



## CRIMINAL TRIBES ACT ; KALLARS OF MADURAI AND MARAVARS OF TIRUNELVELI AND RAMNAD ; PAST AND PRESENT IMPLICATIONS

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### ABSTRACT :

The Criminal Tribes Act of 1911 was brought by the British Government to bring the criminal tribes under the control of the law and administration. In practice , it was very strictly followed by the Colonial Government to suppress the activities of the Kallars, Maravars and Koravas in the erstwhile Madras Presidency, The Act controlled the free movement of the Kallars in Madurai District and Maravars in the Ramnad and Tirunelveli Districts. The British had to wage a fierce struggle against the Marava Poligars and Kallar Kavalkars in the second half of the Eighteenth Century. After the end of the Poligar Wars , the British brought the Marava Poligars and Kallar Kavalkars into submission and converted them into Zamindras. The British even formed the Madras Presidency in 1802. By nature the Kallars and the Maravars possessed martial qualities. Even though they were suppressed by the Criminal Tribes Act, their inborn spirit of independence could not be annihilated. The British considered them as real threat to their existence and survival in the Tamil region. The Kallars and the Maravars also furnished a strong native resistance and expressed their nationalistic and patriotic sentiments against the British now and then. In this regard , the role of U. Muthuramalinga Thevar was remarkable .He enlisted the support of the Kallars and the Maravars against the implementation and working of the Criminal Tribes Act in Tamil region.

**KEYWORDS :** Kallars ,Maravars, Criminal Tribes Act, U.Muthuramalinga Thevar, Denotified Tribes, Jallikattu, Kavalkars, Poligars.

### INTRODUCTION :

In 1893, Frederick S. Mulla , a senior official in the Madras police , was appointed the first honorary superintendent of ethnography for Madras Presidency.<sup>1</sup> Mulla's principal qualification for the job was his publication the year before of a book entitled Notes on Criminal Classes of the Madras Presidency.<sup>2</sup> His book consists of a series of chapters on different criminal castes, each chapter including large range of ethnographic detail with special attention to the kinds of crimes the group committed. Two of the most conspicuous criminal castes in his book- castes that were subsequently included in the Criminal Tribes Act when it was extended to Madras Presidency in 1911- were Kallars and Maravars. The very word Kallar and Maravar had engaged in forms of predation as well as of protection that were part of a highly volatile political system in Eighteenth Century Tamil Country.<sup>3</sup> The Maravars are referred to in the Sangam literature as warriors and army chiefs. The Maravasras were a warlike , brave active race of South India who were much found in the erstwhile Tirunelveli Country.<sup>4</sup> Like the Maravars, the kallars had a reputation as a warrior caste and were settled in parts of Madurai, Ramnad, Thanjavur ,Tiruchirappalli and Pudukkottai.<sup>5</sup> In this regard, I.Udhayasankar, the author of the Book, *Mukkulathors : Freedom Struggle in Tamil Nadu* viewed that

the CTA was introduced in Tamil Country mainly due to the complaints about the disturbances and damages caused to both men and materials by the Kallars who were suppressed by the British for their nationalistic and independent spirit against the emerging spirit. Purposively, the Madras Government implemented the related provisions of the CTA of 1911 in 1914. Its main aim was to quell the Kallars and the Maravars who provided stiff native resistance against the alien British rule.<sup>6</sup>

Born of a noted warrior line and heir to the Pasumpon domain of thirty-two villages in Ramnad Zamindari, U. Muthuramalinga Thevar (1908-1963) entered the Congress movement at the age of nineteen.<sup>7</sup> Slowly and gradually emerged as the congress leader. Revolutionary and emotional, he opposed Gandhi's policies of non-violence and associated himself with Subhas Chandras Bose. Eventually he left the Congress and organized the Forward Bloc in Tamil Country.<sup>8</sup> He tirelessly worked for the cause of the repeal of the inhuman Criminal Tribes Act. As a remarkable Congress leader, he had propagated the ideals of Congress Party among the rural villages in the Tamil region. While propagating Congress ideology, he found that the few communities had been declared as criminal tribes, of which the Maravars and Kallars were also included to which he belonged. The Criminal Tribes Act of 1911 known as Act III of 1911 was introduced and was implemented on such communities, on the basis of the recommendations of the Indian Police Commission appointed in 1902-1903 in the erstwhile Madras Presidency. This empowered the government to designate any tribe, gang or class' of 'persons as criminal tribe if they were addicted to the systematic commission of non-bailable offences.<sup>9</sup>

Denotified Tribes of India continued to be considered 'criminal' by birth. The term, De-notified and Nomadic Tribes Act, can be traced to the Criminal Tribes Act (CTA) of 1871. The Colonial British Government notified nearly 200 tribal communities to the hereditary criminals, focusing their social identity as outcastes and suppressing them to continuous harassment by the administrative machinery. After India got independence, these tribes were de-notified from the list of Criminal Tribes and hence, the term.

Several reasons were furnished to the state-sanctioned stigmatization of the criminal tribes in Madras Presidency under the British rule, including the strategy to identify their allies and at the same time, subdue and monitor activities of the rebellious tribal communities in Madras Presidency.

The CTA allowed for close supervision and control over the mobility of the tribes which were notified by the provincial Madras Government. The Act was amended in 1897, 1908 and 1911 to give sweeping powers to the concerned authorities, some as draconian as allowing the State to remove any child of the age of six and above from its 'criminal' parents. By 1924, certain provisions were amended, and the Act was finally applicable to the whole of British India including the Madras Presidency. Along with the introduction of laws such as Forest Acts and the salt Tax Act, the British threw a noose around the criminal tribes like Kallars and the Maravars using stringent regulations.<sup>10</sup> Enraged by this, U. Muthuramalinga Thevar took up the cause of these notified criminal tribes and stood for repealing the Act of 1911 and amended Act of 1924 by delivering a number of speeches at various places in the Madras Presidency as well as in various parts of the country as a whole. These notified criminal tribes were forbidden to take part in national politics.<sup>11</sup> The Sembanadu Maravars were declared as criminal tribes on 17<sup>th</sup> February 1923. The Appanadu Maravars of Ramnad were declared as Criminal Tribes on 25<sup>th</sup> September 1933. From then onwards U. Muthuramalinga Thevar traveled in rural areas of the entire southern Tamil region and stimulated the consciousness of the members of the notified criminal tribes particularly of the Kallars and Maravars, exhorting their heroic glorious past and asking them not to accept but to defy the Black Law.<sup>12</sup>

During the year 1934, he organized a Conference at Abiramam with Varadarajulu Naidu as its Chairperson and demanded the withdrawal of the Criminal Tribes Act enforced on the Appanadu Maravars. At the Conference, many leaders had spoken against the imposition of Criminal Tribes Act upon the Appanadu Maravars. Finally, a resolution was passed to appoint a Committee to represent this matter to the government. The members who served on the Committee were, Varadarajulu Naidu (President), Muthuramalinga Thevar, Sasivarma Thevar, Pillaiyarkulam Perumal Thevar and Navaneethakrishna Thevar. This Committee under Varadarajulu Naidu met Mohammad Usman and insisted him to withdraw the Criminal Tribes Act upon the Appanadu Maravars. More than 2000 members of the Maravar community

were declared as notified criminal tribes. While replying to the request made by the Committee, Mohammad Usman had expressed his inability to withdraw the Act as it was not under his purview. However, he assumed them that he would recommend the case to the Governor-General. As a result of the representation given by Varadarajulu Committee, the number of Maravar notified criminals were reduced from 2000 to 400 subsequently.<sup>13</sup>

The continuous appeals of U. Muthuramalinga Thevar for the abolition of the Criminal Tribes Act was not responded by the Justice Ministry in the Madras Presidency on the grounds that it was listed in the Reserved Subjects in the Government of India Act of 1919. Hence there arose the difference of opinion between U. Muthuramalinga Thevar and the Justice Party and its branches.<sup>14</sup>

Due to the implementation of the Government of India Act of 1935, elections to the Madras Legislative Assembly were held in 1937. As part of the election propaganda, U. Muthuramalinga Thevar had organized a Conference at Peraiyur, a small village at Mudukulathur Taluk on 27<sup>th</sup> October 1936. In that Conference, majority of the speakers expressed their apathy against the Act. They spoke for appeal of the Criminal Tribes Act and fervently appealed to the people not to back the war efforts of the government. Further in the Conference, they brought out resolutions regarding the cancellation of the Criminal Tribes Act.<sup>15</sup>

During the year 1938, U. Muthuramalinga Thevar attended a number of meetings where he delivered a number of volatile speeches in the southern districts of Tamil region asking the people to fight against the Criminal Tribes Act. Further, he openly exhorted those aggrieved who cut their thumb fingers in order to fixing their imprint at the police station during the reporting hours.

The agitation launched by U. Muthuramalinga Thevar and other leaders of Congress compelled the government to gather the information regarding the working of the Act from the district Magistrate and the District Superintendent of Police. While submitting their reports, the concerned authorities had expressed that the working of Criminal Tribes Act was not a reformatory one, it had empowered the lower rank of the police department to harass the members of the criminal tribes on the pretext of disobedience to rules of Criminal Tribes Act. In this regard, a few of the District Magistrates obviously expressed their opinion that without this Criminal Tribes Act, some of the members of the notified criminal tribes could not be brought under a regular path.<sup>16</sup>

At the meeting held at Aruppukkottai on 27<sup>th</sup> June 1938, Muthuramalinga Thevar had condemned the government officials and policemen as traitors to this country. Further he criticized the Congress Government for its moving towards rotten path and the Congress Government under Rajaji was not willing to repeal the Criminal Tribes Act. Being an MLA, Muthuramalinga Thevar had enough chance in the legislature and public forum to ventilate his opinions about the Criminal Tribes Act. In spite of his continuous sharing of opinions in 1938 Madras Legislature, no favourable impact occurred in the Legislature to initiate a positive move.<sup>17</sup>

Conference which was held on 18<sup>th</sup> June 1939 at Usilampatti, Muthuramalinga Thevar spoke strongly condemning the indifferent attitude of the Congress Government towards the Kallars and Maravars.. He viewed that that the Criminal Tribes Act has facilitating and perpetuating the foreigner's rule, and only by repealing the Act, the British imperialism would disappear. He also pointed out that the British were using the Criminal Tribes Act as a weapon to suppress the native martial race. He even expressed his view in thunder voice: "if the original blood of Maravar is really running in your veins, you should be prepared to be handcuffed rather than submitting yourself to registration.

The Congress Government, headed by Rajaji, was keenly watching the hectic propaganda campaign of Thevar and his activities against Congress. The District Magistrate of Madras warned Muthuramalinga Thevar that he was betraying the interest of the Criminal Tribes by inducing the Kallars and Maravars to agitate against the government for repealing the Criminal Tribes Act.

At that times, Rajaji, the then Premier of Madras Presidency did not like the rise of Muthuramalinga Thevar and he was not showing any interest in repealing the Criminal Tribes Act. At this juncture, the Governor of Madras Presidency was about to visit Madurai. Arrangements were made for the

Governor's visit of *Jallikattu* as it was a heroic game in which Kallars used to participate. Thevar did not want to Governor to watch the heroic games like *Jallikattu*, because the Governor might get a wrong impression to the effect that Kallars were the turbulent and uncontrollable people and might come to the conclusion that the enforcement of Criminal Tribes Act upon the Kallars might be just. Hence he appealed and even issued pamphlet asking the Kallars of Madurai region to boycott the *Jallikattu*. When the Governor visited Madurai he found that there was no such *Jallikattu* function. On enquiry he came to know that that *Jallikattu* was cancelled and was surprised over the influence of to the influence of Thevar among the Kallars

In September 1940, Muthuramalinga Thevar was arrested under the Defence of India Rules. He was convicted and sentenced to eighteen months rigorous imprisonment and later on again arrested and was put to jail till June 1945. The question of repealing the Criminal Tribes Act was flared up in the Legislative Assembly in April 1947. P.Subbarayan, the Home Minister introduced a Bill to exclude the Province of Madras from the operation of the Criminal Tribes Act of 1924. After a prolonged discussion in the Madras Legislative Assembly and Madras Legislative Council, it was declared that the Criminal Tribes Act of 1924 (Madras Repeal Act of 1947) was passed and Governor General gave his approval to it on 30<sup>th</sup> May 1947 and the Act came into being on 5<sup>th</sup> June 1947 onwards.

Thus, the Criminal Tribes Act was implemented with a political motive to suppress the martial people like Kallars and Maravars in Tamil region and had perpetually put these people to many hardships. Due to the continuous and serious initiatives undertaken by the leaders like Muthuramalinga Thevar, this repressive Act at last repealed and his people in Tamil region were liberated from the inhuman treatment in which they suffered much. It is only in independent India that the need was felt to shift the collective burden of criminality to the individual, which led the CTA being repealed and the Habitual Offenders Act (HOA) being enacted in various States. Not all States enacted it. At present, a variant of the HOA Model as proposed by the Union Government then stands enforced in ten States across the Country, having been enacted in many more.

However, the HOA functioned as a mere extension of CTA. Nomadic and semi-nomadic communities continue to face harassment at the hands of law enforcement agencies. Certainly, the mere repeal of the CTA could not change the mindset of government officials or members of society. The fact is even in the Twenty First Century. The Criminal tribes continue to face ostracism by society at large. Given their century old tradition of continuous movement, they often do not possess any residential proof, which leaves them out of the majority of government's developmental schemes.

#### END NOTES

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