of Krishna—the tradition which seems to indicate that their original occupation was connected with the rearing and keeping of cattle.” A traditional story of the migration of the Sattiyans to the Madura district is that centuries ago they lived to the north of the Tungabhadra river. The muslims there, tried to marry their women and make them eat beef. So they fled one night from there in a body. The Muslims pursued them and their path was blocked by a deep river. They thought that they had to give themselves up, when a Pongu tree on either side bent forward making a bridge for them. As soon as they went on the other side the trees stood erect. Thus they escaped the Muslims. They still hold the Pongu trees in reverence. Some of them are settled and some still wander. According to the notes supplied by the Government of Madras, the males seldom do any work but the females go abegging, singing songs and tattooing. Those who have settled down own lands in some districts in the south, particularly Tanjore. They commit pocket-picking in bazars and crowded places and also commit thefts and house breaking. Children are also reported to commit thefts in bathing ghats.

155. Uraligaundans.—Uraligaundans in Tanjore district of the Madras State were notified as a Criminal Tribe. The word Urali means a ruler of a village. As regards the gaundan, it is noted, in the Salem Manual, that “some of the agricultural classes habitually append the title gaundan as a sort of caste nomenclature after their names, but the word applies, *par excellence* to the head of the village or Ur Goundan as he is called.” In the Madras Census Report 1881, the Uralis are described as “a caste of agricultural labourers found chiefly in the districts of Madura and Trichinopoly. The word Urali means a ruler of a village. Like the Ambalakarakans, they trace their descent from one Mutturaja and the only sub-division returned by any number is Mutracha. They also assert that they were formerly employed as soldiers.”

They are cultivators but sometimes take to crime with violence. They are clever huntsmen and are passionately attached to their hunt dogs. They are good watchmen and take great care in putting up fences and watching the crops from being damaged by wild beasts. They make excellent mats out of reed.

156. Valayars.—Valayars were notified as a Criminal Tribe in Madura and Coimbatore districts of the Madras State. The Valaiyars are described in the Manual of Madura District (1868) as “a low and debased class. Their name is supposed to be derived from Valai a net and to have been given to them from their being constantly employed in netting game in the jungles. Many of them still live by the net; some catch fish; some melt iron. Many are engaged in cultivation, as bearers of burden and in ordinary coolie work. The tradition that a Valaiya woman was the mother of the Vallambans seems to show that the Valiyars must be one of the most ancient castes in the country”. Mr. Thurston in his Castes and Tribes of Southern India States “the Valaiyars say that they were once the friends of Siva but were degraded for the sin of eating rats and frogs”.

They generally commit petty thefts and house breaking occasionally.

157. Vallayankuppam Padaychis.—The Vallayankuppam Padaychis of South Arcot district were declared as a Criminal Tribe in the Madras State. They belong to

the Padayachi community which forms 1/3rd part of the population of that district. The story of their origin is that about a century ago there were some Padayachis living at Sevalamedu, a village near Congjeeveram in Chingleput district. As elsewhere the Vellalars were the chief landlords of the place and the Padayachis of Sevalamedu were their servants. On account of the ill treatment meted out to them by their masters they murdered some of the Vellalars and after the murders they found Sevalamedu too hot for them. Five of the families responsible for the murder moved southwards and settled in Village Vellayankuppam. They are agriculturists but had not sufficient lands in the past. They took to house breaking and dacoities, especially the latter. They are reported to have much reformed now. Majority of them own sufficient lands now, and a few of them are also employed in Government service. Their women are of strict morals and it is difficult now to distinguish them from other Padayachis.

158. **Vettaikarans.**—Vettaikarans were notified as a Criminal Tribe in the Tanjore district of the Madras State. Mr. Thurston in his "Castes and Tribes of Southern India" states that "Vettaikarans (hunters) is an occupational name of Boyas, Irulars, and Koravas returned at the time of Census". Thus Vettaikaran is not a separate tribe.

159. **Vettuya Goundans.**—Vettuya Goundans were notified as a Criminal Tribe in the Trichinopoly district of the Madras State. The Tamil Vettuyans are described in the Madras Census Report 1901 as "an agricultural and hunting caste found mainly in Salem, Coimbatore and Madura. The name means a hunter. They are probably the same stock as the Vedans, though the exact connection is not clear. But they now consider themselves superior to that caste and are even taking to call themselves Vettuya Vellalans. Tradition says that the Konga Kings invited Vettuyans from the Chola and Pandya countries to assist them against the Keralas. Another story says that the caste helped the Chola king Aditya Varma to conquer the Konger country, during the latter part of the ninth century. Nominally they are Hindus but they are said to worship the seven Karnnimars or aboriginal goddesses to whom the Irulars also pay homage". Their customs and manners are akin to those of the Irulars and Korvas and they take Korav a woman to live with them in concubinage. A few of them owned lands and tilled them for their subsistence but the income derived from such a source was hardly sufficient for the upkeep of the family and consequently they embarked upon heinous crimes such as robberies and dacoities.

160. **Wadder or Waddewadas or Woddars.**—See Oddars.

161. **Yatas.**—Yatas (Donga Yatas) were notified as a Criminal Tribe in the Vizagapatam district of the Madras. The Yatas are the toddy drawers of Ganjam and Vizagapatam. They are Telugu speaking people. The caste name is a corrupt form of it meaning a date palm. Some of the Yatas prepare baskets and boxes from palm leaves. Mr. Thurston mentions in his "Castes and Tribes of Southern India" that "Yatas are said to be responsible for a good deal of the crime in portions of the Vizagapatam district". They commit house breaking and dacoities. They are expert jewel snatchers.

162. **Yenadis (Madras) or Yenadiwads (Hyderabad).**—Yenadis were notified as a Criminal Tribe in the Madras State. They are notified as a criminal tribe in Hyderabad under the name Yenadiwads. It is said that their name is derived from the Sanskrit word 'Anadi' meaning those whose origin is not traceable. The Yenadis in the Telugu district are a usually Telugu speaking people, who are found in almost all the Telugu districts of Northern and Central Ranges excepting Bellary and Anantapur. Large numbers of this tribe are found in Chittoor, Guntur, Bellore and Krishna districts. The Chenchus and Yenadis are said to be the descendants of the same stock. They are also found in the Telugu districts of the Hyderabad State. About Yenadis Mr. Thurston states as follows:—

"The animistic nature of their religion, the production of fire by friction; the primitive hunting and fishing stage in which a number remain;

the almost raw animal food which they eat, after merely scorching or heating the flesh of the game they kill, indicate that the Yenadis have not yet emerged from a primitive stage of culture".

One section of them called Chala Yenadis live mostly near hill or forest areas collecting forest produce and firewood and selling them to villagers. Another section known as Panta Reddies have settled down as cooks and domestic servants and have been practically treated as members of caste Hindu society. Third section is particularly given to crime and are known as Adavi Yenadis and they have mostly wandering habits. They live by begging, singing songs and enacting street dramas. A section of the Yenadis of East Godavari district is called Nakkalas. The Yenadis are proverbial for their indolent habits. They have no aptitude for hard work. They dress scantily and are unclean in their habits. Both men and women are addicted to drinking. Mr. Thurston says "some are Kavalgars (watchmen), farm labourers, scavengers, stone masons or brick layers, others are pounders of rice, or domestic servants and are as a rule faithful. They earn a livelihood also in various subsidiary ways, by hunting, fishing, and selling pigs, practising medicine as quacks and by thieving." Those who are criminal associate with Korchas or Erukulas in crime. They commit all sorts of offences but house breaking is their usual crime.

163. **Yerukalas.**—See Korachas.

164. Most of the Criminal Tribes had, and some still have, their own code words and expressions. These code words and expressions were used to warn their associates of approaching danger or to give information about probable victims of their activities. In addition to these code words some tribes had special signs which were also used for similar purpose. Some of the tribes were known to disguise themselves when going out for committing offences. It is not possible to give here any details of their special code words used by the various tribes. For detailed information a reference may be made to (1) Mr. Kennedy's "Notes on Criminal Classes in the Bombay Presidency", and (2) Mr. Mohamed Abdul Gafur's "Complete Dictionary of the terms used by the Criminal Tribes of the Punjab."

165. Mr. H. G. Waterfield a retired I.P. Officer who was in charge of the Criminal Investigation Department in the Gwalior State has tried to show that the majority of the tribes known as Criminal Tribes in Northern India have sprung from a common stock. In support of his theory he refers to the great similarity in secret terms used by these tribes and certain amount of contact kept by them with one another.

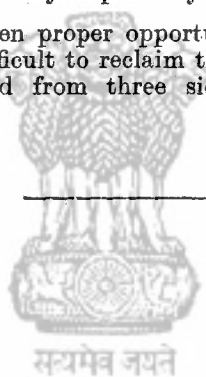
166. In many of the Criminal Tribes especially the wandering tribes, the tribal organisation in the past was such as would encourage and help the criminal career of their members. At least in case of one tribe *viz.*, Beriya, it has been recorded that youngsters belonging to that tribe could not get girls in marriage unless they specialized in committing crimes against property (*vide* notes on Beri-yas). If a member of the Criminal Tribe was convicted and sent to Jail, there was always some arrangement to support the family of the convicted person during the period he was in Jail.

167. The Criminal Tribes can be divided into two sections *viz.*, (1) those who are nomadic and (2) those who are settled. The nomadic tribes include the gypsy like tribes such as Sansis, Kanjars, Nats, etc., as well as other tribes who wander from place to place for work or begging. In the latter category we can put tribes like beldars, Banjaras, etc., and also religious mendicants such as Monda Potas, etc. The settled or semi-settled tribes who are notified as Criminal Tribes were irregular fighting men in the past, or were persons displaced from their original homes due to invasions or other political changes or Depressed persons in very poor circumstances and shunned by the Society.

168. In this connection, we should like to draw attention to the pertinent observations of Mr. G.H. Hutton, in the Census Report of India, 1931. He says "...Similarly there are Bagedes, Vagris and Bagris in Kilhapur, Gujarat and Bengal. When they have not been disturbed they are peaceable and law-abiding cultivators and fishermen but the branch that got unsettled in the Centra has never recovered and has ever since been criminally and nomadically inclined. This of course is hypothesis not history but the closely connected caste of Bauri (Bawariya, Baori, etc.) can be definitely associated across India from Rajputana and Delhi where it is restless and criminal to the Uttar Pradesh where it is less so, to Bihar and Bengal where it is a decent and peaceable caste closely associated with the Bagdi. Crooke says of it in the United Provinces that, it seems to fall into two branches— those . . . in the upper Duab, who still retain some of their original customs and manners (*i.e.*, the criminal manners familiar further west) and those to the east who...have abandoned their original predatory life— we suggest that the peaceable life was the original one and that invasion on invasion, for the Western Bauria must have suffered many, has been responsible for their anti-social proclivities". It would thus appear that the main cause for the origin of criminality was economic while social and political changes in the country also played an important part.

169. It is now generally accepted that criminal tendencies are not hereditary. There is sufficient evidence to show that tribes which were considered hardened criminals in the past have been wholly or partially reformed.

170. We consider that given proper opportunities and systematic help, it is neither impossible nor even difficult to reclaim the so called Criminal Tribes. The problem requires to be tackled from three sides—economic, educational and social.



CHAPTER IV

WORKING OF THE CRIMINAL TRIBES ACT IN THE STATES

(a) General :

171. Having traced the history leading to the passing of the present law relating to the Criminal Tribes and having given a short account of the history, origin, propensities, etc., of the Criminal Tribes, we now proceed to consider the manner in which the Act has been worked in the various States and the results achieved so far. Before however so doing we give below a summary of the important provisions of the Act as it will be helpful in the actual study of its working.

172. There are four main stages *viz.*, notification, registration, restriction and internment in settlement, in the administration of the Criminal Tribes Act, 1924. The first stage is the notification. Under section 3 of the Act the local Government can declare a tribe a gang or a class of persons, or a part of them as a criminal tribe, if it has reason to believe that such tribe, gang or class or a part of them is addicted to the systematic commission of non-bailable offences. The second stage is the registration and members of any criminal tribe, notified as such by Government, can be registered by the District Magistrate concerned under instructions from the local Government. The third stage is the restriction. This is done according to sections 10 and 11 of the Act. Section 10, which is applicable only to registered members, enjoins a Criminal Tribe member (a) to report himself at fixed intervals (this is popularly known as giving roll call or *hajri*) and/or (b) to notify his place of residence, any change of residence, and absence or intended absence from residence. If required more rigorous restrictions can be imposed on any member of the Criminal Tribe by applying section 11 of the Act, under which section, local Government can (a) restrict the movements of a Criminal Tribe, its part or a member, to a specified area or (b) settle the tribe in a specified place. The fourth and the last stage is internment in a settlement. Under section 16 of the Act, local Government can establish industrial, agricultural or reformatory settlements and can order internment in a settlement of any tribe, its part or a member in respect of whom a notification under section 11 has already been issued.

173. Restrictions imposed by section 10 of the Act are purely of a preventive nature, while reformative work can be suitably arranged among the tribes settled to a specified place under section 11(b) or interned in a settlement under section 16.

174. Section 17 of the Act empowers local Governments to separate Criminal Tribes' children between the ages of six and eighteen from their parents to whom section 11 of the Act has been applied and to place them in industrial, agricultural, or reformatory schools established by Government.

175. Section 18 of the Act provides for the transfer of Criminal Tribes persons from one settlement or school to the other in the same Province (State) and also their discharge from settlement or school.

176. As already pointed out in Chapter II, the administration of the Criminal Tribes Act was left entirely to the discretion of the local Governments which framed their own rules under the Act. The procedure and requirements for registration, restriction and internment in settlements, of members of the Criminal Tribes in various States have not therefore been quite uniform. In the course of more than a quarter of a century, during which the Act of 1924 has been in force, some of the Governments appointed enquiry committees and changed their policies with regard to the treatment of the Criminal Tribes in accordance with the changed times and also with the progress and reformation of these tribes.

177. The Government of Bombay appointed two enquiry committees—one in 1937 and another in 1947.

The terms of reference of the first Committee were (a) to investigate and report on the changes necessary to be introduced in the policy and law relating to the Criminal Tribes, (b) to investigate and report on the grievances of the members of the Criminal Tribes settlements and (c) to consider and report on such other matters as may be germane to the above. The Committee after careful enquiries came to the conclusion that although there was still need for maintaining the Criminal Tribes Act in the Province, certain tribes had much improved and required to be denotified while the cases of certain other tribes should be carefully examined by Government and if it was found that the incidence of criminality was sufficiently low in them they should also be denotified. Other important recommendations of the committee were :—

- (1) Section 23 of the Act should be repealed.
- (2) Rules regarding the registration of the Criminal Tribes members should be relaxed in certain respects.
- (3) A distinctive treatment should be provided, as far as possible, for the wandering tribes and the rest, in the settlement administration.
- (4) Settlements should not be larger than medium size villages and should be situated near industrial towns as there was not much scope for agricultural settlements.
- (5) In reformatory settlements, suitable industries should be organized with the advice of the Department of Industries.
- (6) The management of settlements by voluntary agencies had no inherent advantage in it and was not also cheaper than Government management. It was the duty of Government and in its interests, to manage the settlements itself.

The Committee suggested that their report may be considered as an interim report only and that the whole question should be examined again after the results of the proposals, made by the Committee, were actually seen.

178. Almost all the recommendations of the Committee were accepted by Government and necessary orders were passed.

179. The second committee appointed in 1947 came to the conclusion that time was ripe for the repeal of the Criminal Tribes Act. It therefore recommended enactment of the Habitual Offenders (Restriction) Act and repeal of the Criminal Tribes Act. The Habitual Offenders (Restriction) Act was accordingly passed in 1947 and it was directed in that Act that the Criminal Tribes Act should be repealed in its application to the Bombay State within 2 years of the application of the former Act. The Criminal Tribes Act was accordingly repealed in its application to the Bombay State with effect from 13th August 1949.

180. The Government of the Uttar Pradesh also appointed two committees—one in 1938 and another in 1946.

The terms of reference of the first committee were—

- (1) Modification required in Government declaration and notification under the Criminal Tribes Act;
- (2) organisation and means required for the reformation and reclamation of Criminal Tribes outside settlements;

- (3) changes needed in the system and administration of settlements with a view to ensuring the effective reform of the settlers and their subsequent absorption in the general community;
- (4) the agency to be employed for the reform and control of the criminal tribes in the settlements and outside in the districts; and
- (5) the probable cost of the proposed reforms.

After careful enquiries and considerations the Committee made necessary recommendations out of which the important recommendations are mentioned below :—

- (a) Government notifications in respect of various criminal tribes should be modified on the merits of each case by excluding an area in which a tribe resides or by exempting families by name or by cancelling the notification altogether and only proclaiming the criminal families by name.
- (b) Reform Panchayats should be organised among the various criminal tribes with village as primary unit followed by the thana Panchayat and the District Committee. Officials and non-officials and philanthropic societies together with elected representatives of the Criminal Tribes should be on the District Committee with Collector as President, the Superintendent of Police as Vice-President, a Deputy Collector as Secretary and a paid Panchayat Officer as Assistant Secretary.
- (c) Instead of the existing uniform system of settlements, a graded system with reformatory at the top followed by industrial, labour supplying, industrial-cum-agricultural settlements and free agricultural colonies at the bottom should be organised. It was not necessary that every settler must go through the gamut of these various settlements but it was intended that there should be progressive treatment and eventually the settler should be left in the agricultural colony to be absorbed in the general population.
- (d) As regards settlements, both official and non-official agencies under official control should be utilized for its management. The reformatory must be run by Government and of the other settlements at least one should be under direct Government management. No single philanthropic society should be given monopoly of management of settlements and offers from agencies like the Harijan Sevak Sangh should be considered.

181. Most of the recommendations of this Committee were accepted by Government.

182. The terms of reference of the second Committee appointed by the U.P. were (a) to investigate and report upon the working of the Panchayats established since 1940 for the uplift of the Criminal Tribes, (b) to enquire into and make detailed recommendations about the improvement and management of the settlements with a view to ensuring the effective reform of the settlers with particular reference to the segregation and education of children born or taken into the settlements, (c) to suggest modifications required in Government declarations and notifications under the Criminal Tribes Act and to consider the several non-official bills introduced in the Central Legislative Assembly on which comments were invited by the Government of India and to make recommendations thereupon generally, indicating the policy which should be followed in regard to Criminal Tribes, (d) to recommend the organisation and means required for the reformation, reclamation and control of criminal tribes outside the settlements and (e) generally to examine and make recommendations about the administrative arrangements required for the reform of the criminal tribes.

183. This Committee collected detailed information about the working of the Act in the Punjab, Sind, Bihar, C.P., Bombay and Madras and issued a questionnaire to the public. Oral evidence was also taken. After carefully considering all the information and evidence collected, the Committee made far reaching recommendations. Some of the important recommendations made by the Committee are mentioned below :—

- (1) The recommendations made by the first Committee in 1938 in respect of organisation of reform Panchayats should be fully implemented ; that an allotment of two lakhs of rupees for uplift work of the Criminal Tribes through the Panchayats should be made; and that the number of Panchayat organisers should be increased.
- (2) Managements of all settlements should be taken over by Government for a period of two years and after complete re-organisation they should be handed over to suitable non-official agencies.
- (3) The Criminal Tribes Act should be repealed in its application to the U.P. and a new Act for controlling and supervising the habitual offenders and vagrants should be passed.
- (4) In the proposed habitual offenders and vagrants Act, provision should also be made for the segregation of orphans and ill-treated children and their schooling.
- (5) A survey should be carried out in each district to ascertain the sources available for the colonisation and employment of the members of the Criminal Tribes.
- (6) The work of the reclamation of the Criminal Tribes should be placed under an able officer with a flair for reform and of the status of an officer of the Indian Administrative Service or the Indian Police Service.

184. Final orders on these recommendations do not seem to have been passed by the Uttar Pradesh Government so far.

185. The Bihar Government appointed a Committee in 1948 to suggest suitable amendments to the Criminal Tribes Act and to recommend measures for the reclamation and rehabilitation of the members of Criminal Tribes. The Committee in its meeting on 30-12-49 resolved that the Criminal Tribes Act be repealed as soon as possible and that an Act to control the movements of the habitual offenders having three or more previous convictions should be passed, and recommended to the Bihar Government to take up such a legislation in the next session of the Assembly if possible. The Committee submitted its final report to Government in April 1950. They have made the following recommendations :—

- (1) The Criminal Tribes Act is out of consonance with all civilised principles of criminal justice and treatment of offenders and should be repealed as soon as possible.
- (2) Police surveillance and preventive action under the ordinary law should be enough to deal with habitual offenders and those who are incorrigible. But to deal with cases in which the ordinary penal law of the land is not enough, a special Act may be passed to deal with habitual offenders; but the Act should apply only to individual habitual offenders and should include within its operation habitual offenders of all communities.
- (3) Pending the repeal of the Criminal Tribes Act, immediate steps should be taken by executive action to limit the operation of its provisions to persons who, within a period of five years immediately preceding the date of the order, have been convicted of a non bailable offence under the law

- (4) With the exception of the class of persons specified above, all others should be released immediately by executive action from the operation of the provisions of the Criminal Tribes Act.
- (5) A comprehensive scheme of rehabilitation should be drawn up in order that those who have been hitherto registered as members of a criminal tribe may earn their living by honest means.

186. The Punjab Government have not appointed any special committee to enquire into the working of the Criminal Tribes Act but the matter was indirectly referred to the East Punjab Jail Reforms Committee in 1948. However, as the public opinion was not consulted by the Committee, it refrained from making any definite recommendations in the matter.

187. No enquiry committee has been appointed by the Orissa Government but the Committee appointed to enquire into the administration of the partially excluded areas in Orissa, recommended that "these tribes should no longer be branded as criminal and opportunities should be given to them to become useful citizens of the society". They also recommended that reclamation work should be started in those tribes, and that the "abeyance" system should be introduced in the Koraput district.

188. The Criminal Tribes Act, 1924, is in active operation in the States of Punjab, Uttar Pradesh, Bihar, Orissa, West Bengal, Assam, Delhi and Ajmer. Although the Act extends to the Madhya Pradesh, the notifications issued by that State declaring certain tribes as Criminal Tribes were withdrawn in 1939, and no fresh notifications were issued. Hence the Act is not in operation in that State. Similarly in Coorg the Act has remained a dead letter since no tribe or gang has been notified as a Criminal Tribe. It has been repealed in the Madras and Bombay States in its application to those States.

189. The Criminal Tribes Act 1924 passed by the Central Legislature was not applicable to the then Indian States but in accordance with the recommendations of the Government of India some of the then Indian States adopted the Criminal Tribes Act 1924 with slight changes while others made similar laws for the surveillance and control of the Criminal Tribes in their territories. The Government of India has also issued "Rules for the guidance of Indian States in Rajputana and Central India for the control and reclamation of Criminal Tribes" in 1924 and the Rajputana and Central India States were requested to adopt those rules. Those States had, however, the option to introduce their own rules or to elaborate the rules issued by Government. We have not been able to go into the details of the working of all those laws of the old Indian States. The information regarding their working received from the States concerned and which has been collected by the Sub-Committee during its tour in the Madhyabharat, Rajasthan and Bhopal States is given in brief, separately, at the end of this chapter. The reference to "States" in the following paragraphs is for the territories known as Provinces before January 26, 1950, to which the Criminal Tribes Act, 1924, is applicable.

190. The actual administration of the Act, so far as restrictions under sections 10 and 11 are concerned, is carried out in all the States through the agency of the Police Department. In the Punjab, there is a special Department called the Criminal Tribes Department with a Deputy Commissioner in charge of the same. The Criminal Tribes Officers working under the Deputy Commissioner help generally in the enforcement of the provisions of the Criminal Tribes Act. They are also expected to do welfare work among the Criminal Tribes, such as finding employment for the Criminal Tribes who have no satisfactory means of livelihood, establishing co-operative credit societies, enforcing compulsory primary education among Criminal Tribes' boys, etc. Similarly, in the Uttar Pradesh there is a Reclamation Officer who deals with all matters relating to the reformation of the Criminal Tribes and also controls the Criminal Tribes' Settlements.

191. We have confined ourselves to the study of the present working of the Criminal Tribes Act in the States in which it is in operation. In case of the States of Madras and Bombay where the Act has already been repealed, information given, relates to the working of the Act just before its repeal in those States.

(b) Notification, Registration and Restrictions under sections 10 and 11.

192. Before a tribe, gang, or a class of persons is notified and declared as a Criminal Tribe under section 3 of the Act, local Government will have to be satisfied that there exist sufficient grounds to believe that such tribe gang or class of persons is addicted to systematic commission of non-bailable offences. Before any tribe is notified, apart from the fact that sufficient data should be available to show that the members of the tribe were associated in systematic commission of non-bailable offences, the local Government should have before them, evidence to show that a substantial number of the members of the tribe had convictions for non-bailable offences and the rest were definitely aiding in the commission of such offences. It is not feasible to find out in case of each of the various Criminal Tribes notified as such by the local Governments whether such material was collected or not and whether if collected it was sufficient to justify the action actually taken. It was all done on the executive side.

193. The data, usually submitted to Government for considering the issue of notification in respect of a particular tribe, gang or a part of a tribe or gang, is on the points, such as the convictions for non-bailable offences of members of such tribe, gang, etc., their relations and associations in crime, evidence regarding unexplained absence singly or jointly of the members from their place of residence, fluctuation of crime co-incident with the presence or absence of the tribe or gang in a particular area, confessions or statements made by members in judicial proceedings and such other relevant matters. The proposals, for notification of a tribe, gang etc., as a criminal tribe in the States are initiated by the District Superintendent of Police and are scrutinised by the District Magistrate concerned and also higher police officers before they are submitted to Government. In the case of Punjab and West Bengal the proposals also pass through the Deputy Commissioner for Criminal Tribes and the Divisional Commissioner respectively. In the Uttar Pradesh such proposals are submitted to Government through the Reclamation Officer and if the latter officer is satisfied that the tribe or gang, etc., requires to be notified, he obtains Government orders. It is, however, reported that the present policy of the U. P. Government is that no new tribes should be notified as Criminal Tribes.

194. In the Madras State special care was taken to see that the proposals were thoroughly scrutinised and for this purpose special responsibility was placed on the District Magistrate. In this State although the information regarding the tribes proposed to be notified under the Criminal Tribes Act was supplied by the District Superintendent of Police to the District Magistrate concerned, the actual responsibility of proposing the application of the Act to any tribe or gang was placed on the District Magistrate, who had to send the recommendations to Government through the Inspector-General of Police. The instructions of Government in this respect definitely stated that "the section expressly contemplates the application of the Act to a part only of a group of persons falling under a common tribal designation, thus making it clear that the criterion for inclusion is not membership of the tribe but proved or reasonably certain association in crime".

195. The District Magistrate had to hold quasi-judicial enquiry in the Bombay State before submitting recommendations to Government for notification of any tribe or gang under section 3 of the Act. He had to issue individual notices to the persons who had convictions or were suspected of committing non-bailable offences and also a general notice to the tribe to show cause why the tribe should not be notified. Recognised leaders of the tribe or gang or class of persons were also permitted to urge reasons against such notification on behalf of the tribe.

196. From the enquiries made by us, it is observed that in no State there is a regular system of checking up the notifications periodically, at definite intervals, with a view to see whether a particular tribe deserves to be denotified as a whole. In Bombay however, after the report of the first Enquiry Committee in 1939, cases of those tribes among whom criminality was considered to have decreased were considered for denotification from time to time although there was no prescribed periodic review of such cases at stated intervals. That State had accordingly denotified many Criminal Tribes before the Act was actually repealed in its application to that State. As the notification dubs whole tribes and gangs as criminal, it is imperative that tribes, which have reformed and of which a substantial number of members are not criminal, should be denotified immediately. This can only be done if the notifications are reviewed carefully, at regular intervals, prescribed by rules or by executive orders.

197. It is observed that there is no uniformity in the States in selecting Criminal Tribes' members for registration and for applying restrictions to them under sections 10 and 11 of the Act.

198. The following provisions for registration of the Criminal Tribe' members are made in the Criminal Tribes Rules in the Punjab State :—

“3. Unless it be otherwise declared by the Local Government in its direction under section 4 of the Act, the following shall be exempted from registration :—

- (a) every child of a member of a criminal tribe under the age of 12 years ;
- (b) every child of a member of a settled criminal tribe between the ages of 12 and 18 years unless he is convicted or is reasonably suspected of having committed a non-bailable offence or an offence under the Criminal Tribes Act ;
- (c) all female members of criminal tribes—provided that the wives, the unmarried daughters aged 12 and over, and other female dependants aged 12 and over of the male members placed in a settlement that has been established under section 16 of the Act shall be forthwith registered.

4. Unless the District Magistrate or, in the case of persons residing in the settlements established under section 16, the Special Officer, sees reasons to the contrary, the following members of a Criminal Tribe, in respect of which a notification under section 10, 11 or 12 has issued, shall be exempted from registration :—

- (a) every child under the age of 18 liable to registration, if regularly attending a school or working regularly in a settlement established under section 16, unless and until he or she is convicted or is reasonably suspected of having committed a non-bailable offence or an offence under the Criminal Tribes Act ;
- (b) every male child liable to registration, whether under the age of 18 years or not, of a member of a Criminal Tribe whose registration has been cancelled under rule 24, or who has been exempted from registration under this clause, unless and until he is convicted or is reasonably suspected of having committed a non-bailable offence or an offence under the Criminal Tribes Act.”

199. Every registered person is generally brought under section 10 of the Act and he has to report himself to the officer in charge of the Police Station or to the Zaildar or headman within whose jurisdiction he resides. Registered members of the Criminal Tribes who are found to be more active criminals are restricted under section 11 of the Criminal Tribes Act. The registration is cancelled after 10 years if the conduct of the Criminal Tribe member is satisfactory but it is cancelled earlier also in special cases.

200. The registration of members of the Criminal Tribes is carried out in Delhi on the same lines as in the Punjab and restrictions under sections, 10 and 11 are also imposed under similar circumstances.

201. Under Rule 4A of the Rules, framed by the U.P. Government under section 20 of the Criminal Tribes Act, every member of the Criminal Tribes is required to be registered on attaining the age of fifteen years. However, children whose parents or, if neither parent is alive, whose guardians have, on the ground of good conduct, been exempted from registration or whose registration has, on the same ground, been cancelled, are registered only on definite cause being shown. It is reported, however, that this rule is administered with great leniency now and that no person is actually registered unless he is convicted of a non-bailable offence or is made a subject of an order under section 118 of the Criminal Procedure Code. After registration every Criminal Tribe member is brought under section 10 but if he has no settled place of residence his movements are restricted under section 11. The District Magistrate and Superintendent of Police are required to examine the registers once in every three years and to cancel the registration of persons who may in their opinion safely be exempted from the operation of the Criminal Tribes Act.

202. In Bihar, as soon as a child of a Criminal Tribe attains the age of 12 years he is automatically registered under the Act. Orders under sections 10 and 11 of the Act are passed after taking into consideration, the criminal activities of the members, the nature of their criminality, the occupations followed by such members and such other relevant matters. The registration of a Criminal Tribe member is cancelled by the District Magistrate after consulting the Superintendent of Police (and in case the member was originally registered in another district, after consulting the District Magistrate of that district) if it is found that the Criminal Tribe member is living honestly for the last five years and is not associating for criminal purposes with any member of a Criminal Tribe.

203. In West Bengal, children of the wandering Karwal Nats, whose movements are restricted under section 11 of the Act, are registered on their attaining the age of 12 years. Members of Maghaiya Dom, Bhar and other tribes are registered after their conviction for non-bailable offences or under any preventive section of the Criminal Procedure Code. All registered members of the tribes or gangs are generally put immediately under the restriction of section 10 of the Act. In suitable cases, Criminal Tribe members are given gradual relaxation of obligations imposed on them to test if any reformation is possible and the names of those, who show improvement, are removed from the operation of the Act.

204. In Assam there are no criminal tribes as such, but criminal gangs are controlled under the Criminal Tribes Act. There is no minimum standard fixed for registration but when a gang is reported to be systematically committing non-bailable offences, it is notified and the members of the same are registered. All the registered members are immediately subjected to section 10 of the Criminal Tribes Act. There are no persons restricted under section 11 of the Act in Assam. The District Magistrate, in consultation with the Superintendent of Police concerned, can cancel the registration of a Criminal Tribe member if, at any periodical revision of the registration or on an application, he is satisfied that such person has been earning an honest living during the three years immediately preceding such revision or application, or that the Criminal Tribe member is suffering from extreme old age or debility.

205. In Orissa, a member of a Criminal Tribe who is above 12 years of age and who has at least two previous convictions for cognizable and non-bailable offences is registered. A registered person is immediately brought under the restrictions of section 10(1) (a) and (b). After registration he is asked to report to the village headman or to the Police Station for a period of 2 to 4 months and if his conduct is not found to be suspicious, he is brought under "abeyance", i.e., restrictions imposed against him are suspended. No members of Criminal Tribes have been restricted

under section 11 of the Act by the Orissa Government, but ten Criminal Tribe members of the Ganjam district were placed under the restrictions of section 11 when that district formed part of the Madras State.

206. In Ajmer State, the members of notified Criminal Tribes are registered on their attaining the age of 15 years. However, children, whose parents or if neither parents are surviving, whose guardians have on the ground of good conduct been exempted from registration or whose registration has, on the same ground, been cancelled, are registered only on definite cause being shown. The District Magistrate is authorised to exempt any registered person from attending roll call or to extend the intervals at which the reports are to be made, or to cancel or vary any such exemption.

207. In Madras all members of the notified Criminal Tribes were generally registered on their attaining 16 years of age. When the registered persons were found to have criminal propensities or were reasonably suspected of having been concerned in crimes after registration, they were brought under the restrictions of section 10 (1) (b) of the Act. Those who were somewhat more dangerous were brought under section 10(1)(a) also. After 1946 all the Criminal Tribe members were not registered on attaining the age of 16 years as a liberal view was taken and the registration was restricted to only dangerous persons. Such of those uncontrollable and dangerous notified tribes or members of any notified tribe whose presence was considered to be injurious to the community at large, were restricted in their movements under section 11 of the Act. It may be noted that no definite standards for either registering any members of the notified tribe under sections 4 and 7 of the Act or restricting them under section 10 or 11 were laid down by Government. The persons who were brought under section 10(1)(a) had to report themselves ordinarily not more often than once a week while those to whom section 11 of the Act was applied had to report themselves to the Police daily. The orders regarding restrictions against registered persons were kept in abeyance so long as there were no adverse reports against them. The abeyance system was introduced in 1927 in Coimbatore district as a trial and as it was found to be working satisfactorily it was extended to the remaining districts in 1932. In this system the District Superintendent of Police could, with the permission of the District Magistrate concerned, order to hold in abeyance the orders to report, against the Criminal Tribe members who were not considered quite intractable. The Criminal Tribe members who were given advantage of this system were informed that the orders to report themselves were held in abeyance as a tentative measure and that in case there was any ground of suspicion against them or if their conduct was found to be unsatisfactory the orders to report would be immediately enforced. This system reduced the unnecessary work of the Police while at the same time worked as an incentive to the Criminal Tribe members to reform.

208. In Bombay every male member above 16 years of age who was convicted of, or reasonably suspected by the District Magistrate, for reasons recorded in writing, of having been concerned, in the commission of a non-bailable offence or was required to furnish security for good behaviour under section 118-110 Criminal Procedure Code during a period of eight years, after the direction under section 4 of the Act was given, and every female member above 16 years of age who was convicted of a non-bailable offence, and was awarded a sentence of more than three months, were registered. But every inmate of a school established under section 17 or of a school established under the Bombay Children Act or Borstal Schools Act was exempted from registration unless he was convicted or reasonably suspected of a non-bailable offence by the District Magistrate for the reasons to be recorded in writing. Section 10 of the Act was immediately applied to all registered members but in the case of some troublesome members section 11 of the Act was also immediately applied. Further liberal provisions were made in 1947 after the Government of Bombay had decided to repeal the Criminal Tribes Act. After 16th July 1947 only habitual offenders were registered and for this purpose a habitual offender meant a person who had two or

more convictions. The registered persons were discharged from the operation of the Act after a period of three years if their conduct was found to be satisfactory. During the first two years they had to attend roll call, etc., as per directions in the rules and if during that period they behaved well they were kept on probation for one year without any restrictions.

209. While mere notification of a Criminal Tribe does not generally affect the freedom of the notified tribe, the registration of its members is ordinarily followed by restrictions under section 10 or 11 of the Act and in some cases, even by internment in settlements under section 16 of the Criminal Tribes Act. Therefore, although all members of a notified tribe are liable for registration under section 4, and later under section 7 of the Act, it will, ordinarily, be expected that members who have been found guilty of non-bailable offences against property or person or who have been reasonably suspected to have been involved in attempts at or actual commission of such offences, are only registered.

210. We also consider that automatic registration of members of Criminal Tribes on their attaining a particular age is neither necessary nor desirable and would suggest that pending the repeal of the Act, the existing powers of exempting persons from registration should be liberally used in case of all persons other than those who have been proved guilty of offences or reasonably suspected of such offences. We would further suggest, for immediate action, that those who were guilty of offences under the Criminal Tribes Act but have not committed any offences under the penal law or against whom there is no reasonable suspicion within the last three years may be re-registered and the way prepared for the eventual repeal of the Act.

211. We appreciate the "abeyance" system that was being followed in the Madras State and which is at present being followed in the Orissa State. We have nothing to say about the practice at present followed in Orissa. In Madras the abeyance system was started in 1927, but the registration of Criminal Tribe members was made on their attaining the age of 16 years, up to 1946. We would like to point out that in our opinion it would have been better not to register a person at all merely on his attaining the age of 16 years unless convicted, instead of first registering him and then giving him advantage of abeyance. If advantage of "abeyance" is immediately given after registration the practical effect will be the same, but in that case also one has to consider the amount of mental worries to which an innocent member of the Criminal Tribes will be put to and the psychological effect on him of such registration.

212. We also observe that in some of the States no definite period for which a Criminal Tribe member should be kept on register is prescribed, and the registration is only cancelled if during the periodical review the District Officers (District Superintendent of Police and District Magistrate) find that the person has improved and deserves to be removed from the register. In such cases it is possible that "suspicions" and such other factors may play an important part and a Criminal Tribe member may have to continue to be on the register for a very long time although he may not have a single conviction or even may not have been prosecuted for any offence, after registration. As reporting about the character of a Criminal Tribe member is generally done by the subordinate Police officials, we feel that some positive rule prescribing a definite period after which the registration should be cancelled, provided of course, the Criminal Tribe member was not convicted of any non-bailable offence or was not asked to give security under section 118 of Criminal Procedure Code, during that period, would have been useful.

213. Although we are informed that the Criminal Tribes Rule 4-A made under section 20 of the Criminal Tribes Act in the Uttar Pradesh regarding registration of a Criminal Tribe member on attaining the age of 15 years is administered with great leniency now, and that no person is actually registered unless he is convicted of a non-bailable offence or is made subject of an order under section 118 of the Criminal

Procedure Code, we found during our visits to settlements in the Uttar Pradesh that instructions, if any, in this matter were not followed properly in the settlements managed by the Salvation Army. In the Kanth settlement we came across two instances of a boy and a girl, who were registered, we were informed, on grounds that the boy was not abiding by the settlement discipline and that the girl was suspected to be immoral. It is necessary to ensure that the executive officers concerned are not led away by such flimsy grounds and order the registration of Criminal Tribe members on those grounds.

214. In some of the States, colonies for the members of the Criminal Tribes restricted under section 10 or 11 of the Act and also for those released from the settlements under section 18 of the Act, have been established. A list of the existing colonies is given in Appendix IV. We visited the following colonies and give below useful information about them in brief.

1. Bauriah Colony, Muzaffarnagar (U. P.)
2. Reclamation Colony, Pathankot (Punjab State).
3. Dhea Colony, Shahbad, District Karnal (Punjab State)..
4. Agricultural Colony at Bir Thebari, District Karnal (Punjab State).
5. Two Dome 'padaos' in Chupra, District Saran (Bihar State).
- *6. Criminal Tribes colony, Beawar (Ajmer State).
- *7. Criminal Tribes colony, Kasari Nadi (Ajmer State).
8. Reclamation colony, Andha Maghal, Delhi.

(*Visited by the Sub-Committee).

215. We visited the Bauriah Colony in the Muzaffarnagar district on the 18th February 1950. It consists of 10 revenue villages and each revenue village has again small hamlets. The total population of the colony on the day of our visit was 2154. The total number of registered persons in the colony was 795 consisting of 701 males and 94 females. Since 1945 only four boys were registered. Some of the registered persons are subject to section 10 while others are restricted under section 11 of the Criminal Tribes Act. Under the Criminal Tribes Rules framed by the Uttar Pradesh Government under section 20 of the Criminal Tribes Act all the Criminal Tribes members above 15 years of age are liable to be registered but this rule is administered with great leniency and only those who give shelter to the absconders or those who absconded for committing crimes were only registered since 1944. The actual number of persons registered since 1946 to the end of 1949 is 21. The convictions of the Bauriahs residing in the colony since 1945 were as follows :—

	1945	1946	1947	1948	1949
Under Criminal Tribes Act.	32	24	23	292	37
Under the Indian Penal Code, Criminal Procedure Code, etc.	8	..	5	..	15

The main occupation of the Bauriahs residing in the colony is agriculture and the total land given to them is 2890 Bighas. As the land is not sufficient many of the Bauriahs have to do casual labour in the neighbouring villages. 191 persons have sufficient land, while 85 have not got enough. Economic condition of the Bauriahs is not good. It was reported that 191 persons who have sufficient lands are able to support themselves but they are spendthrift to such an extent that they are generally in debt. The agriculturists get seeds generally from the Co-operative

Seed Department. There are 1132 cattle in the colony. 13 Bauriahs are employed in Government service while 8 are employed in private institutions. The number of absconders during the last five years is as follows :—

1945	1946	1947	1948	1949
83	194	60	20	108

The total number of registered absconders was 309 on the 31st December 1949. 184 persons out of the absconders had no land or work while 66 of them had not sufficient land.

There is an Upper Primary School as well as a Lower Primary School in the colony. In all 94 Bauriah boys are attending the lower Primary School while 3 Bauriah boys are attending the Upper Primary School. Three Bauriah boys are Boy-scouts. About 63 non-Bauriah Boys from the neighbouring villages also attend these schools. The actual attendance on the day of our visit to the colony was 106 in the Lower Primary School and 26 in the Upper Primary School.

There is a Panchayat organised by the Reclamation Department. This Panchayat helps the administration and does its best for the reformation of the members of the colony. There is a Panchayat Fund. Pay of one Primary school teacher and one gardener are met from the Panchayat Fund. Loans are also paid to needy persons from this fund.

We visited the Barabyan village near the colony. The houses in the village were very neat and clean in general and the village was also very clean and kept in good sanitary condition. The Bauriahs and their families looked clean.

216. We visited the Reclamation Colony at Pathankot on 22nd April 1950. The colony has a total population of 169 consisting of Bengalis and Kuchbands. It is managed by the Criminal Tribes Department, Punjab. The total number of registered persons in the colony on the day of our visit was 25, and out of these there were five Kuchbands who were restricted under section 11 of the Criminal Tribes Act while two Bengalis had to give roll call under section 10, and 18 Bengalis were restricted under section 11 of the Act. Education is compulsory for the children between the ages of 6 and 12. There is a primary school in the colony where boys and girls study together. Some outside children also attend the school. The total number on roll was 66 while 55 children were present in the school at the time of our visit. The children are supplied free books and school equipments. Scouting and girlguiding have also been introduced.

The general health of the inmates appeared to be satisfactory. All the able bodied persons in the settlements are employed in one of the following professions :—

Earnings

- (1) Coolies for loading Railway wagons . About Rs. 2 per day per head.
- (2) Rope-making, one person can earn . About Rs. 20 per month.
- (3) Ban-twisting, one person can earn . About Rs. 15 per month.
- (4) Shirki making, one person can earn . About Rs. 15 per month.
- (5) Trungers making, one person can earn . About Rs. 25 per month.

Men generally do the coolie work while the Kuchband women engage in rope making or preparing winnowing pans, while Bengali women work on "Ban" twisting etc. Some of the Kuchbands also deal in hides. The Bangalis keep snakes and exhibit them. They appeared to be somewhat dirty. They eat carion. Both Bangalis and Kuchbands are addicted to drinking.

Adult literacy classes have been organised in the Colony. The old and disabled persons are given free grants for their maintenance. Recoverable advances are also given to other persons for necessary expenses in suitable cases. Moral lectures by the staff and outsiders are also occasionally arranged. Co-operative Credit Societies of Kuchbands and Bungalies have been organised.- During 1949, four inmates of the colony were convicted under the Criminal Tribes Act. There were no convictions under the Penal law.

217. The Dhea colony at Shahabad near Ambala was visited on the 23rd April 1950. The Dheas who reside in this colony, are Harijans and their hereditary occupation is snake-charming and scavenging work. They are a wandering tribe but most of them are now settled. The population of the colony on the day of our visit was 186 (men 62 + women 48 + children 76). The colony was established in 1928. The Criminal Tribe members who are exempted and others who are applied section 10 of the Act reside in this colony. Only 9 Dheas residing in this colony are registered and have to give roll call once a month. The school teacher, who is in charge of the colony school, takes the roll call. There is a primary school in the colony and the boys and girls attend this school. Education is compulsory for children between the ages of 6 and 12. 14 boys and 15 girls attend the school. The Dheas engage themselves in any of the following occupations and earn approximately as follows :—

- (1) Chhaj making Rs. 2 per day per head.
- (2) Field (crop) watching Rs. 1-8-0 per day per head.
- (3) Collecting bones and rags and selling them Rs. 2 8-0 per day per head.
- (4) Work as agricultural labourers Rs. 1-8-0 to 1-12-0 per day per head.
- (5) Breeding of mules under the advice of a
veterinary doctor residing near the colony Rs. 3 per day per head.

There is no medical arrangement in the colony. Sick persons have to get their medicine from the Civil hospital. Moral lectures are arranged occasionally.

The houses in the colony belong to the Dheas and were built by the Dheas from the loans received from the Co-operative Society established in the colony. They were found to be clean. Two Dheas were convicted for offences under the Indian Penal Code during 1949.

218. The Agricultural Colony at Bir Thebari in the Karnal district in the Punjab State was visited by us on the 24th April 1950. We saw some of the houses of the Bhedkuts and Tagus. The houses appeared to be clean and neat but some of the houses required repairs. The population of this colony is 436 consisting of 98 males, 111 females and 227 children. There are 46 exemptees and 19 Criminal Tribes members attend roll call. The number of unregistered boys above the age of 12 years is 27. The Bhedkuts and Tagus who were displaced from West Punjab reside in this colony. Each family is given temporarily about 10 acres of canal irrigated land. There are 66 tenancies and the total land distributed is 776 acres. The average earning of a family in this colony is Rs. 80 per month, while the highest earning is Rs. 200 per month. The general health of the residents was good and they appeared to be strong and well built. The total number of boys and girls attending the school is 87. There are two primary schools—one for boys and one for girls.

We visited the schools and saw the progress of the children. It was observed that the girls were very clean and well looked after while the boys were somewhat dirty. There is no scouting or girl guide activity in the schools. The girls play in the school compound and the lady teacher appeared to be taking interest in teaching, sewing and embroidery to the girls. There were no extra-curricular activities in the boys' school.

This colony is actually a sort of temporary camp of the Criminal Tribes displaced from Pakistan. All the families residing in this colony who had lands in Pakistan have now been allotted lands in other villages and they will be leaving the colony after harvesting their crops etc. These persons have been there now for about the last 3 years. The Criminal Tribes members who had no lands in Pakistan are recommended for allotment of land to the Rehabilitation Department. The families who had lands in Pakistan are not charged any ground rent by Government in this colony while the other families are required to give 1/4 h of their crops to Government. The Criminal Tribes members told us that it would have been very difficult for them to get lands—especially canal irrigated lands—if the Criminal Tribes Department had not helped them.

219. The two Dom "Paraos" in Chupra town (in Bihar State) were visited on 7th August 1950. One of these "Paraos" is situated near the Nayi Bazaar Police outpost and there are 15 houses of Doms in that "Parao" with the total population of about 60 persons. 18 men and 18 women are registered and are required to give hajri. These persons are reported to have been restricted under section 11 of the Criminal Tribes Act and have to take a pass for going out of the "Parao" or colony. The registered women are required to attend roll call twice—once at 6 P.M. and once at 6 A.M. while the men are required to give hajri about 6—7 times at night. The houses in this colony are practically mud-holes with tiled roofing. The inner dimensions of these so-called houses are about 10' x 10' with no verandah at all. There are no door frames at the entrance and no windows. They are constructed by Government and given to the Doms for residing free of rent. They were found to be in a very hopeless condition and required substantial improvement and repairs. No welfare work of any kind is being done in this colony.

220. The Dom "Parao" near the Kashi Bazaar was visited on the same day. There are 17 houses in this colony. This colony is called Pillai Cottage as the colony was constructed some years ago when one Mr. Pillai was District Magistrate of Saran district. The houses in this colony are much better and constructed of pucca bricks and mud. There is a small verandah and the rooms are also somewhat larger and decent. They however require much repairs. Roofs of many rooms were reported to be leaky and so they were very damp at the time of our visit. There are 17 houses of Doms in this colony with the total population of about 70 persons. Out of them 10 men and 11 women are registered and give hajri. Names of persons who volunteered for the Military service during the last war were removed from the registers. Men in this colony also have to give hajri six to seven times in the night while the women have to give hajri only twice. We were told that through the efforts of the local Superintendent of Police a school had been started in this colony and a Dom boy who had passed his upper primary examination had been engaged as a teacher. About 12—13 Dom boys attend this school. Apart from this no welfare work of any kind is being done here.

Almost all the adult men from both these "Paraos" are working in the Municipality as sweepers.

221. There is no doubt that the Criminal Tribes Act is being operated very harshly in the Saran district. It is inhuman that registered men should be required to give hajri 5 to 6 times during night and when they are disturbed in this way at night they cannot get proper rest and be ready for the next day's work. Their health and efficiency are thus bound to suffer. Criminality among these people is low and still it is not understood why they are continuously kept under such strict watch without giving them any chance to lead a normal life.

222. Our Sub-Committee visited the Criminal Tribes colony at Beawar (Ajmer State) on 29th June 1950. The Sansis and Kanjars reside in this colony. It was learnt that these people were settled there some 22 years ago but unfortunately even now they are in mud-huts with thatched roofing. The huts are very

small and there is congestion in the locality as the space is not sufficient to house all the Kanjars and Sansis properly in this area. The total population of this colony is 171 consisting of 50 Sansis and 121 Kanjars. Out of them, 1 Sansi and 5 Kanjars are absconding while 1 Sansi is in jail. 35 Sansis and 66 Kanjars are registered and restricted to the colony under section 11 of the Criminal Tribes Act. Out of them 4 Sansis and 33 Kanjars have no convictions at all. There are 13 Sansi children and 21 Kanjar children of school-going age but none of them attend school. There is no school in the colony, but the Municipal school is not more than half a mile from this locality. Three men of the colony do agricultural labour while others do miscellaneous work. During 1949, only one Sansi was convicted for an offence under the Indian Penal Code. The Sansis appeared to be somewhat dirty but the Kanjars were fairly well dressed and appeared intelligent. Unfortunately no welfare work is at all done among these people and therefore although they are settled there for over two decades there is not much improvement among them.

223. Visit was also paid to the Kasarinadi Criminal Tribes Colony, Ajmer on 29-6-1950. The Sansis and Kanjars reside in this colony. The population of this colony is 171 (Sansis 50 and Kanjars 121) out of whom 6 are absconding and 1 is in jail. 35 Sansis and 66 Kanjars are registered but out of them 4 Sansis and 33 Kanjars have no convictions at all. Only 3 persons do agricultural work, while the others are engaged in miscellaneous jobs. During 1949, only one Sansi was convicted under the Indian Penal Code while one Sansi and 5 Kanjars were convicted under the Criminal Tribes Act. They reside in mud-huts, with reed roofing, situated on private land. The dwellings require to be improved early and we would suggest that the Municipality and Government should take up the question of housing, opening of schools and giving them other amenities of life. 35 Sansi and Kanjar boys attend the school conducted by the Gandhi Shiksha Sadan. They all looked bright and intelligent. The Sub-Committee was informed that a scout troop of these children had also been organised and that every Tuesday in the week was celebrated as a social education day and social workers were invited to advise the Kanjars and Sansis residing in the locality. The question of starting a multi-purpose cooperative society in the colony has also been taken up by the Gandhi Shiksha Sadan.

224. The Reclamation Colony at Andha Mughal, Delhi, which was visited on 21st August 1950, is managed by Government while the welfare work in this colony is entrusted to the All-India Harijan Sewak Sangh. No grants are paid to the Sangh for its welfare activities. Members of the Sansi tribe who are restricted under section 10 or 11 of the Criminal Tribes Act are residing in this Settlement. Twelve members of the Bauria tribe who were restricted under section 11 of the Act were also admitted to this colony but they are all absconding at present. The total population of the colony is 597.

There are 38 registered persons, out of whom 18 are restricted under section 10(1)(a) of the Criminal Tribes Act and 20 are restricted under section 11. It was learnt that there is only one registered woman in the colony, the rest of the registered persons being men. Four registered persons have no conviction at all under any penal law. They were registered only on suspicion.

Education is compulsory for all the children between the ages of 6 and 12 years. There is a Municipal Primary School in the colony and these children as well as children of the refugees who have settled near the colony attend that school. Some of the girls also attend the Adult Education Centre in the colony. The number of boys and girls attending the school and the Adult Education Centre is as follows :—

	Boys	Girls	Total
Municipal School	24	1	25
Adult Education Centre	12	27	39
	<hr/> 36	<hr/> 28	<hr/> 64

Out of 175 male adults, 13 persons who are old and infirm are either begging or rearing pigs. The remaining 162 are employed in good remunerative occupations.

In addition, nineteen boys between the ages of 12 and 18 are either employed as peons in private companies or are apprentices in factories. Their average earning is Rs. 25 p.m. A steel trunk factory has recently been started by the Co-operative Multi-Purpose Society and two boys are being trained in this industry.

During 1949, 4 persons were convicted for offences under the Indian Penal Code and 4 persons were convicted under the Criminal Tribes Act.

There is a charitable dispensary in the colony which is managed by the All-India Harijan Sewak Sangh and the inmates are treated in this dispensary on payment of nominal fees and cost of medicines. It is supervised by a fully qualified doctor who visits the dispensary for two hours in the morning. The Adult Education Centre has been started by the Delhi Municipality, and in addition to Adult Education, it organises recreational activities such as debates, lectures, dramas, etc. There is also a football team. A lady social worker holds classes for sewing, knitting, embroidery, cooking, nursing, etc., and many women and girls regularly attend these classes. Daily prayers and Bhajan programmes are also arranged by the Harijan Sewak Sangh.

During our visit all these activities were seen and we found them to be well organised. The Sansis were also found to be healthy and clean. It was however felt that much better work could be turned out if there was full co-operation between the Supervisor and the Harijan Sewak Sangh workers, who are responsible for the organisation of the social welfare work in the colony.

() Settlement.

225. There are at present criminal tribes settlements established under section 16 of the Criminal Tribes Act, 1924 in the States of Punjab, Uttar Pradesh and Bihar. In Bengal, before the Partition, there were two settlements but they are now included in East Bengal. Although there is no settlement in the Delhi State, the Criminal Tribe members who are brought under section 16 of the Act are interned in the Reformatory settlement in Amritsar (Punjab), and the cost of their maintenance is borne by the Delhi State. No settlements have been established by the Assam, Orissa and Ajmer States.

226. Bombay and Madras Governments had established settlements under section 16 of the Criminal Tribes Act, but on the repeal of the Act in those States the settlements in the Bombay State were abolished, while those in the Madras State were notified as established under the Madras Restriction of Habitual Offenders Act.

227. The management of the settlements in the States is either through a Government Department or through the agency of some social service organisation. In the Punjab, all the settlements are managed direct by Government through the Criminal Tribes Department. At the time of appointment of our Committee there were six settlements in the U.P. but residents of two of these settlements (Criminal Tribe settlements at Kanth in Moradabad district and at Sahebganj in Lakhimpur Kheri district) were set free from the operation of the Criminal Tribes Act with effect from 15th August 1950 and the settlements declared free colonies. Out of their remaining four settlements, one is managed by the Arya Pratinidhi Sabha, one is managed by the Harijan Sevak Sangh and the rest are managed by Government direct through the Reclamation Department. In Bihar, the Chauterwa settlement in the Champaran district is managed by the Harijan Sevak Sangh.

228. Before the repeal of the Criminal Tribes Act, all the settlement in the Bombay State were managed by Government direct through the Backward Class Department, while out of the four settlements in the Madras State, three were managed direct by Government through the Police Department and one was managed by the Salvation Army.

229. In the Punjab no Criminal Tribe member is ordinarily committed to a settlement under section 16 of the Act unless he has two or more convictions for any of the following offences *viz.*, non-bailable offences described in Chapters XII and XVII of the Indian Penal Code, offences punishable under the Criminal Tribes Act or the Indian Arms Act or ordered to provide security under the Criminal Procedure Code, and five years have not elapsed since the expiry of the sentence passed on him on the last conviction or in consequence of the order requiring security as the case may be. The preliminary enquiry before internment required to be made under proviso to section 16 of the Criminal Tribes Act is either made by the District Magistrate, the Deputy Commissioner for Criminal Tribes, who is a First Class Magistrate or any other First Class Magistrate. A settler belonging to the "settled" tribe is released on licence from the Reformatory or industrial settlement after 5 years of his stay if his conduct has been satisfactory, while a settler belonging to wandering tribe is released after 10 years under the same circumstances. He is kept on probation for a minimum period of two years. If he behaves satisfactorily during the licence period, he is finally discharged from the settlement on the expiry of the probation period.

230. In Delhi, the requirements for internment of a Criminal Tribe member in the settlement are the same as in the Punjab and the procedure is almost identical.

231. In the U.P. when the State Government is satisfied that any registered member of the Criminal Tribe does not follow an honest avocation and lives by crime and also that he has no settled residence, orders of his internment in a settlement are issued. The preliminary inquiry is done by the District Superintendent of Police, who submits a report to the District Magistrate on the following points after necessary inquiry, local or otherwise :—

- (i) whether the restrictions, if any, imposed on such member under sections 10 and 11 are effective or not.
- (ii) the nature and circumstances of the offences in which such member is believed to have been concerned.
- (iii) whether such member follows any lawful occupation and whether such occupation is real or merely a pretence for the purpose of facilitating the commission of crimes.
- (iv) whether such member has any relatives already in any settlement and whether other members of the same tribe of a similar mode of life are already in any settlement.
- (v) the age of the registered member, the details of his previous convictions and the names and ages of his dependants.

232. The District Magistrate then forwards the report to the Reclamation Officer with his remarks and the Reclamation Officer after necessary further inquiries submits proposals for internment if he is satisfied. The Reclamation Officer is also authorised to make necessary inquiries himself on the above points and recommend internment of any Criminal Tribe member in a settlement direct to Government.

233. The conditional release and absolute discharge from settlements are governed by the following rule made under section 20 of the Act.—

"The case of every registered person placed in a settlement shall be considered every three years by the District Magistrate and Superintendent of Police of the district in which the settlement is situated and the

manager of the settlement. If, in their opinion, to be recorded in writing, a settler has given unmistakable evidence of good conduct and sustained industry for a sufficient period he may on their recommendation be granted by the Reclamation Officer conditional discharge on licence from the settlement.

Provided that—

- (i) the case of any registered person may be considered at any time ;
- (ii) no registered person shall be conditionally discharged until the Reclamation Officer is satisfied that such person has been provided with suitable employment or placed in circumstances which will enable him to earn an honest livelihood. The licence shall specify place to which the licensee shall proceed and in which he shall reside and such other general or special conditions to be complied with by the licensee as the Reclamation Officer may deem necessary. If the place to which the registered person is to proceed is beyond the district in which the settlement is situated, the Deputy Inspector General will, before signing the licence, apply to the Government for the issue of a notification under section 12 or 13 of the Act.

If by reason of conviction or misconduct it is proved to the satisfaction of the Local Government that the licensee has committed a breach of the conditions of his licence, the Provincial Government may revoke the licence. If the licence is revoked the registered person shall automatically be again placed in the settlement from which he was conditionally discharged.

The period for which a licence is granted may on due cause being shown be extended or reduced by the Reclamation Officer, who may on the expiry of such period make the discharge of the licensee absolute; the District Magistrate of the district in which such person is residing shall thereupon consider from which, if any, of the restrictions imposed under section 10 or 11 of the Criminal Tribes Act such person should in view of his past record and present conduct be exempted, and shall pass orders accordingly."

234. Internment of members of the Criminal Tribes in settlements, in Bihar, is ordered on the basis of the recommendation of the Manager of the Settlement, submitted to Government through the District Magistrate concerned. No definite minimum requirements are prescribed. After 5 years of his stay in the settlement, a settler's case for release is considered by a Committee consisting of the District Magistrate, the District Superintendent of Police and the Manager of the Settlement, and recommendations for release are submitted to Government for orders. The preliminary enquiry before a tribe is placed in a settlement is conducted by the local police.

235. In the West Bengal there is no settlement but before the Partition certain members of the Criminal Tribes were placed in settlements now in East Bengal. No definite minimum requirements for internment into settlements were prescribed but action to place members of the Criminal Tribes into settlements was taken only when Government found that criminality of a particular gang or tribe could not otherwise be checked.

236. In Madras no qualifications for internment of Criminal Tribe members in settlements were prescribed, but only those who were uncontrollable and dangerous and whose presence outside was considered to be injurious to the community at large were restricted in their movements and interned in settlements established under section 16 of the Act. The preliminary enquiry for this purpose was done by the Deputy Inspector-General of Police, Railways and C.I.D. acting in consultation with the Inspector-General of Police and the District Magistrate concerned. A

settler was considered fit for release on licence from settlement after 6 years in case of domiciled tribes and after 8 years in case of wandering tribes, if he had no disciplinary punishment for breach of the settlement rules during the three years immediately preceding his discharge. If he behaved well during the probation period his registration was ordinarily cancelled after 3 years.

237. A member of the Criminal Tribes was not generally interned in a settlement under section 16 of the Criminal Tribes Act in the Bombay State unless he had four convictions for offences punishable under Chapters XII, XVI or XVII of the Indian Penal Code or under the Criminal Tribes Act or ordered to give security under section 118 of the Criminal Procedure Code or he had at least two convictions for any of the above offences but the total period for which he was sentenced or ordered to give security was not less than seven years and three years had not passed from the date of expiry of the period of the last sentence or the period of security. The tribes as a whole were interned if the members of the tribe or gang or a part of the same had been convicted of non-bailable offences or ordered to give security under section 118 Criminal Procedure Code or the members of the tribe associated abetted or aided in the commission of such offences or such members had been reasonably suspected of taking part in the commission of such offences. In 1947, after the State Government decided to repeal the Criminal Tribes Act, only the confirmed criminals were ordered to be interned in settlements under section 16. For this purpose a confirmed criminal meant a person who had more than five convictions for offences against person or property. The preliminary enquiry was held by the Assistant Backward Class Officer who was also a First Class Magistrate or by any other First Class Magistrate. A settler was discharged from the settlement on probation after two years provided he had not been convicted during that period for any non-bailable offence or fined or required to deposit cash or to give a bond under the disciplinary rules. His registration was cancelled after five years of probation if his behaviour was found to be satisfactory during that period.

238. The preliminary enquiry, which has been prescribed under proviso to section 16 of the Criminal Tribes Act before any tribe or individual is placed in a settlement is a very important provision and this was inserted in the Act on the recommendation of the Jails Committee in order to safeguard the interests of innocent members of the Criminal Tribes. It is observed that while in some of the Provinces, quasi-judicial enquiries are made for this purpose, in others enquiries made by the Police or some special officer are considered sufficient. Pending the repeal of the Act we consider that it is necessary to give proper importance to these enquiries which should invariably be carried out by a judicial officer giving adequate opportunity to the Criminal Tribe members likely to be affected, to urge their reasons against the proposed internment order.

239. A list of the existing settlements in the various States in which the Criminal Tribe Members are restricted under section 16 of the Criminal Tribes Act is given in Appendix IV.

240. The following settlements were visited by us during our tours in the States for enquiry into the working of the Act, and we give below some important details of the institutions visited and our impressions about them :—

1. Reformatory Settlement, Amritsar (Punjab State).
2. Fazalpur Settlement, Moradabad (U.P. State).
3. Kanth Settlement, Moradabad (U.P. State).
4. Kalyanpur Settlement near Kanpur (U.P. State).

241. There is only one Reformatory settlement in the Punjab at Amritsar in which the Criminal Tribe members who are interned under section 16 of the Criminal Tribes Act are residing. It is managed by the Criminal Tribes Department. This settlement was visited by us in April 1950 and its total population at the time of

our visit was 163, consisting of 89 men, 27 women and 47 children. Out of them, 84 men and 2 women were detained under section 16 of the Criminal Tribes Act. There are 13 different criminal tribes in this settlement. The settlement was formerly housed in pucca buildings but these buildings had to be vacated to make room for a Mental Hospital for patients evacuated from Pakistan. The present settlement is situated in the open space behind the compound wall of the original settlement, and the settlers are residing in tents. The whole settlement area is enclosed by a barbed wire fence and movements of registered settlers are restricted to this area. Education is compulsory for boys and girls between the ages of 6 and 12. The boys attend the Primary School conducted in the Reformatory School situated nearby while there is a special school for girls in the settlement premises. An adult literacy class has been organised in the settlement. The inmates are granted advances in reasonable cases and free grants are given to the old and disabled, for food and clothing. Moral lectures are arranged occasionally. A radio set has also been provided for entertainment. All the able-bodied adult persons are employed in the industries (viz. carpentry, weaving, tailoring, mochi work, and Ban-twisting) organised in the settlement. The settlers are given wages in cash and in kind, the latter in the form of Rations. There is a hospital in the settlement for giving medical aid to the settlers. The settlers complained to us about the inadequate wages and unsuitable accommodation, and requested that they should be allowed to choose the industry in which they wanted to work and that those who wanted to work on their hereditary handicrafts should be allowed to do so. We think that the tented accommodation provided to the settlers is not suitable and requires to be replaced by suitable buildings as early as possible. The request of the settlers for choice of work and permission to work on their own hereditary crafts is also reasonable. The wages given to the settlers cannot be said to be inadequate but there is definitely some scope for improving them. The settlers also unanimously requested the repeal of the Act.

242. We visited the Fazalpur Settlement at Moradabad on the 19th February 1950. It was managed, at that time, by the Salvation Army which got Government grants for the management expenses. The management of this settlement has been taken over by Government since 1st June 1950 and it is at present managed by the Reclamation Department of the Uttar Pradesh Government.

It consists of six villages or enclosures in which the settlers live. The quarters in which the settlers live are owned and maintained by Government and given rent free to the settlers for living. The distribution of the various criminal tribes in these villages is as follows :—

Village No. 1—Haburas and Doms.

„ „ 2—Bhantus and one family of Doms.

„ „ 3—Bhantus.

„ „ 4—Just constructed—proposed to settle Bhantus in this village.

„ „ 5—Bhantus, Karwals and one or two families of Sansis.

& 6

There is also a free colony, where persons set free from the restrictions of the Criminal Tribes Act are residing.

This settlement was established under section 160 of the Criminal Tribes Act about 35 years ago. The movements of the registered persons are restricted to the municipal limits of Moradabad town during day time. At night the settlers have to remain within the area of their respective villages. Total population of the Settlement consisting of six villages was 1250, on the date of our visit, and out of them 270 men and 198 women were registered. The able-bodied persons are employed on agricultural, industrial and casual labour. Employment position was stated to be unsatisfactory.

Primary education is compulsory for boys and girls between the ages of 6 and 15. Training in the handloom weaving, sewing and knitting is optional. About 165 children (85 boys + 80 girls) attend the school, while 10 boys work on the handlooms and 12 girls on embroidery work. 19 boys and 2 girls attend the high school. All the stationery and school books are supplied free to the Criminal Tribes children attending the school.

For medical aid to settlers, there is a dispensary attached to the settlement. A part-time compounder works in this dispensary for two hours every day while a qualified medical officer visits the dispensary once a week.

The young boys play hockey and football and there is a play ground provided for these games. Some of the settlers complained to us regarding undue strictness in registration and about difficulty in obtaining suitable work. Our impression was also that undue strictness was being shown in registering persons and that more attention was required for satisfactory employment of all the able-bodied people in the settlement and for other welfare work.

243. We visited the Kanth Settlement on 19-2-50. It was an agricultural settlement established under section 16 of the Criminal Tribes Act and managed by the Salvation Army. The settlers were living in the quarters built and maintained by Government and which were provided to them rent-free. The population of the settlement on the date of our visit was 172 consisting of Bhandus and Haburas. The number of registered persons was 118. There were 31 boys and 21 girls of school-going age and most of them attended the school attached to the settlement. Five Bhandu boys were reading in the High School at Kanth. There was a dispensary attached to this settlement and a qualified medical officer from Moradabad visited this dispensary once a week. Half the charges for medicine bills of settlers were paid by the management while half the charges were to be paid by the settlers but it was reported by the Manager that the settlers did not regularly pay their share and the dues had, therefore, mostly to be written off. A Home League was organised for the settler women. In this League, the women and girls were taught sewing, knitting, child-care and other home work. The young boys played hockey and football. Bhajans were also arranged by the Assistant Manager. Almost all the settlers were given lands and they cultivated them. Only six persons were employed outside—three in the Railway and three in Government service. There were very few crimes. During the last three months only one man was convicted under section 22 of the Criminal Tribes Act and there were no convictions at all under the Indian Penal Code or the Criminal Procedure Code. The Reclamation Officer who was with us informed us that settlers of this settlement were mostly reformed and the question of cancelling their registration was already under consideration. The Bhandus were found to be clean while the Haburas—especially the Habura children—were very dirty and there appeared to be a great contrast in the standard of living of these two tribes. The dirty habits of the Haburas were attributed to their idleness and begging. Since our visit to this settlement the management of this settlement was taken over by Government from 1st June 1950 and later all the settlers were freed from the restrictions of the Criminal Tribes Act. The settlement has been declared a free colony from 15th August 1950.

244. The Criminal Tribes settlement, Kalyanpur (near Kanpur) was visited on 14th September 1950. This settlement was opened by the Government of the Uttar Pradesh in 1922 under section 16 of the Criminal Tribes Act. It is at present managed by the Reclamation Department of the Government of the Uttar Pradesh. There are four blocks in this settlement containing about 30 tenements each. One block has been recently constructed and provides decent housing

accommodation to the settlers. The other three blocks are old. The total population of the settlement on the date of visit was 963 as below :—

Name of the Criminal Tribe	Total Population	No. of registered persons
Haburas	252	14
Bhantus	581	33
Karwals	85	24
Kanjars	39	2
Aberias	5	2
Total	963	75

Out of the 75 registered persons there are 11 persons who have no conviction at all under the penal law. There is a primary basic school teaching up to V standard attached to the settlement and the children between 6 and 12 years of age of the settlers attend this school. The primary education is compulsory for the children of that age group. The total number of children on roll on the date of our visit was 155. In addition 23 boys attended outside schools for higher education. The students attending outside schools are given scholarships ranging from Rs. 7 to Rs. 10 per mensem. One of the boys has passed his B.Com. degree examination and is at present reading for the M.Com. degree. He is getting a monthly scholarship of Rs. 60 from the Uttar Pradesh Government. The able-bodied adults in this settlement either work as labourers in the local textile and other mills or in the tailoring factory in the settlement. 32 persons have been given lands for agriculture while 18 settlers are in Government service. There are 108 sewing machines in the tailoring factory run by the settlement administration and large orders for the U. P. Police uniforms are executed in this factory. The workers in the factory are given wages on piece work and the average earning per head comes to about Rs. 50 p.m. As the textile and other mills are more than 6-7 miles from the settlement, the workers in the mills are provided with motor transport for going to and return from the mills at a nominal charge of Rs. 2 p.m. per head. The settlers of this settlement were found to be decently dressed and neat and clean in appearance. Their houses and surroundings were also found to be clean. The Haburas of the Kanth settlement were found to be very dirty but in contrast to them the Haburas staying in this settlement were found to be neat and clean. Only one inmate from this settlement was convicted under the Indian Penal Code during the year 1950 but seven inmates were convicted during the same year under the Criminal Tribes Act. There is a dispensary with provision for six indoor patients attached to this settlement. A qualified Medical Officer assisted by a compounder and a midwife is attached to this dispensary. There is necessary arrangement for indoor and outdoor games for settlers, and a common meeting room with a small reading room is also provided for social activities. There is also a radio set. There is a temple also and religious and moral preaching is arranged occasionally. On the whole this settlement appeared to be well managed and progressive.

(d) Treatment of the Criminal Tribe Children and Reformatory Schools

245. Reformation of the adult members of the Criminal Tribes, is bound to prove harder while improvement could be effected far more easily in the case of their children provided adequate arrangements are made for their education, training and guidance. We therefore attach special importance to the treatment of the Criminal Tribes children. Section 17 of the Criminal Tribes Act provides for the separation of the children between the ages of six and eighteen, from their parents, in respect of whom notification under section 11 of the Criminal Tribes Act has been issued. We found that education of the Criminal Tribes children outside the settlements is not made compulsory in any States except the States of Punjab and Delhi.

246. Whether the wholesale removal of the Criminal Tribes children from their parents is desirable or not has remained a moot point. The Indian Jails Committee 1919-20 were not in favour of the wholesale removal of the Criminal Tribes children from their parents but agreed that in special circumstances it would be desirable to do so. Their observations in this matter are interesting. They said :—

“ We are also unable to approve another proposal for which the Salvation Army had made itself responsible, namely, the proposal that “ up to the farthest extent to which it is possible to go the children of members of criminal tribes should be separated from their parents.” At first sight, there is something plausible about the idea of saving the younger generation from being corrupted by their parents, but further consideration soon shows that this view is wrong. In the first place, the members of the criminal tribes are, like all Indians, intensely attached to their children and forcible separation would be an act of inhumanity which it would be hard to justify except on grounds of unavoidable necessity. In the second place, such separation would have so perturbing an effect on the adult members of the tribe as to destroy any hope of influencing them for good during the present generation. In the next place, experience all over the world is tending towards the view that home life is superior to life in an institution, and that, unless the parents are entirely depraved, the children should not be taken away from them. In the case of these tribes whose criminality is, as has been suggested, largely a matter of economic condition, and also a hereditary occupation, it is quite a mistake to suppose that the parents are necessarily depraved. Cases where the parents are in jail or are of notoriously bad character or where the children themselves show criminal tendencies would, of course, require to be specially considered. Lastly, it would be a most short-sighted policy to deprive the settlers of their children, because the children are often found to exercise a valuable humanising and civilising influence on the parents. The evidence which we have received on this subject is most convincing and we have no hesitation in condemning any proposal for the wholesale separation of the children from their parents.”

We agree with the above observations.

247. In the Punjab State, education is compulsory for the male children between the ages of 6 and 12 years of notified tribes, residing in villages, having schools within a radius of 3 miles. In settlements and colonies where there are schools, all the children of Criminal Tribes between the ages of 6 and 12 are required to attend schools. Education of female children of the criminal tribes in the districts is not compulsory. A number of stipends for deserving students of the Criminal Tribes in the districts as well as in settlements are also sanctioned by the State Government. The children attending schools in the institutions under the control of the Criminal Tribes Department are provided with books and other school requisites at Government expense. Besides this, the most deserving out of them are also provided free clothing occasionally. Children of the Criminal Tribes, which are classified as Backward classes, are given freeships in all the classes and also exemption from fees for the Public examinations. In addition they are eligible for stipends sanctioned to Backward class students in schools and colleges.

248. An orphan boy belonging to a Criminal tribe in respect of which a notification under section 11 or 12 has been issued or a son of a registered member of such tribe between the ages of 9 and 18 whose education is neglected at home is removed to a Reformatory school established under section 17 of the Criminal Tribes Act.

249. There is only one Reformatory School at Amritsar for boys established under section 17 of the Criminal Tribes Act in the Punjab. The maximum number fixed for this school is 180. There is no similar school for girls established under the Criminal Tribes Act.

250. In Delhi education is compulsory for every child between the ages of six and twelve years whose parents are restricted under section 11 of the Criminal Tribes Act. Any boy or girl who wishes to go up for technical training or higher studies is encouraged by awarding stipends, etc. Free soap is issued to the children in the Reclamation Colony. There is no reformatory or industrial school established in Delhi under section 17 of the Act and children in rare cases are sent to the Reformatory school in the Punjab. It is learnt that only four Sansi boys were sent to the Reformatory school in the Punjab so far, as their parents were negligent, not only in the matter of admitting them to school, but also permitted or encouraged them to develop criminal habits.

251. In the Uttar Pradesh, education of children of settlers between the ages of 6 and 12 in the settlements is compulsory and books and stationery articles are supplied free to the children. Small stipends and some monetary help for clothing are also given to the children attending the schools. There is no school established under section 17 of the Criminal Tribes Act. Children between the ages of 11 and 14 who have been convicted for a non-bailable offence are however sent to a reformatory school established under the Reformatory Schools Act.

252. In Bihar the children of the Criminal Tribe members, interned in the Chauterwa settlement in the Champaran district, get primary education in the settlement. They are also given vocational training in order that they may earn their living by suitable vocations when they grow up. A private industrial institution in Darbhanga district known as "Ryam Industrial Institution" gets Government grant and about 20 children of Domes are learning weaving at this institute. No special schools under section 17 of the Criminal Tribes Act have been established in this State, and no children of the Criminal Tribes are separated from their parents.

253. In West Bengal there is no school established under section 17 of the Act. There was one such school at Nilphamari, district Rangpur now in Eastern Pakistan with a maximum accommodation for 64 children. The children of the members of Criminal Tribes who were placed in settlement were removed from their parents and sent to the Reformatory school established under section 17 of the Act.

254. In Orissa, Assam and Ajmer no schools have been established under section 17 of the Criminal Tribes Act and no Criminal Tribe children from these States are sent to a Reformatory school in any other State also. In Orissa efforts are however made to educate the Criminal Tribes children by encouraging them to attend schools and also by organising night schools.

255. In Madras no special treatment or facilities were given to the children of Criminal Tribe members restricted under section 11 of the Act. Children of all Criminal Tribes were however given free education in their respective village labour schools (special schools run by the Labour Department) particularly in Ramnad, Madura and Tirunelveli districts for pupils belonging to Kallars and Maravars; in Salem district for Korawar children, in Chittoor, Anantapur and Kurnool districts for Yenadi and Sugali children and in boarding houses for children of Koravars of Chingleput district at Konnur. In these institutions the pupils of the notified tribes were given free midday meals, books and clothing. Stipends, scholarships and boarding grants, etc., were also given to many deserving children who sought admission in high schools, industrial institutions, colleges, etc. Boy scout and girl guide activities were organised in these institutions. These concessions and activities are still continued for the reclamation of these Tribes.

256. Higher elementary schools were established in each settlement in the Madras State. Separate schools for girls and boys existed in Aziznagar settlement and common school in each of the remaining settlements. These pupils were also given free education, midday meals, books, clothing, etc. No child of any particular class or notified tribe was removed from his or her parents. No separate schools solely for Criminal Tribe children were established under section 17 of the Act, but the State Government had powers under section 15 of the Criminal Tribes (Madras Amendment) Act, 1943, to remove children of members of notified tribe for whom notification under section 11 had been issued and place them in a certified school established under Madras Children Act, 1920, or an industrial, agricultural or reformatory school or other educational institutions for children established or approved by the State. Under the same section it was directed that the provisions of the Madras Children Act, 1920, would, so far as might be, applied to children sent to certified schools.

257. In Bombay the attendance in day schools was compulsory for all children in the settlements between the ages of 6 and 13 years. The children were supplied books and slates free and were also given small amounts as stipends monthly. Attendance in night schools was also compulsory for all male settlers between 13 and 18 years who were not attending day schools. Settlers released on licence to villages were required to send their children to primary schools, if situated within two miles of their villages, till they attained 12 years of age or until the period of probation expired whichever was earlier. The following classes of Criminal Tribe children in settlements were only separated from their parents and put in children's homes established under section 17 of the Criminal Tribes Act.

- (a) Orphans with no relations who were able and suitable to take charge of them.
- (b) children who were gravely neglected by their parents in spite of repeated warnings,
- (c) children whose parents were irreclaimable.
- (d) children who showed criminal tendencies themselves, and
- (e) children who had been disposed of by their parents to others in discharge of debts.

There were four children's homes established under section 17. They were at Bijapur, Hubli, Baramati and Sholapur, but the homes at Bijapur and Baramati were closed after some time. With the enactment of the Bombay Children Act, 1924, and the establishment of certified schools under that Act, action in regard to Criminal Tribes children was usually taken under that Act in the areas where that Act was applied. With the repeal of the Criminal Tribes Act the Homes at Hubli and Sholapur ceased to be schools under section 17 of the Criminal Tribes Act but they are continued as certified schools under the Bombay Children Act. Primary education has been compulsory in all villages and towns having population of 1,000 and more and the Criminal Tribes children residing in such villages and towns automatically come under that scheme. The ex-Criminal Tribes are also now made eligible for all the concessions granted to the Backward Classes in the Bombay State. The children of ex-Criminal Tribes are therefore eligible for special concessions for education given to children of the Backward Classes.

258. The Punjab Criminal Tribes Rules provide for sending boys of Criminal Tribes who are orphans or whose education is neglected at home by their parents to the Reformatory school established under section 17 of the Act. There is, however, no provision for sending boys whose parents are hardened criminals to the reformatory school. Under section 17 of the Act it was open to Government to provide by rules the separation and removal, to a Reformatory school, of any class of children of Criminal Tribes members to whom section 11 of the Act applied, and

it would have been better if provision for separation and removal of children of hardened criminals to the Reformatory School was also made.

259. It will be noted that except Punjab, Bengal (before Partition), Bombay, and Delhi to a limited extent, no States have made any use of section 17 of the Criminal Tribes Act.

260. The Reformatory School, Amritsar which is the only institution at present in India, established under section 17 of the Criminal Tribes Act was visited by us on 23rd April 1950. The school is surrounded by a barbed wire fencing. There are 62 children of the Criminal Tribes residing in this school in tented accommodation. The Criminal Tribe boys committed to this school have to remain in the school till they attain the age of 18 years. There is no provision for releasing these boys on probation. On discharge from the school, each boy is given a qualifying certificate which entitles him to exemption from registration under the Criminal Tribes Act. The distribution of the boys is as follows :—

Distribution according to tribes		Distribution according to ages		Distribution according to the literacy class attended by them	
Tribe	No.	Age	No.	Class	No.
Bauria	31	9 years	3	I	5
Bhedkut	1	10 "	10	II	7
Sansis	26	11 "	5	III	12
Mahtam	3	12 "	6	IV	12
Kuehband	1	13 "	12	V	10
	<hr/> 62	14 "	11	VI	7
		15 to 18 "	15	VII	6
			<hr/> 62	VIII	3
				<hr/>	<hr/> 62

The boys are taught weaving, carpentry or tailoring. On their admission to the School they are asked to select any of the three vocations and they are trained in that vocation. If, however, any boy does not fare well in that vocation, a change is allowed. The number of boys under training in these industries are as follows :—

Weaving	15
Carpentry	28
Tailoring	19
	<hr/> 62

For instructions in these vocations the boys have to go to the Reformatory Settlement situated close by.

The boys are given free food and clothes and are also supplied other necessities of life such as soap, oil, etc. They are also provided free school books, stationery, and tools required for learning the crafts.

In order to keep up the standard of efficiency in class work and to create interest in games and other activities the boys are awarded marks and they earn certain pocket money on the basis of these marks.

The tented accommodation provided to the boys was not satisfactory and ought to be replaced by roofed accommodation early. There is no scouting in the school, nor sufficient entertainments are provided to keep the boys lively and in good mood. Although the boys were found to be quite healthy and well clad they were all anxious to return home very early. The institutional life in this School requires to be made more attractive as early as possible by introduction of more games, by giving more personal liberty and by devoting more time to ex-curricular activities. The system of releasing the boys on "probation" after 3 or 4 years training, requires also to be introduced early.

(e) Welfare work among the Criminal Tribes

261. Notwithstanding the rigours of the Criminal Tribes Act, it cannot be denied that it was owing to the reformatory provisions of that Act, howsoever inadequate they were, that some attention at least has been paid by some of the State Governments for the amelioration of the conditions and welfare of the Criminal Tribes.

262. The "settlement treatment" given to the Criminal Tribes made them amenable to discipline and the welfare activities carried out in the settlements, and also outside settlements in some of the States, helped them to improve their social and economic status to some extent.

263. In the States where welfare and reformatory work has been well organised the results appear to be encouraging and it is found that, given equal opportunities, the members of these tribes can fairly compete with other people. Welfare work has been organised in the Punjab, U. P., Delhi, Bihar, Orissa, Ajmer, Madras and Bombay, but the actual work done in these States varies to a large extent from State to State. Some welfare work was also being done for these people in the industrial settlement at Saidpur in Bengal before the Partition, but now the settlement is situated in East Bengal and no welfare work for Criminal Tribes is yet organised in the West Bengal. No welfare work for Criminal Tribes has been organised in Assam State as there are no tribes which are criminal, but criminal gangs only have been notified as "Criminal Tribes" under the Act. The work done for the Criminal Tribes children has already been described above. An outline of the other welfare work organised by the State is given below.

264. In addition to the education of the children and adult literacy classes started in the institutions in charge of the Criminal Tribes Department, the Punjab Government's other important welfare or reformatory work for the Criminal Tribes consists in the grant of lands for agriculture. If a person belonging to a wandering criminal tribe is not convicted for a period of five years and if a person belonging to a settled criminal tribe is not convicted for a period of 10 years, they are eligible for grant of land for agriculture. Each such person gets 10 acres of land on certain conditions and gets the occupancy rights after a period of 15 years provided his conduct is satisfactory and he has observed the conditions on which the land was originally granted to him.

265. The Deputy Commissioner for Criminal Tribes, Punjab is also empowered to grant recoverable advances and free grants for relief of distress, purchase of seeds, cattle and agricultural implements, maintenance, clothing etc., to the members of the Criminal Tribes residing in settlements, colonies or villages under his direct control. Recoverable advances are paid up to Rs. 250/- per head subject to budget provision. The recoverable advances are generally to be paid back within 5 years.

266. In the settlements and colonies, co-operative credit societies have been organised and moral and other lectures are arranged by the staff of the Deputy Commissioner for Criminal Tribes Punjab and the Publicity Department occasionally. Medical arrangements also generally exist in these institutions and radios have also been provided for the entertainment of residents in some institutions.

267. In Delhi, welfare work for members of the Criminal Tribes has been organised for the residents of the Reclamation Colony. In this colony education of children between the ages of 6 and 12 years is compulsory. The girls are also taught sewing and knitting. An Adult Education Centre has been started in the Colony and occasional film shows are arranged. In order to encourage cleanliness in the habits of the Criminal Tribe members a reward is offered every year to the person residing in the colony who has kept his house cleanest of all. Necessary help is rendered to the inmates of the colony for finding out suitable occupations. A Co-operative Thrift and Credit Society has also been organised in the colony to inculcate a habit of

thrift and co-operation among the residents of the colony and also to help them to give up the habit of borrowing from outsiders at high rates of interest. A co-operative store has also been established in the colony.

268. Welfare work for the Criminal Tribes has been well arranged in the Uttar Pradesh. Education is free for the Criminal Tribe children and those who do not happen to get scholarships or stipends from the Education Department receive help from the Reclamation Department. It is reported by the Government of the Uttar Pradesh that there are quite a few hundred graduates among the Criminal Tribes and the incidence of primary and secondary education is almost as high as in any other community in the villages. A number of reform panchayats have been organised in the villages where the Criminal Tribes are residing. The functions of these panchayats are to eradicate crime, bad customs, etc., from the community, to prevent prostitution and to stop drinking. These panchayats not only decide certain cases but they are also at times helpful in tracing the recalcitrant criminals. A number of panchayat houses have also been constructed, where the Criminal Tribe members congregate and exchange views. Periodicals and newspapers are also subscribed in these panchayat houses and the members who assemble there, take advantage of them.

269. The persons who are interned in settlements are provided with employment. There are two sources of employment in the settlements and colonies in the Uttar Pradesh. The main source is agriculture and the subsidiary source is small scale industries. The acreage of land attached to the different settlements varies from 254 bighas to 2890 bighas. Efforts are made to keep the land well irrigated. The agricultural rent is nominal.

270. There is a tailoring factory attached to the Kalyanpur settlement at Kanpur with 108 sewing machines. This factory executes orders placed by the Police Department. Besides this, there are handloom and basket-making industries in other settlements.

271. Ordinarily a lower middle school is attached to each settlement. The inmates of the settlements are also given facilities for secondary and higher education by giving them lump sum amounts for the purchase of the books and stationery. They are also paid stipends for other expenses and in some cases for the expenses of their dependants too, because some of the students have wives and children as they are married at an early age. One of the inmates of a settlement is an M. Sc. (Ag.) and is employed as a Gazetted Officer in the Reclamation Department. Another is reading in M. Com. and there is quite a number of boys in the secondary schools. In all the cases, the expenses of education are met by the State.

272. There is a common room and a small library in every settlement. Facilities of games are also provided for the development of team spirit.

273. Reformed settlers from the settlements are settled in the agricultural colonies. When these colonies are established facilities by way of giving them agricultural land, and subsidy for purchasing cattle and agricultural implements are given to the inmates. An officer of the Reclamation Department is also attached to each colony to look after the welfare of the colonists and to protect them from unnecessary hardship at the hands of the society or the police.

274. In Bihar welfare and reformatory work is organised to some extent for the inmates of some of the settlements in Saran district and of the Chauterwa settlement in Champaran district. Some of the Domes residing in these settlements have been allotted lands for cultivation and help is also given to them to find out suitable employment. In Chauterwa settlement, which is in charge of Harijan Sevak Sangh, there has been some improvement in the economic condition of the settlers mainly due to their taking interest in cultivation. Due to the help of the Harijan Co-operative Credit Society, some of the settlers are also able to be free from the clutches of Sahukars.

275. We are informed that the Rural Welfare Department of the Orissa Government has taken up various schemes for the amelioration of the conditions of the Backward Classes including the Criminal Tribes. "Special institutions like Ashram Schools, Sevashrams, Training Centres, Night schools for adults and children, and visual education units are being operated for the welfare of the tribes. Schemes like sinking of wells, distribution of common medicines, excursions to agricultural farms and industrial schools, provision of irrigation facilities and distribution of grafts are also being executed". We hope the Criminal Tribes in this State will take full advantage of these concessions and improve their social and economic status.

276. In Ajmer the Panchayat system has been introduced among the Criminal Tribes in order to induce them to keep away from criminal activities and to raise their standard of living. Efforts are also being made to educate the children of the Criminal Tribes in Ajmer city through the Gandhi Seva Sadan School run by some social workers in the locality where the Kanjars and Sansis reside.

277. In Madras State no special welfare or reclamation work was done among the Criminal Tribe members restricted under section 10 or 11 of the Act, but such work was organised in the four settlements in the State and is still continued. The four settlements are mainly agricultural and lands are allotted to the residents for cultivation. The Aziznagar settlement is particularly well favoured with its artesian wells which enable a considerable area to be brought under cultivation twice annually. There are also Government farms, at Aziznagar, Sitanagram and Siddhapuram settlements, which are intended to provide labour to some of the settlers and also to train them in improved methods of agriculture. Weaving, carpentry and chappal making industries are also run at Aziznagar and the ex-Criminal Tribe members are employed in these industries. A large number of settlers of Stuartpuram settlement are employed at Chirala tobacco factory and earn good wages. The ex-Criminal Tribe members residing in the settlements are also encouraged to earn more by subsidiary industries such as rope-making, poultry-farming, mat-making etc. Each settlement is provided with a well equipped dispensary under the charge of a qualified medical practitioner assisted by a midwife and a ward-boy and the medicines are supplied at Government cost. Advances for agricultural operations, purchase of bullocks, etc., are granted to the settlers in suitable cases and are recovered by instalments.

278. In Bombay State, no special welfare work was organised for the criminal tribe persons whose movements were restricted under section 10 or 11 of the Act and were residing in villages. But those Criminal Tribes which were also included in the lists of Backward Classes were eligible for all the concessions and facilities granted to the Backward Classes in the State. Some of the Criminal Tribe persons whose movements were restricted under sections 10 and 11 were residing in the colonies established in the State. Welfare work was organized in these colonies as well as in the settlements. Information about the educational work which was being done among the Criminal Tribe children in this State has already been given above in para. 257 of this Report. It may be stated here that many members of the Criminal Tribes (including some women) have passed their Upper Primary Examinations and some of them are working as teachers. One of the members of these tribes is a B.A., LL. B. and is serving at present as a Gazetted Officer in the State Government. In almost all the colonies and settlements, Inspectresses to look after the welfare work among the women and children of the Criminal Tribes were appointed. They used to pay visits to the houses of the colonists and settlers and advise them in the ways of better living, cleanliness, proper keeping of children etc. Dispensaries were also opened and the settlers and the colonists were supplied medicines free. In bigger settlements, Balamandirs and poor homes were also established. The settlers used to leave their small children in the Balamandirs when they went out for work. These children were looked after by the female attendants of the Balamandir till the parents returned from work and took charge of the

children. The children used to be given milk or food in these Balamandirs. Old infirm and sick settlers who had nobody to look after them were fed free in the Poor Homes. In smaller settlements such persons were granted free doles for their maintenance. Co-operative credit, housing, and industrial societies were also started in most of the colonies for inculcating habits of thrift and co-operation among the Criminal Tribe members.

279. After the repeal of the Criminal Tribes Act also, some of the facilities are continued at places where there are big colonies having fairly large population of these people. Government have also extended all the concessions given to the Backward Classes to all the ex-Criminal Tribes in this State. During the tour in this State, two of our members saw the welfare work which has been organised at Hubli, Gadag and Sholapur, and they report that they were very much pleased to see the welfare work carried on at these places.

[f] Laws relating to the Surveillance and Control of the Criminal Tribes in the States included in Part 'B' and Part 'C' (except Ajmer, Coorg and Delhi) of the First Schedule to the Constitution.

280. The Criminal Tribes Act 1924 did not apply to the old Indian States, but most of them had enacted their own laws for the surveillance and control of the Criminal Tribes residing in those States. Many small Indian States have now merged together to form the new States included in Parts 'B' and 'C' of First Schedule to the Constitution. The working of the laws relating to the Criminal Tribes, in force in these newly formed States is given in brief in the following paragraphs. A list of the Acts and Rules which are in force in these States is given in Appendix V. It will be noticed that the local laws which are in force in Madhyabharat, Rajasthan, Hyderabad Vindya Pradesh and Patiala and East Punjab States Union are generally more stringent than the Criminal Tribes Act, 1924.

281. Most of the old Indian States which have merged to form the Madhya Bharat, had some Acts or Rules for the control of the Criminal Tribes in their territories and these are still continued. The Madhya Bharat Government have informed that "Action against the Criminal Tribes was initiated in the last century, in the Covenanted States of Madhya Bharat at the instance of the Thagi and Dacoity Department of the Government of India. As Moghiayas were then the most dangerous of the Criminal Tribes, action was directed against them. The Government of India asked all these States to apply, within their respective areas, the Moghia Manual, a Chapter from the Instructions of the Thagi and Dacoity Department. According to the Manual, Moghyias were compulsorily registered and deprived of arms and means of locomotion such as ponies, horses, camels, donkeys, etc. The Sale proceeds of the confiscated animals were applied to the purchase of draught animals and agricultural implements. Twenty bighas of land were allotted to each family at concessional rates and assistance was given for purchase of agricultural animals and implements. Restrictions of no movement without pass, roll call every night etc., were imposed. Every State had to appoint an officer to look after the Criminal Tribes administration".

"In 1924, the Government of India repealed the Moghia Manual; that is, with drew the obligation on States to adopt it, but an almost identical set of rules—"Rules for the guidance of Indian States in Rajputana and Central India for the control and reclamation of Criminal Tribes"—was issued giving the option to each State either to elaborate these rules or to frame their own rules. Practically all the States of Madhya Bharat framed rules on this model and on the basis of the Criminal Tribes Act, 1924. Thus action taken many years ago was merely clothed by legislation of the respective States".

282. The law relating to the surveillance and control of the Criminal Tribes in Gwalior is contained in the Criminal Tribes Manual, Gwalior. Most of the provisions are similar to the Criminal Tribes Act, 1924, but there are certain provisions which are very peculiar and harsh. While, under the Central Act (Criminal Tribes Act, 1924) no liabilities or penalties are prescribed for a member of the Criminal Tribes unless registered (except that such a member becomes liable for enhanced punishment for second or subsequent convictions for specified offences under section 23), the Gwalior law prohibits the notified Criminal Tribes to commit certain acts and breach of any of these provisions is liable to punishment.

Acts prohibited for Criminal Tribes

1. Keeping of arms or means of locomotion such as horses, ponies, camels, donkeys, bicycles and cars. [Section 5(1)]. This prohibition does not however apply to members totally exempted from the operation of the Manual and it does not extend to draught animals required for agricultural or industrial pursuits, and where animal or sword are used for marriage purpose or to a person who due to his old age or disability is allowed to keep an animal for visiting farm or to attend marriages or funerals.
2. Keeping of more domestic animals than allowed by the Criminal Tribes Officer. [Section 5(2)].
3. Keeping any person not belonging to a Criminal Tribe below 18 years of age (Section 8).

Punishments

On a first conviction with rigorous imprisonment extending to one year. On second conviction with rigorous imprisonment extending to two years and on any subsequent convictions to rigorous imprisonment extending to 3 years. Arms and means of locomotion to be confiscated to Government [Section 64(1)].

The excess number of animals are sold out and proceeds handed over to the owner.

Imprisonment of either description for a term which may extend to six months [Section 66(1)]. Child under 14 years separated and dealt with under Majum Zabta Fauzdari.

283. Members of the public are also prohibited (1) to sell arms or means of locomotion to Criminal Tribes members, (2) to harbour or give shelter to a member of the Criminal Tribe who is not in possession of a pass, (3) to purchase any cattle branded with special mark from Criminal Tribe members and (4) to lend anything in cash or kind to Criminal Tribe members. Contravention of any of the first two directions results in imprisonment of either description which may extend to six months, of the third direction in imprisonment of either description which may extend to six months, while no suit lies for the recovery of loans given to Criminal Tribe members in contravention of the fourth direction.

284. After notification, all male members above the age of 15 years are registered. Women are registered only if they are to be placed in settlements. No minimum requirements for restricting the movements or internment in settlements have been prescribed. A Criminal Tribe member is exempted from the operation of the Act after a period of 12 years if he has followed honest living and is not convicted of any offence during the period.

285. Under section 18 of the Manual a village Headman and a Jagirdar are also given powers to issue passes up to 5 days and up to 30 days respectively. This power is likely to be greatly misused and also likely to be a source of harassment to the Criminal Tribes. The breach of rules regarding absence without passes etc., is punishable on first conviction to rigorous imprisonment up to one year or whipping extending to 20 stripes, on second conviction up to one year or whipping extending to 30 stripes and on any subsequent conviction up to rigorous imprisonment for two years and whipping extending to 30 stripes.

286. There are some provisions in the Manual regarding distribution of land and advancing money for agricultural work to the Criminal Tribes but there is also

a provision for a male Criminal Tribe member to be punished for neglecting agricultural work after he is settled and supplied by Government with all the requirements of agriculture. In this case, on first conviction he gets whipping up to 12 stripes, on second conviction up to 15 stripes and on subsequent conviction with 20 stripes.

287. On the whole, the Gwalior law is more strict than the Criminal Tribes Act of 1924 and also liable to be greatly misused by subordinate officials.

288. The provisions in the Indore Criminal Tribes Act, 1928, are similar to the provisions contained in the Criminal Tribes Act, 1924, except that in the sections prescribing the penalties for breach of rules etc., the punishment of imprisonment is only provided instead of imprisonment and/or fine as in the Criminal Tribes Act, 1924. Section 22 of this Act, (which is similar to section 23 of the Criminal Tribes Act, 1924) which prescribes enhanced punishments for specified offences on second or subsequent convictions has not yet been amended on the lines of the Central Act.

289. The provisions in the Dhar State Criminal Tribes Act, 1922, are similar to the Criminal Tribes Act, 1911. The rules made under section 20 of that Act (The Dhar State Criminal Tribes Rules 1927-28) provide that all members of the Criminal Tribes should be deprived of arms and means of locomotion such as horses, ponies, camels at the time when the Criminal Tribes members are registered. The confiscated arms and animals are sold out and the proceeds are to be devoted to the purchase of bullocks, agricultural implements etc., for the persons from whom arms and animals are confiscated. All men and women are registered on their attaining the age of 15 years.

290. In Narsingarh State area, Rules regarding settlements of Criminal Tribes in Narsingarh State are in force but Moghias are governed by the Moghia Manual. According to these rules all men and women are registered on attaining the age of 15 years. The Criminal Tribe members are also not permitted to possess arms or animals of locomotion such as horses, camels, mules and donkeys and if they are found to be in possession of them without permit, the arms or animals are confiscated and sold and the sale proceeds credited to Treasury. However, if any arms or animals are found with the Criminal Tribe members at the time of notification they are confiscated and sold but the sale proceeds devoted to the purchase of bullock and agricultural implements for the persons whose arms or animals are confiscated. It is prescribed under these rules that as far as possible corporal punishment shall be awarded to members of the Criminal Tribes for all breaches of rules but in case of other offences imprisonment may be awarded but not fine.

291. In Dewas State (Junior) area, Criminal Tribes Rules, 1927 for the control and reclamation of Criminal Tribes framed by that State are in force. All Criminal Tribe members notified as such are liable for registration on attaining the age of 15 years, under these rules. Every member of a Criminal Tribe above 15 years of age found within the jurisdiction of the State and who is not registered and who has no pass from the proper authority could be ordered by a Magistrate to furnish security for leaving the jurisdiction of the State. The security for this purpose is not to be for a sum less than Rs. 200/- and in lieu of such security cash deposit for the same amount has to be made. If a member who is asked to leave the State is found again within the borders of the State, he is sentenced to suffer rigorous imprisonment for a period up to seven years but not less than 3 years. All arms in possession of the Criminal Tribes are confiscated, and the persons found in possession of a weapon of offence becomes liable to suffer rigorous imprisonment for four years as well as fine up to Rs. 100/-. Every member of a criminal tribe convicted of a cognizable offence under the Penal Code is liable to be sentenced to double the amount of punishment prescribed for the offence and the District Magistrate is empowered under

this rule to pass such enhanced sentence of imprisonment up to seven years. The Officer-in-Charge of the Pargana was required to satisfy himself that every registered member of a Criminal Tribe was provided with suitable occupation for his livelihood.

292. There was no Criminal Tribes Act in Dewas (Senior) State but the Criminal Tribe members were required to attend roll call to the police and were issued passes for going from one place to the other.

293. In Rajgarh, Khilchipur, Ratlam and other States, rules regarding Criminal Tribes issued by those States were in force and they are still continued. These rules are not comprehensive but the common feature of these rules is that the Criminal Tribes members are not allowed to possess arms and means of locomotion and if they are found to possess them, the arms etc., are confiscated and the sale proceeds utilised for purchasing bullocks and agricultural implements for the persons from whom they are confiscated. The Criminal Tribe members are generally registered on attaining the age of 15 and thereafter they are liable to give hajri and have to take passes if they want to go outside the village in which they are residing or settled.

294. Welfare work among the Criminal Tribes was organised in the Gwalior State, in which a Settlement at Mirkabad was also opened. This settlement is still continued and provides fairly good opportunities to the settlers to improve. In Indore State, Moghias are settled in many villages. Lands were given to them for cultivation at concessional rates and schools are also established for education of their children. In other States also, lands are granted to Criminal Tribe members for cultivation but in many cases they are not sufficient for maintenance.

295. The Madhya Bharat Government had appointed a Criminal Tribes Reforms Committee, which submitted its report in March 1949. This Committee was unanimous "that not only from the moral and social point of view but also from the economic and realistic point of view, it is wholly improper to deprive any human being of the basic rights of humanity merely on the basis of his being born of the so-called criminal tribe. The tribes which are designated by law as criminal have also got a full right to earn a decent living and Government and society should give them an opportunity to do so. If traditions have established into them some evil habits which encourage growth of criminality and immorality, Government and society owe a duty to uproot these traditions and habits and to convert the tribes people into healthy, peace-loving and law-abiding citizens. The Madhya Bharat Government should form its policy towards these tribes on this basis". It recommended the enactment of a Habitual Offenders' Act and as soon as this law was promulgated it suggested the repeal of the Criminal Tribes Acts in the various old States areas in Madhya Bharat. Although this proposed Act was to apply to the habitual offenders individually, the committee had suggested that it should apply to Kanjar tribe as a tribe in view of the following reasons:—

"As a rule, only an individual may be criminal, a whole tribe cannot be branded with the ignominy of being criminal. But if the social organisation and structure of any tribe is such that it educates its children in criminality and provides encouragement, assistance, inspiration and guidance for leading a criminal life, that tribe has to be regarded as criminal, till such time as it effectively reduces these tendencies in this direction and begins to exercise its influence towards dissuading its members from criminality as other societies do. At present, only one tribe will answer to this description, namely, the Kanjars who are also called Sansis, Bhanmates or Bijorias etc., locally. If any other tribe is similar, it will also have to be called criminal"

296. The Government of Madhya Bharat have not yet implemented the recommendations of this committee.

297. There is only one settlement at Mirkabad (Mungaoli) established under section 26 (corresponding to section 16 of the Criminal Tribe Act, 1924) of the Gwalior Criminal Tribes Manual. There are no other special institutions but Criminal Tribe members are settled in about 55 villages in Madhya Bharat.

298. Our Sub-Committee visited the Criminal Tribes Settlement at Mirkabad Mungaoli, on 18th June 1950. The total population of the settlement was 785 on the date of our visit.

<i>Castes</i>	<i>Total population</i>	<i>Absconders</i>
Moghias	348	5
Bagdis	293	1
Sansis and Kanjars	144	14

Out of the above, 78 Moghias, 92 Bagdis and 68 Sansis and Kanjars are registered. During 1949 only two persons were convicted for offences under the Indian Penal Code. There were 215 children of school going age. Education is compulsory for these children. Only 100 children (67 boys and 33 girls), however, attend the school situated in the premises, which teaches upto IVth standard, as the compulsion is not properly enforced.

Tailoring, weaving and carpentry industries are provided in the settlement and needy persons work in the factories. Lands are given out to settlers on yearly basis for cultivation and most of the persons are employed in cultivation. About 25 persons are employed in the weaving factory while others are employed as teachers, motor drivers, constables, chaprassis, chowkidars, etc. Three separate groups of houses of Bagdis, Moghias and Kanjars were visited. The houses of Bagdis and Kanjars were actually mud houses with thatched roofing. The houses of Moghias were however found to be spacious and one of the Moghia leaders had a one-storeyed house. It was observed that there was a great scarcity of water especially in the places where Moghias and Kanjars were living. The settlers and children appeared to be clean and intelligent and capable of much improvement. The school children exhibited their proficiency in games and in debate. The discourses were very impressive and it was quite clear that given proper opportunities, these children could compete with children of any other advanced class.

There is no dispensary attached to the settlement and in case of illness, settlers have to go to the civil hospital at Mungaoli about 1½ miles from the settlement. A few patent medicines are however kept in the settlement office for emergent use.

On the whole the settlers have made good progress and there is a definite hope of early reclamation of all of them.

299. The Sub-Committee also visited the Kharsodkhurd village in Ujjain district of the Madhya Bharat State on 22nd June 1950. The total population of the village is about 2800 including the population of 91 Moghias. Twenty Moghia men are registered in this village. There are fifteen houses of Moghias and all the families have got lands for cultivation. The minimum holding is 22 bighas while the maximum holding is 79 bighas. About eight Moghia children attend the village school. The houses of the Moghias were found to be neat and were situated in the village proper. They are more or less absorbed in the general population of the village. A total amount of Rs. 1,750 has been advanced to five Moghias as taccavi loans. Two Moghias have been advanced loans for digging wells while three have been given loans for purchasing bullocks. The Moghias residing in this village appeared to have made good progress and were found to be more or less equal in status with other agriculturists.

300. In Kharsodkhurd, our Sub-Committee saw a blind man (Danji Lachhiram, aged 25 years) who is still continued on the register. He became totally blind about a year ago, but still the chowkidar of the village goes to his house and checks his presence every day. This shows how the Criminal Tribes Act is worked in a mechanical way in this area.

301. In Rajasthan State, although the Habitual Criminals (Registration and Regulation) Act, 1950 was passed in February 1950, it has not yet been applied to the State. The old Indian State Acts or rules except the Jhalawar law regarding the Criminal Tribes, which were in force in those States before merger, are still continued. A list of such Acts and Rules is given in Appendix V. Information regarding the important features of these laws and their working is given below.

302. In Udaipur there was no Criminal Tribes Act in force but the rules issued by the Central Government for the guidance of Indian States in Rajputana and Central India for control and reclamation of Criminal Tribes in 1930 were followed. In certain cases, arbitrary orders issued by the Dabir were also followed. According to one of such orders the Inspector-General of Police and the Deputy Inspector-General of Police were authorised to dispose of certain offences committed by members of criminal tribes under the above-mentioned rules by punishing the offenders with rigorous imprisonment up to 6 and 3 months respectively. No witnesses were examined, and only the Police report, supported by any other report, formed the basis of the decision. The cases of Jagirdars and Mafidars giving shelter to the Criminal Tribes were also decided by the same Police Officers. All property suspected to be stolen and which remained unclaimed was disposed of by sale and the proceeds credited to a fund designated as Kanjar Fund. This fund was utilised for providing Kanjars with implements of agriculture etc. The above rules are still in force in this area but the practice of disposing of certain cases by the Inspector-General of Police and Deputy Inspector-General of Police is discontinued now.

303. According to the rules for the control and reclamation of the wandering Criminal Tribes in the Bikaner State, in addition to the list of tribes given in those rules, any person convicted three times under Chapter XII or XVII of the Indian Penal Code is treated as a member of the Criminal Tribes. Members of the Criminal Tribes have also to attend the Police Station once a fortnight to have their cattle verified.

304. In Jodhpur, the Marwar Criminal Tribes Act, 1911, is in force. This Act is similar to the Criminal Tribes Act, 1911. All the members of the notified Criminal Tribes are liable to be registered but under the rules made under section 20 of the Act, females and children under 12 years of age are exempted from registration.

305. In Jaipur, the Jaipur State Criminal Tribes Act, 1930, which is similar to the Criminal Tribes Act, 1924, is in force. The rules framed under this Act are similar to the Jodhpur Rules. Enforcement of the orders in the Jaipur area prohibiting Criminal Tribes members to possess arms and means of locomotion such as horses, camels, ponies, etc., as well as mechanical transports like bicycles etc., is however suspended now.

306. In Tonk State area the Tonk State Criminal Tribes Act, 1938, is in force. The special feature of this Act is that a member of a Criminal Tribe restricted under section 10 is not allowed to build any shed or enclosure outside the inhabited site without the permission of the Superintendent of Police.

307. The Alwar and Bharatpur Criminal Tribe Acts have been replaced by "The Matsya Habitual Criminals Ordinance, 1949".

308. In Kotah area, the law for the Criminal Tribes is contained in the "Circular—Criminal Tribes 1923". Under one of the provisions in this Circular, entry of Kanjars in Kotah has been presumed to be for the purpose of committing crimes and consequently they are liable to punishment. According to section 7 of the Circular, a Kanjar or any other member of a Criminal Tribe on his second conviction for offences under Chapter XII, XVI, or XVII of the Indian Penal Code is to be punished with 7 years rigorous imprisonment and on the third conviction for life imprisonment and is also liable to have his house-hold and other goods and animals confiscated.

309. In Jhalawar area, the Jhalawar law regarding the Criminal Tribes was in force. This law is similar to the Kotah Circular but it is a little more stringent. On recommendation of Shri Raghaviah, M.L.A. (Madras), who toured in Rajasthan in January 1949 at the request of the State, the Jhalawar law has now been suspended.

310. Kanjars and Sansis have been settled by providing lands, in some cases with necessary requisities of agriculture, in Bhilwara, Chittor, Tonk and Bundi districts. Schools have also been started in some of the colonies. In Bhilwara and Chittor districts a fund called "Kanjar Fund" has been provided. The balance in this fund at present is reported to be about Rs. 10,000. Loans and takavi advances are given to the Kanjars and Sansis from this fund.

311. We would suggest that the Rajasthan Government should intensify the reclamation work, as early as possible, by opening schools in every colony established for the Criminal Tribes and also by providing them more facilities for agriculture.

312. There are sixteen colonies of the Criminal Tribes established under provisions (corresponding to section 11 of the Criminal Tribes Act, 1924), of the various laws relating to the Criminal Tribes, in the Rajasthan State. Out of them the colony at Sojat and the colony at Ahmadpura near Tonk were visited by our Sub-Committee.

313. The total population of the Bawaria colony at Sojat is 320. At the time of the visit, two Bawarias were absconding and one was in jail. The persons residing in this colony are restricted persons under the provisions of the Marwar Criminal Tribes Act. It is under the management of the Police. 78 persons are registered in this colony, but out of them 39 persons, have no conviction at all under any penal law. There are about 60 children of school-going age in this colony but none attend any school.

The nearest school is about 5 miles away from the colony. There is no dispensary in the colony. Most of the persons residing in this colony have lands and they do agricultural work. But the lands are not fertile and due to difficulty of water they are not able to have satisfactory crops. Some of them do agricultural labour in the adjoining village also. During 1949 two persons were convicted under the Penal Code while four were convicted under the Criminal Tribes Act. The houses in this colony are not situated in a compact area, but groups of 10-15 houses are situated at various places at distances of half to one furlong from each other. One of the groups of houses having about 8 houses (called Kereodani village) was visited by the Sub-Committee on the 27th June 1950.

The houses were very small. Few of the residents had brass utensils. But all the men and women looked healthy, and intelligent and were well dressed. The small children, who were seen by the Sub-Committee, appeared to be healthy but all of them had some skin disease. These people have got 40-60 cattle. They have two carts to bring grass etc. There is no well in the Kereodani village but there is a well near the Police Chawki which has got sweet water and which is about

2 furlongs from their residence. They bring drinking water from that well. Well water in this part is brackish and they cannot cultivate anything except wheat. Some of them require more land and requested that they may be granted the same. They wanted the Act to be repealed and Hajri to be taken off. They said that none of them residing in this village had any conviction for 3-4 years.

314. The Criminal Tribes Colony under Ahmadpura Police Station in Tonk was visited by the Sub-Committee on 2nd July 1950. It is a small colony in which the Sansis who are restricted under the provisions of the Tonk State Criminal Tribes Act are residing. The total population of the colony is 53. There are 13 houses in this colony and all of them are made of mud and thatched roofing. Total land distributed to these persons is about 172 bighas. The maximum holding is about 70 bighas while the minimum holding is of 8 bighas. All the residents engage themselves in agriculture. 13 men are registered and have to give roll call. It was observed that these people had good number of cattle with them and sheep breeding appeared to be their side occupation. There were 232 sheep, 192 goats, 26 bullocks, 44 cows, 25 calves and 7 buffaloes in the colony. The financial condition of these people appeared to be fairly good and two of them (Bagi, s/o Savantia, aged 25 and Hal, s/o Barda age 25) had worn silver kodas and gold ear-rings. All of them appeared to be smart and were clean and well clad. But unfortunately all were illiterate and no children attended any school. There is no school in the colony and the nearest school is about 4 miles from the colony. It was learnt that the Police Head Constable, residing in the Police Chowki on the spot, used to get an allowance of Rs. 10 p.m. formerly for teaching the Criminal Tribes children but it has now been stopped. It was learnt that no persons from this colony were convicted during 1946, 1947, 1948 but that during 1949, 3 persons were convicted under section 379 of the Indian Penal Code. If proper facilities for education are given, these people can easily be improved and absorbed in the general society.

315. The Government of Mysore enacted the Mysore Criminal Tribes Act in 1916 and also Rules were framed for its proper working. This Act was amended from time to time and the provisions in the Act, which is in force at present, are more or less identical with those of the Criminal Tribes Act, 1924. Any male member of a Criminal Tribe, notified as such, who is above 12 years of age and is proved, reasonably suspected or believed to be addicted to the systematic commission of non-bailable offences is registered under the Act but a female member is not registered unless she is actually convicted of such an offence. All registered persons are immediately applied section 10(1) (a) and (b), i.e., they have to report at fixed intervals before officers, as ordered, and have to notify their places of residence and any change or intended change of residence and any absence or intended absence from their residence. It is reported that restrictions under sections 11 and 12 of the Act are not applied to any members of the Criminal Tribes and are inoperative. No settlements or reformatory schools under section, 16 and 17, respectively, have also been established. The District Magistrate has powers to exempt any registered members from the obligations imposed by section 10 (1) (a) or 10 (1) (b). The Superintendent of Police is required to bring to the notice of the District Magistrate at least once a year the names of all persons who in his opinion may safely be removed from the register, and the District Magistrate is empowered under section 6 of the Mysore Act to remove the names of suitable persons from the register. Every registered Criminal Tribe member who is under restrictions, imposed by section 10, is required to send his children between 6 and 12 years of age to a school, if he is residing in a village having a school within a radius of three miles.

316. There are no special facilities given to the Criminal Tribes children for their education nor any welfare or reformatory work has been organised in the Mysore State. But the Criminal Tribes viz., Woddars, Korachars and Handijogise

which are classed as Scheduled Classes, are entitled to get special facilities and concessions which are sanctioned for the Scheduled Classes. These concessions are :—

(1) Special facilities for education such as exemption from payment of school fees, grant of scholarships and supply of stationery, clothing etc., and free hostel accommodation, (2) free grant of building sites for construction of colonies and building materials and tiles for the construction of dwelling houses, and (3) grant of land for cultivation either free or at nominal prices.

317. In the Hyderabad State, the Hyderabad Criminal Tribes Act has been in force since 1897. This Act is similar to the Criminal Tribes Act, 1924. According to section 4 of this Act, the Inspector General of Police can be directed to register the members of the notified Criminal Tribes. No minimum requirements for registration, restrictions under section 10 or 12 (which is equivalent to section 11 of the Criminal Tribes Act, 1924) or internment under section 16 of the Act have been prescribed. All the members of the Criminal Tribes are liable to be registered, unless exempted by the Inspector-General of Police. Only dangerous persons are interned in the settlement established under section 16 of the Act, but no preliminary enquiry (similar to that prescribed by the proviso under section 16 of the Criminal Tribes Act, 1924) has been prescribed by section 16 of the local Act. There is only one settlement, Lingal Penal Settlement in the Mahbubnagar district in the State. A primary school has been opened in this settlement and Criminal Tribe children receive their education free of cost. There is one Boarding School also, and it is reported that Government spends Rs. 58,000 per year for maintenance of this school, which also imparts education in arts and crafts. Almost all the children of the settlers are placed in this School. It is reported that there are at present 126 boys and 46 girls in this school.

318. The present population of the Criminal Tribes members in the Hyderabad State is 69,202, while it was 55,799 about 10 years ago. In spite of this increase in the population, the number of registered persons which was 8,193 about 10 years ago has decreased to 1,873. Similarly the number of internees under section 16 of the Hyderabad Criminal Tribes Act was 275 ten years ago but it is now 35 only. It seems therefore that there is much reformation among the Criminal Tribes. Lambadas and Waddars, who had no convictions, were denotified in 1918 while Manggarudis were denotified in 1921.

319. In Saurashtra State, the Criminal Tribes Act, 1924, has not been applied. Some of the old Indian States which have merged in Saurashtra State had their own laws for the surveillance and control of the Criminal Tribes in their territories. A list of such laws is given in Appendix V. Out of these laws, the Nawanagar State Pass Hajri Dhara Samvat, 2003, is the only law for the Criminal Tribes in force now.

320. The original Nawanagar State Pass Hajri Dharas were modified from time to time and the last Rules were passed in 1947 (Samvat 2003). They were applicable to (1) Sandhis of Dharagadh, Bhanvad, Veraval (Jam Jodhpur); (2) Sumras of Tarohari (Khambhulia), Kota and Mositin; (3) Mianas of Bela, Mana Mora and Lakhtar (Jodia); (4) Sangheda of Nana Ambala and (5) Vaghris of Atkat and Bhadila and certain individuals. According to this law, all the male persons above 16 years of age and belonging to the above tribes are registered and have to give "hairi" or roll call twice every day (once in the morning and once in the evening). They can also be checked at night. They are required to take a pass if they want to remain absent at night from their residences. For breach of these rules, the registered members are liable, on first conviction to imprisonment up to one month or a fine of Rs. 200 or both and on second conviction, to imprisonment up to six months or fine up to Rs. 500 or both.

321. The Rewa Wandering Criminal Tribes Act, 1925, has been applied to the whole of Vindhya Pradesh. According to this Act, any member of a wandering Criminal Tribe entering or passing through the State, has to report himself at the nearest Police Station and has to give all information required by the Police. If he is passing through the State, the police conduct him from "Thana" to "Thana" and on crossing the boundary of the State, he is handed over to the Police Officer in charge of the bordering Police Station. A member of a Criminal Tribe who fails to report his entry in the State is liable, on first conviction by a 1st Class Magistrate, to be punished with whipping extending to twelve stripes, and also to rigorous imprisonment not exceeding 3 months or to fine not exceeding Rs. 100/- or both; on a second or subsequent conviction, to 24 stripes and also to rigorous imprisonment not exceeding 6 months or fine up to Rs. 200/- or both. If such a member refuses to furnish the information asked by the Police or supplies false information, he is also liable to be punished with whipping and rigorous imprisonment or fine or both. Women and men above 45 years of age are, however, not to be whipped, and if any other guilty person is found to be suffering from any serious physical disability, the trying magistrate, at his discretion, can substitute the substantive punishment of whipping by a sentence of rigorous imprisonment or fine or both. Any sentence of imprisonment passed in case of non-payment of fine has to be rigorous imprisonment.

322. In Patiala and East Punjab States Union, the law relating to the Criminal Tribes in force at present is the Patiala Criminal Tribes Ordinance, Samvat 1974. The provisions in this Ordinance are similar to those contained in the Criminal Tribes Act, 1924, except that there are no provisions for the establishment of settlements and schools and for the segregation of the children of the Criminal Tribes from their parents. Section 15 of this Ordinance, which corresponds to section 23 of the Criminal Tribes Act, 1924, still provides the minimum punishment of seven years rigorous imprisonment on a second conviction, and of life imprisonment on third conviction for specified offences mentioned in the schedule. This schedule in addition to the offences mentioned in the schedule attached to the Criminal Tribes Act, 1924, includes offences under sections 379, 380, and 381 of the Indian Penal Code. According to section 21 of this Ordinance, a family of the notified Criminal Tribes is not permitted to keep more than one milch animal.

323. Under the rules framed under section 12 of the Patiala Criminal Tribes Ordinance, all the male members of the Criminal Tribes above the age of 11 years are registered. All women and children below the age of 12 are exempted from registration. The registration is cancelled if the "NAZIM" is satisfied "after enquiry from the police and from other officials and non-officials that such member has completely reformed and that he has, for a period of 10 years, followed an honest means of livelihood and has not during such period been convicted of a non-bailable offence and has not been reasonably suspected of committing a non-bailable offence."

324. It is seen that this Ordinance is somewhat more stringent than the Criminal Tribes Act 1924, and it does not also contain any provisions for establishing institutions such as settlements or special schools, for the reformation of the Criminal Tribes. It is also learnt that no special welfare or reformatory work has been organised for these people by the State Government.

325. In Jammu and Kashmir, the local Criminal Tribes Act of Samvat 1976 has been in force for the last thirty years. Only two tribes *viz.*, Sansis and Paras were declared as Criminal Tribes under this Act, and the State Government have informed that the population of these tribes is negligible.

326. No Criminal Tribes Act is in force in the Travancore-Cochin State.

327. No Criminal Tribes Act is also in force in Manipur, Tripura, Bilaspur and Himachal Pradesh. The Criminal Tribes Act, 1911, was adopted in Cooch-Bihar by the Cooch-Bihar Criminal Tribes Act, 1921. There was no subsequent amendment to this Act nor was the Criminal Tribes Act, 1924, introduced in this State probably for the reason that there was no occasion for the application of the local Act although it was in force for nearly 30 years. The State Government have opined in favour of the repeal of the Act.

328. In Kutch State, there is no Criminal Tribes Act in force. Before the merger, during the old State regime, however, certain classes were declared as Criminal Tribes and put under restrictions by State circulars. These circulars are still in force. Under these circulars, a member of the Criminal Tribes has to attend night check roll calls by the police and has to take a pass if he wants to go outside his village.

329. In Bhopal State, the first legislation concerning the Criminal Tribes was enforced in 1891. It was known as the "MOGHIAN MANUAL" and only Moghias were registered under it. The Bhopal Criminal Tribes Act, which is in force at present, was passed in 1926 but was enforced from 1933. It is based on the Criminal Tribes Act, 1924. There have been no amendments to that Act since its adoption. Rules were framed under section 17 of that Act in 1933 and certain amendments and additions were made in them in the same year. In this State, members of the Criminal Tribes are registered as soon as they attain the age of 15 years and are also restricted generally to the villages or colonies, where they are residing. Women are also registered and have to give hajri just like the registered men.

330. It has been reported that the Bhopal Government have allowed the following facilities to the Criminal Tribes for their reformation.

(a) Land is allotted to the members of the Criminal Tribes on progressive rent rate system viz. (1) for first three years, free of rent, (2) for the next three years, half the assessed revenue is recovered and (3) a rebate of annas two in a rupee is allowed on the total revenue assessed in the 7th year.

(b) Taccavi loans are advanced and recovered by instalments.

(c) Seeds are given at concessional rates.

(d) Timber, hay and fuel are sold to them at half prices.

331. Out of the five colonies established in this State, under section 11 of the Act, two colonies at Sonkatch and Devalkhera were visited by the Sub-Committee. Kanjars (Bijorias) have been settled at both these places. At Sonkatch, Kanjars numbering 79 stay far away from any village in a group of 18 mud houses. There is no approach road to this place. At Devalkhera, 122 Kanjars are residing. They are also in mud houses with reed roofs. At both these places, there is no arrangement for schooling, good water supply or medical treatment. The nearest dispensary is 5 miles from Sonkatch and 2 miles from Devalkhera. No children attend any school. In these colonies also, men and women are automatically registered at the age of 15 and they have to give hajri at least four times (at 6 P.M., 12 midnight, 4 A.M. and 6 A.M.). Even women with small children are compelled to come out of their houses and to go near the hut of the Head Constable to give roll call in the night.

Both these colonies were found to be in a miserable condition, and it was clear that no steps for their welfare, except distribution of some lands, have been taken. The average area of land allotted to the Criminal Tribes members was also generally found to be much less than their requirements and there is a great necessity for giving sufficient lands to these persons in order that they may improve.

CHAPTER V.

GENERAL OBSERVATIONS AND RECOMMENDATIONS

(a) General

332. In the preceding chapters we have traced the history of the Criminal Tribes Act; given brief description of the various Criminal Tribes; and examined the working of the Criminal Tribes Act in the several States. Judging from the result of our study we regret to say that in the working of the Act greater emphasis has been laid on the enforcement of the security sections than on provisions relating to reclamation of these tribes, inadequate as those provisions were. The Act has worked more as a preventive and punitive measure than as a measure of reformation for these economically low and socially backward classes. Except a few hardened criminals the other persons, belonging to these tribes, are as good as the people belonging to other communities of the same economic and social status, and desire to live an honourable life. Wherever we went we heard one single cry from all the criminal tribes that whereas India obtained freedom, they continued to be in bondage and their demand for setting them free by repealing the Act was insistent. Children of the Criminal Tribes who have been brought up in the settlement and educated on modern lines and who are now grown up and employed in Government services feel a sense of degradation and oppression by the stigma which still continues to be attached to them as members of the Criminal Tribes. Some of the members of the Criminal Tribes who are eking out an honest living by working in factories and mills were turned out by the managements on a discovery that they were members of the Criminal Tribes. Thus members of these tribes who were trusted and considered honest, lost all their credit on the discovery that they were members of the Criminal Tribes. It is remarkable, however, that many of them have continued to pursue honest methods for earning their living. The Act has thus been a great handicap to even the honest members of these tribes. Despite the handicaps and disabilities imposed on the members of the Criminal Tribes by the Act it is observed that wherever they were helped to some extent and given proper guidance, they have been able to improve their conditions and we are informed that many members of these tribes have passed their upper primary examination and some are graduates. They are following honourable professions and the continuance of the Act which brands whole communities of which they are members, as criminal, will embitter them against the society as well as Government.

333. Legislation regarding the Criminal Tribes was first enacted in 1871 and since that time, the Criminal Tribes Act has been in force. If effective measures had been taken for the reformation and welfare of these tribes by the States during the years the Act has been in force, we feel that the problem would have been solved long time ago. Without providing for adequate reformation and welfare work, if the Act is continued, no material improvement among these tribes can be expected and on the other hand as time passes the members of these tribes will more and more realise the injustice done to them and this position may turn them to be permanent enemies of the society as well as Government.

334. In the Punjab, all the Criminal Tribes members who are exempted from the operation of the Act, are given free movement permits and they have to carry these permits with them wherever they go. The registered members have to carry with them the passes issued to them by the police or the Criminal Tribes Department. A Criminal Tribe member can be questioned at any time by the police and if he fails to produce either a permit or a pass, he is detained at the Police Station for enquiry to find out whether the Criminal Tribes member is registered or not. Thus even an unregistered Criminal Tribe member, although absolutely innocent, stands a chance of being thus detained. During our tour in the Punjab States, we found the members of the Criminal Tribes very anxious to see that the Criminal Tribe

Act was repealed early. Our detailed study showed that it was due to the above facts that every member of the Criminal Tribes felt the rigours of the Act and wanted that the Act should be repealed as early as possible.

335. It is now generally recognised that criminality is not hereditary but is the result of bad environments and low economic conditions. Dr. D. N. Mazumdar, Professor of Anthropology in the Lucknow University who has made a detailed study of the Criminal Tribes and other castes of the Uttar Pradesh, stated before us that he is of the opinion that criminality is not inherited and that many of the Criminal Tribes originated from the Rajputs and ethnologically they do not belong to altogether a separate race.

336. Untouchability proved oppressive and its practice is now made illegal under the Constitution, as it involves social injustice and perpetuates discrimination. More so is the stigma of criminality by birth. Under section 3 of the Criminal Tribes Act, 1924, any tribe, gang or class of persons or any part of a tribe gang or class who is addicted to the systematic commission of non-bailable offences can be notified to be a Criminal Tribe. As a result of this, many tribes or parts of tribes including families who have never been criminal, have been notified as criminal tribes. The children born in these notified tribes automatically become members of the criminal tribes so notified, and the members of such tribes, who may never have committed or aided in commission of any offence or even suspected of having done so, as well as newly born children of these people are thus branded as criminal and denied equality before the law and thus a discrimination is imposed against them on the ground that they belong to a tribe or a part of a tribe, which has been notified as a Criminal Tribe. In this respect, this section would appear to go against the spirit of our Constitution. In the course of our tours, we had discussions on the constitutional aspect of this question with eminent members of the bar, judges of the High Courts and law officers of the States who expressed themselves in the same way. Moreover, this section gives powers to the executive to declare any tribe, part of tribe or gang or part of gang or a class of persons as a Criminal Tribe and it is provided in section 29 of this Act that no court shall question the validity of any notification issued under section 3 and that every such notification shall be a conclusive proof that it has been issued in accordance with law. We feel that it is not proper to give such wide powers to the executive. The Act also gives powers to restrict the movements of the Criminal Tribes or to place them in settlements to the executive and by making suitable rules under the Act to take work from settlers on pain of punishment. This would virtually amount to "begar" or forced labour which is an offence under the Indian Penal Code and is opposed also to Article 23 of the Constitution. The representative of the Ministry of Labour, who appeared before us, has emphasised this aspect. He explained the position as follows :—

"The International Labour Organisation, at its 14th Session held in June 1930, adopted a Convention on Forced or Compulsory Labour. For the purposes of this Convention, the term 'Forced or Compulsory Labour' means all work or service exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. The Criminal Tribes Act, 1924, makes it impossible for us to ratify the Convention, on account of the three reasons—firstly, there is restriction on the liberty of the individual; secondly, the settlers are required to perform the work ordered by Supervisors; if they do not comply with these orders they are liable to be punished; thirdly, some of these settlements are run by private bodies. If it is not decided to repeal this Act, which otherwise would be justified, the Labour Ministry would request that the Committee may take into consideration the following suggestions :—

- (i) The Act should be amended so as to obtain the verdict of a Court or Tribunal, instead of leaving the Executive machinery to decide whether a certain tribe or part or member thereof deserves to be restricted in its or his movements or to be kept in a settlement;

- (ii) The settlements should be run by Government themselves ; and
- (iii) The tribes or members thereof must not be allowed to be hired by private bodies or individuals.

337. Enquiries made by us in the foreign countries, through the Ministry of External Affairs reveal that there is no legislation in any country which is comparable to the Criminal Tribes Act.

338. As a result of demand of the public opinion and on account of the overriding fact that nobody is criminal by birth, the Madras and Bombay States repealed the Act in its application to those States in 1947 and 1949 respectively. Opinion of the other States, in which the Act is in force, was invited on the question of repeal or otherwise of the Act.

339. Out of the total population of 18,37,845 of the Criminal Tribes in the ex-provinces, the Uttar Pradesh alone has a population of 16,68,845. The Punjab and Orissa States have population of 76,564 and 74,762 of the Criminal Tribes respectively. The remaining States included in Part A of First Schedule to the Constitution have comparatively very small population of the Criminal Tribes. The Government of the Uttar Pradesh, in which there is the largest population of these people, have informed that they have no objection to the repeal of the Act. They agree with the recommendations of the Criminal Tribes Act Enquiry Committee, which was set up by them in 1946 and which has already recommended replacement of the Criminal Tribes Act by the Habitual Offenders and Vagrants Act.

340. The Punjab State comes next in respect of the population of the Criminal Tribes. The Government of the Punjab have not given any definite opinion but they have stated that they are awaiting the recommendations of our Committee. The Deputy Commissioner for Criminal Tribes in the Punjab, who is in charge of the work regarding these tribes, in his evidence before us stated as follows:—

“As regard the demand of the members of the Criminal Tribes for the repeal of the Act, I am in favour of the request being granted. All the exemptees and those restrictees who have no convictions for some what serious offence under any Penal Law i.e., law other than the Criminal Tribes Act for the last five years, may be discharged from the operation of the Act. In the case of persons who during the last 5 years earned one or two convictions of a type not justifying their removal to a reformatory, I would suggest that they may be kept under the surveillance of the police for a year and all the other persons who have been guilty of more than one offence under penal law of serious nature may be continued to be kept in the reformatories for a period of three years. Legislation may be passed by the Government to deal with the Habitual Offenders in this way.

“As regards wandering tribes, I would like that Vagrancy Act be passed immediately to restrict the movements of all the criminals and attempts should be made to settle them on gainful occupations. Generally speaking, persons who wander about start as beggars and end as hardened criminals. Out of these vagrants, those who are criminals must be dealt with under the Habitual Offenders Restriction Act and sent to reformatories. All over the country simultaneous raids must be carried out to catch the vagrants and then settle them on useful occupations.”

341. The Inspector General of Police of the Punjab State handed over to us a note giving his considered views on the subject. We give below an extract from his note.

“There are multiple factors affecting the society or the minds of the people e.g., poverty, bad housing, slum residence, lack of recreational facilities, inadequate and demoralized families, feeble mindedness, emotional instability and other traits and conditions. Research studies

of criminal behaviour have shown that criminal behaviour is associated, in greater or less degree, with the social and personal pathologies such as above. This is, however, true as a general rule..... The Criminal Tribes Act, should,..... be replaced by another Act under which it should be comparatively easy to achieve the object in view. The Act should not be directed against any particular tribe or class of people. It should deal with gangs of criminals irrespective of their caste or creed and the only legal requirement should be criminal association of its members. In the Punjab, there is 'Restriction of Habitual Offenders Act, 1918', but this Act does not go far enough nor has it ever been possible to apply it to a real harbourer or organiser of criminals on account of the serious difficulties encountered by the prosecution to secure direct evidence."

342. Thus it is seen that the highest police officer of the Punjab State as well as the Special Officer (*viz.*, Deputy Commissioner for Criminal Tribes), charged with the duties of control and supervision of Criminal Tribes in the Punjab, are unanimously of the opinion that the Criminal Tribes Act should be replaced by a suitable legislation which will deal with individual criminals without distinction of any caste or community. We would like to point out here that we have learnt that the notifications issued under section 3 of the Criminal Tribes Act, 1924, in the West Punjab (Pakistan) have been withdrawn and the execution of the Act has thus been suspended there.

343. The Orissa State has a total population of 74, 762 of the Criminal Tribes. The Orissa Government which was consulted in the matter stated that—

"Some time back, the question of the repeal of the Act was taken up by the Provincial Government. The local officers gave their views that some special restrictions were necessary on the activities of the Criminal Tribes in the interest of peaceful and law abiding citizens of the areas inhabited by the Criminal Tribes. The question of repeal of the Act was therefore abandoned..... There is, however, no denying the fact that the provisions of the Act as they stand at present are stringent and all pervading and not only does it bring excessive rigour on the members but is apt to rope in innocent people.....". They are of the opinion that the Act should remain in force for the present and the matter should be reviewed after 10 years.

344. From the extract of the Administration Report for the year 1948 of the Orissa State, it is seen that there were 2,723 registered persons under the Criminal Tribes Act in this State during the same year. These figures include also the members of gangs, who are registered under the Act. Out of 2,723 registered persons, 1,656 enjoyed "ateyance" from restrictions imposed on them under section 10(1)(a) of the Act, while 305 persons were exempted from the obligations imposed on them under section 10 of the Act. Therefore, the actual number of criminal tribes members, who were under restrictions, was 762 as follows:

519 absconding
40 in jail
203 under surveillance
<hr/> 762

Even presuming that all these 762 persons were actually criminal there would be only about 1% of the total population of the criminal tribes in the State which could be considered criminal and it would not stand to reason that the Act which brands 99% of innocent or reformed members of the so called Criminal Tribes as criminal, should be retained simply in order that the police may have surveillance and control over 1% of the Criminal Tribes members.

345. The Inspector General of Police of the Orissa State, who gave his oral evidence before us at Cuttack, was in favour of the replacement of the Criminal Tribes Act by a legislation which will deal with individual habitual offenders. This can be seen from the following extract from his oral evidence :—

"I quite agree that we should not treat anybody as a criminal by birth. For many years in this State, we have been working the Criminal Tribes Act, not with strictness but with liberality. In this State, crimes committed by the Criminal Tribes are marked by an absence of violence. The crimes are generally due to economic reasons. The ex-servicemen were settled on land after the last war and this solved the problem of bread for them. Similarly, in order to settle these criminal tribes, they should also be given lands. We should do to them as we have done to others in helpless conditions. The problem of the Criminal Tribes should also be solved in the same spirit as the problem of ex-soldiers and refugees. I would favour the replacement of the Criminal Tribes Act by the Habitual Offenders' Act".

346. The Bihar State comes next with its criminal tribes population of 13,311. The Government of Bihar did not give any definite opinion for or against the repeal of the Act when they were consulted last year. But their views are expressed in the Government Order, dated the 17th July, 1948, appointing a committee to enquire into the matter and recommend suitable measures. An extract from that Order is reproduced below :

"The rigour and oppressive nature of some of the existing provisions of the Criminal Tribes Act, (VI of 1924) have stood in the way of members of the Criminal Tribes gradually getting absorbed in the society and becoming useful citizens. The Provincial Government are anxious to devise ways and means for the reclamation and rehabilitation of the members of these tribes and to make the Criminal Tribes Act more humane."

347. The Committee, which was appointed by the above Order, submitted their report to the Bihar Government in April 1950. They have recommended the repeal of the Criminal Tribes Act and have suggested enactment of a Special Act to deal with the Habitual Offenders of all communities. These recommendations have not yet been implemented by the Bihar Government. During our tour in the Bihar State, we met Hon'ble the Chief Minister, Hon'ble the Minister in Charge of the Criminal Tribes work and the Chief Secretary. In this meeting, we were informed that the Bihar Government had no objection to the repeal of the Criminal Tribes Act provided suitable legislation to control and supervise the Habitual Offenders, belonging to any caste or tribe, was enacted.

348. The population of the Criminal Tribes in West Bengal is not available but the total number of persons registered under the Criminal Tribes Act, 1924, in that State is 2,598. Most of them are members of criminal gangs who have been notified as Criminal Tribes. There are only seven criminal tribes, viz., Karwal Nats, Dekarus Bhars, Bedyas, Gondas, Lodhas and Moghaiya Domes, notified under the Act in that State and the number of registered persons from these tribes is 607 only.

349. During our tour in West Bengal, we met the Hon'ble the Chief Minister, the Chief Secretary to Government and the Home Secretary. From the discussion, it could be gathered that the West Bengal Government have no objection to the replacement of the Criminal Tribes Act, 1924, by some legislation which will deal with individual criminals and give sufficient powers for the control and surveillance of the habitual offenders.

350 In Assam, there are no tribes which are criminal but some criminal gang have been notified as Criminal Tribes. The population of these people is 156 only. The Government of Assam have intimated that they have no objection to the repeal of the Act if a suitable legislation to control the criminal gangs is enacted to take its place.

351. The Government of Delhi State have informed us that "if the Act is repealed and the vacuum is not filled by constructive humanitarian work for the uplift of these classes, neither the tribes nor the society would benefit." They have further stated that "in case it is considered necessary to repeal the Act, which may be repugnant to public sentiment, it will be necessary to impose counteracting measures to achieve the desired object."

352. The criminal tribes population in the Delhi State consists mainly of Sansis. The population of other Criminal Tribes is negligible. Sansi population in Delhi State is 417 and out of them only 29 persons are restricted. It is also reported that 164 families of displaced Criminal Tribes, having population of 656, have migrated since 1947 to Delhi from West Punjab. But so far we have not received information that any of them have been registered. It would not stand to reason that, in order to have control and surveillance over 29 registered persons, the whole Sansi tribe in Delhi should be branded as a Criminal Tribe.

353. The Chief Commissioner, Ajmer, is of the opinion that "until all the members of the Criminal Tribes are reformed and they give up their Criminal tendencies, the repeal of the Act in its entirety is not recommended, as it will add to the difficulties of the police who are already busy in tackling various problems in the country due to Partition." He, however, stated that "the Act may be modified so as to rule out the objections of the critics that in the present Act even a child is considered to be criminal and on his attaining the age of maturity (15 years) he is automatically registered even though he might have been totally innocent."

354. In 1947, during the discussion about opening a Criminal Tribes Settlement at Deoli in Ajmer State, the Advisory Council, Ajmer State, which represents the general public, had expressed the following views on the subject :—

"The Council is opposed to the idea of calling any tribe a Criminal Tribe or segregating them in a settlement as the Council is of the opinion that no stigma should attach to any person by reason of his birth and no scheme should be prepared involving segregation of any tribe ; but that special facilities for the education and advancement of backward tribes including the so-called Criminal Tribes should be provided. "

355. In our opinion, the problem of Criminal Tribes cannot be considered at all to be serious in the Ajmer State. Only three tribes viz., Sansis, Kanjars and Baurias (or Bawarias) have been notified as Criminal Tribes. The total population of Sansis and Kanjars in this State is 1,118 and out of them 435 persons are registered. In addition, there are about 34 registered Bawarias in the State. In this State, registration of a member of the Criminal Tribe is automatic on his attaining the age of 15 years. Hence it cannot be presumed that all the registered persons are criminals.

356. In the newly formed States included in Parts B and C of the first Schedule to the Constitution of India, there are local laws for the surveillance and control of the Criminal Tribes. Information regarding the nature of restrictions placed on the members of the Criminal Tribes by those laws and their general working has already been set out in the previous Chapter. The States, which have large populations of the Criminal Tribes are Mysore (2,10,321), Madhya Bharat (76,722), Rajasthan (65,440), Hyderabad (69,202), Patiala and East Punjab States Union (3,453), Vindhya Pradesh (983) and Bhopal (1,500). These States were also consulted if they were in favour of the repeal of the Criminal Tribes Act or any modification thereof.

357. The Mysore State, which has more than half of the total population of the Criminal Tribes in the newly formed States included in Parts B and C of the first Schedule to our Constitution, have already decided to repeal the Criminal Tribes Act, as they state "the Mysore Criminal Tribes Act has come in for a good deal of criticism on the ground that it is inconsistent with and derogatory to the modern conceptions of human dignity and that it is opposed to the principles of natural law and justice. The Act has been described as a relic of barbarity, a blot on civilization and a crime against humanity." The Mysore Habitual Offenders Bill, which seeks to repeal the Mysore Criminal Tribes Act, 1916, was passed by the Mysore Representative Assembly (Lower House) in October 1949.

358. The Madhya Bharat Government have informed us that "although the Committee", which was appointed by them, "have recommended that the Criminal Tribes Act, at present in force in the State, should be replaced by an Act like the Habitual Offenders Act, which should provide for surveillance of individuals and not for whole communities, except in the case of a few tribes, whose social organisation actively initiates into and trains up children in crime", they have not yet been able to examine these recommendations in all their implications and to formulate their views. They stated in December 1949, that the "opinion of the Home Department of this Government is that in areas such as those, where owing to rapid political changes and the general weakness of the administrative system, which is being gradually built up on the Provincial model, we should move cautiously in introducing reforms like the abolition and control over Criminal Tribes. Premature abolition of the old system of control may lead to results with which our weak administration may find it difficult to cope."

359. From the evidence recorded by the Sub-Committee, it is clear that all the Criminal Tribes in the Madhya Bharat are mostly reformed except the Kanjars and Sansis and the officials who are not in favour of the repeal of the Criminal Tribes Act have, it appears, in mind the Kanjars and Sansis only. The exact population of Kanjars and Sansis in the whole of the Madhya Bharat State as well as the number of persons actually registered from these tribes is not known but their population in the old Gwalior State area is 1,607 and out of them 1,62 only are registered. The witnesses, who say that the Kanjars and Sansis are very criminal and want special provisions for their control, have no figures to support their statements. The Criminal Tribes Officer, Gwalior, stated : "Our suspicion is that Kanjars commit crimes and remain undetected and hence the whole tribe of Kanjars be considered as habitual offenders." The Inspector General of Prisons, Madhya Bharat stated : "It is difficult to get Kanjars convicted although they might have committed crimes against property. It is only in the gangs cases and other organised serious offences when the approver gives the whole idea that many people are actually involved in the offence. Otherwise only few could be found guilty and punished." The Superintendent of Police, Guna, said that about 25% of Kanjars commit offences, and 75% of them are supported by the criminals and hence control is necessary on all the Kanjars. He has however no definite figures in support of his statement. While giving information regarding Kanjars and Sansis, Shri Jaganath Prasad Sharma, Deputy Inspector General of Police, Ujjain, stated that "Roughly there are few cases in which they are convicted during the last five years. They have a special convenience as they pass on to other states. There are 23 States in Madhya Bharat. After the integration of these States in Madhya Bharat, they have shifted their activities to Rajasthan." It has, however to be stated that during the tour of the Sub-Committee in the Rajasthan State none of the witnesses drew their special attention to any increase in the criminal activities of Sansis and Kanjars in that State. In the absence of any definite data, we are not prepared to believe in the vague statements that Sansis and Kanjars in Madhya Bharat are very dangerous. If the active habitual criminals from these tribes are segregated and welfare and reclamation work is started among them, the rest of the members will improve much quicker. We would also point out that the Inspector General of Police of the Madhya Bharat State as well as the Deputy Inspector General, Criminal Investigation Department, of that State who are actually in charge of the

administration of the law relating to Criminal Tribes have expressed their opinion in favour of the replacement of the Criminal Tribes Act by a legislation which will deal with individual criminals. The Deputy Inspector General, Criminal Investigation Department, stated that even if there is some increase in the beginning, the Criminal Tribes Act may be repealed in principle.

360. The Rajasthan Government have already passed the Rajasthan Habitual Criminals (Registration and Regulation) Act, 1950, but it has not yet been put into force. They have forwarded a note prepared by the Assistant Inspector General of Police, Criminal Investigation Department, in reply to the queries made by the Committee. In this note, it is stated that "considering the present trend of crime in the existing set up of things, it seems necessary that some kind of law, on the lines of the Rajasthan Habitual Criminals Act, should continue to remain in force for another five years." It is also stated that "the repeal of the Criminal Tribes Act is necessary but it must simultaneously be replaced by the Habitual Offenders Act without which it will not be possible for the police to grapple with crime successfully."

361. The Inspector General of Police of Hyderabad has intimated that "The Criminal Tribes Act, as a special Act, applicable to particular tribes, should be repealed, Discrimination and special severity merely on the ground of birth against any particular tribe will not be in keeping with modern trends or the spirit of the Fundamental Rights Chapter of our Constitution. Crimes should be punished as crimes. The community or tribe or class to which the persons committing them belong, should not by itself be considered an aggravating circumstance." He further states that "legislation on the lines of the Habitual Offenders Act will certainly be necessary and all habitual criminals, whether belonging to criminal tribes or not, should be dealt with under the provisions of such legislation." The Government of Hyderabad have concurred in the above opinion expressed by their Inspector General of Police.

362. The Government of Patiala and East Punjab States Union have informed us that they do not recommend partial or complete repeal of the Criminal Tribes Act, which enables the executive to exercise powers of surveillance over the nomadic tribes. They also state that it is not possible to specify definitely the period for which the Act should be retained as the repeal of the Act must be dependent on complete reclamation of the Criminal Tribes. "As reclamation is a slow process, anything between 10—15 years should be required to produce any tangible results." The Inspector General of Police of this State, who has sent his replies to the questionnaire issued by us, has, however, opined in favour of the repeal of the Act and enactment of a Habitual Offenders Act. He has further stated that his views are based on the opinions and experience of Gazetted Officers in the Police Department.

363. The total population of the Criminal Tribes in Patiala and East Punjab States Union is reported to be 3,453 out of which 1,158 persons have been registered. Registration of male members of the Criminal Tribes in this State is automatic on their attaining the age of 12 years and therefore many of the registered members of the Criminal Tribes may be quite innocent, having no convictions at all. The Patiala Criminal Tribes Ordinance has been in force in the Patiala State for the last 32 years but there seems to have been hardly any progress in the position of the Criminal Tribes, as no provision for welfare or reformatory work has been made.

364. The Vindhya Pradesh Government, having population of 983 of the Criminal Tribes, have stated that they are not in favour of the repeal of the Criminal Tribes Act and that the Act should continue for a further period of 10 years.

365. The Government of Bhopal have intimated that the repeal of the Criminal Tribes Act should be considered after 10 years. The population of Criminal Tribes in Bhopal State is about 1,500. Out of them, 583 persons including women are registered under the Bhopal Criminal Tribes Act. Members of the Criminal Tribes are

registered automatically on attaining the age of 15 years and there are many registered persons who have no convictions at all. The number of the Criminal Tribes persons convicted of any penal offences is also very small as will be seen from the following figures :

Sl. No.	Convictions	Number of Criminal Tribes persons convicted in		
		1928	1938	1948
1.	Indian Penal Code	7	3	2
2.	Criminal Tribes Act	18	10	10
3.	Arms Act	Nil	Nil	Nil
4.	Other Acts	Nil	Nil	Nil

When the incidence of crime among the members of Criminal Tribes is so low, there is no reason to brand whole tribes as criminal. For the control and surveillance of persons, who are habitual criminals, some provisions would, however, be necessary and this could be done by the promulgation of a Habitual Offenders Restriction Act.

366. Coming to the actual provisions of the Criminal Tribes Act, it has to be noted that the notification issued under section 3 of the Criminal Tribes Act dubs the whole tribe, gang or class of persons as criminal. Thus, even the innocent members of the tribes notified under that section are branded as criminal, which demoralises them and retards their healthy progress. Actually, it is seen from the figures supplied by the States that out of the total population of 18,37,845 of the Criminal Tribes persons in the States included in Part A of the First Schedule to the Constitution and Ajmer and Delhi States, where the Act is still in force, only 42,946 persons, representing about 2.3% the total Criminal Tribes population, are registered. Moreover, as pointed out in the preceding Chapter, members of the Criminal Tribes in some of the States are automatically registered on attaining a certain age. The actual percentage of criminals will therefore, be presumably even lower than 2.3%. There is, therefore, no justification for branding whole tribes or castes as criminals.

367. The system of roll call prescribed under the Act is capable of being used for oppression. In this connection, Shri V. Raghaviah, M.L.A. (Madras) states as follows in his pamphlet "The Problem of the Criminal Tribes" :—

"The illiterate registered member, who has no knowledge of correct time and who wishes to avoid the inconvenience of keeping awake the whole night, as well as the risk involved in passing through the village and being apprehended at dead of night, on some suspicion or other, prefers to sleep at the Police Station itself or at the residence of the village Patel, often on the roadside and in the dust, exposing himself to the rigours of the weather. In some cases, this reporting extends for life or for 10 to 15 years and embitters the victim. Apart from the great inconvenience felt in this manner of reporting, what defence evidence could there be at dead of night for one, whose presence is maliciously not noted in the register by the village officer or the Police, to prove that he was actually present. It is not for any offences committed that all these punishments are inflicted but only on the pretence of preventive action, which is the basic purpose of the Criminal Tribes Act." "The extreme injustice involved in thus punishing individual members for the faults of others and the absurdity of making birth, in a particular community, criminal are measures that degrade humanity and leave harmful effects on the minds of the victims".

368. During his oral evidence, the Deputy Inspector General of Police, Ujjain (Madhya Bharat) stated regarding the system of roll call thus :—

"The system of roll call is in the hands of lower police officials and they automatically mark them (the Criminal Tribes members) present or absent, and therefore it is true that there is a possibility of its being misused. In the

former Rajgarh State, I remember a case in which a Kanjar, who was actually shot, was marked present in the Police Station. Therefore, marking attendance by the subordinates is not a real check on their activities."

369. The registration and restrictions imposed on the registered members of the Criminal Tribes are ordered and carried out by the executive authorities and it is not open to the aggrieved members of the Criminal Tribes to get relief from the Courts of Law in this respect. The Act is therefore, inconsistent with the modern conceptions of penology and individual justice. Moreover, the provisions of the Act are far reaching and capable of being used for oppression. Even, at the time when the bill was originally introduced in 1871 in the Governor General's Council, a fear was expressed by the Member for Law and Order that "in a measure of the sort it was difficult not to confound the innocent with the guilty and to avoid entrusting to unfit repositories of power, the means of exercising oppression" and yet it was stated "..... the object in view rendered it worthwhile to run the risk." The crime committed by the criminal tribes in 1871 were described as very serious and frequent and there may have been sufficient justification for such an Act to suppress crime. But there is no doubt that a majority of the Criminal Tribes have now reformed and the necessity for such a provision which brands whole tribes as criminal, has clearly disappeared.

370. Although we found official opinion in some places to be somewhat conservative and expressed a desire for the further continuance of the Act for a few years more, we found widespread demand for the replacement of the present Act by an Act more in consonance with modern conceptions of right and justice. The Criminal Tribes members have unanimously demanded the repeal of the Act. While there is almost unanimity of feeling in the country among all sections of the people that the Criminal Tribes Act should be repealed as it brands members of certain communities as criminal by birth, there is equally a large demand for some kind of control and restriction over the habitual offenders, to whatever community they may belong. This demand was met in Madras and Bombay States, where the Criminal Tribes Act, has been repealed, by enactment of the Madras Restriction of Offenders Act, 1948 and the Bombay Habitual Offenders (Restriction) Act, 1947, respectively. After careful consideration, we have unanimously reached the conclusion that the time has arrived, if it is not already overdue, for the replacement of the existing Act by a Central legislation applicable to all habitual offenders without any distinction based on caste, creed or birth. We also recommend that the States included in Parts B and C of the first Schedule to the Constitution, in which local laws for the control and surveillance of the Criminal Tribes are in force, should be advised to replace their local laws by the above Central legislation when passed.

371. At this stage, we should like to take note of the opinion expressed before us by some witnesses that the ordinary law of the land was quite sufficient and that the repeal, and not the replacement of the Criminal Tribes Act, was required. It is true that action can be taken against a habitual offender under section 110 of the Criminal Procedure Code but this section does not give any powers to the Police to have a regular watch over him. Enhanced punishment is prescribed by section 75 of the Indian Penal Code, when a person having been previously convicted of certain offences mentioned in that section, is again found guilty of similar offences. Under section 565 of the Criminal Procedure Code, a previously convicted offender can be ordered by the Magistrate, at the time of passing sentence of transportation or imprisonment, to notify his residence, any change of or absence from such residence after release from jail for a term not exceeding five years from the date of expiry of such sentence. This is the only section, which can help the police to keep a watch on the habitual criminal, if orders are passed by the Magistrate concerned under this section. But orders under section 565 can only be passed when a habitual offender is actually convicted of any of the offences mentioned in that section. A watch over the habitual offenders before they actually commit any further offences is necessary but this is

not legally possible under the ordinary criminal law. The Police have a system of opening history sheets of the habitual criminals and arranging for their surveillance but the habitual offender has no liability to report his place of residence change, or intended change of residence, absence or intended absence from residence. Thus in our opinion, the existing law is not quite adequate for the surveillance and control of the habitual offenders. There are also no provisions under the existing criminal law for the establishment of settlements, where attempts can be made for the reformation of these offenders and also for the proper treatment of their children. We consider, therefore, that a Central legislation, providing for the adequate surveillance and control of the habitual offenders, for the establishment of settlements for them, and for the proper upbringing and treatment of their children, is necessary.

372. Another point was also brought to our notice during the examination of witnesses *viz.*, the need for restriction and control of the members of wandering gangs. As regards Criminal gangs, which are habitually addicted to committing thefts and dacoities, the following provisions are already to be found in sections 400 and 401 of the Indian Penal Code.

“400. Whoever, at any time after the passing of this Act, shall belong to a gang of persons associated for the purpose of habitually committing dacoity, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.”

“401. Whoever, at any time after the passing of this Act, shall belong to any wandering or other gang of persons associated for the purpose of habitually committing thefts or robbery, and not being a gang of thugs or dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.”

But these provisions are merely punitive in character.

373. Under section 109 of the Criminal Procedure Code, action can be taken against an individual, who has no ostensible means of subsistence or who cannot give a satisfactory account of himself. But at present, there is no legal provision for preventing wandering gangs from going from place to place. The question of making specific proposals in the new Act for dealing with gangs of nomads was raised before us at more than one place; and there is an extended reference to it in the report of the Uttar Pradesh Criminal Tribes Enquiry Committee of 1946 (Vide Appendix VI). We have given a careful consideration to the matter and have arrived at certain conclusions detailed below, but before proceeding further we might as well refer to the confusion caused by the loose use of the term gang. There may be a gang of criminals and there may be another gang of harmless innocent nomads. So far as the first variety is concerned, their cases are covered by and can be easily dealt with under the provisions of the proposed legislation. As regards the second type of gangs, we are averse to their being subjected to any control or restriction as regards their movements. We have taken this stand on the ground that no one in this free land of ours should be treated as a criminal merely because of the incident of birth.

374. Any restrictions, if imposed on ordinary wandering gangs, will, we feel, be inconsistent with clause (1)(d) of Article 19 of our Constitution. We consider that the provisions of the proposed Restriction of Habitual Offenders Act will be sufficient to weed out the habitual offenders from these gangs and that no special legislation to deal with gangs, as such, is called for.

375. We think that, if our above recommendations are accepted, there need be no fear that there will be any appreciable increase in the number of crimes against person or property. This view is supported by the evidence of the Deputy Inspector General of Police, Bombay, who stated in answer to the question—“what has been the

effect of the repeal of the Criminal Tribes Act and how many ex-Criminal Tribes are involved in crimes"—as follows :—

"Not many. Reports regarding increase in crime by the ex-Criminal Tribes have been received from Sholapur, Belgaum, Bijapur and Dharwar districts. Berads and Haranshikaries are said to be active. The Lamanis in Dharwar district are reported to be engaged in illicit distillation. However, the figures definitely suggest that the increase in the crime is not so much as alleged and much increase can be attributed to the general depressed economic conditions of the people." The Inspector General of Police and the Deputy Inspector General, Criminal Investigation Department, Madras, however, told us that there was a great increase in crime in that State after the repeal of the Act, but admitted that it could not be definitely attributed to the repeal of the Criminal Tribes Act. They could produce no figures to show if any member of the ex-Criminal Tribes were responsible for the increase. Further, the Madras Restriction of Habitual Offenders Act provides for the control and restriction only of a small number of habitual offenders as the definition of the habitual offender in that Act is greatly restricted. As a safeguard, however, we would suggest that the new Act proposed by us may be passed first, and the Criminal Tribes Act, 1924, may be repealed after it is actually put into force, so that the habitual offenders belonging to the so called Criminal Tribes can be brought first under the provisions of the new Act and there may not be any break in the surveillance and control of those offenders. During the interim period, we suggest that the administration of the Criminal Tribes Act should be liberalised as much as possible on the lines of our remarks in the previous Chapter and no new tribes should be notified under the Criminal Tribes Act.

(b) A Review of the Existing State Laws for Restriction of Habitual Offenders and Suggestions for the Central "Restriction of Habitual Offenders Act."

376. We shall now proceed to review the State laws in force for the restriction of habitual offenders, with a view to making suggestions for the proposed Central Restriction of Habitual Offenders Act.

377. The Madras and Bombay States, which have already repealed the Criminal Tribes Act in its application to those States, have passed necessary laws for the surveillance and control of the habitual offenders. The Rajasthan Habitual Criminal, (Registration and Regulation) Act was issued by the Rajpramukh in February 1950 but it has not been put into force in that State. There is a Restriction of Habitual Offenders (Punjab) Act in force in the Punjab. The Mysore State has decided to repeal the Mysore Criminal Tribes Act and to pass the Mysore Restriction of Habitual Offenders Act. Full texts of the Madras, Bombay, the Punjab and Rajasthan Acts and also of the Mysore Bill are given in Appendix VII.

378. The Madras Restriction of Habitual Offenders Act, 1948, although based on the lines of the Criminal Tribes Act, 1924, is applicable only to individual habitual offenders and the provisions are not stringent. A Habitual Offender has been defined as a person, who has been sentenced to substantive term of imprisonment, such sentence not having been set aside in appeal or revision, or not less than three occasions, for one or another of the offences under the Indian Penal Code set forth in the Schedule, each of the subsequent sentences having been passed in respect of an offence committed after the passing of the sentence on the previous occasion." According to the explanation below this definition, "the passing of an order requiring a person to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898, shall be deemed to amount to the passing of a sentence of substantive imprisonment." The Schedule referred to in the definition is identical

with the Schedule mentioned in section 23 of the Criminal Tribes Act for enhanced punishment, with the exception that section 324 of the Indian Penal Code has been omitted from this Schedule. According to the provisions of this Act, Government first declares a person coming within the definition of a Habitual Offender, as a Habitual Offender by a notification but this power of notification can be delegated to a District Magistrate, with such restrictions and conditions as Government may desire, in respect of persons residing in his district. As soon as a person is notified to be a Habitual Offender, he automatically comes under the obligation of section 5 of the Act under which he has to intimate to the authority, his place of residence, every change or intended change thereof or every absence or intended absence therefrom. The District Magistrate or any officer authorised by him can exempt the Habitual Offender from reporting any temporary or intended absence from his residence for a specified period. Government can, under section 6, restrict the movements of any notified offender but before doing so certain matters as stated in that section have to be considered. Under section 8, Government can establish industrial, agricultural or reformatory settlements and place any notified offender in them. Cancellation of restrictions, discharge from settlements, punishments, etc., are provided for in other sections.

379. In this Act, there is a significant omission, in that a notified offender has not to report his presence at any fixed intervals, *i.e.*, he has not to attend roll call to any authority as he was required to do under the Criminal Tribes Act. This Act further does not provide for taking finger impressions of the notified offenders and no provision for separation of the children from their parents is made. The definition of a Habitual Offender is also very limited and does not include persons having even a number of convictions under sections 379, 380 and 381, 324 or 411 of the Indian Penal Code. It is also to be noted that once a person is notified to be a Habitual Offender, no opportunity is given to him under this Act to defend himself against orders of restriction or internment in a settlement.

380. Unlike the Madras Act, the Bombay Habitual Offenders Restriction Act, 1947, is based on the provisions for the prevention of offences contained in the Criminal Procedure Code. The term Habitual Offender has not been specifically defined in this Act. There is no procedure for notifying any Habitual Offender or issuing restriction orders by Government. The restriction orders are to be passed by the Magistrates after specified legal proceedings. The procedure to be followed for this purpose is (as nearly as possible) the same as laid down in sections 112, 113, 114, 115 and 117 of the Criminal Procedure Code. The Magistrate may pass orders of restriction against any habitual offender after following the above mentioned procedure subject to two provisos *viz.*, that no restriction order should be passed against a person who is asked to execute a bond for his good behaviour under section 118 of the Criminal Procedure Code and that restriction order should not be made for a term exceeding three years or for a term longer than that specified in the order which may have been issued under proviso to section 4 of the Act. A court acting under sub-section 3 of section 123 of the Criminal Procedure Code or an appellate court acting under section 403 of the Criminal Procedure Code can in lieu of an order requiring a person to give security under section 110 of the Criminal Procedure Code make an order of restriction. Order of restriction for a period not exceeding 3 years can also be passed by a court empowered to make an order against any convicted person under section 565 of the Criminal Procedure Code at the time of passing sentence on such person and in lieu of making an order under that section (section 8 of the Act). The restriction order issued by the Magistrate should show the nature of restrictions and particulars as prescribed by the Rules. The District Magistrate or the Chief Presidency Magistrate can modify or cancel the orders of restrictions for sufficient reasons to be recorded in writing. Such orders for modifying or cancelling the restriction orders can also be issued by any Presidency Magistrate or a Sub-Divisional Magistrate, if authorised by Government in respect of persons residing within their respective jurisdictions. The Provincial Government or any officer authorised by them can, in lieu of an order of restriction, make an order directing a person to be placed in a settlement established under

section 15 (1) of the Act or to be discharged or transferred from one settlement to the other. Penalties, punishments for breach of orders etc., are provided for in the rest of the sections.

381. As will be seen from above, the orders of restriction are to be passed by competent courts after necessary legal proceedings while under the present Criminal Tribes Act or the Madras Restriction of Habitual Offenders Act, such orders are to be passed by Government or officers authorised by them. Internment in settlement is, however, made by the executive orders of the Government or any officer authorised by them in lieu of an order of restriction and for a period not exceeding the period for which the order of restriction has been made. There is no provision in this Act for taking finger impressions of the Habitual Offenders and for separation of children from their parents and placing them in schools. The maximum period for which a person can be placed in a settlement is limited to 3 years only.

382. Like the Bombay Act, the Restriction of Habitual Offenders (Punjab) Act, 1918, is based on the provisions for the prevention of offences contained in the Criminal Procedure Code. The Punjab Act, however, does not contain any provisions for establishing settlements and placing the Habitual Offenders in them. It is in force in the Punjab State in addition to the Criminal Tribes Act, 1924.

383. The Rajasthan Habitual Criminals (Registration and Regulation) Act, 1950, repeals all the laws relating to the Criminal Tribes in force in that State and provides for restriction and control of the habitual criminals. But this Act has not yet been put into force. The definition of a Habitual Criminal as given in section 4 (1) (b) of this Act is as follows :

“Habitual Criminal” means—(i) a person who being a member of a notified tribe has not within a period of six months immediately following the date, mentioned in notification issued under sub-section (3) of section 1 as the date on which this Act is to come into force, been declared by an order in writing of the District Magistrate as no longer a habitual criminal for the purposes of this Act:

Provided that Government may, from time to time, extend by notification in Rajasthan Gazette, the aforesaid period in respect of all or such of the notified tribes as may be specified in the notification :

Provided further that the District Magistrate shall not pass an order of declaration in respect of a person who has, within a period of ten years immediately preceding the aforesaid date, been convicted once of any of the offences specified in the Schedule annexed hereto ; and

(ii) a person, who whether he was a member of a notified tribe or not, has within any period of ten years following the aforesaid date, been convicted not less than thrice of any of the offences specified in the Schedule annexed hereto .”

384. It will be seen from the above definition of a habitual criminal that too much discretion has been given to the District Magistrate and if the District Magistrate is of very conservative ideas, he may not declare any members of a Criminal Tribe as “no longer habitual criminals” although they may not have any convictions at all. Moreover, according to proviso 2, a person who has been convicted for an offence included in the Schedule within a period of ten years immediately preceding the date of notification applying the Act, cannot be declared by the District Magistrate as “no longer habitual criminal”. Thus, although such a person may have undergone restrictions for about 10 years after his convictions, stands a chance of being continued under the restrictions of this Act.

385. The habitual criminals are registered under this Act and then orders of restrictions and internment are passed against them. The provisions for restrictions for registered persons in this Act are more or less identical with those contained in the Criminal Tribes Act, 1924. There is however a slight change which has to be noted. The habitual criminal is given reasonable opportunity to show cause against registration. An appeal against the registration order by the District Magistrate also lies to Government.

386. On the whole, it appears that the Rajasthan Habitual Criminals (Registration and Regulation) Act, 1950, is hardly an improvement on the Criminal Tribes Act.

387. In the Alwar and Bharatpur districts of the Rajasthan State, the local laws relating to the Criminal Tribes were repealed when they formed the Matsya Union, and the Matsya Habitual Criminals Ordinance, 1949, was passed. This law is still in force there. The provisions relating to registration, restriction contained in this Ordinance are on the lines of the Criminal Tribes Act, 1924, except that they do not provide for the opening of settlements and for segregation of children from their parents. A habitual criminal has been defined as an individual declared to be a habitual criminal by a notification and restrictions etc. are imposed on such a criminal in the same way as in the Criminal Tribes Act. The Ordinance, while useful in controlling criminals, makes no provision at all for their reformation. The definition of a habitual criminal leaves scope for declaring a person without any conviction whatsoever as a habitual criminal if reported to be a dangerous person by the Police.

388. During our tours in the States of Madras and Bombay, we enquired into the working of the State Laws for control of the Habitual Offenders. We also paid visits to some of the settlements opened for them. We made enquiries regarding the working of the Restriction of the Habitual Offenders (Punjab) Act, 1918, while in the Punjab.

389. In the Madras State, the four settlements which had been established under section 16 of the Criminal Tribes Act and were in existence just before the repeal of the Act, were declared to have been established under the Madras Restriction of Habitual Offenders Act. The ex-Criminal Tribe members who were residing in those settlements have however voluntarily continued to stay there and the notified Habitual Offenders are also residing there side by side with them. The number of Habitual Offenders in these institutions is very small as will be seen from the following figures :—

S. No.	Name of Settlement	Population of Habitual Offenders registered under the Restriction of Habitual Offenders Act.				Free persons residing in the settlement (ex-C.T. members)	Prematurely released convicts	Total population.
		Actually present	In jail	Absconding.	Total			
1.	Aziznagar	1	..	2	3	1,256	4	1,263
2.	Siddhapuram	2	..	2	4	525	..	529
3.	Sitangaram	16	4	11	31	225	1	257
4.	Stuartpuram	15	15	2,365	..	2,380

390. Only one settlement for the Habitual Offenders has been established at Bijapur by the Bombay Government. This settlement was opened on 1st April 1949 and Government is incurring a net annual expenditure of Rs. 42,500 but to our surprise it was found that there had been no settler at all in the institution since its establishment to the date of our visit (14th May 1950). It is incidentally suggested that instead of keeping the staff idle at such a huge cost, Government of Bombay might make arrangements to train unemployed persons who are willing to learn the crafts for which facilities for training exist in this institution. The number of these trainees can be reduced in proportion to the number of Habitual Offenders who may be admitted in the institution from time to time and when the strength of the Habitual Offenders reaches the maximum, no outsiders may be taken for training.]

391. Before considering the provisions that may be included in the proposed Restriction of Habitual Offenders Act, we think it desirable to mention that the State Governments should take effective steps to reform persons even from the stage of their first conviction by settling them on land and other useful occupations and not wait to take ameliorative measures to reform them until they are convicted a number of times and become habitual offenders.

392. While an opinion has been expressed from a section of the people, who gave oral evidence before us, that even persons who are suspected to have committed any offence should be brought under the definition of a habitual offender, some of our witnesses have suggested that a person should have at least three convictions for non-bailable offences against property or person before any offender is declared as a habitual offender. We cannot agree that a person should be branded as a habitual offender merely on grounds of suspicion. If it is considered necessary to take any action against such person, it may be taken under the existing laws as far as may be possible. As regards persons who are convicted for the first time, we have already given our views in the previous paragraph. In some cases however it may be considered necessary to restrict the movements of even the first offender on his conviction or to send him to a settlement for training in any craft or industry. The Courts should therefore be empowered to pass orders of restriction even on a first offender on his conviction, at the time of releasing him on probation of good conduct under section 562 of the Criminal Procedure Code or to pass orders of detention in a settlement for training in craft or industry.

393. All the police officers of the Madras State, who gave oral evidence before us, were unanimously of the opinion that the definition of the term 'habitual offender' in the Madras Restriction of Habitual Offenders Act was very limited and required to be widened early. Shri K. D. Billimoria, Deputy Inspector General of Police, Bombay, during his oral evidence expressed his views regarding the Bombay Habitual Offenders (Restriction) Act as follows :—

“We want a definition for the Habitual Offenders. I prefer the Madras Act. All offences against property should be considered. The cases under section 110 drag on as the Resident Magistrates have much work. All First Class Magistrates should be empowered to take action under this section. Unless the movements are restricted to two years, the Habitual Offenders cannot be sent to settlements. Habitual Offenders should be allowed to be sent to the settlements if they have three previous convictions. More specification regarding circumstances under which 'hajri', reporting or both should be resorted to requires to be made. I would like a Central Act for uniformity. Those who are incorrigible should be automatically taken under the Habitual Offenders Act as was done in Madras by section 16 (1) of the Madras Restriction of Habitual Offenders Act.”

Shri A. S. Naik, I.G.S., District Magistrate, Sholapur (Bombay State) also stated that “from the administrative point of view any such measure should be simple, as

the action has to be initiated ordinarily by a Sub-Inspector of Police and for that reason the Madras Act is preferable but the definition of a habitual offender in the Madras Act required modification."

394. In the light of the evidence before us, we have formed the opinion that a person who has been convicted twice for any non-bailable offences under Chapters XII, XVI and XVII of the Indian Penal Code including an order under section 118 of the Criminal Procedure Code should be considered a habitual offender for the purposes of the new Act. It is however possible that a person may have such convictions long time ago and may be leading a clean life thereafter. We would therefore suggest that only those who have two such convictions within a period of five years just before the date of issue of the notification may be notified by Government as habitual offenders by name. On notification, the habitual offenders should be liable to allow their finger impressions to be recorded and to report their residence, change or intended change of or absence or intended absence from their residence for a period of three years from the date of such notification. If the habitual offender is not convicted during those three years, the notification should be cancelled but in case he is convicted for an offence against property, person or coinage during that period he should be liable to report his residence etc., for a fresh period of three years beginning from the date of such conviction or from the date of release from jail whichever is later. Any further restrictions, including internment in settlement, against a habitual offender, when necessary, should be imposed by judicial action only, and should depend on his future behaviour.

395. There have been many complaints about the system of roll call, which has been in many cases, used improperly. We are of the opinion, therefore, that the habitual offender should not be required to report at any fixed intervals. During his oral evidence Shri M. K. Singh, I. P., Deputy Inspector General (Administration), Bihar State, has made observations regarding the way in which surveillance should be ordinarily arranged. We give below a relevant extract from his evidence :—

"For the present I would advocate the system that I have stated above but the ideal that any democratic country should have is that no person should be chased by the Police or the guardians of Law to the extent that his individual liberty is taken away. In some of the democratic countries of the world, the surveillance kept over even hardened criminals is not done in the way in which we do it in India, and a time should come when no criminal should know that he is really being followed or pursued. This will have two effects, (i) that the surveillance over him from the Police point of view should become very effective and (ii) that he will be allowed to follow his ordinary vocation of life without hindrance. From the policeman's point of view, the surveillance is more effective if the surveillee does not know that he is being watched. But this is an ideal which can only be achieved with growth of national character."

396. Before we proceed further, we would refer to an important point brought to our notice by Shri V. Raghaviah, M.L.A., (Madras) who has taken a good deal of interest in the subject. He told the Committee that if a person is declared to be a habitual offender "and provisions of higher punishment due to that are enforced, I think such a person may be sent to a reformatory instead of to a jail. But I am not in favour of putting him in a 'reformatory' after he has completed his sentence in jail." This suggestion can be met by a more liberal use of the provisions of section 401 of the Criminal Procedure Code which empowers a State Government to remit the whole or any part of the punishment to which a person is sentenced, with or without any condition. We consider that a liberal use of this section by releasing habitual offenders from jails on condition that, for the unexpired period of their sentence, they live in specified settlements, will be effective in the reformation of the habitual offenders. It will also result in reducing the congestion in

the jails. We therefore, recommend that this procedure may be adopted as far as possible by the States.

397. Similarly, we are of the opinion, that section 565 of the Criminal Procedure Code may be suitably amended so as to empower Courts to order restrictions of, or confinement in Settlements of, persons convicted by them under the penal law in lieu of part or whole of the sentence of imprisonment passed against such persons.

398. We have made the recommendations in the above mentioned paragraph because of the obvious difference of the conditions obtaining in a jail and those in a settlement, and we are satisfied that the chances for effecting reformation of an offender in a settlement are much greater than in a jail. In jail, the offender has to remain alone (i.e. without family) under jail atmosphere and discipline and is fed and clothed at Government cost and has to carry out the work given to him. He, therefore, does not feel the responsibility of doing sincere work and "earning" his own living. While in a settlement, he is allowed to live a regular family life and has to earn sufficiently for his, as well as his family's maintenance. Thus his life in a settlement is nearer to his normal life outside, while at the same time, there is a check on him to make him realise his responsibility to learn some profession or trade and to work regularly. The settlements have proved their usefulness by doing some reformatory work among the Criminal Tribes and we feel confident that if they are worked on proper lines, and have as Superintendents, persons having a proper training and knowledge of criminal psychology, and above all a sympathetic understanding of the difficulties and troubles of the inmates, they will play a great part in reclaiming the habitual offenders. We think that supervision and aftercare of the person in his own home after his release from the settlement should be insisted upon.

399. In case in which a habitual offender is a subject of an order under section 118 of the Criminal Procedure Code, the Court may be empowered to order restriction of his movements to a certain area or detention in a settlement in lieu of an order to furnish security. A court, acting under sub-section 3 of section 123 of the Criminal Procedure Code, or an appellate court acting under section 406 of the Criminal Procedure Code may also be authorised to pass an order of restriction of movement or detention in a settlement in lieu of an order requiring a person to give security under section 110 of the Criminal Procedure Code.

400. At present, there are a number of Criminal Tribes members detained in the settlements in the Punjab, the Uttar Pradesh, and Bihar States. Some of them, at least, are hardened criminals and deserve to be carefully watched. It may not be advisable to release these hardened criminals and wait till they commit fresh offences and are again sent to settlements by the Courts. We are, therefore, of the opinion that at the commencement of the new Act, those persons who are confirmed criminals, having not less than three convictions for non-bailable offences under Chapters XII, XVI and XVII of the Indian Penal Code, including an order under section 118 of the Criminal Procedure Code spread over a period of five years immediately before the date on which the new Act comes into force, may be ordered to be detained in the settlements for a period of three years, by executive orders by the State Governments concerned, after their cases have been examined and recommended by a Committee, which may be set up for the purpose.

401. As already discussed by us in paragraph 398 above, the training afforded in the settlements should be in surroundings as near as possible the normal life of the settler outside the institution. For this reason, it is necessary that wife and other dependants of the settler should be allowed to live in the settlement, and necessary provision should be made to enable the settler to bring his dependants to the settlement if they are willing to join him provided the settler undertakes the responsibility to see that his dependants obey the settlement rules. We would mention that similar provision exists in Madras and Bombay States where local Acts for the surveillance and control of the Habitual Offenders are already in force.

402. Detention in settlements for short terms is not likely to be helpful to the settlers as adequate training in any crafts or industry is not possible in short periods. Moreover, a habitual offender will have to work under supervision for a fairly long period before he imbibes the habit of working regularly. We, therefore, consider that a minimum detention of two years is necessary in a settlement if the reformatory methods have to have any effect on the settlers. We would, therefore, recommend that when any Court passes an order of detention in a settlement, the detention should be for a minimum period of two years.

403. We have recommended above that the convicting courts should be empowered, in some cases, to restrict the movements of the habitual offenders. Before such an order is passed, however, the courts should consider the various matters mentioned in section 11 (2) of the Criminal Tribes Act and necessary direction may be given to the courts in the proposed Act.

404. A good many witnesses have rightly emphasized that reformatory and welfare work among the so-called Criminal Tribes and habitual offenders is essential and should be systematically organized. We have recommended later in this chapter the steps that may be taken for the welfare work among the Criminal Tribes after the repeal of the Criminal Tribes Act. We agree that reformatory and welfare work should be organised for the habitual offenders who may be notified as such by Government. We think that much can be achieved if proper aftercare arrangements—especially help to earn their living—for the habitual offenders are made. This can best be done by agencies such as After-Care Associations or Released Prisoners' Aid Societies and, where such agencies do not exist, steps should be taken to set them up. The State Governments may pay them grants to enable them to have suitable and necessary personnel for this work.

405. The settlements should be managed directly by the State Governments through their Welfare or Labour Departments and necessary training in agriculture, crafts and industries, education of children and adults, medical aid etc., should be arranged in those settlements. In no case the management of settlements should be entrusted to the Police Department as the personnel of that Department, which is trained for Police work, is not suitable for reformatory or welfare work. If the settlements are managed by Governments direct, the difficulties regarding international convention on forced labour will also be obviated (c.f. paragraph 336).

406. Provision for education of children of the notified habitual offenders should be made by Government with the object of weaning them away from their old ways of life. We further suggest that in the proposed Act, the State Governments be empowered to order the segregation of the children of habitual offenders from their parents, where such action may be desirable. There should be provision similar to section 17 of the Criminal Tribes Act in the new legislation for establishing residential schools and for segregating and committing the children of the habitual offenders to such schools. We would suggest that children falling within the following categories should invariably be sent to such schools. The action in such cases may be taken under executive orders :—

- (a) Children who are absolutely neglected at home with the result that they tend to become vagabonds by associating with bad company ;
- (b) Children who are themselves offenders ;
- (c) Children who are offended against i.e. those who are used for unnatural offences by the adults or are used for commission of offences ;
- (d) Children who are likely to be disposed of by their parents for money or who have actually been disposed of for such purposes ;
- (e) Girls who are in great moral danger i.e. likely to be initiated into the life of prostitution, if not rescued in time ;
- (f) Orphans who have no relations to look after them.

(g) Children whose parents are hardened criminals and are found to be exercising bad influence on their children;

(h) Children who are quite uncontrollable by their parents.

407. In States, where special laws for the treatment of children are in force, action against the children of habitual offenders may be taken under such laws only as far as possible.

408. We would like to specify one more point in the matter of treatment of children of the habitual offenders. When any children of the habitual offenders have to be committed to the residential schools, it should be seen that they are sent to such schools for a sufficiently long time so that they can be properly educated and trained in some industry or craft so that when they come out of the institution, they may be in a position to stand on their own legs and become useful members of the society.

409. No provision similar to section 23 of the Criminal Tribes Act should be included in the new Act, nor provisions similar to sections 24, 26, and 27 of the Criminal Tribes Act are necessary, as in our opinion, sections 109, 44 and 45 of the Criminal Procedure Code are quite adequate. Incidental provisions that may be considered necessary and provisions for making rules for the administration of the Act and punishments for the breach of the rules will have also to be included in the Act but we would like to point out that, unless such breach of rules is for the purpose of committing or aiding in the commission of an offence under the ordinary penal law, the punishment should be light.

(C) Social and economic uplift of the Criminal Tribes after the repeal of the Criminal Tribes Act.

410. As stated above, the members of Criminal Tribes have been labouring under manifold disabilities over a long period. As a class, they are socially backward and economically depressed. It is, therefore, essential to help them to improve their conditions and also to see that those who had criminal propensities in the past but are reformed now, do not revert to crime on the repeal of the Criminal Tribes Act. Steps for rehabilitating these people should, therefore, be taken immediately after the repeal of the Criminal Tribes Act. The welfare and reformatory work at present done in some of the States is not at all adequate and requires to be intensified. With this object in view, we would recommend, as the first step, a complete survey of the conditions under which these people live, in order to determine the specific measures that should be adopted. In this connection, we are glad to note that immediately after the repeal of the Criminal Tribes Act, the Government of Bombay appointed a Committee to organise such a survey and to submit concrete proposals. While leaving to each State Government to formulate their own specific schemes with due regard to local conditions for the purpose of implementing the above recommendation, we would indicate in a broad way some of the objectives which should be kept in view. They are listed below :—

- (a) Adequate provision for imparting general education and vocational training both for children and adults ;
- (b) The members of these tribes should be eligible for concessions similar to those granted to Harijans, Adivasis and other Backward classes ;
- (c) The establishment of co-operative societies of the types depending on local needs and requirements should be encouraged ;
- (d) Organization of Panchayats;
- (e) Employment exchanges should be utilised for securing suitable employment to unemployed members of these tribes;
- (f) Care should be taken to settle these people in or near the village so that their absorption in the society may be accelerated.

411. As regards the finances required for implementing the various welfare recommendations that we have made above, we are not unaware of the limited resources at the disposal of the State Governments. The need for reclaiming and upraising these unfortunate sections of our community is even more pressing today more insistent than ever before. So deeply impressed are we with the urgency of the problem that we cannot contemplate with equanimity the possibility of nothing or very little being done in this direction for lack of adequate funds. It appears to us an inescapable obligation of the Central Government to make itself responsible for ensuring that work on the lines indicated above does not languish because the States out of their limited resources are unable to shoulder responsibility for carrying it out on a scale commensurate with the requirements of the situation. Accordingly, we are of the opinion, that the Union Government should make a liberal contribution not exceeding 50% to the State Governments for the initiation and execution of such schemes for a period of 10 years in the first instance. We are by no means oblivious of the many calls on the Union exchequer, but it should not mean the denial of the claims of social justice and respect for human dignity, nor should it lead to their being treated as of minor importance, the execution of which might well be postponed till the return of better days.



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CHAPTER VI.

SUMMARY AND CONCLUSIONS

412. We think that it will be convenient for reference if we give a summary of our observations and recommendations before we conclude our report. A summary of the *important* observations and recommendations is, therefore given below. For more accuracy and details, however, a reference should always be made to the paragraphs mentioned against the items.

General

(1) The main cause of the origin of criminality in the Criminal Tribes was economic, while social and political changes in the country also played an important part (paragraph 168).

(2) Given proper opportunities and systematic help, it is neither impossible nor even difficult to reclaim the so called Criminal Tribes. The problem requires to be tackled from three sides—economic, educational and social (paragraph 170).

Working of the Criminal Tribes Act.

(3) The Criminal Tribes Act, 1924, is in active operation in the States of the Punjab, the Uttar Pradesh, Bihar, Orissa, West Bengal, Assam, Delhi and Ajmer (paragraph 188).

(4) In no States, there is a regular system of checking up the notifications declaring certain tribes as criminal, periodically at definite intervals with a view to see whether a particular tribe deserves to be denotified as a whole or not (paragraph 196).

(5) There is no uniformity in the States in selecting Criminal Tribes members for registration and for applying restrictions to them under sections, 10 and 11 of the Criminal Tribes Act (paragraph 197).

(6) It would have been useful if definite period, after which registration of a Criminal Tribe member should be cancelled, was fixed in the rules issued under the Criminal Tribes Act by the States (paragraph 212).

(7) The Criminal Tribes Act is worked very harshly in the Saran district (Bihar State) as it is inhuman that registered persons should be required to give hajri 5 to 6 times during night (paragraph 221).

(8) The tented accommodation provided in the Reformatory Settlement at Amritsar, Punjab State, requires to be replaced by suitable buildings, and there is scope for improving the wages of the settlers in that settlement (paragraph 241).

(9) In Fazalpur Settlement (Uttar Pradesh), it was observed that undue strictness was shown in registering persons and more attention was required for satisfactory employment of all the able-bodied people in the settlement and for other welfare work (paragraph 242).

(10) Since our visit to the Kanth Settlement (Uttar Pradesh), the settlers of that settlement have been freed from the restrictions of the Criminal Tribes Act and the settlement is declared a free colony from 15th August, 1950. (paragraph 243).

(11) The Kalyanpur Settlement in the Uttar Pradesh appeared to be well-managed and progressive (paragraph 244).

(12) Except the Punjab, Bengal (before Partition), Bombay, and Delhi (to a limited extent), no States have made any use of section 17 of the Criminal Tribes Act. Although we are not in favour of wholesale removal of the Criminal Tribes children from their parents, removal of children from their parents in special circumstances is desirable (paragraph 259).

(13) The institutional life in the Reformatory School, Amritsar, requires to be made more attractive by introduction of more games and by giving more personal liberty to the boys. The system of releasing boys on probation also requires to be introduced early (paragraph 260).

(14) The welfare activities among the Criminal Tribes in the settlements and outside, have helped them to improve their general conditions in some of the States (paragraph 262).

(15) In the States, where welfare and reformatory work has been well organised, the results appear to be encouraging and it is found that given equal opportunities, the members of these tribes can, fairly compete with other people (paragraph 263).

(16) The local laws relating to the Criminal Tribes, which are in force in the Madhya Bharat, Rajasthan, Hyderabad, Vindhya Pradesh and Patiala and East Punjab States' Union are generally more stringent than the Criminal Tribes Act, 1924 (paragraph 280).

(17) In Khursodkhurd village in Madhya Bharat our Sub-Committee observed that a blind Criminal Tribes man is still continued to be on the register and his presence is checked by the Chaukidar every day in the evening by visiting his house. This shows how the Criminal Tribes Act is worked in a mechanical way in this area (paragraph 300).

(18) The Rajasthan Government should intensify the reclamation work among the Criminal Tribes by opening schools in every colony and by providing the Criminal Tribe members more facilities for agriculture (paragraph 311).

(19) The men as well as women belonging to the Criminal Tribes are automatically registered on their attaining the age of 15 years in the Bhopal State and all the registered persons residing in Sonkatch and Devalkhera colonies have to give roll call at least four times a day. The women especially are greatly inconvenienced for the night roll calls taken at mid-night and at 4 A.M. The average area of land allotted to Criminal Tribe members was also found to be much less than their requirements (paragraph 331).

(20) The Act has worked more as a preventive and punitive measure than as a measure of reformation for the Criminal Tribes and it has been a great handicap to even the honest members of these tribes (paragraph 332).

Recommendation for the Repeal of the Criminal Tribes Act and Reasons for the Repeal.

(21) The provision in section 3 of the Criminal Tribes Act, 1924, is against the spirit of our Constitution. The Act, indirectly sanctions begar or forced labour which is an offence under the Indian Penal Code and opposed to International Labour Convention and also Article 23 of the Constitution of India (paragraph 336).

(22) There is no legislation in foreign countries comparable to the Criminal Tribes Act, 1924 (paragraph 337).

(23) Notifications issued under section 3 of the Criminal Tribes Act, 1924, in the West Punjab (Pakistan) have been withdrawn and the execution of the Act has thus been suspended there (paragraph 342).

(24) Notifications issued under section 3 of the Criminal Tribes Act dub the whole tribe, gang or class of persons as criminal while actually only about 2.3 per cent of the notified Criminal Tribes persons are actually registered and the percentage of actual criminals will even be lower (paragraph 366).

(25) The system of roll call is capable of being used for oppression (paragraph 367).

(26) Necessity for a provision like the Criminal Tribes Act has now, disappeared (paragraph 369).

(27) The Criminal Tribes Act, 1924, should be replaced by a Central legislation applicable to all habitual offenders without any distinction based on caste, creed or birth and the newly formed States included in Parts B and C of the First Schedule to the Constitution, which have local laws for the surveillance of the Criminal Tribes, should be advised to replace their laws in this respect by the Central legislation for habitual offenders, when passed (paragraph 370).

(28) The ordinary criminal and police laws are not adequate for the surveillance and control of the habitual offenders and it is necessary to have a Central legislation providing for the adequate surveillance and control of the habitual offenders (paragraph 371).

(29) There is no necessity to provide for the restrictions of ordinary wandering gangs (paragraphs 373 and 374).

(30) The State Governments may be advised to use section 401 of the Criminal Procedure Code more frequently in case of habitual offenders on condition that they live in specified settlements for the unexpired portion of their sentence (paragraph 396).

Provisions Recommended for Inclusion in the Proposed Restriction of Habitual Offenders Act.

(31) Section 562 of the Criminal Procedure Code should be so amended that in necessary cases the courts could pass orders of restriction or detention in a settlement for training in craft or industry even on a first offender (paragraph 392).

(32) A person who has two convictions for any non-bailable offences under Chapters XII, XVI and XVII of the Indian Penal Code, of the including an order under section 118 of the Criminal Procedure Code within five years just before the date of issue of the notification, may be notified as a habitual offender and on such notification he should be liable to report his residence, change or intended change of, or absence or intended absence from his residence and also to allow his finger impressions, to be recorded (paragraph 394).

(33) Section 565 of the Criminal Procedure Code should be suitably amended so as to empower the courts to order restriction of or confinement in settlements of persons convicted by them under the penal law in lieu of part or whole of the sentence of imprisonment passed against such persons (paragraph 397).

(34) The courts should be empowered to order restriction of movements to a certain area or detention in a settlement in lieu of an order to furnish security under section 118 of the Criminal Procedure Code. A court acting under sub-section 3 of section 123 of the Criminal Procedure Code or an appellate court, acting under section 406 of the Criminal Procedure Code, may also be authorised to pass an order of restriction or detention in a settlement in lieu of an order requiring a person to give security under section 110 of the Criminal Procedure Code (paragraph 399).

(35) Habitual offenders who have not less than 3 convictions for non-bailable offences under Chapters XII, XVI and XVII of the Indian Penal Code spread over a period of 5 years immediately before the date on which the new Act comes into force and who are at present in the settlements may be ordered to be detained in the settlements for three years by executive orders (paragraph 400).

(36) A habitual offender, who is ordered to be detained in a settlement, should be allowed to bring his wife and other dependants to the settlement but he should be responsible to see that his dependants obey the settlement rules (paragraph 401).

(37) When an order of detention in a settlement is passed against a habitual offender, the detention should be ordered for a minimum period of two years (paragraph 402).

(38) Settlements should be directly managed by Government through their Welfare or Labour Departments. In no case management of settlements should be entrusted to the Police Department (paragraph 405).

(39) There should be a general provision for separation of children of habitual offenders from their parents and placing them in residential schools and children falling under particular categories should invariably be removed from their parents and placed in such schools (paragraph 406).

(40) Where special laws for the treatment of children are in force, action against the children of the habitual offenders should be taken under such laws as far as possible (paragraph 407).

(41) Children should be committed to schools for sufficiently long time (paragraph 408).

(42) No provisions similar to sections, 23, 24, 26 and 27 of the Criminal Tribes Acts, 1924, are necessary in the new Act (paragraph 409).

(43) Incidental provisions that may be considered necessary and provisions for making rules for the proper administration of the Act may be made but, unless the breach of rules is for the purpose of committing offences, the punishment should be light (paragraph 409).

Action Suggested to be Taken Pending the Repeal of the Act.

(44) The system of automatic registration of members of the Criminal Tribes, on their attaining a particular age, is neither necessary nor desirable and pending the repeal of the Act, the existing powers of exempting persons from registration should be liberally used in the case of all persons other than those who have been proved guilty of offences or reasonably suspected of such offences. It is suggested that registration of members of the Criminal Tribes, who are not convicted of any offences or reasonably suspected of any offences during the last three years, may be cancelled (paragraph 210).

(45) Pending the repeal of the Act, the preliminary enquiry under proviso to section 16 of the Criminal Tribes Act should be carried out by a judicial officer giving adequate opportunity to the Criminal Tribe members, likely to be affected, to urge their reasons against the proposed internment order (paragraph 238).

(46) Pending the repeal of the Act, the administration of the Criminal Tribes Act, 1924, should be liberalised and no new tribe should be notified as a Criminal Tribe (paragraph 375).

Suggestion for the Amelioration of the Criminal Tribes After the Repeal of the Act.

(47) Suitable steps for the amelioration of the Criminal Tribes should be taken after the repeal of the Act (paragraph 410).

(48) The Central Government should make a liberal contribution not exceeding 50% to the State Governments for the initiation and execution of the schemes for a period of 10 years in the first instance (paragraph 411).

413. We would take this opportunity of expressing gratitude to the various State Governments for giving us all facilities for our enquiries in the States and directing their officers, having necessary information and experience of the working of the Criminal Tribes Act, to appear before us and give oral evidence. We are also

158 M. of H.

grateful to the public workers and other members of the public who have taken special trouble and interest in replying to our questionnaire and who have helped us in our investigations by appearing before us to give oral evidence.

414. It now only remains for us, before concluding, to place on record our high appreciation of the manner in which our Secretary, Shri P. C. Dave, has discharged the onerous duties of his office. He was enabled to do so because of his wide acquaintance with the literature on the subject, his great experience born of practical work extending over several years among the Criminal Tribes and backward classes, his capacity to take infinite pains and tact in handling situations howsoever awkward they may be, and resourcefulness in meeting unforeseen exigencies. He has been a tower of strength to the Committee, and we are grateful to him for the most valuable help he has given at all times and all places without which it would not have been possible for us to discharge the duties laid upon us. We should also like to refer to the loyal team spirit shown by the members of the staff attached to him; who worked all along, without complaining, under difficult circumstances.

- (1) M. Ananthasayanam Ayyangar, *Chairman*.
- (2) Venkatesh Narayan Tivary, *Member*.
- (3) J. K. Biswas, *Member*.
- (4) Gurbachan Singh, *Member*.
- (5) A. V. Thakkar, *Member*.
- (6) K. Chaliha, *Member*.



APPENDIX I

QUESTIONNAIRE

(Issued by the Criminal Tribes Act Enquiry Committee appointed by the Government of India).

- INSTRUCTIONS :** 1. *Replies to the questionnaire should please be forwarded to the Secretary, Criminal Tribes Act Enquiry Committee, Ministry of Home Affairs, New Delhi, so as to reach him not later than 31st March 1950.*
2. *Replies which cannot be accommodated in the space provided against the questions may kindly be given in a separate sheet referring to the question number. A reference to the page on which such reply appears should be given against the printed question concerned.*

1. Please state the names of Criminal Tribes (indicating the district to which they belong) about whom you have personal or direct knowledge.

In what capacity and for what period have you been in contact with those tribes.

2. If you know anything about the origin, habit, mode of living, place of residence and the criminal propensities and practices of any of the Criminal Tribes named by you please give information about them for each tribe separately.

3. In many Criminal Tribes especially the wandering tribes it is learnt that the tribal organisation was such as would encourage and help the criminal career of their members. If you are aware of any customs of the Criminal Tribes that would support this statement, please give details of those customs mentioning the tribes in which those customs were in existence and/or are still noticed.

4. Is it true that the caste Panchas of the Criminal Tribes helped and encouraged the criminals of their tribes in their criminal career? If so, can you give details how this was being done by the Panchas mentioning the names of the tribes for which you give information.

5. Have you had any opportunity to observe the administration of the Criminal Tribes Act in your Province ? In what capacity ?

If so, whether you have observed any defects in the Act in respect of the following matters :—

- (i) registration, restrictions and treatment of Criminal Tribes outside the settlements ;
- (ii) internment in the settlements and their treatment in the settlements, and
- (iii) punishments and other provisions of the Act.

6. In case you are in favour of retaining the Act with such modifications as you may recommend, how many years, in your opinion, should the Act continue to remain in force ?

7. (a) Is it correct that many Criminal Tribes have hereditary lawful professions and others may be trained and encouraged to take to suitable handicrafts ?

(b) If so, what exact measures would you recommend to settle them in such hereditary professions or handicrafts and thus wean them away from criminal habits and make them respectable citizens ?

(c) In addition to settling them in their hereditary professions and crafts, what other progressive steps would you suggest for the reclamation of the Criminal Tribes so that the Act may become unnecessary in course of time by the absorption of these groups into the general body of society ?

8. (a) Is it a fact that many of the Criminal Tribes maintain themselves on the proceeds of crimes committed by them ?

(b) If so, do you not think that immediate repeal of the Criminal Tribes Act may be harmful to the Criminal Tribes members themselves as well as to the public ?

9. In the light of your remarks in reply to question 5 (i), do you recommend any modifications in the present Criminal Tribes Act ? If so, please state what specific modifications you would recommend, giving reasons for your suggestions.

10. Are you in favour of the repeal of the Criminal Tribes Act ?

11. In case you are in favour of the repeal of the Criminal Tribes Act—

- (a) Do you think that measures similar to those contained in the Criminal Tribes Act are necessary at least to control the hardened criminals ?
- (b) Do you recommend the replacement of the Criminal Tribes Act by legislation such as a Habitual Offenders Registration and Restriction Act ? If so, please state the lines on which the proposed Act may be framed.
- (c) Do you think that children of habitual offenders are much influenced by their parents and if so, whether you think that it is necessary to remove them from bad parental influence ?
- (d) Would you favour the removal of the children from their parents by law and keep them in some hostels where they can be looked after and educated ?
- (e) In case you are in favour of removing the children of habitual offenders from their parents and keeping them in hostels, do you think that the children should be kept—
 - (i) in separate hostels specially opened for them, or
 - (ii) in general hostels where other children of similar social and intellectual level are kept.

(f) In case, you are *not* in favour of the total removal of children from their parents by law, do you think that the parents can be persuaded to send their children to hostels by offering free meals, clothes etc., to their children while in the hostels?

(g) Do you think that there should be some provision in the proposed Act to remove those children, who persistently avoid going to school, who are uncontrollable by their parents or who are associating with bad company, from their parents and keep them in homes or boarding schools where they can be educated and trained in crafts etc., so that they may become good citizens when they grow up?

(For reference please see Sec. 17 of the Criminal Tribes Act—copy enclosed).

(h) Do you think that it would be desirable to take the help of the public by making suitable provision in the proposed Act for controlling the commission of crimes and the movements of the Habitual Offenders and for their reformation? If so, please state in what way and to what extent the assistance of the public can be secured.

(For reference please see Sections 44 and 45 of the Criminal Procedure Code and Sections 26 and 27 of the Criminal Tribes Act—copies enclosed).

(i) Would you recommend any special provision for controlling criminal wandering gangs (which are at present controlled under the Criminal Tribes Act)? If so, kindly state the lines on which these provisions should be made.

12. Would you recommend any provisions for the reformation and amelioration of the conditions of the Habitual Offenders in the proposed legislation, if it is considered necessary to replace the Criminal Tribes Act by the Habitual Offenders Restriction Act? If so, kindly state the lines on which feasible provisions can be made in the proposed Act.

13. As the Criminal Tribes Act has already been repealed in its application to Bombay and Madras, please state :—

(a) what has been the effect of such repeal on the general crime position in the Bombay and Madras States ;

(b) how far do you think, the Habitual Offenders Registration Act, which has replaced the Criminal Tribes Act, has been useful in controlling the Habitual Criminals and in their reformation in those States.

14. Are the views given by you above, your individual views or do they represent the views of any organisation ?

15. Do you desire to give oral evidence before the committee ? If so, kindly indicate the place and approximate date when it would be convenient for you to appear before the committee.

(Signature.....

Date.....

Address.....

THE CODE OF CRIMINAL PROCEDURE, 1898 (ACT V OF 1898)

* * * * *

44. *Public to give information of certain offenders.*—(1) Every person, whether within or without the Presidency-towns aware of the commission of, or of intention of any other person to commit any offence punishable under any of the following sections of the Indian Penal Code namely, 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 143, 144, 145, 147, 148, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459, and 460, shall in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate or police officer of such commission or intention.

(2) For the purpose of this section, the term 'offence' includes any act committed at any place out of British India which would constitute an offence if committed in British India.

45. *Village Headman, Accountants, Landholders and others bound to Report certain Matters.*—(1) Every villageheadman, village accountant, village watchman, village police officer, owner or occupier of land, and the agent of any such owner or occupier in charge of management of that land and every officer, employed in the collection of revenue or rent of land on the part of the Crown or the Court of Wards, shall forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest police station whichever is the nearer, any information which he may possess respecting—

- (a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman, accountant, watchman or police officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;
- (b) the resort to any place, within, or the passage through such village of any person whom he knows, or reasonably suspects to be a thug, robber, escaped convict or proclaimed offender;
- (c) the commission of, or intention to commit, in or near such village any non-bailable offence or any offence punishable under section 143, 144, 145, 147, or 148 of the Indian Penal Code ;*
- (d) the occurrence in or near such village of any sudden or unnatural death or of any death under suspicious circumstances or the discovery in or near such village of any corpse or part of a corpse, in circumstances which lead to a reasonable suspicion that such a death has occurred or the disappearance from such village of any person in circumstances which lead to a reasonable suspicion that a non-bailable offence has been committed in respect of such person ;
- (e) the commission of or intention to commit, at any place out of British India near such village any act which, if committed in British India, would be an offence punishable under any of the following sections of the Indian Penal Code, namely 231, 232, 233, 234, 235, 236, 237, 238, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, 460, 489A, 489B, 489C and 489D ;
- (f) Any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Magistrate by general or special order made with the previous sanction of the (Provincial Government), has directed him to communicate information.

(2). In this section—

- (i) "Village" includes village lands ; and
- (ii) the expression 'proclaimed offender' includes any person proclaimed as an offender by any court or authority established or continued by the (Central Government or the Crown Representative), in any part of India, in respect of any act which, if committed in British India, would be punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.

(3) *Appointment of Village Headmen by District Magistrate or Sub-divisional Magistrates in certain cases for purposes of this Section.*—Subject to rules in this behalf to be made by the Provincial Government, the District Magistrate or Sub-Divisional Magistrate may from time to time appoint one or more persons, with his or their consent to perform the duties of village headman under this section whether a village headman has or has not been appointed for that village under any other law.

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CRIMINAL TRIBES ACT, 1924.

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17. *Power to place children in Schools, and to apprentice them.*—(1) The Local Government may establish industrial, agricultural or reformatory schools for children, and may order to be separated and removed from their parents or guardians and to be placed in any such school or schools, the children members of any criminal tribe or part of a criminal tribe, in respect of which a notification has been issued under section 11.

(2) For every school established under sub-section (1), a Superintendent shall be appointed by the Local Government.

(3) The provisions of sections 18 to 22 of the Reformatory Schools Act*, 1897, shall, so far as may be, apply in the case of every school for children established under this section as if the Superintendent of such school were a Superintendent and the children placed in such school were youthful offenders within the meaning of that Act.

(4) For the purposes of this section the "children" includes all persons under the age of eighteen and above the age of six years.

(5) The decision of the District Magistrate as to the age of any person for the purpose of this section shall be final.

* * * * *

26. *Duties of village Headman, village Watchman and owners or occupiers of land to give information in certain cases.*—(1) Every village headman and village watchman in a village in which any member of a criminal tribe resides, and every owner or occupier of land on which any such person resides, and the agent of any such owner

*VIII of 1897.

or occupier, shall forthwith communicate to the officer in charge of the nearest police station, any information which he may obtain of—

- (a) the failure of any such person to appear and give information when required to do so by a notice issued under section 5 ; or
- (b) the departure of any registered member of a criminal tribe from such village or from such land, as the case may be.

(2) Every village headman and village watchman in a village, and every owner or occupier of land and the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station, any information which he may obtain of the arrival at such village or such land, as the case may be, of any persons who may reasonably be suspected of being members of any criminal tribe.

27. *Penalty for breach of such duties.*—Any village headman, village watchman, owner or occupier of land, and the agent of any such owner or occupier, who fails to comply with the requirements of section 26, shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code.

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सत्यमेव जयते

APPENDIX II-A

LIST OF PERSONS WHO HAVE REPLIED TO THE QUESTIONNAIRE OR SUBMITTED WRITTEN MEMORANDA. (PERSONS, WHOSE NAMES ARE MARKED BY AN ASTERIK, HAVE ALSO GIVEN ORAL EVIDENCE).

MADRAS

1. Mr. G.S. Ramchandra Iyer, Retired Police Officer, 16 Baradwajar Street, Tambaram (Madras).
2. Mr. S. Manuel, Territorial Commander, Salvation Army, Madras.
3. Shri M. Srinivasa Acharya, District Superintendent of Police, Terunneveli.
4. Director of Harijan Welfare, Madras.
- *5. Mr. C.V. Arunagiri Mudaliar, Superintendent of Police, Crime Branch, C.I.D., Madras.
- *6. Mr. G.R. Devaraja Ayyangar, D.I.G. of Police, C.I.D. and Railways, Madras.
- *7. Mr. T.K. Venkataraman, District Superintendent of Police, Kurnool.
8. Mr. B.N. Kalyanrao, District Superintendent of Police, Guntur.
9. Mr. V.P. Nair, District Supdt. of Police, Mathurai South.
- *10 Mr. R. Govinda Swami Pillai, 31-E, Vailheriatha, Mudali Street, Chetput.
11. Shrimati Reddy Lakshmiamma, President of the Poor Boys' Home at Pattikonda.

BOMBAY

12. Mr. B.L. Patil, Pleader, Dhulia, West Khandesh.
13. Mr. S.K. Yajnik, 236 Kalbadevi Road, Bombay.
- *14. Mr. L.B. Jugalpure, Raja Haunsa Wada, Ahmednagar.
- *15. Mr. M.N. Heble, Backward Class Officer, Poona.
16. Mr. N.M. Kampte, Inspector General of Police, Bombay.
- *17. Mr. K.D. Billimoria, D.I.G. of Police, C.I.D., Poona.
- *18. Mr. L.F. Saldanha, Collector & District Magistrate, Bijapur.
19. District Superintendent of Police, Sholapur.
20. Mr. P.V. Patel, Bala Hanuman, Gandhi Road, Ahmedabad.
21. Mr. B.E. Choudhari, Darbar Oni, Bijapur.
- *22. Mr. A.S. Naik, District Magistrate, Sholapur.
23. Mr. D.V. Kulkarni, Chief Inspector of Certified Schools and Reclamation Officer, Bombay State.

WEST BENGAL

24. Mr. J.N. Ghose, Seth Pukur, North West P.O. Barasat, Distt. 24 Parganas.
25. Mr. Krishan Mohan Chandra, P.O. Sonamukhi, District Bankura.
- *26. Mr. S. Bose, Superintendent of Police, Hooghly.
- *27. Mr. H.N. Sircar, D.I.G. of Police, C.I.D., Calcutta.

UTTAR PRADESH

- 28. Mr. I.S. Saharya, Probation Officer, Meerut.
- 29. Mr. Pratap Narain, Probation Officer, Bareilly.
- *30. Mr. Gopichand, Group Officer, Lucknow.
- 31. Mr. Ramesh Verma, Probation Officer, Aligarh.
- 32. Mr. O.P. Gupta, Group Officer, Lakhrajnagar, Aligarh.
- 33. Mr. P.N. Saxena, Chief Probation Officer, Lucknow.
- *34. Mr. Sampat Singh, Criminal Tribes Settlement, Fazalpur, Moradabad.
- 35. Mr. Prem Shankar Pachury, Secretary, Arya Smaj, Aligarh.
- *36. Mr. Shyam Sunder Pandey, Manager, Harijan Basti, Gorakhpur.
- *37. Mr. Laxmi Nath Wahi, Advocate, Moradabad.
- 38. Mr. J. Edwards, 49-Cantonment, Faizabad.
- *39. Mr. Kunwar Bahadur, President, Harijan Sevak Sangh, Gorakhpur.
- 40. Mr. Lakhan Singh, Fazalpur C.T. Settlement, Moradabad.
- 41. Mr. Harsharan Singh, Village Mohdpur Rohi, P.O. Barapal, Tehsi Fatehabad.
- *42. Mr. Kallu Singh, Mental Hospital, Bareilly.
- 43. Mr. Har Prasad, Kanth Settlement, Moradabad Distt.
- 44. Mr. Karan Singh, Fazalpur Settlement, Moradabad.
- *45. Mr. Mangal Singh, Fazalpur Settlement, Moradabad.
- *46. Mr. Karan Singh, Criminal Tribes Settlement, Kalyanpur, Kanpur.
- 47. Mr. D.P. Kohli, I.P., D.I.G. of Police, C.I.D., Lucknow.
- 48. Mr. Onkar Singh, I.P., Senior Supdt. of Police, Kanpur.
- *49. Mr. S.C. Singha, I.A.S., Additional District Magistrate, Kanpur.
- *50. Mr. B.N. Lahiri, I.P., Inspector-General of Police, U.P., Lucknow.
- 51. Mr. D.S. Sharma, Supdt. of Police, Gorakhpur.
- *52. Mr. Chet Ram, M.L.A., Allahabad.
- 53. Mr. A.H. Khan, Supdt. of Police, Lucknow.
- 54. Mr. R.S. Dingar, Criminal Tribes Settlement, Aryanagar, Lucknow.
- 55. Shri Barwar Navyuvak Sangh, U.P., Kanpur.

PUNJAB

- 56. Mr. Jagan Nath, General Secretary, Provincial Congress Committee, Jullundur.
- *57. Mr. Mulkh Raj Mehra, P.C.S., Deputy Commissioner for Criminal Tribes, Punjab, Jullundur.
- *58. Sardar Gurdial Singh D.I.G. of Police, C.I.D., Punjab.
- *59. Mr. A.S. Satyarthi, Jullundur.
- 60. Mr. B. Rai, 65 Thoka Road, Ferozepore Cantt.
- 61. Mr. Mahantu Ram, Village Garha Camp, House No. 420, near Jullundur City.
- *62. Sardar Bahadur Hari Singh, Siraj Ganj.
- *63. Mr. Guizar Singh Sidhu, Village and P.O. Kaonka Kalan, Tehsil Jagraon, (Ludhiana).

64. Mr. Randhir Dutt Chaudhuri, E.S. 30, Civil Lines, Jullundur.
65. Mr. Rattan Chand Aggarwal, c/o Allen Berry & Co. Ltd., Jullundur City.
- *66. Dr. Bhagat Ram Saigal, President, Amritsar Newspapers' Association, Amritsar.
- *67. Mr. Yash Pal, Village Gumtala Garhu, Tehsil Kaithal, Distt. Karnal.
68. Mr. Moolehand Jain, Advocate, City Congress, Karnal.
69. Mr. Nandu Ram Sansi, Group Leader of Mire Chak, Tehsil Pathankot, Distt. Gurdaspur.
70. Mr. Ghasita Ram Lambardar, Talwandi Bootian, Tehsil Nakodar, District Jullundur.
71. Mr. Mahandu Sansi, President, Bhakri Jandial Sansi Rajput, Tehsil Pathankot, District Gurdaspur.
72. Mr. Bhag Singh and 16 others of Bauria Sudhar Sabha of East Punjab.

BIHAR

- *73. Mr. N.N. Sinha, Harijan Sevak Sangh, Patna.
74. Mr. A.K.P. Sinha, D.I.G., C.I.D., Bihar.
- *75. Lt. Col. M.S. Gupta, Inspector General of Prisons, Bihar, Patna.
76. Mr. G.S. Pandey, Pleader, Secretary, District Harijan Sevak Sangh, Chupra.
77. Mr. Narbadeshwari Pershad, Advocate, Chupra.
78. Mr. Vir Shamsher, Chauterwa Settlement.
79. Mr. Uma Shankar Singh and 14 others, Members of the Gram Committee, Chauterwa Settlement.
80. Mr. Bodhan Prasad, Jansevak, Saran Harijan Sevak Sangh, Chupra.

ASSAM

81. Mr. L.C. Barua, Deputy Superintendent of Police, Darrang.

ORISSA

- *82. Mr. S. Nanda, Superintendent of Police, Cuttack.
- *83. Mr. M. Tripathi, Deputy Supdt. of Police, Cuttack.
- *84. Mr. Ramchandra Das, Inspector of Police, Cuttack.
85. Mr. K.C. Kanungo, Supdt. of Police, Kalandhi.
86. Mr. M.K. Das, Dy. Supdt. of Police, Rairangpur.
- *87. Mr. C.M. Wright-Neville, I.G. of Police, Orissa.
88. Mr. G.K. Mahanty, Addl. Supdt. of Police, Ganjam.
89. Mr. S. Panda, Dy. Supdt. of Police, Sadar, Mayurbhang, Baripada.
- *90. Mr. S.C. Mahapatra, President, District Dhandasi Association, Ganjam.
- *91. Mr. Ram Chandra Das, Journalist, Cuttack.
- *92. Mr. L.N. Sahu, Member, Servants of India Society, Cuttack.
- *93. Mr. Radhanad Roy, M.L.A., Navjivan Mandal, Cuttack.

DELHI

94. Mrs. Dorothy Moses, Principal, Delhi School of Social Work, Delhi.
- *95. Mr. Hirde Ram, D.S.P., New Delhi.
- *96. Mrs. Rameshwari Nehru, President, Displaced Harijans Rehabilitation Board, New Delhi.
- *97. Mr. Sevak Ram Karamchand, Working Secretary, Displaced Harijan Rehabilitation Board, New Delhi.
- *98. Mr. Mul Raj Vasudev, Vice-President, Arya Samaj, Karol Bagh, Delhi.
- *99. Mr. Phool Chand Jain, Subzimandi, Delhi.
- *100. Mr. Kishan Lal Kumar, President, Sansi Maha Sabha, Reclamation Colony, Delhi.
- *101. Mr. Harnam Singh, Secretary, Sansi Maha Sabha, Reclamation Colony, Delhi.
- *102. Mr. H.S. Bajaj, Warden, Adult Education Centre, Andha Mughal, Delhi.
- *103. Mr. T.N. Bhaskar, Capital Industries Co-operative Society, Ltd., Delhi.
104. Mr. Pars Ram, Professor of Psychology, Camp College, New Delhi.
- *105. Mr. R.N. Aggarwal, M.A., Municipal Commissioner and Hony. Magistrate, Delhi.
- *106. Mr. Lajpat Rai Nijhawan, President, Refugees Association, Subzimandi, Delhi.
- *107. Mr. Prabhu Dayal, Social Worker, All India Harijan Sevak Sangh, Delhi.
- *108. Kumari Kamal Kehar, Fatehpuri, Delhi.
109. Mr. Rama Nand, Secretary, Harijan Sevak Sangh, Karol Bagh, Delhi.
- *110. Mr. V.S. Mathur, Damodar Bhavan, Kashmiri Gate, Delhi.
- *111. Col. I. Palmer, Territorial Commander, Salvation Army, Delhi.
112. Mr. K. Bhagweshwar Singh Chauhan, President, Bawaria Rajput Mahasabha, Village and P.O. Palhwas, Tehsil Rewari.
113. Mr. Jia Ram, Senior Supdt. of Police, Delhi.

AJMER

- *114. Mr. Moul Shankar Jha, Sanchalak, Gandhi Shiksha Sadan, Ramgunj, Ajmer.
115. Dr. S.K. Bose, President, Pratinidhi Mandal, Akhil Bharat Vandhya Rajbohri, Sudhar Samittee, Ajmer.

BHOPAL

- *116. Mr. Khurshid Ali Khan, D.S.P., Raisen, Bhopal.

HYDEABAD

117. Mr. W. Suba Rao, D.S.P., Mahbubnagar.
118. Criminal Tribes Settlement Officer, Lingal.

MYSORE

119. Mr. G. N. Nagaraja Rao, Inspector General of Police, Mysore, Bangalore.
120. Mr. R. Muthoji Rao Scindia, B.A., D.I.G. of Police, S.B. and C.I.D., Bangalore.
121. Mr. N. V. Babu Reddy, B.A., D.I.G. of Police, Bangalore.
122. Mr. B. Thimmaraj Urs, Headquarters Assistant to the Inspector General of Police.
123. Janab M. Qadir Ali, Distt. Supdt. of Police, Kolar Gold Fields.
124. Mr. M. G. Heblikar, Distt. Supdt. of Police, Tumkur Distt.
125. Mr. M. Ananthaswamy Iyer, Distt. Supdt. of Police, Bangalore City.
126. Mr. K. S. Krishna Murthy, Distt. Supdt. of Police, Mysore District.
127. Superintendent, Central Jail, Bangalore.

MADHYA BHARAT

- *128. Mr. M.S. Tiwari, Supdt. of Police, C.I.D., Indore.
- *129. Mr. H.S. Dantre, D.I.G. of Police, Southern Range, Indore.
- *130. Mr. B.K. Shinde, Criminal Tribes Officer, Mungaoli.
131. Mr. Krishna and 14 others, Mungaoli Settlement, Mirkabad.
- *132. Mr. Deepa Moghia and 27 others, Mungaoli Settlement, Mirkabad.

P.E.P.S.U.

133. Inspector General of Police and Jt. Secretary to the Government of P.E.P.S.U., Patiala.

RAJASTHAN

- *134. Mr. Onkar Lal Sardyar, Dy. Supdt. of Police, C.I.D., Udaipur.
135. Mr. N. Singh, Supdt. of Police, Tonk.
- *136. Major Ram Singh, D.I.G. of Prisons, Jaipur.
- *137. Mr. M.S. Katri, I.G. of Prisons, Jaipur.
138. Mr. Nathu Lal K. Jaipuria, Managing Director, the Three-Cord Traders, Kanthi Mala Wala and Co., Jaipur.
139. Mr. K. V. Datey, Harijan Sevak Sangh, Ganga Nagar, Bikaner.
- *140. Mr. Magi Lal Parag, Banda ji ki Tek, Baran.
- *141. Mr. Banshi Dhar Sharma. Shran Jivi Sangh Sri Madhopur, Jaipur
- *142. Mr. Ram Singh Nauravat, Manohar Bhavan, P.O. Dag, Distt. Jhalawar
143. Mr. Raghu Nath Singh, General Secretary, Mina Sabha, Bharatpur (Rajasthan).

APPENDIX II-B.

A LIST OF WITNESSES EXAMINED BY THE COMMITTEE OR THE SUB-COMMITTEE

(Persons whose names are marked by asterik have also sent replies to the questionnaire issued by the Committee.)

Sl. No. (1)	Name and designation of the witness, (2)	Place of examination. (3)	Date of examination (4)
MADRAS			
1	Mr. J. Devasahayam, Inspector-General of Police, Madras	Madras	8-5-50
2	Mr. V. Radhaviah, M.L.A., Madras	Do.	8-5-50
*3	Mr. G.R. Devaraja Ayyangar, D.I.G. of Police, C.I.D. and Railways, Madras	Do.	8-5-50
*4	Mr. C. V. Arunagiri Mudaliar, Superintendent of Police, Crime Branch, C.I.D., Madras	Do.	8-5-50
*5	Mr. R. Govinda Swami Pillai, Rationing Department of the Govt. of Madras, Chetput	Do.	8-5-50
*6	Mr. T.K. Venkataraman, D.S.P., Kurnool	Kurnool	12-5-50
BOMBAY			
*7	Mr. K.D. Billimoria, I.P., D.I.G., C.I.D., Bombay	Bombay	17-5-50
*8	Mr. M.N. Heble, Backward Class Officer, Poona	Do.	17-5-50
*9	Mr. A.S. Naik, District Magistrate, Sholapur	Do.	17-5-50
10	Mr. T.M. Chaudhari, District Magistrate, Dharwar	Hubli	13-5-50
*11	Mr. L.F. Saldanha, District Magistrate, Bijapur	Bijapur	14-5-50
12	Mr. B.V. Shinde, Supdt., Habitual Offenders' Settlement, Bijapur	Do.	14-5-50
*13	Mr. L.B. Jugalpure, Retired Mamlatdar, Ahmednagar	Bombay	17-5-50
14	Mr. C.S. Devadhar, Retired Assistant Backward Class Officer, Dharwar	Hubli	13-5-50
15	Mr. D. Gundi, Retired Assistant Backward Class Officer, Bijapur	Bijapur	14-5-50
WEST BENGAL			
16	Mr. J. N. Gupta, Additional Supdt. of Police, 24 Pargans	Calcutta	29-7-50
*17	Mr. S.K. Bose, S.P., Hoogli	Do.	29-7-50
18	Mr. D.G. Bhattacharya, Supdt. of Police, 24 Parganas	Calcutta	29-7-50
*19	Mr. H.N. Sircar, D.I.G., C.I.D., Calcutta	Do.	29-7-50
20	Mr. H.N. Gupta, D.I.G. of Police, Calcutta	Do.	29-7-50
UTTAR PRADESH			
21	Mr. Harnam Singh, Supdt. of Police, Muzaffarnagar	Delhi	19-8-50
*22	Mr. Lakshmi Nath Wahi, Advocate, Moradabad	Do.	20-8-50
*23	Shri Kunwar Bahadur, President, Harijan Sewak Sangh, Gorakhpur	Gorakhpur	12-9-50
24	Shri Ali Kabir, Supdt. of Police, Kanpur	Kanpur	14-9-50
*25	Shri S.C. Singha, Additional District Magistrate, Kanpur	Do.	14-9-50

(1)	(2)	(3)	(4)
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UTTAR PRADESH—*contd.*

*26	Shri Karan Singh, Govt. Criminal Tribes Settlement, Kalyanpur, Kanpur	Kanpur . .	14-9-50
*27	Shri Kallu Singh, Farm Supervisor, Mental Hospital, Barielly	Lucknow . .	15-9-50
*28	Shri Sampat Singh, Criminal Tribes Settlement, Fazalpore, Moradabad	Do. . .	15-9-50
29	Shri Ganga Pershad, M.L.A., (Barwar)	Do. . .	15-9-50
*30	Shri Shyam Sunder Pande, Manager, C.T. Settlement, Fazalpore, Moradabad	Do. . .	15-9-50
*31	Shri B.N. Lahiri, Inspector-General of Police, U.P.	Do. . .	16-9-50
*32	Shri Chet Ram, M.L.A., Allahabad	Do. . .	16-9-50
33	Shri M.S. Mathur, D.I.G. of Police, Southern Range, Kanpur	Do. . .	16-9-50
34	Shri Vishwa Nath Prasad, M.L.C., U.P.	Do. . .	16-9-50
*35	Shri Gopichand, Regional Harijan Sahayak Officer, U. P.	Do. . .	16-9-50
36	Shri Hira Lal Verma, Reclamation Officer to the Government of U.P.	Do. . .	16-9-50
37	Shri Keshav Gupta, M.L.A., Muzaffarnagar	Do. . .	16-9-50
38	Dr. D.M. Mazumdar, Professor of Anthropology, University of Lucknow	Lucknow . .	17-9-50
*39	Shri Mangal Singh, C.T. Settlement, Fazalpore, Moradabad	Moradabad . .	19-2-50
40	Shri Ganesh, C.T. Member, Bawaria Colony, Muzaffarnagar	Bawaria Colony, Muzaffarnagar	18-2-50
41	Shri Jagdeo Singh, C.T. Member, Bawaria Colony, Muzaffarnagar	Do. . .	18-2-50
42	Shri Gopal Singh, Criminal Tribes Member, Bawaria Colony, Muzaffarnagar	Bawaria Colony Muzaffarnagar	18-2-50
43	Shri Bhagwana, C.T. Member, Bawaria Colony, Muzaffarnagar	Do. . .	18-2-50
44	Shri Bhagirath, C.T. Member, Bawaria Colony, Muzaffarnagar	Do. . .	18-2-50
45	Shri Hariya, C. T. Member, Bawaria Colony, Muzaffarnagar	Do. . .	18-2-50
46	Shrimati Jamni, C.T. Member, Bawaria Colony, Muzaffarnagar.	Do. . .	18-2-50

PUNJAB

*47	S.B. Hari Singh, Jullundur	Jullundur . .	20-4-50
*48	Shri A.S. Satyarthi, Jullundur.	Do. . .	20-4-50
*49	Shri S. Gulzar Singh Sidhu, Jullundur	Do. . .	20-4-50
50	S. Gurcharan Singh, Supdt., of Police, Jullundur	Do. . .	20-4-50
51	Ch. Randhir Singh, Inspector of Police, C.T. Agency, Karnal	Shahbad near Ambala.	23-4-50
*52	Shri Gurdial Singh, D.I.G., C.I.D., Punjab	Delhi . .	19-8-50
53	Shri B.C. Katoch, I.G. of Prisons for Punjab and Delhi	Do. . .	19-8-50
54	Shri Sant Praksh Singh, I.G. of Police, Punjab	Do. . .	19-8-50
*55	Dr. Bhagat Ram Sehgal, Amritsar	Amritsar . .	21-4-50
56	Shri Amir Chand Gupta, Amritsar	Do. . .	21-4-50

(1)	(2)	(3)	(4)
PUNJAB—contd.			
57	Shri Radha Krishan, Amritsar	Amritsar	21-4-50
58	Dr. Badri Nath, Anwakha	Anwakha	22-4-50
59	L. Sham Lal Ori, Anwakha	Do.	22-4-50
60	Shri Jogindar Singh Ratri, Anwakha	Do.	22-4-50
61	Shri Samuel Ahatar, Pathankot.	Pathankot	22-4-50
*62	Shri Yash Pal, C.T. Member, Karnal	Karnal	23-4-50
*63	Shri Mulkh Raj Mehra, Deputy Commissioner for Criminal Tribes, Jullundur	Do.	24-4-50
64	Shri Sunder, s/o Krishna, Kuchband, Ambala	C.T. Colony, Ambala.	8-5-50
65	Shri Sheth, s/o Dogar, Kuchband, Ambala	Do.	8-5-50
66	Shri Krishna, s/o Lachhman, Kuchband, Ambala	C.T. Colony, Ambala.	8-5-50
67	Shri Bhartia s/o Gangaram, Kuchband, Ambala	Do.	8-5-50
68	Shri Ghulam s/o Kandur, Dheha, Ambala	Do.	8-5-50
BIHAR.			
69	Shri Bholu Pasiwan, M.L.A., Parliamentary Secretary, Government of Bihar	Patna	1-8-50
*70	Shri N.N. Sinha, Secretary, Harijan Sevak Sangh, Patna	Do.	1-8-50
*71	Lt. Col. M.S. Gupta, I.G. of Prisons, Bihar, Patna	Do.	1-8-50
72	Shri Ram Dayal Pandey, Addl. Supdt. of Police, Patna	Do.	1-8-50
73	Shri Bhavneshwar Prasad, Special Officer-in-charge, Patna City Municipality, Patna	Do.	1-8-50
74	Shri Fateh Narain Singh, Secretary, Provincial Congress Committee, Bihar, Patna	Do.	1-8-50
75	Shri P. Thakur, Secretary, Welfare Deptt., Govt. of Bihar, Ranchi	Ranchi	2-8-50
76	Shri M.K. Chatterji, District Magistrate, Chupra	Chupra	7-8-50
77	Shri M.A. Towheed, Supdt. of Police, District Saran, Chupra	Do.	7-8-50
78	Shri Dev Ram, Dome, C.T. Member, Nai Bazaar Settlement, Chupra	Do.	7-8-50
79	Shri Ram Swaroop Ram, Dome, C.T. Member, Kashibazaar Settlement, Chupra	Do.	7-8-50
80	Shri Jagan Nath Pershad, Manager, Moghiya Dome Settlement, Chauterwa	Chauterwa	5-8-50
81	Shri Chandrika Ram, M.P., from Bihar	Patna	1-8-50
82	Shrimati Chandravati Devi, Harijan Welfare Worker, Patna City Municipality	Do.	1-8-50
83	Shri M.K. Sinha, D.I.G. of Police, (Admn.) Patna	Do.	1-8-50
ORISSA			
*84	Shri M. Tripathy, D.S.P., Cuttack	Cuttack	28-7-50
*85	Shri C.M. Wright Neville, I.G. of Police, Orissa, Cuttack	Do.	28-7-50
86	Shri N. K. Mahapatra, Crime Assistant to the D.I.G. of Police, Cuttack	Do.	28-7-50
87	Col. B.N. Hajra, I.G. of Prisons, Cuttack	Do.	28-7-50
*88	Shri S. Nanda, S.P., Cuttack	Do.	28-7-50
89	Shri Satish Chandra, Captain, Salvation Army, Angul	Do.	28-7-50

(1)	(2)	(3)	(4)
ORISSA— <i>contd.</i>			
*90	Shri S.C. Mahapatra, President, Danlasi Association, Orissa	Cuttack	28-7-50
*91	Shri Ram Chandra Das, Journalist, Cuttack	Do.	28-7-50
*92	Shri Radhanadh Roy, M.L.A., Member, Navjivan Mandal, Cuttack	Do.	28-7-50
*93	Shri R.C. Das Inspector of Police, C.I.D., Cuttack	Do.	28-7-50
*94	Shri L.N. Sahu, Member, Servants of India Society, Cuttack	Do.	28-7-50
DELHI.			
95	Shri S. R. Chaudhri, I.P., Inspector-General of Police, Delhi	Delhi	19-8-50
96	Shri Ram Lal, Superintendent of Police (Hd. Qrs), Delhi	Do.	19-8-50
97	Shri Jagan Nath, Superintendent, City Police, Delhi.	Do.	19-8-50
*98	Shri Hirde Ram, D.S.P., New Delhi	Do.	19-8-50
99	Shri Chunilal Malhotra, Supdt. of Police, Security, Delhi	Do.	19-8-50
100	Shri Brij Singh, Assistant Sub-Inspector-in-charge, Criminal Tribes, Delhi	Do.	19-8-50
*101	Shri Phoolchand Jain, Social Worker, Delhi	Do.	20-8-50
*102	Col. I. Palmer, Territorial Commander, Salvation Army, Delhi	Do.	19-8-50
103	Shri Ram Chandra Uppadhaya, M.P., Alwar	Do.	20-8-50
*104	Shri Kishan Lal Kumar, President of Sansi Mahasabha, Delhi	Do.	20-8-50
*105	Shri Hiram Singh, Secretary, Sansi Mahasabha, Delhi	Do.	20-8-50
*106	Shri H. S. Bajaj, Warden, Reclamation Colony, Adult Education, Bapunagar	Do.	20-8-50
*107	Shri T. N. Bhaskar, President, Capital Industries Co-operative Society Ltd., Delhi	Do.	20-8-50
*108	Shri R.N. Aggarwal, Municipal Commissioner & Hony. Magistrate, Delhi	Do.	20-8-50
*109	Shri Lajpat Rai Nijhawan, President, Refugee Association	Do.	20-8-50
*110	Shri Prabhu Dayal, Social Worker, Harijan Sevak Sangh, Delhi	Do.	20-8-50
*111	Kumari Kamal Kehar, Social Worker, Delhi	Do.	20-8-50
*112	Shri Mul Raj Vasudeva, Vice-President, Arya Samaj, Karol Bagh, Delhi	Do.	20-8-50
*113	Shri V.S. Mathur, Damodar Bhawan, Kashmiri Gate, Delhi	Do.	20-8-50
114	Shri Raj Bahadur, M.P., Bharatpur	Do.	20-8-50
115	Sri Sulishiva, Prasad Deputy Secretary, Ministry of Labour, New Delhi	Do.	20-8-50
*116	Shrimati Runeshwari Nehru, President, Displaced Harijans Rehabilitation Board, New Delhi	Do.	19-8-50
*117	Shri Sevak Ram Karamchand, Secretary, Displaced Harijans Rehabilitation Board, New Delhi	Do.	19-8-50
AJMER			
118	Shri Durga Prasad, Deputy Commr., Ajmer	Ajmer	29-6-50
119	Shri D.W. Mehra, I.P., D.I.G. of Police, Ajmer	Do.	29-6-50
120	Shri Sughar Singh, Supdt. of Police, Ajmer	Do.	29-6-50

(1)	(2)	(3)	(4)
<i>AJMER—contd.</i>			
*121	Shri Moul Shankar Jha, Sanchalak, Gandhi Shiksha Sadan, Ajmer	Ajmer	29-6-50
122	Shri Maulana Ital Mohd., Member, Congress Committee of Beawar	Do.	29-6-50
BHOPAL			
*123	Shri Khurshid Ali Khan, D.S.P., Raisen	Bhopal	19-6-50
124	Shri Shyam Singh, Retired I.P., I.G. of Police, Bhopal	Do.	19-6-50
125	Shri Girjesh Narain Bisarya, D.I.G. of Police, Bhopal	Do.	19-6-50
126	Col. R.K. Misra, I.G. of Prisons, Bhopal	Do.	19-6-50
127	Shri Abdul Salim Khan, Senior Superintendent of Police, Bhopal	Do.	19-6-50
128	Shri Mohd. Athur Khan, Inspector, Criminal Tribes, Bhopal	Do.	20-6-50
129	Shri Ram, Bijoria, Sonkatch	Sonkatch	20-6-50
130	Shri Umrao, Bijoria, Sonkatch	Do.	20-6-50
131	Shri Khejadva, Bijoria, Sonkatch	Do.	20-6-50
132	Shri Hira, Bijoria, Sonkatch	Do.	20-6-50
133	Shrimati Savli, Bijoria, Devalkhera	Devalkhera	20-6-50
134	Shrimati Safeti, Bijoria, Devalkhera	Do.	20-6-50
135	Shrimati Hamiri, Bijoria, Devalkhera	Do.	20-6-50
136	Shrimati Karni, Bijoria, Devalkhera	Do.	20-6-50
137	Shri Bheru, Bijoria, Devalkhera	Do.	20-6-50
138	Shrimati Kalvanti, Bijoria, Devalkhera	Do.	20-6-50
139	Shrimati Sheji, Bijoria, Devalkhera	Do.	20-6-50
140	Shri Maria, Bijoria, Devalkhera	Do.	20-6-50
MADHYABHARAT			
141	Shri Namdeo Rao Patil, Suba, Gwalior	Gwalior	16-6-50
142	Shri Puttoo Singh Chauhan, Supdt. of Police, Gwalior	Do.	16-6-50
143	Shri Sita Ram Singh, S.P., Guna Distt.	Mungaoli	18-6-50
144	Shri Darshan Singh, I.G. of Prisons, Madhya Bharat	Do.	18-6-50
*145	Shri B.K. Shinde, Criminal Tribes Officer, Mungaoli	Do.	18-6-50
146	Shri G. C. Mahadik, Suba and D.M. Guna	Do.	18-6-50
147	Shri Ayudhia Singh, S.P., Ujjain	Ujjain	22-6-50
148	Shri Jagan Nath Prasad Sharma, D.I.G. of Police, Ujjain	Do.	22-6-50
149	Shri W. C. Suryawanshi, Suba and D.M., Ujjain	Do.	22-6-50
150	Shri Surinder Singh Bhargavendra Singh, S.P., Mhow	Indore	23-6-50
151	Shri Badan Singh, Amrit Singh, I.G. of Police, Madhya Bharat	Do.	23-6-50
152	Shri Bhalchandra Amrit Sharma, D.I.G., C.I.D., Madhya Bharat	Indore	23-6-50
*158	Shri Hari Shankar Dantre, D.I.G., C.I.D., Madhya Bharat	Do.	23-6-50
*154	Shri Manu Shankar Tiwari, Supdt. in-Charge, Criminal Tribes, Indore,	Do.	23-6-50
155	Shri N. R. Sarmandal, Naib Suba, Ratlam	Do.	23-6-50
156	Shri Brindawan Prasad Tiwari, M.L.A., Madhya Bharat	Mungaoli	18-6-50

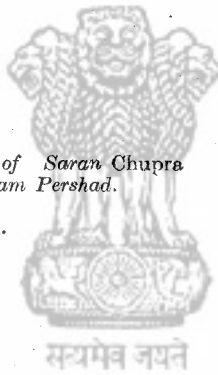
(1)	(2)	(3)	(4)
MADHYABHARAT—Contd.			
157	Shri Kanayalal Rawat, President, Congress Committee, Mungaoli	Mungaoli	18-6-50
158	Shri D.M. Parulekar, M.L.A. Madhya Bharat	Indore	23-6-50
159	Shri Sunnalaljee, M.L.A., Madhya Bharat	Do.	23-6-50
160	Shri Vijay Singh, M.L.A., Madhya Bharat	Do.	23-6-50
*161	Shri Deepa Moghia, C.T. Member, Mungaoli	Mungaoli	17-6-50
162	Mrs. Ramobai, Bagdi, C.T. Member, Mungaoli	Do.	17-6-50
163	Mrs. Hargobai, Bagdi, C.T. Member, Mungaoli	Do.	17-6-50
164	Shri Lachhman Singh, Bagdi, C.T. Member, Mungaoli	Do.	17-6-50
165	Shri Hari Singh, Bagdi, C.T. Member, Mungaoli	Do.	17-6-50
166	Shri Kuba Sansi, C.T. Member, Mungaoli	Do.	17-6-50
167	Shri Balwant, Bagdi, C.T. Member, Mungaoli,	Do.	17-6-50
168	Shri Mohan s/o Girdhar, Moghia, C.T. Member, Khursodkhurd	Khursodkhurd	22-6-50
169	Shri Bhura s/o Nand Ram, Moghia, C.T. Member, Khursodkhurd	Do.	22-6-50
170	Shri Devji s/o Lakshman, Moghia, C.T. Member, Khursodkhurd	Do.	22-6-50
RAJASTHAN			
171	Shri P. Goverdhan, S.P., Udaipur	Udaipur	25-6-50
172	Shri Onkar Lal Sardhyar, Dy. S.P., C.I.D., Udaipur	Do.	25-6-50
173	Shri Jai Narain Vyas, M.P., Jodhpur	Jodhpur	27-6-50
174	Shri Dwarka Das Purohit, Advocate, Jodhpur	Do.	27-6-50
175	Shri Mathura Das Mathur, Jodhpur	Do.	27-6-50
176	Shri Shri Krishna, S.P., Jodhpur	Jodhpur	27-6-50
177	Shri Daulat Singh, Commissioner, Jodhpur	Do.	27-6-50
178	Shri G.D. Bhandari, D.S.P., Jodhpur	Do.	27-6-50
179	Shri Sant Ladharam, Village Service Centre, Jodhpur	Do.	27-6-50
180	Shrimati Rajkaur Vyas, Member of the Working Committee of the Women's Congress,—Jodhpur	Do.	27-6-50
181	Mrs. Jai Narain Vyas, Member, Congress Committee, Jodhpur	Do.	27-6-50
182	Shrimati Amrit Kaur, Member, Congress Committee, Jodhpur	Do.	27-6-50
*183	Shri Ram Singh Naurawat, President, Mina Maha Panchayat, Jaipur	Jaipur	30-6-50
*184	Shri Banshi Dhar Sharma, Jaipur	Do.	30-6-50
*185	Shri Mangilal Parag, Jaipur	Do.	30-6-50
186	Shri Sampuran Singh, Assistant Inspector-General of Police, C.I.D., Rajasthan, Jaipur	Do.	30-6-50
187	Shri Ram Pal Singh, Superintendent of Police, C.I.D., Jaipur	Do.	2-7-50
*188	Dr. M.S. Katri, I.G. of Prisons, Rajasthan, Jaipur	Do.	1-7-50
*189	Major Ram Singh, D.I.G. of Prisons, Rajasthan, Jaipur	Do.	1-7-50
190	Shri Cataria s/o Bhar, C.T. Member, (Bawaria), Sojat	Sojat	27-6-50

APPENDIX II-C.

LIST OF DEPUTATIONS OF CRIMINAL TRIBES WHICH MET THE COMMITTEE OR THE SUB-COMMITTEE.

Serial No.	Deputation and names of deputationists	Place of meeting	Date of meeting.	Remarks
(1)	(2)	(3)	(4)	(5)
1	<i>Deputation of Sansis and Baurias</i>	Jullundur	20-4-50	
	1. Mr. Chanan, Village Kalabakre, P. O. Adampur.			
	2. Mr. Vidya Sagar s/o Gandhila.			
	3. Mr. Chaman Lal s/o Mansa Ram.			
	4. Mr. Nand Lal s/o Tara Chand.			
2	<i>Deputation of 4 Baurias led by Vir Singh, Compounder, Gandhi Camp Dispensary, Jullundur.</i>	Jullundur	20-4-50	Names not available.
3	<i>Deputation of 8 Sansis</i>	Amritsar	21-4-50	
	1. Mr. Iswar Das, Sansi.			
	2. Mr. Nirmal Singh, Sansi.			
	3. Mr. Dogal Mal, Sansi.			
	4. Mr. Banta Ram (1), Sansi.			
	5. Mr. Bachan Singh, Sansi.			
	6. Mr. Sohanno Ram, Sansi.			
	7. Mr. Massur Ram, Sansi.			
	8. Mr. Banta Ram (2), Sansi.			
4	<i>Deputation of 20 Sansis at Dina Nagar Railway Crossing (Representatives from Gurdaspur District), led by Messrs.—</i>	Dina Nagar Railway Crossing.	22-4-50	Names not available.
	1. Mahandu Sansi, President, Bhakar Jandial Sansi and Rajput, Tehsil Pathankot, Gurdaspur.			
	2. Nandu Ram, Group Leader, Tehsil Pathankot, Gurdaspur.			
	3. Ghasitey Ram, Lambardar, Talwandi Bootian, Tehsil Nakodar, District Jullundur.			
5	<i>Deputation of 3 Dheas</i>	Shahabad Markanda, Near Ambala.	23-4-50	
	1. Mr. Badama, Dhea.			
	2. Mr. Atra, Dhea.			
	3. Mr. Jemal, Dhea.			
6	<i>Deputation of 4 Bawariyas led by Maharshi Purnanand of Pushkar and Dr. S. K. Ghosh of Kishangarh.</i>	Ajmer	29-6-50	
	1. Mr. Ashu.			
	2. Mr. Gopal.			
	3. Mr. Mangelal.			
	4. Mr. Shri Ram.			

(1)	(2)	(3)	(4)	(5)
7	<i>Deputation of Meenas from Nayabans</i>	Jaipur	30-6-50	
	1. Mr. Kaluvanji, C. T. Member.			
	2. Mr. Arjun, C. T. Member.			
	3. Mr. Ram Narain, C. T. Member.			
8	<i>Deputation of Chowkidar Meenas from Bagawas.</i>	Jaipur	30-6-50	
	1. Mr. Kishan Lal ji.			
	2. Mr. Gulabchandji.			
	3. Mr. Sultansinghji.			
	4. Mr. Lakshmi Narain.			
9	<i>Deputation of 7 Bawariyas</i>	Bauria Colony, Muzaffarnagar District	18-2-50	
	1. Mr. Ganeshi.			
	2. Mr. Jagdev Singh.			
	3. Mr. Gopal Singh.			
	4. Mr Bhagwana.			
	5. Mr. Bhagirath.			
	6. Mr. Hairya.			
	7. Mrs. Jamni.			
10	<i>Deputation of 11 Harijans of Saran Chupra District led by Bodh Ram Pershad.</i>		7-8-	
	1. Shri Bodh Ram Prasad.			
	2. Shri Sant Ram.			
	3. Shri Balaki Ram.			
	4. Shri Nandu Ram.			
	5. Shri Rambilash Ram.			
	6. Shri Deonarasain Dome.			
	7. Shri Sita Dome.			
	8. Shri Sama Dome.			
	9. Shri Sopal Dome.			
	10. Shri Bhajji Jhagar.			
	11. Shri Mahavir Chowdhry.			
11	<i>Deputation by Jaswantsingh, son of Natha Singh, a leader of Bhedkuts of Birthebari.</i>	Birthebari Kund	24-4-50	



APPENDIX II—D.

**LIST OF PROMINENT PERSONS OR MEMBERS OF ORGANISATIONS
WHOM THE COMMITTEE OR SUB-COMMITTEE MET AND DISCUSSED
THE PROBLEM OF CRIMINAL TRIBES AND THE QUESTION OF
REPEAL OF THE CRIMINAL TRIBES ACT.**

Serial No.	Name of organisation or person	Place of meeting	Date of meeting	Remarks
(1)	(2)	(3)	(4)	(5)
WEST BENGAL				
1	<i>Meeting with Ministers</i>	Calcutta	29-7-50	
	1. Chief Minister.			
	2. Chief Secretary.			
	3. Home Secretary.			
2	<i>Meeting with Bar Association, Calcutta</i>	Do	30-7-50	
	1. Shri Girja Prasanna Sanyal, President, Bar Association.			
	2. Sri Sudhansu Kumar Mukherjee, Member.			
	3. Sri Debrabrata Mukherjee, Member.			
U. P.				
3	<i>Meeting with Members of District and local Congress Committee, Kanpur.</i>	Kanpur	14-9-50	Names not available.
4	<i>Meeting with Ministers</i>	Lucknow	17-9-50	
	1. Excise Minister.			
	2. Chief Secretary.			
	3. Home Secretary.			
	4. Secretary, Harijan Sahayak Department.			
BIHAR.				
5	<i>Meeting with Ministers, etc.</i>	Ranchi	2-8-50	
	1. Chief Minister.			
	2. Welfare Minister.			
	3. Chief Secretary.			
6	<i>Meeting of the leading citizens of Chupra arranged by District Magistrate, Chupra.</i>	Chupra	7-8-50	
	1. Shri Brijendra Bahadur, Chairman, Chupra Municipality.			
	2. Shri Narbadeshwari Pershad, Advocate, Chupra.			
	3. Shri Mokhtar Ram, Teacher, B. L. P. School, Tikiniwas.			
	4. Shri Shyam Lal Blagat, Municipal Commissioner and Social Worker, Chupra.			
	5. Shri Mahesh Saran, Advocate, Chupra.			

(1)	(2)	(3)	(4)	(5)
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6. Shri Shiva Nandan Thakar, Division Harijan Welfare Officer, Muzaffarpore.
7. Shri Dhari Chan Ram, District Harijan Welfare Officer, Saran.
8. Shri K. S. Anwar Ali, Retired Supdt. of Police, Chupra.
9. Shri Chandra Shekhar, Advocate, Secretary, District Harijan Sewak Sangh, Chupra.

ORISSA

7 Meeting with Utkal Congress Committee, Cuttack . . 28-7-50
Cuttack

1. Sri Gadadha Dutt, M. L. A, General Secretary, Utkal Provincial Congress Committee. 28-7-50
2. Sri Sanatam Kumar Das, M. L. A., Member.
3. Shri Hrushikash Tripathy, M. L. A. from Angul.
4. Shri Antaryami Mullick, M. L. A. from Phulbani District
5. Pt. Pranakrishna Padhibari, Member.

AJMER

8 Meeting with Congress Committee, Ajmer . . 29-6-50
Ajmer.

1. Shri Balkrishna Garg.
2. Shri Balkrishna Kaul.
3. Shri Balkrishnan Nandchand.
4. Shri Sobhraj Churmali.
5. Shri Shiv Kumar.
6. Shri Chandra Gupta Varshney.
7. Shri Shiam Sundar Deedwani.
8. Shri Gulabchand Dhoot.
9. Shri Rameshwar Dayal.
10. Shri Pooran Chand.
11. Shri Beni Gopal Rajoria.

9 Meeting with Congress Committee, Beawar . . 29-6-50 Names not available.
Beawar

10 Meeting with Chief Commissioner, Ajmer . . 29-6-50
Ajmer.

MADHYA BHARAT

11 Meeting with Ministers . . . Indore . . 23-6-50

1. Chief Minister.
2. Law Minister.
3. Health Minister.
4. Adviser to Mahdya Bharat Government.
5. Chief Secretary.

(1)	(2)	(3)	(4)	(5)
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BHOPAL.

- 12 *Meeting with Chief Commissioner, Bhopal . . . 19-6-50*

RAJASTHAN

- 13 *Meeting with Congress Committee, Jodhpur . . . 27-6-50*

1. Shri Purshottam Prasad Nayyar.
2. Shri Kishan Lal Shaw.
3. Shri Chhagan Lal Paliwal.
4. Shri Rampartapji Paliwal.
5. Shri Anand Bihari.
6. Shri Brij Mohanji.
7. Shri Mithanlalji Trivedi.
8. Shri Balkrishanjee.
9. Shri Manmathe Jain.
10. Shri Rameshwar Singh.
11. Shri Satyadeo, (Jaisalmer).
12. Shrimati Gaurjadevi.

- 14 *Meeting with the Provincial Congress Committee, Jaipur . . . 2-7-50*

1. Shri Jugal Kishore Chaturvedi, General Secretary, Provincial Congress Committee, Rajasthan.
2. Shri Munshilaljee, Member, A.I.C.C.

- 15 *Meeting with Ministers . . . Jaipur . . . 3-7-50*

1. Chief Minister.
2. Home Minister.
3. Revenue Minister.
4. Chief Secretary.
5. Senior Adviser to Rajasthan Government.

- 16 *Meeting with Bar Association, Jaipur . . . Jaipur . . . 3-7-50*

1. Shri Sharma Ramesh Chaudhary, Advocate.
2. Shri N. C. Kashiwal, Advocate.
3. Shri C. L. Agarwal, Advocate.
4. Shri Tika Ram Paliwal, Advocate.
5. Shri Gulab Chand Kashiwal, Advocate.
6. Shri Doulet Mal Bhandari, Advocate.

APPENDIX III

A LIST OF CRIMINAL TRIBES IN THE STATES.

NOTE 1.—*Tribes which are marked by an asterik are classed as Scheduled Castes.*

2. *The castes in the Bombay and Madras States listed below were Criminal Tribes just before the repeal of the Criminal Tribes Act.*

Name of the State	Serial No.	Name of the Criminal Tribe	Area in which notified as a Criminal Tribe
(1)	(2)	(3)	(4)
West Bengal	*1	Bediya	Whole West Bengal.
	2	Karwal Nat.	Do.
	3	Bhar	All the members of these tribes are not declared as Criminal Tribes. Only those convicted of any non-bailable offence or under the preventive section of the Criminal Procedure Code are declared to be criminal Tribes in the West Bengal State.
	4	Dhekaru	
	*5	Maghaiya Domes	
	6	Gonda	
	*7	Lodha	
Bihar	*1	Marwari Bauria	Whole Bihar State.
	2	Dharis	Patna, Monghyr and Bhagalpur Dists.
	3	Dhekaru	Santal Parganas.
	*4	Magahiya Domes	Saran, Champaran, Muzaffarpur, Darbhanga and Shahabad Districts.
	*5	Chakai Dusadhs	Hazaribagh, Monghyr, Santal Parganas, Bhagalpur Districts.
	*6	Magahiya Dusadhs	Darbhanga and Bhagalpur Districts.
	7	Ghasis	Singhbhum District.
	8	Lodhas	Singhbhum District.
	9	Karwal Nuts	Whole Bihar State.
	*10	Musaharas	Itahari in Bihar State.
Orissa	*1	Dandasi	Ganjam District.
	*2	Domes	Korapur District.
	*3	Ghasi	Korapur District.
	*4	Jaintra Pans	Cuttack District.
	*5	Munda Pottas	Ganjam District.
	6	Telaga Pamula	Ganjam District.
	*7	Paidis	Koraput District.
Uttar Pradesh	*1	Aheria	Agra, Budaun, Etawah, Mainpuri, Pilibhit, Aligarh, Bulandshahr, Etah and Muttra Districts.
	*2	Badak	Budaun, Kheri, Muttra and Shah-jahanpur Districts.
	3	Banjara	Etah, Etawah, Fatehgrah and Mainpuri Districts.
	*4	Barwar	Gonda, Hardoi, Sultanpur and Rai-Bareli Districts.
	*5	Bauriah	Muzaffarnagar and Meerut Districts.
	*6	Beriah	Agra, Kanpur, Etah, Etawah, Mainpuri and Fatehpur Districts.

(1)	(2)	(3)	(4)
Uttar Pradesh.—contd.			
	7 Boriya . . .	Fatehpur and Kanpur Districts.	
	*8 Bhantus . . .	Whole of U. P.	
	9 Bhar . . .	Azamgarh, Banaras, Fyzabad, Jaunpur and Gorakhpur Districts.	
	*10 Chamars . . .	Etawah, Ghasipur and Jaunpur Districts.	
	11 Dalera . . .	Bareilly, Meerut and Moradabad Districts.	
	*12 Dome . . .	Whole U. P.	
	13 Gandilas . . .	Muzaffarnagar District.	
	14 Gadhias . . .	Moradabad District.	
	15 Ghosi . . .	Aligarh, Etah and Mainpuri Districts.	
	16 Gujar . . .	Saharanpur and Moradabad Districts.	
	*17 Habūra . . .	In almost all the Districts of the Uttar Pradesh.	
	*18 Kanjar . . .	Agra, Kanpur, Etawah, Fatehgarh, Mainpuri and Muttra Districts.	
	*19 Kewat . . .	Basti District.	
	20 Mallah . . .	Agra, Aligarh, Bulandshahr, Etawah, Mirzapur, Muthra, Ballia and Gorakhpur Districts.	
	*21 Khatik . . .	Basti and Gonda Districts.	
	22 Lodha . . .	Mainpuri and Fatehpur Districts.	
	23 Mewati . . .	Aligarh and Bulandshahr Districts.	
	24 Musahar . . .	Ballia, Gazipur, Jaunpur and Sultanpur Districts.	
	*25 Nat . . .	Nainital, Moradabad, Muzaffarnagar, Bijnore and Allahabad Districts.	
	26 Odhias . . .	Kanpur and Fatehpur.	
	27 Palwar Dusadh . . .	Ballia District.	
	*28 Pasi . . .	Whole U. P.	
	*29 Sansiah . . .	Meerut, Saharanpur, Kheri, Muzaffarnagar, Dehra Dun, Jhansi and Bulandshahr Districts.	
	30 Taga Bhat . . .	Saharanpur District.	
Punjab . . .	1 Aheria . . .	Whole Punjab.	
	*2 Barrars . . .	Whole Punjab.	
	*3 Baurias . . .	Whole Punjab.	
	4 Beria . . .	Whole Punjab.	
	*5 Bhangalis . . .	Whole Punjab.	
	6 Bhedkuts . . .	Whole Punjab.	
	7 Bhura Brahamans . . .	Kangra District.	
	8 Dheas . . .	Whole Punjab.	
	9 Dhenwar . . .	In some areas (not known).	
	*10 Gandhillas . . .	Whole Punjab.	
	11 Jats (Gutka and Dhillon) . . .	In some areas only.	
	12 Mahatams . . .	In some areas only.	
	13 Tagas . . .	In some areas only.	
	14 Kanjar . . .	Whole Punjab.	

(1)	(2)	(3)	(4)
-----	-----	-----	-----

- | | | |
|-----|----------------|---------------|
| 15 | Kuchband . . . | Whole Punjab. |
| 16 | Mewati . . . | Whole Punjab. |
| *17 | Nut . . . | Whole Punjab. |
| 18 | Rachband . . . | Whole Punjab. |
| *19 | Sansis . . . | Whole Punjab. |

Bombay.—(The castes listed below were Criminal Tribes just before the repeal of the Criminal Tribes Act in the Bombay State in 1949. They are no longer Criminal Tribes now).

- | | | |
|---|---|--|
| 1 | Lamani . . . | Bijapur, Belgaum, Dharwar. |
| 2 | Berad (Bedar) . . . | Sholapur, Belgaum, Bijapur and Dharwar. |
| 3 | Bhamptas (or Pardesi or Santichor). | In the whole of Bombay State. |
| 4 | Bhil (Those only who were convicted of non-bailable offences or required to give security under Section 110 C. P. C. on 1st January 1920. | West Khandesh, East Khandesh, Nasik, Ahmednagar, Poona and Sholapur. |
| 5 | Kaikadis (or Korach) . . . | In the whole of Bombay State. |
| 6 | Mang Garudi . . . | In the whole of Bombay State. |
| 7 | Pardhi . . . | In the whole of Bombay State. |
| 8 | Sansi . . . | In the whole of Bombay State. |
| 9 | Tadvi . . . | East Khandesh. |

Madras.—(The castes listed below were Criminal Tribes in the Madras State just before the repeal of the Criminal Tribes Act in that State in 1948. They are no longer Criminal Tribes now).

- | | | |
|-----|---------------------------|--|
| 1 | Adi-Dravidas . . . | Chingleput District. |
| 2 | Ambalgars . . . | Trichinopoly District. |
| 3 | Lambadi (or Sugali) . . . | West Godavari, Kistna, Guntur, Bellary, Anantapur, Cuddapah, Chittoor and Nellore Districts. |
| 4 | Bhatu Turkas . . . | Chittoor District. |
| 5 | Boyas . . . | Kurnool, Bellary, Anantapur, Cuddapah and Chittoor Districts. |
| 6 | Budabukhalas . . . | Guntur District. |
| 7 | Dasaris (Donga and Gudu). | Kistna, Nellore, Bellary, Anantapur, Cuddapah, Coimbatore, Chittoor and S. Arcot Districts. |
| 8 | Dommars . . . | East and West Godavari, Kistna, Kurnool, Nellore, Anantapur, Chittoor, N. and S. Arcot Districts. |
| 9 | Domes . . . | Vizagapatam District. |
| 10 | Donga Yatas . . . | Vizagapatam District. |
| 11 | Donga Yerukalas . . . | East and West Godavari, Kistna, Guntur, Nellore, Kurnool, Bellary, Anantapur and Cuddapah Districts. |
| *12 | Ghasi . . . | Vizagapatam District. |
| 13 | Irulars . . . | N. and S. Arcot, Trichinopoly and Madras City. |
| 14 | Jogis (or Jogulas.) . . . | Nellore, N. and S. Arcot, Chingleput, Chittoor and Madras City. |

(1)

(2)

(3)

(4)

Madras.—contd.

- *15 Kaladis Ramnad District.
- 16 Kallar Madras North and South, Tanjore and Trichinopoly Districts.
- 17 Kanjar Whole Madras State.
- 18 Kapurnaries Whole Madras State.
- 19 Kintali Kalings Six villages in Pondur Station limits of Vizagapatam District, Madras.
- 20 Konda Doras South Vizagapatam District.
- 21 Korachas (or Koravars or Yerukalas). Whole Madras State under different names.
- 22 Kurumbaravas Ramnad District.
- *23 Madigas Kurnool District.
- *24 Malas (Anipey Malas, Donga Malas, Anneboyinappalla Malas and Jamullapalli Malas). East Godavari, Nellore, Kurnool and Chittoor Districts under different names.
- 25 Maravars (Sembanad and Appanad-Kondayankottai). Tinnevely and Ramnad Districts.
- 26 Mutharachas Nellore and Cuddapah Districts.
- 27 Nakkalas East Godavari District.
- 28 Nirshikaris Kurnool and Bellary Districts.
- 29 Nokkars Chingleput District.
- 30 Oddars (or Woddars) North Arcot, Salem, Chingleput, Ramnad, Kurnool, Kistna, West Godavari, Nellore, Anantapur, Cuddapah and Chittoor Districts.
- *31 Paidis Vizagapatam District.
- *32 Pariyas (Vengur and Veppur). Chittoor and South Arcot Districts.
- *33 Picharis Bellary District.
- 34 Pichiguntlas Cuddapah District.
- 35 Poligars Chittoor District.
- 36 Reddikas East Godavari District.
- *37 Rellis Vizagapatam District.
- 38 Talayaris Cuddapah District.
- 39 Telega Pamula (or Peddati Goilas). Vizagapatam, Kistna, Anantapur, Chingleput, East Godavari and Nellore Districts.
- 40 Tellungappalatti Chattis Trichinopoly District.
- 41 Thottia Naicks Whole Madras State.
- 42 Uraligaundans Trichinopoly District.
- 43 Valayars Madras North and Coimbatore Districts.
- 44 Vellayankuppam Pandayachis. South Arcot District.
- 45 Vettaikarans Tanjore District.
- 46 Vettuya Goundans Trichinopoly District.
- 47 Yaras Vizagapatam District.
- 48 Yenadis Cuddapah, Chittoor and Chingleput Districts.

(1)	(2)	(3)	(4)
Delhi	*1 Baurias	Whole Delhi.	
	*2 Sansi	Whole Delhi.	
Ajmer	*1 Baoris	Whole Ajmer.	
	*2 Kanjar	Whole Ajmer.	
	*3 Sansi	Whole Ajmer.	
Hyderabad	1 Bhamta	Whole Hyderabad State.	
	2 Domars	Whole Hyderabad State.	
	3 Kaikadis (or Korachas or Yerkulas or Korvay).	Whole Hyderabad State.	
	4 Komakapu	Whole Hyderabad State.	
	5 Yeragolawad (or Thella Pamalwads).	Whole Hyderabad State.	
	6 Yenadiwads	Whole Hyderabad State.	
	7 Wadders (or Kalawaders, or Pathrods).	Whole Hyderabad State.	
	8 Pardis (or Pardhis)	Whole Hyderabad State.	
	9 Charan Banjaras	Whole Hyderabad State.	
Madhyabharat	*1 Banjara	In the whole Madhyabharat State except Piploda, Jobat and Mathwar Districts.	
	2 Banchhada	Dhar, Sitamau, Dewas Sr. and Indore.	
	3 Bhanmate	Dewas Sr.	
	*4 Kanjar	Panth-Piploda, Barwani, Dhar, Ratlam, Jaora, Dewas Jr., Indore and Gwalior.	
	*5 Moghia	In the whole Madhyabharat State except Barwani, Jobbat, Kathi-wara, Mathwar, Dewas Jr. and Narsingharh.	
	*6 Sansi	Rajgarh, Dewas Sr., Dewas Jr. and Gwalior.	
Mysore	1 Gantichoras	In the whole of Mysore State.	
	*2 Handijogies	In the whole of Mysore State.	
	3 Kapmaries	In the whole of Mysore State.	
	4 Korachars	In the whole of Mysore State.	
	5 Woddars	In the whole of Mysore State.	
Rajasthan	1 Minas	Jodhpur, Bikaner and Jaipur.	
	2 Bhils	Jodhpur (Jalore and Pali Districts).	
	*3 Baories	Jodhpur, Udaipur, Jaipur and Kotah.	
	*4 Kanjars	Udaipur, Jaipur and Kotah.	
	*5 Sansis	Jodhpur, Udaipur, Jaipur and Kotah.	
	6 Banjaras	Udaipur.	
	7 Bagris (Bawaris)	Jodhpur.	
	8 Mogias	Udaipur and Chittor.	
	9 Nuts	Jodhpur and Bikaner.	

(1)	(2)	(3)	(4)
Rajasthan—contd.			
	10	Naiks	Jodhpur.
	11	Multanis	Udaipur and Bhilwara.
	12	Bhats	Jodhpur.
Vindhya Pradesh . .	1	Nat	In the whole State.
	2	Kanjars	In the whole State.
	3	Berias	In the whole State.
	4	Pasis	In the whole State.
	5	Chandravedias	In the whole State.
P. E. P. S. U. . .	*1	Sansis	Whole of P. E. P. S. U. State.
	*2	Dehas or Dheas	Whole of P. E. P. S. U. State.
	3	Meenas	Whole of P. E. P. S. U. State.
	4	Naik or Heri (also called Aheri).	Whole of P. E. P. S. U. State.
	5	Kanjars	Whole of P. E. P. S. U. State.
	*6	Burar or Berar	Whole of P. E. P. S. U. State.
	*7	Manesh (A sub-caste of Sansis).	Whole of P. E. P. S. U. State.
	*8	Gandiel (also called Gondalas).	Whole of P. E. P. S. U. State.
Saurashtra . . .	1	Sandhis	Dharagadh and Veraval.
	2	Sumras	Targhari, Kota and Masitia.
	3	Mianas	Bela, Mena Mora and Lakhtar.
	4	Sangheda	Nana Ambla.
Kutch	1	Hingora	Abdasa and Rahpar Districts.
Bhopal	1	Bairagis	In the whole of Bhopal State.
	2	Moghia	In the whole of Bhopal State.
	*3	Bijoria (or Kanjars)	In the whole of Bhopal State.
	4	Sanoria	In the whole of Bhopal State.
	*5	Sansi	In the whole of Bhopal State.
Jammu and Kashmir State.	1	Sansis	Within the area of the Police Stations at Ranbirsinghpura, Bishnah and Ramgarh (District Jammu).
	2	Parnas	Within the area of the Police Station at Kathua (District Kathua).

APPENDIX IV

CRIMINAL TRIBES INSTITUTIONS

A. *List of institutions (generally called colonies) in which Criminal Tribes members restricted under section 10 or 11 or persons released from settlements under section 18 are residing.*

PUNJAB

1 Reclamation Colony, Dongu Road,
Pathankot.

2 Criminal Tribes Colony, Morinda,
District Karnal.

3 Kuchband Colonies, Ambala City.

4 Dhea Colony, Shahbad, District
Karnal.

5 Dhea Colony, Chirao, District
Karnal.

6 Agricultural Colony, Bir Bhandari,
District Karnal.

7 Agricultural Colony, Bir Bidalwa,
District Karnal.

8 Agricultural Colony, Deputy Wala
Badalwa, District Karnal.

9 Agricultural Colony, Bir Thebari,
Distt. Karnal.

They are reported to be settlements established under section 16 of the Criminal Tribes Act but no persons interned under section 16 are residing in them. The registered persons residing in them are either under section 10 or 11 only.

DELHI

10 Andha Mughal Colony, Subzimandi,
Delhi.

BIHAR

11 24 Dome Paraos in Saran District These are colonies of Domes under sections 10 and 11 of the Criminal Tribes Act.

UTTAR PRADESH

12 Bawaria Colony, Distt. Muzaffar-
nagar.

B. *List of existing settlements established in the States under section 16 of the Criminal Tribes Act, 1924.*

PUNJAB

1 Reformatory Settlement, Amritsar.

UTTAR PRADESH.

- 2 Kalyanpur Settlement, Kanpur.
- 3 Aryanagar Settlement, Lucknow.
- 4 Fazalpur Settlement, Moradabad.
- 5 Gorakhpur Settlement, Gorakhpur.

BIHAR.

- 7 Chauterwa Dome Settlement, District Champaran.

C. Existing Schools opened under section 17 of the Criminal Tribes Act in the States :—

PUNJAB.

- 1 Reformatory School, Amritsar.

D. List of institutions for Criminal Tribes in States included in Parts B and C (excluding Delhi, Ajmer and Coorg) of First Schedule to the Constitution.

MADHYA BHARAT.

S. No.	Name of Settlement or Colony.	Remarks.
1	Criminal Tribes Settlement, Mirkabad, Mungaoli.	Established under section 26 Criminal Tribes Manual, Gwalior, corresponding to section 16 of the Criminal Tribes Act.

(NOTE :—In this State there are about 55 more villages in which Criminal Tribes members are settled).

RAJASTHAN.

2	Ramnagar, District Bundi	The colonies for Criminal Tribes in the Rajasthan State are established under the provisions of the local law corresponding to section 11 of the Criminal Tribes Act, 1924.
3	Dablana, District Bundi	
4	Mandawera, District Tonk	
5	Mandawar, District Tonk	
6	Dheebru, District Tonk	
7	Polihora, District Tonk	
8	Laxmangarh, District Bhilwara	
9	Amli, District Bhilwara	
10	Pander, District Bhilwara	
11	Ahmadpura, District Tonk	
12	Mevdu, District Chittor	
13	Begun, District Chittor	
14	Sadari, District Pali	
15	Sojat, District Pali	
16	Jorduder, District Pali	
17	Jaswantabad, District Pali	

BHOPAL

18	Balera, Raisen	} Established under the provisions of the local law corresponding to section 11 of the Criminal Tribes Act, 1924.
19	Bangwan, Raisen	
20	Dhanikheri, Raisen	
21	Devalkhera, Berasia	
22	Sonkatch, Beresia	

HYDERABAD

23	Lingal Penal Settlement, Mahbhubnagar	Established under the provisions of the local law corresponding to section 11 of the Criminal Tribes Act, 1924.
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AJMER

There are no settlements or colonies for Criminal Tribes members in the Ajmer State. The Criminal Tribes members are however settled in good number in the following areas :—

- 1 Kasari Nadi, Ajmer.
- 2 Beawar.
- 3 Ramsav.
- 4 Goela.
- 5 Kekri.
- 6 Sawar.
- 7 Bijainagar.
- 8 Bhinai.



APPENDIX V

LAWS RELATING TO CRIMINAL TRIBES IN FORCE IN THE STATES INCLUDED IN PARTS B AND C (EXCEPT AJMER, COORG AND DELHI) OF THE FIRST SCHEDULE TO THE CONSTITUTION.

MADHYA BHARAT.—The Madhya Bharat has not applied the Criminal Tribes Act, 1924, in the area under its jurisdiction but the laws relating to Criminal Tribes which were in force in the old Indian States which have merged to form Madhya Bharat are still in force. The details of these laws are given below :—

- 1 Gwalior . . . Gwalior Criminal Tribes Manual, (Samvat 1980).
- 2 Indore . . . Criminal Tribes Act, 1928.
Criminal Tribes Rules, 1929.
- 3 Dhar . . . Criminal Tribes Act, 1922.
Criminal Tribes Rules, 1927.
- 4 Ratlam . . . Ratlam State Criminal Tribes Rules, 1925.
- 5 Sailana . . . Sailana State Criminal Tribes Rules, 1926.
- 6 Dewas Jr. . . . Dewas Jr. Criminal Tribes Rules, 1927.
- 7 Dewas Sr. . . . Dewas Sr. Criminal Tribes Rules.
- 8 Patheri . . . Patheri State Criminal Tribes Rules.
- 9 Kurwai . . . Kurwai State Criminal Tribes Rules.
- 10 Narsing Garh . . . Narsing Garh State Criminal Tribes Rules.
- 11 Jaora . . . Jaora State Criminal Tribes Rules.
- 12 Khilchipur . . . Khilchipur State Criminal Tribes Rules.
- 13 Rajgarh . . . Criminal Tribes Act, 1925.
Criminal Tribes Rules, 1947.

Sitamau . . . Sitamau State Criminal Tribes Rules.

MYSORE . . . Criminal Tribes Act, 1916.

HYDERABAD . . . Hyderabad Criminal Tribes Act No. VII of 1322.
(Fazli).

SAURASHTRA . . . The Criminal Tribes Act of 1924 has not been applied to the United State of Saurashtra. There were the following local Criminal Tribes Acts and Rules in some of the States before the merger. Except the Nawanagar State Pass Hajri Dhara 2003 (Samvat), none of the Acts and Rules are now in force in Saurashtra.

- 1 W. I. S. Agency Miana Rules, 1933.
- 2 Junagadh State Wandering Criminal Tribes Act (Act III of Samvat 1969).
- 3 Nawanagar State Pass Hajri Dhara 2003 (Samvat).
- 4 Bhavnagar State Wandering Criminal Tribes Act, 1970 (Samvat).
- 5 Palitana State Wandering Criminal Tribes Act, 1914.

RAJASTHAN—The Criminal Tribes Act of 1924 has not been applied to the Rajasthan State. Laws relating to Criminal Tribes were in force in some of the old States which have merged to form this State. The details of these laws which are still in force are given below:

- 1 Udaipur . . Rules for the guidance of Indian States in Rajputana and Central India for the control and reclamation of Criminal Tribes.
 - 2 Bikaner . . Rules for control and reclamation of the wandering Criminal Tribes of the Bikaner States, 1941.
 - 3 Jodhpur . . Marwar Criminal Tribes Act, 1911, and Rules framed thereunder.
 - 4 Jaipur . . Jaipur State Criminal Tribes Act, 1930, and Rules framed thereunder.
 - 5 Tonk . . Tonk State Criminal Tribes Act and its Rules, 1938.
 - 6 Alwar . . Alwar State Criminal Tribes Act, 1936.
 - 7 Bharatpur . . Bharatpur State Criminal Tribes Act.
- } Replaced by Habitual
Criminals Ordinance,
1949, by Matsya
Government on
15th August 1948.
- 8 Kotah . . Kotah State Circular regarding Criminal Tribes, 1927.
 - 9 Bundi . . Bundi State Criminal Tribes Act, 1941, and Rules under this Act.
 - 10 Jhalawar Criminal Tribes Law, 1930, (held in suspension at present).

KASHMIR—Criminal Tribes Act, 1976 (Samvat).

PATIALA AND EAST PUNJAB STATES UNION.—The Patiala Criminal Tribes Ordinance, 1974 (Samvat).

VINDHYA PRADESH.—Rewa State Wandering Criminal Tribes Act, 1925.

KUTCH.—No Criminal Tribes Act or Rules in force. Circulars only.

BHOPAL.—Bhopal Criminal Tribes Act, 1926.

APPENDIX VI.

Extracts from the Report of the Criminal Tribes Enquiry Committee, United Provinces, 1947.

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50. As regards Gipsies, we feel that till they settle down on land, they will continue the life of crime. We propose that effort should be made under sanction of law, (suitable provision may be made in the Habitual Offenders and Vagrants Act) to settle them and teach them a life of industry and honest calling as against idleness, prostitution and crime to which their conditions of existence make them prone. As regards members restricted to settlements, we propose that their cases should be reviewed and those who have been free from any conviction or misconduct for the last ten years or who have no conviction to their discredit should be given the freedom to leave the settlement. As regards incorrigibles, they should continue in the settlements.

53. The Habitual Offenders and Vagrants Act that we envisage should contain provisions for dealing with Habitual Offenders of the following three categories :

- (1) Those who, in spite of good environments and family traditions, become habitual criminals.
- (2) Those who, because of bad environments, particularly family traditions and associations, take to life of crime according to the custom of their group and family and who are, therefore, not so much immoral as amoral.
- (3) Vagrants without any settled occupation, who lead a life of crime prostitution and idleness. Separate provisions will naturally have to be made in the Act to meet the requirements of each category of criminals, while there will be common provisions too.

54. The decision whether a person comes under the definitions of "Habitual Offender" or "Vagrant" should be made by Court on recommendation of the prosecuting authority. Normally, if a person has received three previous convictions for non-bailable offences under Chapters XXII and XXVII of the Indian Penal Code or has been bound down under section 118 read with section 110 of the Criminal Procedure Code and is brought before the court for the fourth time for a similar offence and is found guilty of it, the Prosecuting Inspector or the Government Advocate may bring his previous convictions to the notice of the Court as well as his proved guilt in the case under trial and request that he should be made liable to an indeterminate sentence with minimum and maximum limits as laid down under the Act. In adjudging the question, facts relating to the antecedents, previous history, home surroundings, family traditions, and employment records would be relevant before the Court. The evidence of the Probation Officer, if one exists in the district, would be similarly relevant.

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57. We do not recommend a common jail for all the three categories of habitual offenders and vagrants. In the same jail, for reasons of economy, three sections can be maintained to house separately each category. Discipline in the jail should be strictly enforced and the prisoners taught vocations which may provide them with the means of honest livelihood on release. Provision must also be made for the education of the convicts and for their moral rehabilitation. We would suggest that a Psychiatrist should be attached to this special jail to find out any psychological reasons and a medical officer for pathological abnormalities which may have contributed to the criminal tendencies of the convict. A Criminologist should also be attached to the jail for a thorough study of the life and circumstances of each convict to find out whether there was anything in his environment which

led him into criminal life. The data thus collected by experts attached to the jail would provide sufficient material for a factual consideration of the problem of the habitual offender and vagrant as distinguished from conjectural and theoretical, as is often the case.

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60. As regards the existing registered Gipsies and registered members of Criminal Tribes, who on scrutiny are not yet found fit for complete freedom, we propose that provision should be made under the Habitual Offenders and Vagrants Act for their restriction to settlements and industrial or agricultural colonies. This we do, not merely with the aim of protection of society from an outbreak of crime but in the interest of the settlers' reform itself. Without having equipped themselves with moral anchorage, the settlers let loose, are bound to behave like derelict ships and meet a similar doom. Indeed we found, though there was a natural desire of freedom from restrictions imposed by the management of the settlement, there was little desire to leave the settlement and the economic aid that the settlers get in the settlement as well as the official protection they receive. We would, however, recommend a reorganisation of these settlements and we shall make our suggestions when we deal with the second term of our reference.

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APPENDIX VII-A

GOVERNMENT OF MADRAS

LEGAL DEPARTMENT

MADRAS ACT NO. VI OF 1948

[Received the assent of the Governor-General on the 24th April 1948, first published in the "Fort St. George Gazette" Extraordinary, on the 28th April 1948.]

An Act for imposing certain restrictions on habitual offenders in the Province of Madras.

WHEREAS it is expedient to impose certain restrictions on habitual offenders in the Province of Madras, it is hereby enacted as follows:—

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Madras Restriction of Habitual Offenders Act, 1948.

(2) It extends to the whole of the Province of Madras.

(3) It shall come into force on the 29th day of April 1948.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context—

(1) "District" includes the presidency-town;

(2) "District Magistrate" means in the case of the presidency-town, the Commissioner of Police;

(3) "Government" means the Provincial Government;

(4) "habitual offender" means a person who, before or after the commencement of this Act, has been sentenced to a substantive term of imprisonment, such sentence not having been set aside in appeal or revision on not less than three occasions, for one or another of the offences under the Indian Penal Code (Central Act XLV of 1860) set forth in the Schedule, each of the subsequent sentences having been passed in respect of an offence committed after the passing of the sentence on the previous occasion;

Explanation.—The passing of an order requiring a person to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898, (Central Act V of 1898), shall be deemed to amount to the passing of a sentence of substantive imprisonment within the meaning of this clause.

(5) "notification" means a notification published in the *Fort St. George Gazette*;

(6) "notified offender" means a habitual offender in respect of whom a notification has been issued under section 3 and is in force;

(7) "prescribed" means prescribed by rules made under this Act;

(8) "settlement" means a settlement established or deemed to be established under section 8.

NOTIFICATION OF OFFENDERS AND RESTRICTIONS OF THEIR MOVEMENTS.

3. **Power of Government to notify habitual offenders.**—(1) The Government may, by notification—

(a) if they are satisfied that any person is a habitual offender, declare that he shall be subject to the provisions of this Act to such extent and subject to such restrictions, if any, as may be specified in the notification;

(b) cancel or modify any such declaration.

(2) Before any notification is issued in respect of any person under sub-section (1), clause (a), or modified to his disadvantage under sub-section (1), clause (b), a reasonable opportunity shall be given to him to show cause against such issue or modification.

4. Delegation of powers to District Magistrate.—The Government may, by notification, delegate their powers under section 3 to a District Magistrate, in respect of persons ordinarily residing in his district, subject to such restrictions and conditions as may be specified in the notification and subject also to control and revision by them.

5. Notified offenders to intimate residence and change of residence.—Every notified offender shall intimate to such authority and in such manner as may be prescribed, his place of residence, every change or intended change thereof, and every absence or intended absence therefrom :

Provided that the District Magistrate or any officer authorized by him may exempt any such offender from reporting any temporary absence or intended absence from his residence, not exceeding such limit as may be prescribed.

6. Power to restrict movements of notified offenders.—(1) If in the opinion of the Government it is expedient to do so, they may, by notification, declare that any notified offender shall be restricted in his movements to a specified area.

(2) Before making any such declaration, the Government shall consider.—

(i) the nature of the offences, if any, of which the offender has been convicted and the circumstances in which they were committed ;

(ii) whether the offender follows any lawful occupation, and whether such occupation is a real one or merely a pretence for facilitating the commission of offences ;

(iii) the suitability of the area to which his movements are to be restricted ;

(iv) the manner in which it is proposed that he should earn his living in such area, and the adequacy of the arrangements therefor.

7. Power to cancel or alter such restrictions.—The Government may, by notification, cancel any declaration made under section 6 or alter any area notified under that section or this section ; and the District Magistrate may, by order in writing, alter any area notified under section 6 or this section into any other area situated in his district :

Provided that before issuing any such notification or order, the Government or the District Magistrate shall consider the matters referred to in section 6, sub-section (2), in so far as they may be applicable.

SETTLEMENTS

8. Power to place notified offenders in settlements.—The Government may establish industrial, agricultural or reformatory settlements and may order any notified offender to be placed in any such settlement.

9. Power to discharge or transfer persons from settlements.—The Government or any officer authorized by them may at any time, by order, direct any notified offenders who may be in a settlement to be discharged, or transferred to any other settlement.

10. Power to subject voluntary residents in settlements to restrictions and penalties.—The Government may, by order, direct that any person voluntarily residing in any settlement shall be subject to all or any of the restrictions and penalties imposed by or under this Act on a notified offender placed in such settlement.

RULES

11. Power to make rules.—(1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

- (a) all matters required or allowed by this Act to be prescribed;
- (b) the restrictions to be observed by notified offenders in respect of whom notifications or orders have been issued under section 6 or section 7;
- (c) the grant of certificates of identity to notified offenders, and the inspection of such certificates;
- (d) the conditions under which notified offenders may be permitted to leave the area to which their movements are restricted or the places in which they are settled;
- (e) the inspection of the residences of notified offenders;
- (f) the terms upon which notified offenders may be discharged from the operation of this Act;
- (g) the management and supervision of settlements including the discipline and conduct of the persons placed in them;
- (h) the periodical review of the cases of all persons who have been placed in any settlement under this Act.

(3) All rules made under this section shall be published in the *Fort St. George Gazette*, and upon such publication shall have effect as if enacted in this Act.

PENALTIES AND PROCEDURE

12. Penalties.—Any notified offender who contravenes any of the provisions of this Act or any notification, rule or order made thereunder shall be punishable—

- (a) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both;
- (b) on a second or subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

13. Arrest of notified offenders.—If a notified offender—

- (a) is found outside the area to which his movements have been restricted in contravention of the conditions under which he is permitted to leave such area, or
- (b) escapes from any settlement in which he has been placed,

he may be arrested without warrant by any police officer, village headman or village watchman and taken before a Magistrate who, on proof of the facts, shall order him to be removed to such area or to such settlement, there to be dealt with in accordance with this Act and any rules made thereunder.

14. Rules for the removal of prisoners to apply in certain cases.—Every law or rule for the time being in force governing the removal of prisoners shall apply to all persons ordered to be placed in a settlement under section 8 or to be removed under section 13 :

Provided that no order from the Government or the Inspector-General of Prisons shall be necessary for the removal of such persons.

15. **Bar of jurisdiction.**—No Court shall question the validity of any notification (other than one under section 3), or order, issued under this Act.

16. **Effect of certain orders passed under Criminal Tribes Act, 1924, etc.**—(1) In respect of every person who stood registered under the Criminal Tribes Act, 1924 (Central Act VI of 1924) (hereinafter in this section referred to as the said Act) at the commencement of this Act and who, within a period of five years immediately preceding such commencement, had been either ordered to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), or convicted of an offence under section 24 of the said Act or of a non-bailable offence under any other law, a notification shall be deemed to have been issued under section 3, sub-section (1), of this Act, declaring him to be subject to all the provisions of this Act; and this Act shall apply to every such person accordingly.

(2) Every notification issued in respect of any person under section 3 of the Madras Restriction of Habitual Offenders Act, 1943, (Madras Act XIX of 1943), and in force at the commencement of this Act, shall be deemed to have been issued under section 3, sub-section (1), of this Act, all references in that notification to the provisions of the said Act and the rules made under it being construed as references to the corresponding provisions of this Act and the rules made under it.

(3) Any notification or order issued or made under the said Act in respect of any person referred to in sub-section (1) or sub-section (2), and in force at the commencement of this Act, restricting the movements of such person or placing him in a settlement shall be deemed to have been issued or made under this Act.

(4) All settlements established under section 16 of the said Act and existing at the commencement of this Act shall be deemed to have been established under section 8 of this Act.

17. **Repeal of Madras Act XXX of 1943.**—The Madras Restriction of Habitual Offenders Act, 1943, (Madras Act XXX of 1943), is hereby repealed.

18. **Amendment of Madras Act X of 1947.**—In the Criminal Tribes (Madras Repeal) Act, 1947 (Madras Act X of 1947)—

(i) for section 1, sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It shall come into force on the 29th day of April 1948.”;

(ii) in section 2, the words and figures “except for the purposes of section 3 of the Madras Restriction of Habitual Offenders Act, 1943” shall be omitted.

THE SCHEDULE

[See section 2 (4).]

CHAPTER XII

Sections.

- 231 Counterfeiting coin.
- 232 Counterfeiting Queen's coin.
- 233 Making or selling instrument for counterfeiting coin.
- 234 Making or selling instrument for counterfeiting Queen's coin.
- 235 Possession of instrument or material for the purpose of using the same for counterfeiting coin.
- 239 Delivery of coin, possessed with the knowledge that it is counterfeit.

Sections.

- 240 Delivery of Queen's coin possessed with the knowledge that it is counterfeit.
- 242 Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.
- 243 Possession of Queen's coin by person who knew it to be counterfeit when he became possessed thereof.

CHAPTER XVI

- 299 Culpable homicide.
- 307 Attempt to murder.
- 308 Attempt to commit culpable homicide.
- 310 Being a thug.
- 322 Voluntarily causing grievous hurt.
- 326 Voluntarily causing grievous hurt by dangerous weapons or means.
- 327 Voluntarily causing hurt to extort property or to constrain to an illegal act.
- 328 Causing hurt by means of poison, etc., with intent to commit an offence.
- 329 Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.
- 332 Voluntarily causing hurt to deter public servant from his duty.
- 333 Voluntarily causing grievous hurt to deter public servant from his duty.
- 369 Kidnapping child under ten years with intent to steal from its person.

CHAPTER XVII

- 382 Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.
- 383 Extortion.
- 385 Putting person in fear of injury in order to commit extortion.
- 386 Extortion by putting a person in fear of death or grievous hurt.
- 387 Putting person in fear of death or of grievous hurt in order to commit extortion.
- 390 Robbery.
- 391 Dacoity.
- 393 Attempt to commit robbery.
- 394 Voluntarily causing hurt in committing robbery.
- 397 Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398 Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399 Making preparation to commit dacoity.
- 402 Assembling for purpose of committing dacoity.
- 457 Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.
- 458 Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
- 459 Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
- 460 All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

APPENDIX VII-B
BOMBAY ACT NO. LI OF 1947

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 31st December 1947).

An Act to make provision for restricting the movements of habitual offenders in the Province of Bombay, for requiring them to report themselves and for placing them in settlements.

WHEREAS it is expedient to make provision for restricting the movements of habitual offenders in the Province of Bombay, for requiring them to report themselves and for placing them in settlements ; it is hereby enacted as follows :

1. Short title and extent.—(1) This Act may be called the Bombay Habitual Offenders Restriction Act, 1947.

(2) It extends to the whole of the Province of Bombay.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context, —

(1) "Code" means the Code of Criminal Procedure, 1898—V of 1898 ;

(2) "Order of restriction" means an order made under this Act requiring a person other than a child as defined in the Bombay Children Act, 1924—Bom. XIII of 1924.

(a) to restrict his movements to any area within the Province specified in the order, or

(b) to report himself at the times and at the places and in the manner specified in the order, or

(c) to do both ;

(3) "order of settlement" means an order made under section 15 placing a person in a settlement established under the said section ;

(4) "prescribed" means prescribed by rules made under this Act ;

(5) words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

3. Order of restriction against habitual offenders.—(1) In any case in which a Magistrate may under the provisions of section 110 of the Code require a person to show cause why he should not be ordered to execute a bond for his good behaviour, the Magistrate may in lieu of or in addition to so doing require such persons to show cause why an order of restriction should not be made against him.

(2) **Joint proceedings and records.**—If the Magistrate in addition to requiring such person to show cause why he should not be ordered to execute a bond for his good behaviour requires him to show cause why an order of restriction should not be made against him, the proceedings in respect of the order of restriction may be taken jointly with the proceedings in respect of security and may be included in and form part of the same record.

4. Procedure in making order of restriction.—Whenever a Magistrate acting under section 3 deems it necessary to require a person to show cause why an order of restriction should not be made against him, he shall follow, as nearly as may be, the

procedure laid down in sections 112, 113, 114, 115 and 117 of the Code for an order requiring security for good behaviour :

Provided that the order in writing referred to in section 112 of the Code shall, in addition to setting forth the substance of the information received, state the term not exceeding three years during which the order of restriction shall be in force although it need not state whether the order of restriction shall be an order requiring him to restrict his movements to any area or requiring him to report himself at any place or requiring him to do both.

5. *Issue of warrant in lieu of or in addition to summons.*—The provisions of section 90 of the Code shall be applicable in respect of any proceedings under this Act as if they were proceedings under the Code.

6. *Discharge of person informed against.*—If upon an enquiry made in accordance with the preceding sections, the Magistrate is of opinion that it is not necessary to make an order or restriction against the person in respect of whom the enquiry is made, he shall make an entry to that effect on the record, and if he does not order the execution of a bond for good behaviour he shall, if such person is in custody for the purposes of such enquiry only, release him or if such person is not in custody, discharge him.

7. *Making of order of restriction.*—If upon an inquiry as aforesaid, the Magistrate is of opinion that it is necessary to make an order of restriction against the person in respect of whom the inquiry is made, the Magistrate shall make an order accordingly :

Provided that the Magistrate shall not make an order of restriction against any person against whom he makes an order under section 118 of the Code requiring such person to execute a bond for his good behaviour :

Provided further that no order of restriction shall be made for a term exceeding three years or for a term longer than that specified in the order referred to in the proviso to section 4.

8. *Restriction order under section 123 (3) of the Code.*—(1) A court acting under sub-section (3) of section 123, or an Appellate Court acting under section 406 of the Code, may in lieu of the order requiring any person to give security under section 110 of the Code, make an order of restriction for any period not exceeding that for which the security was required to be given.

(2) *Restriction order against convicted offenders.*—In any case in which a Court or Magistrate is empowered to make an order against any convicted person under section 565 of the Code such Court or Magistrate, may, if it or he thinks fit, at the time of passing sentence on such person and in lieu of making an order as provided in the said section make an order of restriction against such person for a period not exceeding three years from the date of the expiration of such sentence.

(3) If such conviction is set aside on appeal or otherwise, the order of restriction shall become void.

(4) No order of restriction shall be made against any person under this section unless he has been given an opportunity of showing cause why such order should not be made.

9. *Particulars to be specified in restriction order.*—Every order of restriction made under this Act shall state whether the person against whom the order is made is required to restrict his movements or is required to report himself or is required to do both. The order shall also specify the area and the nature of the restrictions imposed and the places, the times, and the manner of report as the case may be. The order shall also contain such other particulars as may be prescribed.

10. *Residence or means of livelihood within area of restriction.*—(1) No order shall be made restricting the movements of any person to any particular area unless the Court or Magistrate making the order is satisfied that such person has adequate means of earning his livelihood within such area or ordinarily resides in such area.

(2) Before making an order restricting the movements of any person to any area, the Court or Magistrate shall record and consider any objection which such person may urge in regard to the area to which his movements are proposed to be restricted.

11. *Power to cancel or modify order of restriction.*—(1) Where under an order of restriction made against him any person's movements have been restricted to any area, if the said area is Greater Bombay or a part thereof, the Chief Presidency Magistrate, or if the said area is a district or part of a district, the District Magistrate, may at any time, on his own motion or on an application of such person and for sufficient reasons to be recorded in writing, make an order cancelling or modifying the order of restriction.

(2) Such order of modification may provide—

- (a) that the said person shall report himself at the times and at the places and in the manner specified in the order ; or
- (b) that he shall restrict his movements either to the area in which he ordinarily resides or to any other area in which the Magistrate is satisfied, he has reasonable prospects of earning his livelihood.

(3) The Provincial Government may authorise any Presidency Magistrate or any Sub-Divisional Magistrate to make the order of modification referred to in subsection (2) in respect of a person within his jurisdiction.

12. *Power to substitute restriction order for bond for good behaviour or for order for notifying address.*—Where an order requiring security for good behaviour has been made against any person under the Code or an order has been made against any person under section 565 of the Code, whether before or after the coming into operation of this Act, the Chief Presidency Magistrate in Greater Bombay and elsewhere the District Magistrate may, at any time, before the period of security or the term of the order under section 565, as the case may be, has expired, make in lieu thereof an order of restriction :

Provided that —

- (1) the period of the order of restriction shall not exceed the unexpired portion of the period of security or the term of the order under section 565 ; and
- (2) no order of restriction shall be made against any person under this section unless he has been given an opportunity of showing cause why such order should not be made.

13. *Appeal.*—An appeal shall lie against an order of restriction—

- (i) to the District Magistrate if such order has been made by a Magistrate subordinate to him ;
- (ii) to the Court of Session if such order has been made by a District Magistrate ;
- (iii) to the High Court in any other case.

14. *Code to apply to appeals.*—Subject to the provisions of section 13, the provisions of the Code shall apply to appeals under this Act.

15. *Power to establish settlements and place habitual offenders therein.*—(1) For the purposes of this Act, the Provincial Government may establish industrial, agricultural or reformatory settlements.

(2) The Provincial Government or any officer authorised by the Provincial Government in this behalf may in lieu of an order of restriction made against any person under this Act make an order directing such person to be placed in a settlement established under sub-section (1) for a period not exceeding the period for which the order of restriction has been made.

(3) The Provincial Government or the officer authorised under sub-section (2) may at any time, by general or special order, direct any person who may be in any settlement,

(a) to be discharged, or

(b) to be transferred to some other settlement.

16. *Arrest of person contravening order of restriction or of settlement.*—(1) Whoever being a person against whom an order of restriction or an order of settlement has been made—

(a) is found beyond the limits of settlement or the area to which his movements have been restricted, without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass, or

(b) escapes from a settlement, may be arrested without warrant by any police officer or a police-patel, and may be taken before a Magistrate, who, on proof of the facts, shall order him to be removed to such area or to such settlement, as the case may be, there to be dealt with in accordance with this Act or any rules made there under.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section :

Provided that an order from the Provincial Government or from the Inspector-General of Prisons shall not be necessary for the removal of such persons.

17. *Duties of police-patel and owners or occupiers of land to give information in certain cases.*—(1) Every police-patel of a village in which any persons against whom an order of restriction or order of settlement has been made, and every owner or occupier of land on which any such person resides and the agent of any such owner or occupier, shall forthwith communicate to the officer-in-charge of the nearest police station any information which he may obtain of the departure of any person from such village or from such land as the case may be.

(2) Every police-patel of a village, and every owner or occupier of land and the agent of any such owner or occupier, shall forthwith communicate to the officer-in-charge of the nearest police station any information which he may obtain of the arrival at such village or on such land, as the case maybe, of any person against whom an order of restriction or order of settlement is reasonably suspected of having been made.

18. *Penalties for breach of rules.*—(1) Whoever, being a person against whom an order of restriction or an order of settlement has been made, contravenes a rule made under clauses (i), (ii), (iii) and (iv) of sub-section (2) of section 22 shall, on conviction, be punishable with imprisonment for a term which may extend,—

(a) on a first conviction, to one year,

(b) on a second conviction, to two years, and

(c) on any subsequent conviction, to three years,

or with fine which may extend to five hundred rupees, or with both.

(2) Whoever, being a person against whom an order of restriction or an order of settlement has been made, contravenes any other rule made under section 22 shall be punishable—

(a) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both ; and

(b) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(3) In computing the period for which an order of restriction or of settlement shall remain in force, any period of imprisonment undergone in execution of a sentence passed under sub-section (1) or (2) shall be excluded.

(4) Any person who commits or is reasonably suspected of having committed an offence made punishable by this section which is not a cognizable offence as defined in the Code may be arrested without a warrant by any officer-in-charge of a police station or by any police-officer not below the rank of a Sub-Inspector.

19. *Enhanced punishment for certain offences by persons against whom order of restriction or order of settlement has been made after previous conviction.*—(1) Whoever, being a person against whom an order of restriction or an order of settlement has been made and having been convicted of any of the offences under the Indian Penal Code (XLV of 1860) specified in the Schedule, is convicted of the same or of any other offence specified in the Schedule, shall, on conviction, be punishable with transportation for life or with imprisonment of either description for a term which may extend to ten years.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code XLV of 1860 or any other law.

20. *Punishment for persons against whom restriction order or settlement order has been made, found under suspicious circumstances.*—Whoever, being a person against whom an order of restriction or an order of settlement has been made, is found in any place under such circumstances as to satisfy the Court :—

(a) that he was about to commit, or aid in the commission of, theft or robbery, or

(b) that he was making preparation for committing theft or robbery,

shall, on conviction, be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine which may extend to one thousand rupees.

21. *Penalty for breach of duties by police-patil, owner or occupiers of land or their agents.*—Any police-patel, owner or occupier of land, or the agent of any such owner or occupier, who fails to comply with the requirements of section 17, shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code, XLV of 1860.

22. *Rules.*—(1) The Provincial Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(i) the areas to which the movements of any person may be restricted and the nature of the restriction to be observed by such persons ;

(ii) the times and places at which and the manner in which such persons shall report themselves ;

- (iii) the conditions as to holding passes under which such persons may be permitted to leave the area to which their movements have been restricted or the settlement in which they have been settled ;
- (iv) the conditions to be inserted in any such pass in regard to —
 - (a) the place to which the holder of the pass may or may not go ;
 - (b) the persons before whom from time to time he shall be bound to present himself ;
 - (c) the period during which he may be absent ;
- (v) any other particulars deemed necessary to be included in an order of restriction ;
- (vi) the circumstances in which persons against whom an order of restriction or an order of settlement has been made shall be required to possess and produce for inspection certificates of identity, and the manner in which such certificates shall be granted ;
- (vii) the management, control and supervision of industrial, agricultural or reformatory settlements ;
- (viii) the works on which, and the hours during which persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid, and the disposal, for the benefit of such persons of the surplus proceeds of their labour ;
- (ix) the discipline to which persons endeavouring to escape from any industrial, agricultural or reformatory settlement or otherwise offending against the rules for the time being in force, shall be subject and the periodical visitation of such settlement.

23. *Criminal Tribes Act to cease to extend to Province of Bombay.*—The Criminal Tribes Act, 1924 (VI of 1924), shall cease to extend to the Province of Bombay with effect from such date not being later than 2 years from the date of the coming into operation of this Act as may be notified in that behalf by the Provincial Government in the Official Gazette.

24. *Saving.*—Nothing in this Act shall affect the powers of any competent authority under any other law for the time being in force to make an order of restriction or detention and any order of restriction or of settlement passed under this Act in so far as it may conflict with any order made by a competent authority under such law shall be deemed to be inoperative while the order under such law remains in force.

SCHEDULE

(See section 19)

CHAPTER XII

Sections

- 231 Counterfeiting coin.
- 232 Counterfeiting Queen's coin.
- 233 Making or selling instrument for counterfeiting coin.
- 234 Making or selling instrument for counterfeiting Queen's coin.
- 235 Possession of instrument or material for the purpose of using the same for counterfeiting coin.
- 239 Delivery of coin, possessed with knowledge that it is counterfeit.
- 240 Delivery of Queen's coin, possessed with knowledge that it is counterfeit.
- 242 Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof.
- 243 Possession of Queen's coin by person who knew it to be counterfeit when he became possessed thereof.

CHAPTER XVI

- 304 Culpable homicide not amounting to murder.
- 307 Attempt to murder.
- 308 Attempt to commit culpable homicide.
- 311 Being a thug.
- 324 Voluntarily causing hurt by dangerous weapons or means.
- 325 Voluntarily causing grievous hurt.
- 326 Voluntarily causing grievous hurt by dangerous weapons or means.
- 327 Voluntarily causing hurt to extort property or to constrain to an illegal act.
- 328 Causing hurt by means of poison, etc., with intent to commit an offence.
- 329 Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.
- 332 Voluntarily causing hurt to deter public servant from his duty.
- 333 Voluntarily causing grievous hurt to deter public servant from his duty.
- 369 Kidnapping or abducting child under ten years with intent to steal from its person.

CHAPTER XVII.

- 382 Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.
 - 384 Extortion.
 - 385 Putting person in fear of injury in order to commit extortion.
 - 386 Extortion by putting a person in fear of death or grievous hurt.
 - 387 Putting person in fear of death or of grievous hurt, in order to commit extortion.
 - 392 Robbery.
 - 393 Attempt to commit robbery.
 - 394 Voluntarily causing hurt in committing robbery.
 - 395 Dacoity.
 - 397 Robbery or dacoity, with attempt to cause death or grievous hurt.
 - 398 Attempt to commit robbery or dacoity when armed with deadly weapon.
 - 399 Making preparation to commit dacoity.
 - 402 Assembling for purpose of committing dacoity
 - 457 Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.
 - 458 Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
 - 459 Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
 - 460 All persons jointly concerned in lurking house-trespass or housebreaking by night punishable where death or grievous hurt is caused by one of them.
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APPENDIX VII-C

**THE RAJASTHAN HABITUAL CRIMINALS
(Registration and Regulation) ACT, 1950**

ACT No. I OF 1950

*(First published in Rajasthan Raj-Patra, No. 178,
dated March 18, 1950, IV Part)*

GOVERNMENT OF RAJASTHAN

Law Department

NOTIFICATION

Jaipur, March 9, 1950

No. F. 12 (140) L/49.—The following Act made on the 13th day of February, 1950, by His Highness the Raj Pramukh of Rajasthan in the exercise of the power conferred on him by Article 385 of the Constitution of India, is hereby promulgated for general information.

By Order of
His Highness the Raj Pramukh.
PRABHU DAYAL LOIWAL,
*Secretary to the
Government of Rajasthan
Law Department.*

**THE RAJASTHAN HABITUAL CRIMINALS
(Registration and Regulation) ACT, 1950.**

ACT No. I OF 1950

*(Made by His Highness the Raj Pramukh on the 13th day of
February, 1950)*

**An Act to consolidate and amend the law relating to Habitual
Criminals**

WHEREAS it is expedient to consolidate and amend the law relating to the registration and regulation of habitual criminals in Rajasthan ; it is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Rajasthan Habitual Criminals (Registration and Regulation) Act, 1950.

(2) It extends to the whole of Rajasthan.

(3) It shall come into force on a date which the Government may by notification in the Rajasthan Gazette appoint.

2. *Repeal.*—On the coming into force of this Act, all laws relating to criminal tribes in force in any part of Rajasthan, shall be repealed.

3. *Interpretation.*—The provisions of the General Clauses Act, 1897, of the Central Legislature shall, *mutatis mutandis*, apply, so far as may be, to this Act in the same manner as they apply to a Central Act of the Indian Legislature.

4. *Definitions.*—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "Government" means the Government of the Rajasthan ;

(b) "Habitual Criminal" means,—

(i) a person who, being a member of a notified tribe, has not, within a period of six months immediately following the date mentioned in notification issued under sub-section (3) of section 1 as the date on which this Act is to come into force, been declared by an order in writing of the District Magistrate as no longer a habitual criminal for the purposes of this Act :

Provided that the Government may, from time to time extend, by notification in the Rajasthan Gazette, the aforesaid period in respect of all or such of the notified tribes as may be specified in the notification :

Provided further that the District Magistrate shall not pass an order of declaration in respect of a person who has, within a period of ten years immediately preceding the aforesaid date, been convicted once of any of the offences specified in the schedule annexed hereto ; and

(ii) a person who, whether he was a member of a notified tribe or not, has, within any period of ten years following the aforesaid date, been convicted not less than thrice of any of the offences specified in the schedule annexed hereto ;

(c) "notified tribe" means any tribe, community, gang, group or class of persons which had, previously to the coming into force of this Act, been declared to be a criminal tribe under any law repealed by section 2 or under any previous law, and

(d) "prescribed" means prescribed by rules made under this Act.

(2) Any reference in this Act to any enactment in force in India shall be construed as a reference to such enactment as adapted to Rajasthan and, until such adaptation, to the corresponding law in force in any part of Rajasthan.

5. *Registration of habitual criminals.*—The Government may direct the District Magistrate to make or cause to be made a register of such persons within his district as are habitual criminals.

6. *Procedure on registration.*—(1) Upon receiving such direction the District Magistrate shall—

(a) cause a list of the persons referred to in section 5 to be prepared, and

(b) publish a notice in the prescribed manner, calling upon such persons—

(i) to appear at a time and place specified therein before a person appointed by him in this behalf,

(ii) to make representations if they claim expunction of their names,

(iii) to give to that person such information as may be necessary to enable him to make the register, and

(iv) to allow their finger impressions to be recorded.

(2) Notwithstanding anything contained in sub-section (i) no person covered by sub-clause (ii) of clause (b) of sub-section (1) of section 4 shall be registered as a habitual criminal without the sanction of the District Magistrate who shall, before such registration give such person a reasonable opportunity to show cause against the same.

7. *Charge of register.*—The register, when made, shall be placed in the keeping of the Superintendent of Police of the district who shall from time to time report to

the District Magistrate any alterations which ought in his opinion to be made therein either by way of addition or erasure.

8. *Alterations in register.*—(1) After the register has been placed in the keeping of the Superintendent of Police, no person's name shall be added to the register, and no registration shall be cancelled except by or under an order in writing of the District Magistrate.

(2) Before the name of any person is added to the register under this section, the Magistrate shall give notice in the prescribed manner to the person concerned—

- (a) to appear before him or an authority appointed by him in this behalf at a time and place therein specified ;
- (b) to give to him or such authority such information as may be necessary to enable the entry to be made ; and
- (c) to allow his finger impressions to be recorded :

Provided that, before adding the name of any person to such register, the Magistrate shall give him a reasonable opportunity to show cause against such addition.

9. *Appeal against District Magistrate's order.*—(1) Any person deeming himself aggrieved by an order of the District Magistrate making or proposing to make any entry in the register of habitual criminals may, within forty days from the date of such order, appeal therefrom to the Government.

(2) The Government shall send for the papers and appoint an officer to hear the appellant and report thereon to the Government and shall pass such orders on the report as it may deem proper.

10. *Habitual criminals to report themselves or notify residence.*—The Government may, by notification in the Rajasthan Gazette, issue in respect of any habitual criminal or any class of habitual criminals either or both of the following directions, namely, that such criminal or every member of such class of criminals shall, in the prescribed manner

- (a) report himself at fixed intervals ;
- (b) notify his place of residence and any change or intended change of residence and any absence or intended absence from his residence.

11. *Power to restrict movements of or settle habitual criminals.*—(1) If the Government considers that it is expedient that any habitual criminal or any class of habitual criminals should be—

- (a) restricted in his or their movements to any specified area, or
- (b) settled in any place or residence,

the Government may by notification in the Rajasthan Gazette declare that such criminals or class of criminals, as the case may be, shall be restricted in his or their movements to the area specified in the notification or shall be settled in the place of residence so specified, as the case may be.

(2) Before making any such declaration, the Government shall consider the following matters, namely :—

- (i) the nature and the circumstances of the offence in which the individual criminal or class of criminals is or are believed to have been concerned ;
- (ii) whether the individual criminal or class of criminals follows or follow any lawful occupation and whether such occupation is a real occupation or merely a pretence for the purpose of facilitating crimes ;

- (iii) the suitability of the restriction area or of the place of residence, as the case may be, which it is proposed to specify in the notification; and
- (iv) the manner in which it is proposed that the person or persons to be restricted or settled shall earn their living within the restriction area or in the place of residence and the adequacy of the arrangements which are proposed therefor.

12. *Power to vary specified area or place of residence.*—The Government may by a like notification vary the terms of any notification issued by it under section 11 for the purpose of specifying another restriction area or another place of residence, as the case may be, and any officer empowered in this behalf by the Government may, by order in writing, vary any notification made under section 11 or under this section, for the purpose of specifying another restriction area, or, as the case may be, another place of residence in the same district.

13. *Verification of presence of habitual criminals within prescribed area or place of residence.*—Every habitual criminal whose movements have been restricted or who has been settled in a place of residence in pursuance of any notification under section 11 or section 12, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

14. *Power to place habitual criminals in settlement.*—The Government may establish industrial, agricultural or reformatory settlements and may order to be placed in any such settlement any class of habitual criminals in respect of whom a notification has been issued under section 11 :

Provided that no such order shall be made unless the necessity for making it has been established to the satisfaction of the Government after an inquiry held by such authority and in such manner as may be prescribed.

15. *Power to discharge or transfer persons from settlement.*—The Government or any officer authorised by it in this behalf may at any time by general or special order, direct any person who may be in any industrial, agricultural or reformatory settlement—

- (a) to be discharged ; or
- (b) to be transferred to some other settlement.

16. *Power to make rules.*—(1) The Government may make rules to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

- (a) the form and contents of the register referred to in section 5 ;
- (b) the manner in which the notice referred to in section 6 shall be published and the means by which the persons whom it concerns and the village headmen, village watchmen and landowners and occupiers of the village in which such persons reside, and the agents of such landowners or occupiers, shall be informed of its publication ;
- (c) the addition of names to the register and the erasure of names therein, and the mode in which the notice referred to in sub-section (2) of section 8 shall be given ;
- (d) the manner in which persons mentioned in section 10 shall report themselves, or notify their residence or any change or intended change of residence, or any absence or intended absence ;
- (e) the nature of the restrictions to be observed by persons whose movements have been restricted by notifications under section 11 or section 12 ;
- (f) the circumstances in which habitual criminals shall be required to possess and produce for inspection certificates of identity, and the manner in which such certificates shall be granted ;

- (g) the conditions as to holding passes under which persons may be permitted to leave the place in which they are settled or confined, or the area to which their movements are restricted ;
- (h) the conditions to be inserted in any such pass in regard to—
 - (i) the places where the holder of the pass may go or reside ;
 - (ii) the persons before whom, from time to time, he shall be bound to present himself ; and
 - (iii) the time during which he may absent himself ;
- (i) the place and time at which, and the persons before whom habitual criminals shall attend in accordance with the provisions of section 13 ;
- (j) the authority by whom and the manner in which the inquiry referred to in section 14 shall be held ;
- (k) the inspection of the residence and villages of habitual criminals ;
- (l) the terms upon which habitual criminals may be discharged from the operation of this Act ;
- (m) the management, control and supervision of industrial, agricultural or reformatory settlements ;
- (n) the works on which, and the hours during which, persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid, and the disposal, for the benefit of such persons of the surplus proceeds of their labour ;
- (o) the discipline to which persons endeavouring to escape from any industrial, agricultural or reformatory settlement or otherwise offending against the rules for the time being in force, shall be subject, the periodical visitation of such settlement and the removal from it of such persons as it shall seem expedient to remove ; and
- (p) the periodical review of the cases of all persons—
 - (i) whose names are entered in the register for ascertaining their suitability for exemption from registration, or
 - (ii) who have been placed in an industrial, agricultural or reformatory settlement for ascertaining the desirability of removing or modifying the restrictions imposed on them.

17. *Penalties for failure to comply with terms of notice under section 6 or section 8.*—Whoever, being a habitual criminal without lawful excuse, the burden of proving which shall lie upon him,—

- (a) fails to appear in compliance with a notice issued under section 6 or section 8, or
- (b) intentionally omits to furnish any information required under either of those sections, or
- (c) when required to furnish information under either of those sections, furnishes as true any information which he knows or has reason to believe to be false, or
- (d) refuses to allow his finger impressions to be taken by any person acting under either of those sections :

may be arrested without warrant, and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

18. *Penalties for breach of rules.*—(1) Whoever being a habitual criminal contravenes any rule made under section 16 shall be punishable—

(a) on a first conviction, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both, and

(b) on any subsequent conviction, with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) Any person who commits or is reasonably suspected of having committed an offence made punishable by this section, may be arrested without a warrant by any officer in charge of a police station or by any police officer not below the rank of a Sub-Inspector.

19. *Enhanced punishment for certain offences by habitual criminals.*—(1) Whoever, being a habitual criminal and having been convicted of any of the offences specified in the schedule annexed hereto, is convicted of the same or of any other such offence, shall, in the absence of special reasons to the contrary which shall be stated in the judgment of the Court, be punishable with imprisonment for a term which may extend to ten years.

(2) Nothing in this section shall effect the liability of such person to any further or other punishment to which he may be liable under any other law.

20. *Punishment for habitual criminals found under suspicious circumstances.*—Whoever, being a habitual criminal, is found in any place under such circumstances as to satisfy the Court—

(a) that he was about to commit, or aid in the commission of, theft or robbery, or

(b) that he was waiting for an opportunity to commit theft or robbery ; shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine which may extend to one thousand rupees.

21. *Arrest of habitual criminals found beyond prescribed limits.*—(1) Whoever, being a habitual criminal—

(a) is found in any part of Rajasthan, beyond the area or place of residence, if any, to which his movements have been restricted or in which he has been settled, without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass, or

(b) escapes from an industrial, agricultural or reformatory settlement ; may be arrested without warrant by any police officer, village headman or village watchman, and may be taken before a Magistrate, who, on proof of the facts, shall order him to be removed to such area or place or to such settlement, as the case may be, there to be dealt with in accordance with this Act or any rules made thereunder.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Act :

Provided that an order from the Government or from the Inspector-General of Prisons shall not be necessary for the removal of such persons.

22. *Duties of village headman, village watchman and owner or occupiers of land to give information in certain cases.*—(1) Every village headman, and village watchman in a village in which any habitual criminals reside, and every owner or occupier of land on which any such persons reside and the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of—

(a) the failure of any such person to appear and give information when required to do so by a notice issued under section 6 ; or

(b) the departure of any habitual criminal from such village or from such land, as the case may be.

(2) Every village headman, and village watchman in a village, and every owner or occupier of land and the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of the arrival at such village or on such land, as the case may be, of any person who may reasonably be suspected of being habitual criminal.

23. *Penalty for breach of such duties.*—Any village headman, village watchman, owner, or occupier of land, and the agent of any such owner or occupier, who fails to comply with the requirements of section 22, shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code.

24. *Bar of jurisdiction of courts.*—No court shall question the validity of any direction made under section 5 or any notification issued under section 11 or section 12 on the ground that the provisions hereinbefore contained, or any of them have not been complied with, or shall entertain in any form whatever the question whether they have been complied with ; but every such notification shall be conclusive proof that it has been issued in accordance with law.

25. *Transitional provisions.*— (1) So long as the Government does not make any direction under section 5 of this Act and a fresh register of habitual criminals is not prepared under section 6, any registers kept under the laws repealed by section 2, shall continue to be in force and shall be deemed to be registers of habitual criminals for the purposes of this Act and all persons whose names are at the commencement of this Act entered in such registers shall for the purposes thereof be deemed to be habitual criminals unless their names are expunged therefrom in accordance with the provisions of this Act.

(2) All restrictions and conditions imposed on registered criminals and other members of criminal tribes by or under any laws repealed as aforesaid, so far as they are not inconsistent with the provisions of this Act shall, until a notification to the contrary effect is issued, be deemed to have been imposed on persons deemed to be habitual criminals under sub-section (1) under the relevant provision of this Act.

SCHEDULE I.

CHAPTER XII.

Sections of the Indian Penal Code.

231. Counterfeiting coin.

232. Counterfeiting Queen's coin.

233. Making or selling instrument for counterfeiting coin.

234. Making or selling instrument for counterfeiting Queen's coin.

235. Possession of instrument or material for the purpose of using the same for counterfeiting coin.

239. Delivery of coin, possessed with knowledge that it is counterfeit.

Delivery of Queen's coin, possessed with knowledge that it is counterfeit.

242. Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof.

243. Possession of Queen's coin by person who knew it to be counterfeit when he became possessed thereof.

CHAPTER XVI.

304. Culpable homicide not amounting to murder.

307. Attempt to murder.

308. Attempt to commit culpable homicide.

311. Being a thug.

- 324. Voluntarily causing hurt by dangerous weapons or means.
- 325. Voluntarily causing grievous hurt.
- 326. Voluntarily causing grievous hurt by dangerous weapons or means.
- 327. Voluntarily causing hurt to extort property or to constrain to an illegal act.
- 328. Causing hurt by means of poison, etc., with intent to commit an offence.
- 329. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
- 332. Voluntarily causing hurt to deter public servant from his duty.
- 333. Voluntarily causing grievous hurt to deter public servant from his duty.
- 369. Kidnapping or abducting child under ten years with intent to steal from its person.

CHAPTER XVII.

- 379. Theft.
- 380. Theft in dwelling houses, etc.
- 381. Theft by a clerk or servant of property in possession of master.
- 382. Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.
- 384. Extortion.
- 385. Putting person in fear of injury in order to commit extortion.
- 386. Extortion by putting a person in fear of death or grievous hurt.
- 387. Putting person in fear of death or of grievous hurt, in order to commit extortion.
- 392. Robbery.
- 393. Attempt to commit robbery.
- 394. Voluntarily causing hurt in committing robbery.
- 395. Dacoity.
- 397. Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399. Making preparation to commit dacoity.
- 402. Assembling for purpose of committing dacoity.
- 417. Cheating.
- 418. Cheating with knowledge that wrongful use may ensue to person whose interest offender is bound to protect.
- 419. Cheating by personation.
- 420. Cheating and dishonestly inducing delivery of property.
- 457. Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.
- 458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
- 459. Grievous hurt caused whilst committing lurking house trespass or house-breaking.
- 460. All persons jointly concerned in lurking house trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

MAHARAJA SAWAI MAN SINGH,
Raj Pramuakh.

APPENDIX VII—D

(Received the assent of His Honour the Lieut-Governor on the 14th March 1918 and that of His Excellency the Viceroy and Governor General on the 2nd April, 1918.)

Act No. V of 1918.

An Act for restricting the movements of habitual offenders in the Punjab and for requiring them to report themselves.

WHEREAS It is expedient to make provision for restricting the movements of habitual offenders in the Punjab and requiring habitual offenders in the Punjab to report themselves, and whereas the previous sanction of the Governor-General in Council has been obtained under section 79 (2) of the Government of India Act, 1915, to the passing of this Act : it is hereby enacted as follows :—

1. *Title and extent.*—(a) This Act may be called the Restriction of Habitual Offenders (Punjab) Act, 1918.

(b) It extends to the Punjab.

2. *Scope of order of restriction.*—An “order of restriction” passed under this Act may restrict a person in his movements to any area prescribed in the order or it may require a person to report himself at times and places and in the mode prescribed in the order ; or it may do both.

3. *Order of restriction against habitual offenders.*—(a) In any case in which a Magistrate may under provisions of section 110 of the Code of Criminal Procedure, 1898, as it is at present enacted or as it may from time to time be amended, require a person to show cause why he should not be ordered to execute a bond for his good behaviour, the Magistrate may in lieu of or in addition to so doing require such person to show cause why an order of restriction should not be made against him.

(b) *Joint proceedings and record.*—If the Magistrate in addition to requiring such persons to show cause why he should not be ordered to execute a bond for his good behaviour requires him to show cause why an order of restriction should not be made against him, the proceedings in respect of the order of restriction may be taken jointly with the proceedings in respect of security and may be entered in and form part of the same record.

4. *Procedure in making order of restriction.*—When a Magistrate deems it necessary to require a person to show cause why an order of restriction should not be made against him, he shall follow as nearly as may be, the procedure laid down in sections 112, 113, 114, 115 and 117 of the Code of Criminal Procedure, 1898 :

Provided that :—

(1) The order in writing referred to in section 112 of the said Code shall in addition to setting forth the substance of the information received state the term not exceeding three years during which the order of restriction shall be in force ; but it need not state whether the order of restriction shall be an order restricting the person to any area or requiring him to report himself or doing both ; and

(2) for the purposes of section 117 (2) of the said Code an order of restriction shall be deemed to be equivalent to an order requiring security for good behaviour.

5. *Issue of Warrant in lieu of or in addition to summons.* Section 90 of the Code of Criminal Procedure.—The provisions of section 90 of the Code of Criminal Procedure, 1898, shall be applicable to proceedings under this act as if they were proceedings under the said Code.

6. *Discharge of person informed against.*—If upon enquiry made in accordance with the proceeding sections the Magistrate is of opinion that no order of restriction is necessary, the Magistrate shall make an entry to that effect on the record and if he does not order the execution of a bond for good behaviour he shall if such

person is in custody only for the purposes of the enquiry, release him or, if such person is not in custody, discharge him.

7. *Making of order of restriction.*—If upon enquiry as aforesaid the Magistrate is of opinion that an order of restriction should be made against any person in respect of whom the enquiry is being made the Magistrate shall make an order accordingly.

Particulars to be specified in order of restriction.—In this order under this section the Magistrate shall state whether the said person shall be restricted in his movements, or shall be required to report himself, or both. The order shall conform to any rules made by the Local Government under section 16 and shall specify the area and the nature of the restrictions to be imposed and the places and the time and mode of report as the case may be.

No order of restriction shall be for a term exceeding three years or for a term longer than that specified in the order under section 4.

8. *Order of restriction under sec. 123 (3) of Cr. P. C.*—(1) An order passed by a Sessions Judge under section 123 (3) of the Code of Criminal Procedure, 1898, may be in addition to an order of restriction for the same or a less period.

(2) *Order of restriction against convicted offender.*—In any case in which a Court or Magistrate is empowered to take action against any convicted person under section 565, of the Code of Criminal Procedure, 1898, such Court or Magistrate may if it or he thinks fit at the time of passing sentence on such person and in lieu of passing an order under the said section make an order of restriction against such person for a period not exceeding three years from the date of the expiry of such sentence.

(3) If such conviction is set aside on appeal or otherwise, such order shall become void.

9. *Means of livelihood within area of restriction.*—(1) No order shall be made restricting any person to any area unless the Court or Magistrate making the order is satisfied that such person has adequate means of earning his livelihood within the area of restriction : Provided that before making such order the Court or Magistrate shall record and consider any objection which such person may urge in regard to the area proposed.

(2) *Change of area where means of livelihood insufficient.*—If at any time any person against whom an order of restriction has been passed under this Act satisfies the Court or Magistrate passing the order or the District Magistrate that he has no sufficient means of earning his livelihood within the area to which he is restricted the Court or Magistrate shall change the area.

10. *Power to cancel order of restriction.*—The District Magistrate may at any time for reasons to be recorded in writing cancel order of restriction passed by any Court having jurisdiction in his district.

11. *Power to vary area of restriction.*—The District Magistrate may at any time change the area to which the movements of any person have been restricted by an order of restriction passed under this Act :

Provided that such person shall be given an opportunity of showing cause why such change should not be made.

12. *Power to substitute order of restriction for bond for good behaviour.*—When an order requiring security for good behaviour has been made against any person under section 118 of the Code of Criminal Procedure, 1898, by any Court whether before or after this Act comes into force, the District Magistrate may at any time before the period of security has expired make in addition an order of restriction :

Provided that—

- (α) the period of the order of restriction shall not exceed the unexpired period of security ; and .
- (b) no order of restriction shall be passed against any person under this section until he has been given an opportunity of showing cause why such order should not be passed.

13. *Appeal*.—Any person against whom an order of restriction has been passed by any Magistrate other than a District Magistrate may appeal to the District Magistrate to have the order set aside.

14. *Applicability of the Code of Criminal Procedure to appeals and revisions*.—The provisions of the Code of Criminal Procedure, 1898, shall be applicable to appeals and petitions of revisions under this Act as if they were appeals and petitions of revision presented under the said Code.

15. *Arrest of person found beyond prescribed limits*.—(1) If any person against whom an order of restriction under this Act has been passed is found in any place beyond the area to which his movements have been restricted, without the pass prescribed by the rules made under this Act or at a time or in a place not permitted by the conditions of his pass, he may be arrested without warrant by any police officer, zaildar, inamdar, village headman or village watchman.

(2) Any person, not being a police officer, making an arrest under this section shall without unnecessary delay make over the person so arrested to a police officer, or, in the absence of a police officer, take or send such person to the nearest police station.

16. *Power to make rules*.—The Local Government may make rules to provide for and regulate—

- (i) the areas to which persons may be restricted under this Act and the nature of the restrictions to be observed by them ;
- (ii) the times and places at which and the mode in which persons shall report themselves when required to do so under this Act ;
- (iii) the conditions as to holding passes under which persons may be permitted to leave the area to which their movements have been restricted ;
- (iv) the conditions to be inserted in any such pass in regard to :—
 - (a) the places to which the holder of the pass may or may not go ;
 - (b) the persons before whom from time to time he shall be bound to present himself, and
 - (c) the time during which he may be absent.

17. *Penalties*.—(1) Whoever being a person against whom an order of restriction under this Act has been passed violates such order or any rule made under this Act, shall on conviction by a Magistrate of the first class be punished—

- (a) on a first conviction with imprisonment of either description for a term which may extend to one year, or with fine, or with both ;
- (b) on a second conviction with imprisonment of either description for a term which may extend to two years ;
- (c) on any subsequent conviction with imprisonment of either description for a term which may extend to three years.

(2) *Period of imprisonment to be excluded from period of order of restriction*.—In computing the period for which an order of restriction shall remain in force, any period of imprisonment undergone in execution of a sentence passed under sub-section (1) of this section shall be excluded.

APPENDIX VII-E

THE UNITED STATE OF MATSYA
GAZETTE EXTRAORDINARY
Published by Authority

No. 8 ALWAR, Tuesday 1st February 1949, Vol. II.

OFFICE OF THE ADMINISTRATOR

Dated, Alwar the 10th January 1949.

THE MATSYA REGISTRATION OF HABITUAL CRIMINALS ORDINANCE,
1949

(No. 1 OF 1949)

No. 9. The following Ordinance promulgated by His Highness the Raj Pramukh on the 10th day of January 1949 is hereby published for general information.

By order of
His Highness the Raj Pramukh
of the United State of Matsya.

K. B. LALL,
Administrator.

THE MATSYA REGISTRATION OF HABITUAL CRIMINALS ORDINANCE,
1949

(No. 1 OF 1949)

AN

Ordinance to consolidate and provide for the law relating to Habitual Criminals in the United State of Matsya.

WHEREAS it is expedient to consolidate and provide for the law relating to Habitual Criminals in the United State of Matsya ;

Now, THEREFORE, in exercise of the powers conferred by Article IX of the Covenant entered into by the Rulers of Alwar, Bharatpur, Dholpur and Karauli States (hereinafter referred to as the "Covenanting States") for the formation of the United State of Matsya, His Highness the Raj Pramukh is pleased to make and promulgate the following ordinance, namely :—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Matsya Registration of Habitual Criminals Ordinance, 1949.

(2) It extends to the whole of the United State of Matsya.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (1) "Habitual Criminal" means an individual declared to be a habitual criminal by a notification under section 3 ;
- (2) "district" means Police District for the purpose of this Ordinance and
- (3) "prescribed" means prescribed by rules made under this Ordinance.

3. *Power to declare any person a habitual Criminal.*—If the Government of the United State of Matsya have reason to believe that any individual is addicted to the systematic commission of non-bailable offences, they may, by notification in the State Gazette, declare that such individual is a habitual criminal for the purposes of this Ordinance.

4. *Registration of Habitual Criminals.*—The Government of the United State of Matsya may direct the Inspector General of Police to make or to cause to be made a register of Habitual Criminals within the State.

5. *Procedure in making register.*—Upon receiving such directions, the Inspector General of Police shall publish notice in the prescribed manner at the place where the register is to be made and at such other places as he may think fit, calling upon the habitual criminals :—

- (a) to appear at time and place therein specified before a person appointed by him in this behalf ;
- (b) to give to that person such information as may be necessary to enable him to make the register ; and
- (c) to allow his finger impressions to be recorded.

6. *Charge of register.*—The register, when made, shall be placed in the keeping of the Superintendent of Police of the District concerned who shall, from time to time report to the Inspector General of Police any alterations which ought in his opinion to be made therein, either by way of addition or erasure.

7. *Alterations in register.*—(1) After the Register has been placed in the keeping of the Superintendent of Police, no person's name shall be added to the register, and no registration shall be cancelled, except by, or under an order in writing of, the Inspector General of Police.

(2) Before the name of any person is added to the register under this section, the Inspector General of Police shall give notice in the prescribed manner to the person concerned—

- (a) to appear before him or an authority appointed by him in this behalf at a time and place therein specified ;
- (b) to give to him or such authority such information as may be necessary to enable the entry to be made ; and
- (c) to allow his finger impressions to be recorded.

8. *Complaints of entries in register.*—Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register, either when the register is first made or subsequently, may complain to the Inspector General of Police against such entry, and the Inspector General of Police shall retain such person's name on the register or enter it therein or erase it therefrom, as he may think fit.

9. *Power to take finger impressions at any time.*—The Inspector General of Police or any officer empowered by him in this behalf may at any time order the finger impressions of any registered habitual criminal to be taken.

10. *Habitual criminals to report themselves or notify residence.*—The Government of the United State of Matsya may by notification in the State Gazette issue in respect of any habitual criminal either or both of the following directions, namely, that every registered habitual criminal shall, in the prescribed manner,—

- (a) report himself at fixed intervals,
- (b) notify his place of residence and any change or intended change of residence, and any absence or intended absence from his residence.

11. *Power to restrict movements of habitual criminals.*—(1) If the Government of the United State of Matsya consider that it is expedient that any habitual criminal should be restricted in his movements to any specified area, the Government may, by notification in the State Gazette, declare that such habitual criminal be restricted in his movements to the area specified in the notification or shall be settled in the place of residence so specified, as the case may be.

(2) Before making such declaration, the Government of the United State of Matsya shall consider the following matters, namely :—

- (i) the nature and the circumstances of the offences in which the habitual criminal is believed to have been concerned ;
- (ii) whether the habitual criminal follows any lawful occupation, and whether such occupation is a real occupation or merely a pretence for the purpose of facilitating the commission of crimes ;
- (iii) the suitability of the restriction area which it is proposed to specify in the notification ; and
- (iv) the manner in which it is proposed that the person to be restricted or settled shall earn his living within the restriction area and the adequacy of the arrangements which are proposed therefor.

12. *Power to vary specified area or place of residence.*—The Government of the United State of Matsya may, by a like notification, vary the terms of any notification issued by it under section 11 for the purpose of specifying another restriction area, and any officer empowered in this behalf by the Government may, by order in writing, vary any notification made under section 11 or under this section for the purpose of specifying another restriction area, in the same district.

13. *Verification of presence of habitual criminals within prescribed area or place of residence.*—Every registered habitual criminal, whose movements have been restricted in pursuance of any notification under section 11 or section 12 shall attend at such place and at such time and before such person as may be prescribed in this behalf.

14. *Power to make rules.*—(1) The Government of the United State of Matsya may make rules to carry out the purposes and objects of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

- (a) the form and contents of the register referred to in section 4 ;
- (b) the manner in which the notice referred to in section 5 shall be published and the means by which the persons whom it concerns, and the village headmen, village watchmen and land-owners and occupiers of the village in which such persons reside, and the agents of such landowners or occupiers, shall be informed of its publication ;
- (c) the addition of names to the register and erasure of names therein, and the mode in which the notice referred to in sub-section (2) of section 7 shall be given ;

- (d) the manner in which persons mentioned in section 10 shall report themselves or notify their residence, or any change or intended change of residence, or any absence or intended absence ;
- (e) the nature of the restrictions to be observed by persons whose movements have been restricted by notifications under section 11 or section 12 ;
- (f) the circumstances in which the habitual criminal shall be required to possess and produce for inspection certificates of identity, and the manner in which such certificates shall be granted ;
- (g) the conditions as to holding passes under which persons may be permitted to leave the place in which they are settled or confined or the area to which their movements are restricted ;
- (h) the conditions to be inserted in any such pass in regard to ;
 - (i) the places where the holder of the pass may go or reside ;
 - (ii) the persons before whom from time to time, he shall be bound to present himself ; and
 - (iii) the time during which he may absent himself ;
- (i) the place and time at which and the persons before whom the habitual criminal shall attend in accordance with the provisions of section 13;
- (j) the inspection of the residences and villages of any habitual criminals;
- (k) the terms upon which registered habitual criminals may be discharged from the operation of this Ordinance ;

15. *Penalties for failure to comply with terms of notice under section 5 or section 7.*—Whoever, being a registered habitual criminal, without lawful excuse, the burden of proving which shall lie upon him :—

- (a) fails to appear in compliance with a notice issued under section 5 or section 7,
- (b) intentionally omits to furnish any information required under either of those sections, or
- (c) when required to furnish information under either of those sections, furnishes as true any information which he knows or has reason to believe to be false, or
- (d) refuses to allow his finger impressions to be taken by any person acting under an order passed under section 9, may be arrested without warrant, and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

16. *Penalties for breach of rules.*—(1) Whoever, being a registered habitual criminal contravenes a rule made under clause (e), clause (g), or clause (h) of section 14 shall be punishable with imprisonment for a term which may extend,

- (a) on a first conviction, to one year,
- (b) on a second conviction, to two years, and
- (c) on any subsequent conviction, to three years, or with fine, which may extend to five hundred rupees, or with both.

(2) Whoever, being a registered habitual criminal contravenes any other rule made under section 14 shall be punishable—

- (a) on a first conviction, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both ; and
- (b) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees or with both.

(3) Any person who commits or is reasonably suspected of having committed an offence made punishable by this section which is not a cognizable offence as defined in the Code of Criminal Procedure may be arrested without a warrant by any officer in charge of a police station or by any police officer not below the rank of a Head Constable.

17. *Enhanced punishment for certain offences by habitual criminals after previous conviction.*—(1) Whoever being a registered habitual criminal and having been convicted of any of the offences under the Penal Code specified in Schedule I, is convicted of the same or of any other such offence shall, in the absence of special reasons to the contrary which shall be stated in the judgment of the court, be punished,—

- (a) on a second conviction, with imprisonment for a term of not less than seven years, and
- (b) on a third or any subsequent conviction with imprisonment for a term of not less than 14 years :

Provided that not more than one of any such conviction which may have occurred before the first day of October 1935, shall be taken into account for the purposes of this sub-section.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Penal Code or any other law.

18. *Punishment for registered habitual criminal found under suspicious circumstances.*—Whoever, being a registered habitual criminal, is found in any place under such circumstances to satisfy the Court :—

(a) that he was about to commit, or aid in the commission of theft or robbery,
or

(b) that he was waiting for an opportunity to commit theft or robbery, shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine which may extend to one thousand rupees.

19. *Arrest of registered person found beyond prescribed limits.*—(1) Whoever, being a registered habitual criminal

- (a) is found in any part of the State beyond the area or place of residence, if any, to which his movements have been restricted, without the prescribed pass, or in a place at a time not permitted by the conditions of his pass, may be arrested without warrant by any police officer, village headman or village watchman and may be taken before Magistrate who on proof of the facts shall order him to be removed to such area or place, as the case may be, there to be dealt with in accordance with this Ordinance or any rules made thereunder.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Ordinance :

Provided that an order from the Government of the United State of Matsya shall not be necessary for the removal of such persons.

20. *Duties of village head-men, village watchmen and owners or occupiers of land to give information in certain cases.*—(1) Every village headman and village watchman in a village in which any habitual criminal resides and every owner or occupier of land on which any such persons reside and the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of —

- (a) the failure of any such person to appear and give information when required to do so by a notice issued under section 5 ; or
- (b) the departure of any registered habitual criminal from such village or from such land, as the case may be.

(2) Every village headman and village watchman in a village, and every owner or occupier of land and the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of the arrival at such village or on such land, as the case may be of any person who may reasonably be suspected of being a habitual criminal.

21. *Penalty for such duties.*—Any village headman, village watchman, owner or occupier of land, and the agent of any such owner or occupier, who fails to comply with the requirements of section 20 shall be deemed to have committed an offence punishable under the first part of section 176 of the Penal Code.

22. *Power to deport certain habitual criminals.*—The Government of the United State of Matsya, if it is satisfied that adequate provision has been made by the law of any State or in any other part of India for the restriction of the movements or the settlement in a place of residence of persons such as referred to in section 3, and for securing the welfare of persons so restricted may, with the consent of the State, or the authority concerned, direct the removal to that place of any habitual criminal for the time being to that place and may authorise the taking of all measures necessary to effect such removal :

Provided that no person shall be so removed if the Government of the United State of Matsya is satisfied that he is a subject of the State.

23. *Bar of Jurisdiction of Courts in question relating to certain notifications.*—No Court shall question the validity of any notification issued under section 3, section 11 or section 12, on the ground that the provisions hereinbefore contained or any of them have been complied with, or shall entertain in any form whatever the question whether they have been complied with ; but every such notification shall be conclusive proof that it has been issued in accordance with law.

24. *Repeal.*—The Criminal Tribes Act, 1936, and any other similar law in force in any of the Covenanting States is hereby repealed.

UDAIBHAN SINGH,
Raj Pramukh,
United State of Matsya.

APPENDIX VII-F

THE RESTRICTION OF HABITUAL OFFENDERS BILL, 1949**A Bill for imposing certain restrictions on habitual offenders in the Mysore State.***Preamble*

WHEREAS it is expedient to impose certain restrictions on habitual offenders in Mysore;

It is hereby enacted as follows :—

Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called the Restriction of Habitual Offenders Act, 1949 .

(2) It extends to the whole of Mysore.

(3) This section shall come into force at once; and the rest of this Act shall come into force on such date as the Government may, by notification in the *Mysore Gazette*, appoint.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

- (1) “habitual offender” means a person who, before or after the commencement of this Act, has been sentenced to a substantive term of imprisonment, such sentence not having been set aside in appeal or revision, on not less than three occasions, for one or another of the offences under the Indian Penal Code, as in force in Mysore, set forth in the Schedule, each of the subsequent sentences having been passed in respect of an offence committed after the passing of the sentence on the previous occasion ;

Explanation.—The passing of an order requiring a person to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1904, shall be deemed to amount to the passing of a sentence of substantive imprisonment within the meaning of this clause.

- (2) “notification” means a notification published in the *Mysore Gazette*;
 (3) “notified offender” means a habitual offender in respect of whom a notification has been issued under section 3 and is in force ;
 (4) “prescribed” means prescribed by rules made under this Act ;
 (5) “settlement” means a settlement established or deemed to be established under section 8.

Notification of offenders and restrictions of their movements.

3. *Power of Government to notify habitual offenders.*—(1) The Government may by notification—

- (a) if they are satisfied that any person is a habitual offender, declare that he shall be subject to the provisions of this Act to such extent and subject to such restrictions, if any, as may be specified in the notification;
 (b) cancel or modify any such declaration.

(2) Before any notification is issued in respect of any person under clause (a) of sub-section (1) or modified to his disadvantage under clause (b) of sub-section (1), a reasonable opportunity shall be given to him to show cause against such issue or modification.

4. *Delegation of powers to District Magistrate.*—The Government may, by notification, delegate their powers under section 3 to a District Magistrate, in respect of persons ordinarily residing in his district, subject to such restrictions and conditions, as may be specified in the notification, and subject also to control and revision by them.

5. *Notified offenders to intimate residence and change of residence.*—Every notified offender shall intimate to such authority and in such manner as may be prescribed, his place of residence, every change or intended change thereof, and every absence or intended absence therefrom :

Provided that the District Magistrate, or any officer authorised by him, may exempt any such offender from reporting any temporary absence or intended absence from his residence, not exceeding such limit as may be prescribed.

6. *Power to restrict movements of notified offenders.*—(1) If in the opinion of the Government, it is expedient to do so, they may, by notification, declare that any notified offender shall be restricted in his movements to a specified area.

(2) Before making any such declaration, the Government shall consider—

- (i) the nature of the offences, if any, of which the offender has been convicted and the circumstances in which they were committed ;
- (ii) whether the offender follows any lawful occupation, and whether such occupation is a real one or merely a pretence for facilitating the commission of offences ;
- (iii) the suitability of the area to which his movements are to be restricted ;
- (iv) the manner in which it is proposed that he should earn his living in such area, and the adequacy of the arrangements therefor.

7. *Power to cancel or alter such restrictions.*—The Government may, by notification, cancel any declaration made under section 6 or alter any area notified under that section or this section ; and the District Magistrate may, by order in writing, alter any area notified under section 6 or this section into any other area situated in his district:

Provided that before issuing any such notification or order, the Government or the District Magistrate shall consider the matters referred to in sub-section (2) of section 6, in so far as they may be applicable.

Settlements

8. *Power to place notified offenders in settlements.*—The Government may establish industrial, agricultural or reformatory settlements, and may order any notified offender to be placed in any such settlement.

9. *Power to discharge or transfer persons from settlements.*—The Government, or any officer authorised by them, may at any time, by order, direct any notified offenders who may be in a settlement to be discharged, or transferred to any other settlement.

10. *Power to subject voluntary residents in settlements to restrictions and penalties.*—The Government may, by order, direct that any person voluntarily residing in any settlement shall be subject to all or any of the restrictions and penalties imposed by or under this Act on a notified offender placed in such settlement.

Rules

11. *Power to make rules.*—(1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

- (a) all matters required or allowed by this Act to be prescribed ;
- (b) the restrictions to be observed by notified offenders in respect of whom notifications or orders have been issued under section 6 or section 7 ;
- (c) the grant of certificates of identity to notified offenders, and the inspection of such certificates ;
- (d) the conditions under which notified offenders may be permitted to leave the area to which their movements are restricted or the places in which they are settled ;
- (e) the inspection of the residences of notified offenders ;
- (f) the terms upon which notified offenders may be discharged from the operation of this Act ;
- (g) the management and supervision of settlements including the discipline and conduct of the persons placed in them ;
- (h) the periodical review of the cases of all persons who have been placed in any settlement under this Act ;

(3) All rules made under this section shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act.

Penalties and Procedure

12. *Penalties.*—Any notified offender who contravenes any of the provisions of this Act or any notification, rule or order made thereunder shall be punishable—

- (a) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both ;
- (b) on a second or subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

13. *Arrest of notified offenders.*—If a notified offender—

- (a) is found outside the area to which his movements have been restricted, in contravention of the conditions under which he is permitted to leave such area, or
- (b) escapes from any settlement in which he has been placed,

he may be arrested without warrant by any police officer, village headman or village watchman and taken before a Magistrate who, on proof of the facts, shall order him to be removed to such area or to such settlement, there to be dealt with in accordance with this Act and any rules made thereunder.

14. *Rules for the removal of prisoners to apply in certain cases.*—Every law or rule for the time being in force governing the removal of prisoners shall apply to all persons ordered to be placed in a settlement under section 8 or to be removed under section 13 :

Provided that no order from the Government or the Inspector-General of Prisons shall be necessary for the removal of such persons.

15. *Bar of jurisdiction.*—No Court shall question the validity of any notification (other than one under section 3), or order, issued under this Act.

16. *Effect of certain orders passed under the Criminal Tribes Act, 1916, etc.*—(1) In respect of every person who stood registered under the Mysore Criminal Tribes Act, 1916, (hereinafter in this section referred to as the said Act), at the commencement of this Act and who, within a period of five years immediately preceding such commencement, had been either ordered to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1904, or convicted of an offence under section 24 of the said Act or of a non-bailable offence under any other law, a notification shall be deemed to have been issued under sub-section (1) of section 3 of this Act declaring him to be subject to all the provisions of this Act; and this Act shall apply to every such person accordingly.

(2) Any notification or order issued or made under the said Act in respect of any person referred to in sub-section (1) and in force at the commencement of this Act, restricting the movement of such person or placing him in a settlement shall be deemed to have been issued or made under this Act.

(3) All settlements established under section 16 of the said Act and existing at the commencement of this Act shall be deemed to have been established under section 8 of this Act.

17. *Repeal of Act VII of 1916.*—The Mysore Criminal Tribes Act, 1916, is hereby repealed.



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APPENDIX VIII

A list of Books, reports and documents consulted.

The following is the list of books and reports referred to:—

1. The Code of Criminal Procedure, 1898 (Act V of 1898).
2. The Indian Penal Code, 1860 (Act XLV of 1860).
3. The Report of the Indian Jails Committee, 1919-20.
4. The Report of the Police Commission, 1902-03.
5. The Constitution of India.
6. The Report of the Criminal Tribes Act Enquiry Committee (Bombay, 1930).
7. The Report of the Criminal Tribes Act Enquiry Committee (U.P.), 1938.
8. The Report of the Criminal Tribes Act Enquiry Committee (U.P.), 1947.
9. The Report of the Criminal Tribes Act Amendment Committee (Bihar), 1950.
10. The Manuals and Rules under the Criminal Tribes Act, 1924, prepared by the States (ex-Provinces).
11. Local laws relating to the Criminal Tribes in force in the newly formed States included in Parts B and C of the First Schedule to Constitution.
12. Punjab Castes by Sir Denzil Ibbetson, K.C.S.I.
13. The Tribes and Castes of Bombay—by R. S. Enthoven.
14. The Tribes and Castes of the North-Western Provinces and Oudh—by W. Crooke.
15. The Tribes and Castes of Bengal—by H. M. Risley.
16. The Tribes and Castes of the Central Provinces of India—by R. V. Russel and Rai Bahadur Hira Lal.
17. Castes and Tribes of Southern India—by Edgar Thurston.
18. Census Reports of India, 1931.
19. Notes on Criminal Classes in the Bombay Presidency—by M. Kennedy.
20. Complete Dictionary of the terms used by the Criminal Tribes of the Punjab—by Mohmad Abdul Gafur.
21. Abstracts of the proceedings of the Council of the Governor-General of India, 1871.
22. Abstracts of the proceedings of the Council of the Governor General of India, 1897.
23. Government of India, Legislative Department proceedings March 1911, Nos. 53—79. The Criminal Tribes Law (Act III of 1911).
24. Government of India, Legislative Department proceedings A, May 1923, Nos. 17—34. The Criminal Tribes Amendment Act, 1923 (Act I of 1923).
25. Government of India, Legislative Department File No. 70-1-Assembly and Council. The Criminal Tribes Act, 1924 (Act VI of 1924).
26. Red Bread—by Maurice Hindus.
27. Crime in India—by S. M. Edwards.
28. Economic and Social Aspects of Crime in India—by Dr. Haikarwal.



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