

ABUSES, IMPUTATIONS, AND SOCIAL OSTRACISM AS FACTORS OF CRIME-CAUSATION

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Dr. Mehendale whose papers have appeared in our previous numbers shows in the following lines how normal persons are actuated to commit anti-social acts.

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Among things which man values as desirable are reputation and self-esteem. They have not only a personal value but a social value as well. A man of disrepute is looked down upon and held low in social status by the members of his own caste and society. This may explain why even the slightest injury to one's reputation and self-esteem is bound to arouse the most passionate feelings of indignation, especially among those persons who are very susceptible to their sense of honour and dignity.

Injury to reputation and self-esteem may be caused by various modes of expression and of social conduct. Those which are met with in this study are: abuses, imputations, and social ostracism, which served as a direct actuating motive in eight cases of murder, four of homicide, and 13 of hurt as illustrated below. It is worth noting that even the fear of loss of reputation and self-esteem may occur as a motive for committing anti-social acts. This motive was evident in nine cases of concealment of birth by secret disposal of body (Section 318 I.P.C.).

1. *Abuses*.—Abuses are habitually employed by the rural people in their day-to-day conversation. It may seem to be very strange that because of abuses which are so common, a man should feel so annoyed with the person who abuses that he should actually go with a stick or an axe and strike him so violently as to kill him.

But certain abuses, on certain occasions, prove to be so provocative as to evoke violent

criminality. Among provocative abuses mention must be made of such abuses as are connected with, or referred to, one's own mother, sister, or wife, implying dishonour to the individual or his family, or, are intended to express deep and implacable enmity against him or his family. The following cases illustrate how murders may arise from abuses of this kind:

Arsallakhan, a 20-year-old Mohammedan lad murdered Sher Ahmed on March 2, 1931, in the street adjacent to the Grand Hotel on the Ballard Estate, Bombay.

Sher Ahmed was a watchman at the Grand Hotel. He knew Arsallakhan. There arose a quarrel between Arsallakhan and another watchman at the Grand Hotel. In that quarrel Sher Ahmed intervened and called Arsallakhan.... * This enraged Arsallakhan and he suddenly whipped out a knife and stabbed Sher Ahmed to death.

Another case relates to Mubarak Masud. He was a 21-year-old lad working as waiter in a restaurant run by Khansaheb at the Satara motor stand. Mubarak's victim was Gulab Balabhai, a motor driver and a customer of Khansaheb. In the evening of June 7, 1938, Gulab Balabhai visited the restaurant and asked Mubarak to serve some food to his cleaner. Thinking that Gulab was asking for food to be supplied on credit, Mubarak told him that Khansaheb was out and he boldly refused to serve it. However, Khansaheb was really inside the restaurant, sitting behind a

*A Slang word which reflects badly on the honour of one's mother.

curtain. Gulab popped in and saw Khansaheb. He got angry and demanded to know why Mubarak had told him a lie that his master was out. He abused Mubarak as. . . * Mean-while Khansaheb rose and struck Gulab in the face. Mubarak, who was inside, came out with a knife and stabbed Gulab to death.

Here it is observed that the abusive word drove the lads to the paroxysm of anger which could not be calmed down till the person, who abused, was done away with. The lads were, indeed, of an extremely hot temper. However, it is conceivable that but for the abuses the crime could have been averted.

2. *Imputations.*—In the following cases the victims charged the offenders with sexual misconduct with women, to whom the former were related or known, and hence were killed. There are three cases on record.

Dhavilia Rama was an 18-year-old Thakur of Igatpuri Taluka. He killed Bhagya on the night of May 18, 1935 by giving axe blows on his head. The circumstances leading to the murder are summed up in Dhavlia's own confessional statement: 'Bhagya believed that I was carrying on immoral intercourse with Vali, a widow of 20 years. She was Bhagya's cousin (father's brother's daughter). Therefore, whenever Vali came to my village, Bhagya thought she came there because of her infatuation for me. Bhagya's suspicion was based on the fact that she used to visit my house frequently before her marriage, a year ago. On this day (i.e. on May 18, 1935, Bhagya asked me, 'Where are you going?' I said, 'To the fair.' Thereupon he pushed me by the neck. I gave him an axe blow and killed him."

Clearly, the ordinary inducements to crime such as the desire to get rid of a rival, or to obtain plunder or other coveted object, or to gratify some malignant passion are

absent in this case. The facts disclose a desire for avenging some real or fancied wrong such as the one indicated above. Perhaps, the boy was suffering from a sense of injury and feeling of resentment on account of the charge which he believed to be ill-founded; and it is this feeling, more than anything else, which rendered him a victim of passion culminating in this crime.

A similar situation was at the basis of the murder of Sitabai, an old Vadari Woman of 60, by Govinda Gangaram, a Vadari boy, aged 22, of Newasa taluka.

In a certain survey number of the village of Pachegaon, some Vadaris were encamping for a time. There were six huts of which one was occupied by Sitabai, and the other by Govinda.

On the day prior to the crime, Sitabai, in her talk with Govinda's sister, Avadi, had imputed some misconduct to Govinda with a Kaikadi woman, Limbi. The girl Avadi told this to her mother who quarrelled with Sitabai on the ground that she made a false imputation against her son.

Next day, another small incident took place. Sitabai picked up some logs for fuel which were lying outside the enclosure of Govinda's house. This supplied a fresh cause for altercation, which unfortunately ended in the fatal assault upon Sitabai. Govinda's mother abused her, and Sitabai again referred to the above imputation. Govinda came out of his house and killed her with a crowbar.

Here, again, it will be observed that the murder was an outcome of resentment caused by the imputation noted above.

Likewise, the murder of Abdul Momin by Karimalli Momin, a 25-year-old lad, belonging to a well-known weaving community of

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Malegaon, in the Nasik district, may be explained.

Karimalli used to work as a labourer and live in the house of Abdul. A few days before the offence took place, Abdul's wife had told her husband that Karimalli had, in her husband's absence, made indecent overtures to her. On this account Abdul asked Karimalli to leave the house. Words were exchanged, and Karimalli, boiling with rage, suddenly took out his knife and stabbed Abdul to death.

The crime was an unpremeditated one. It was committed in the course of an altercation and apparently in the heat of passion. Remorse had led Karimalli straight to the police station to surrender himself. He frankly admitted the crime. He was transported for life.

A man gets angry when some one accuses him of sexual deviations. He becomes more angry if his kinswomen be charged with adultery. This is, as has been already observed, due to the notion that the honour of the family is directly connected with the chastity of its females. Sometimes a person may get so wild as to kill the accuser. The following two cases are on record.

Mahadu Kadam was a 22-year-old Maratha of Koregaon taluka. Banu, the victim, was his aunt. Daulat, the natural father of Mahadu, was the brother of Banu's husband, Gopala. Banu's husband died 10 years before the crime. Mahadu was given in adoption to the widow of one Amruta who was also a brother of Daulat. Banu had obtained a decree for maintenance against Daulat and she was awarded maintenance at the rate of Rs. 75.00 a year. She was paid her maintenance for three years after the decree.

On October 10, 1932, Mahadu had gone to the village, Karanje, to the house of Banu's

sister to call Banu to Apshinge, his village, for the purpose of receiving the amount of her maintenance. He did not see her, and so he left word with her sister. He, then, went to the vegetable market at Satara. There he met Banu. He requested her as above. He told her that he would meet her at the Koregaon bazaar on Monday (October 24, 1932). When they met, he requested her that she should accompany him to Apshinge to receive the amount of her maintenance.

After the bazaar was over, both Mahadu and Banu started for Apshinge. On their way, a discussion was going on between them. Banu said to Mahadu that she did not lead an adulterous life like the sister of Mahadu. Thereupon Mahadu used abusive language about the mother of Banu. Banu retorted that one of Mahadu's wives (Mahadu had two wives) was committing adultery with a Brahmin of Khatav, and his other wife, with a Maratha of Rahimatpur. Thereafter she slapped Mahadu in the face and he retaliated by belabouring her to death.

Here it is clear that the charges which Banu had made were of a very serious nature. She had openly charged the sister as also the two wives of Mahadu with adultery. Indeed, any man could be very sensitive to gross insults of this kind, and in view of the fact that the parties were at logger heads owing to the disputes raised by Banu about her maintenance, it is not surprising that Mahadu should get excited beyond limit. Moreover, Banu had slapped him. He grew furious, lost total control and committed homicide.

In another case, Dhadya Vedu, a 25-year-old Bhil of Shripur taluka made his own maternal uncle, Naka, his victim for more or less a similar reason.

Dhadya had a sister. She was married and was pregnant at the time of the crime. The

village Bhils suspected that her pregnancy was due to illicit connection, the inference being drawn from the fact that after her marriage she stayed with her parents away from her husband. The matter was placed before the *Panchas*. In the proceedings of the meeting of the caste *panchayat*, Naka, the deceased, took a prominent part in exposing Dhadya's family affairs. Subsequently, there was a quarrel between Dhadya and Naka, in which the former gave the latter a mortal blow, with a stick, on the head.

From this case it will be gathered that a boy may commit violent crime not only when his personal honour is at stake but also when the prestige of his family is at stake. A loss of family honour is also a loss of personal honour and self-regard.

3. *Social Ostracism*.—Probably no other form of social disapproval is more injurious than social ostracism. In the first place, it causes greatest inconvenience to the person ostracised. He is deprived of the usual services and companions in the village. No one drinks with him or invites him to dinner. As man is by nature gregarious, he becomes gloomy and sad without companions. Social ostracism is thus a solitary confinement. In bygone days social ostracism was given effect to as a very severe kind of punishment that could be inflicted on a sinner. The relics of this kind of punishment are found even today in some form or another.

In the present collection there are two cases of murder which must be said to be due to social ostracism. The cases are as under:

The first case relates to Baburao Lotan, a 24-year-old Maratha of Pachora taluka, who committed a heartless murder of a 2-year-old child in compensation for the wrong done him by the child's father. The wrong was no other than a social boycott.

The story runs as under:

A Maratha boy, Goba, of the same village as Baburao was caught by some villagers in the act of illicit intercourse with a Mahar woman. Baburao was one of those persons who claimed to have actually seen the parties in the act. Baburao threatened to give publicity to the affair and to bring it to the notice of the village elders with a view that Goba and his family be excommunicated. Sakharam, Goba's relation, was asked to give hush-money of Rs. 200.00 to Baburao. Instead of receiving money Baburao received two gold bangles. However, after some days, Baburao changed his mind and took the matter to the caste *panchayat*. Sakharam, therefore, insisted on the return of the ornaments. Baburao, even in the presence of the caste men, denied having taken any ornaments.

The deceased child's father was one of the elders of the village who took up the matter afresh and, being helped by some other *Panchas* of the village, decided to excommunicate Baburao. The decision was also given effect to by not inviting Baburao to the anniversary dinner which was held in the village and to which all other castemen of the village were invited.

It may be added here that there was already a longstanding feud between Baburao and the child's father. Several instances were deposed to establish the ill-will that existed between them. It is not surprising then that Baburao was nursing a strong grievance in the above matter and was seeking an opportunity to avenge himself.

This he did on October, 1938. The child's father was away in his field as usual. Its own mother was away in another field. Its step-mother, too, was busy with her domestic work, and the child was alone playing in the courtyard. Just then Baburao came there, lifted the child up and dashed it twice on

the hard ground below, causing a fracture of the skull.

It is necessary to mention here that it is not always essential for an injured person to inflict injury on a person who should actually deserve to be injured or punished. Sometimes it may suffice even if any one belonging to the family of the enemy is penalised. The underlying idea is that it is not merely the individual but his whole family that is responsible *collectively* for the wrong doing and hence any one of the members of the hostile family may serve as an object of revenge. Thus, in this case, the boy obtained satisfaction by killing the child instead of its father. Whosoever may be the victim, the dynamic force which hastened the boy to commit this crime was manifestly nothing less than social ostracism.

Another good illustration, where social ostracism appeared in a somewhat different form, milder but nevertheless not less provoking, was that of Dattatraya Kulkarni, a 22-year-old Brahmin lad of Bombay. He was condemned to death for making a murderous attack on a defenceless young Parsi woman, namely Dosibai, wife of Burjorji Gadiwala, in her own room in the premises known as Baimai Building at Parel, Bombay.

Dattatraya had come to Bombay from his native place, about a year or so before the crime. He was introduced to Nusserwanji and his brother Burjorji as a helpless person who would assist them in their work. That work consisted of foretelling American future rates and other kindred subjects. These brothers undertook, having regard to their slender means, to provide for the board of Dattatraya and pay him his expenses on a very modest scale. Dattatraya agreed. Thereupon he was allowed to sleep in the office-room, and was provided with board and clothing, and also given some smoking allowance.

On account of the marriage ceremony of one of the brothers, the office was closed, and the whole family went to stay in Baimai Building. Dattatraya slept in the office. He prepared slips for his clients. He was also entrusted with the work of buying grocery.

When the brothers went to live in Baimai Building, Dattatraya took his food in Burjorji's room in the same premises but on a separate teapoy. Burjorji and his wife, the victim, took their meals on a table separately.

A fortnight prior to offence, Dosibai thought that it was not proper that Dattatraya, a non-Zoroastrian, should take his meals in the same room where the photo of the prophet was hung. Accordingly, Dattatraya was served his food in the verandah. This was exactly the motive for the crime. Since then he became moody. To add insult to injury, Dosibai, very often used to rebuke him for being unemployed. To a Brahmin, with whom it has become a matter of social heredity to claim absolute social supremacy over any caste, however rich or powerful it may be, such a conduct as the one shown by Dosibai would, indeed, become unbearable any longer. The result was that in the forenoon of the 12th day of November, 1936 he whipped out a knife and stabbed her to death.

4. *Fear of Social Defamation.*—In not less than nine cases of concealment of birth by secret disposal of body, the motive was the fear of social defamation. The legal terminology, namely 'concealment of birth by secret disposal of body' may be conveniently transformed to mean nothing short of infanticide for the present purpose of sociological research. In fact, it may be asserted that in India infanticide is practised from very many motives. At one time infanticide was a custom. In this connection Haikerwal observes that the strong prejudice against the birth of girls or, in other words, the preference¹

of sons to daughters often resulted in the killing of girls. Today infanticide is resorted to in order to get rid of inconvenient offspring (female children) whose advent in poor families, already overburdened with debt, amounts to nothing short of a calamity. Sometimes infant girls are sacrificed to appease the evil spirits which are supposed to be the guardians of treasures.¹ Infanticide may yet be committed to save family from calamity if the child happens to indicate certain characteristics of behaviour which are symbolic of future calamity to the family in which it is born.

However, none of these motives was operative in the cases under review. The births of victims in all the cases were due to illicit connections between the criminals and girls. In three cases the girls had been forsaken by their husbands and had been on terms of illicit intimacy with the offenders for a long time. In other cases the girls were widows, many of whom were considerably older than the boys.

If it is a truism that in Indian society it is the mother of the illegitimate child who suffers more from social censure and ridicule than the father, it will be easy to see why the bulk of cases of infanticide are supplied by women.²

Coming to the cases in question it may be stated that in the majority of cases the offenders were directly induced by the girls to condemn the illegitimate child to death. In the other cases, although it appears that the offenders were the real authors of the crime, the girls were, nevertheless, a consenting party. On the whole the reading of the cases leads to the conclusive finding that the real victims were the boys and not the girls, and the motive for the crimes was

nothing short of the fear of social censure or defamation.

The following cases may be selected to serve as illustrations.

Genu Avchat was a 22-year-old Mang (untouchable) of Alegaon in Shirur taluka in the district of Poona. He was unmarried and was poor. Jaibai was a 30-year-old married woman belonging to the same caste as Genu. Her husband was a resident of Rahu in Dhond taluka. About five years before the crime, she became blind on account of small-pox and hence her husband gave her up. Since then she had been living at Alegaon. In the course of time, Genu and Jaibai became intimate. On August 16, 1941, Jaibai gave birth to a child. As soon as it was born, it was killed. Jaibai, anticipating severe consequences of her fiendish act, asked Genu to secretly to remove the dead child and throw it into a river. This Genu did. That Genu was a simple and unsophisticated youth and was led astray by Jaibai, quite a grown-up woman with considerable sex experience to her credit, becomes apparent from the fact that he voluntarily made a clean breast of everything and readily pleaded guilty to the charge. In view of his poverty and subsidiary part in the crime he was bound over for Rs. 50.00 for six months.

One more case may be cited. Nana Laxman was a 24-year-old Maratha of Khed taluka in the Poona district. He was unmarried as he was very poor. Thaku was a 28-year-old widow. Her husband died about eight years before the crime. Since then she was leading an immoral life. About a year prior to the offence, she became intimate with Nana. Their intimacy resulted in the pregnancy of Thaku. On October 23, 1941, she was delivered of a child, and Nana, at her instance, buried it in a dung heap.

¹B. S. Haikerwal, *Economic and Social Aspects of Crime In India*, (London: George Allen & Unwin Ltd., 1934), pp. 70-71.

²While going through the judicial records, the present writer has come across countless instances where women, rather than men, were tried and convicted under Section 318 of the I.P.C. The above statement is, therefore, based upon personal observations.