CHAPTER 5

CONCLUSION

Law and Order are the important limbs of a government. The police, an agency of Law and Order, came to be perfected in the Madras Presidency with the passage of the Madras Police Act XXIV of 1859 to combat crime effectively. With the object of achieving sufficient uniformity in the straggling police forces all over the country, the Government of India appointed an All-India Police Commission for the first time in 1860, and the net result was the passing of Act V of 1861. This was only a beginning and there was much to do in the context of the historical growth of the institution. Efforts had been made to improve the police with further steps of reforms in many of the presidencies; however, Lord Curzon, Viceroy and Governor-General, appointed an All India Police Commission in 1902 under A.H.L.Fraser, Chief Commissioner of NWP to make a searching inquiry into the functioning of the police, with H.A.Stuart, Inspector-General of Police, Madras Presidency as its secretary.

The move to abolish the post of Deputy Inspector-General of Police was stoutly opposed by the Council Members(Madras) who stood in favour of defining their responsibilities.

The Superintendents of Police found it difficult to exercise effective supervision over the entire district; their insufficient numbers proved detrimental to their normal police work. Six or eight Assistant Superintendents were appointed to assist them in heavy districts like Bellary, North Arcot and Madurai. Madras Government usually preferred Europeans to be appointed as Assistant Superintendents. To bridge the gap between the British and the Indians, the post of Deputy Superintendent, equivalent to that of Assistant Superintendent, was created in 1905. One half of the posts were to be filled by qualified Inspectors.
The Circle Inspectors were burdened with more work; whereas the pay prospects were very poor when compared with the emoluments of counterparts in other parts of India. The Indian Police Commission of 1902 recommended a strength of 293 Circle Inspectors for Madras Presidency; whereas Madras Government stood for 273.

The Secretary of State for India conferred with Madras Government in creating one additional Deputy Inspector-General of Police for Railways and the Criminal Intelligence Department, and grading the Commissioner of Police with the Deputy Inspector-General of Police but subordinate to the Inspector-General of Police. The number of Superintendents of Police in the department was increased from 27 to 34 instead of 39 as recommended by the police Commission of 1902.

On the whole, from the beginning of the new police, the police in the presidency was most economically organised; the average district of the presidency was double that in other presidencies; while the Superintendent staff in Bengal cost Rs. 4,55,000 that of Madras cost only Rs. 2,78,000 per annum.

The need was felt by Hammick to reform the cadre of head constable by bringing outsiders in 1:3 ratio. His experiment was conducted successfully in Coimbatore district by introducing a new class styled 'Nayak; an intermediate between head constable and constable; and they were entrusted with criminal investigation. The Indian Sub-Inspectors formed a district class on a consolidated pay of Rs. 45/-

In 1900 the police constable was in charge of 8.02 square miles with a population of 2173; over the years his jurisdiction was limited to 4.3 square miles with a population of 1262.
The cost of maintaining the police constable was not increased substantially over the years. The recommendation of the Police Commission of 1902 regarding the improvement of the pay of the force took effect in the presidency as late as 1914. The cost of the police in 1911 was Rs.3.2 per head of the population, representing an increase of one hundred percent over a period of two decades. The cost of the Madras police was low compared to the average cost of the police force in the six other provinces; whereas the percentage of cognizable crimes investigated was highest in the Madras Presidency compared to other provinces.

The vernacular newspapers lamented that though the expenditure increased by four lacs, the constable's pay did not rise substantially-'that too not uniformly in all districts'. The high salaries were meant only for higher officials with not 'even a living wage to those occupying the lower rungs of the ladder.'

It was made clear that officers of the force, although controlled in matters of internal discipline and ordinary duties, by the Inspector-General of Police under the orders of Government, were nevertheless absolutely subordinate to the Magistrates and were bound to carry out their orders. The relationship between District Magistrate and Superintendent of Police was quite analogous to the relationship between Sessions Judge and District Magistrate. In short, the District Magistrate brought about the coordination between prosecution and police. In day to day working of various departments connected with criminal administration of the district, his presence resolved conflicts of interest, reduced friction, effected coordination and fixed responsibility.

The posts of Deputy Superintendents of Police were filled by meritorious men from other departments as was authorised by the Police Commission of 1902.
The candidates were generally nominated by a committee consisting of the Inspector-General of Police and a gentleman appointed from time to time under the chairmanship of the Chief Secretary to Government. The Maharaja of Darbhanga, one of the Members of the Police Commission of 1902, expressed his apprehension regarding the invidious distinction between European and Indian officers. The ideals outlined by the Secretary of State in the House of Commons on 20 August 1917 were conspicuously absent in the Islington Commission's Report. However, the recruitment from England received a set-back; in Indian circles, the rate of Indianisation was regarded as illiberal.

The new recruits continued to be trained at District Headquarters School till April 1908, when a Training School for the recruit constables was started in Vellore. In the same year, three more Central Recruit Schools were started in Vizianagaram, Coimbatore and Gooty. The instruction and training given to the recruits were much superior to that imparted in the old District Headquarters Schools.

A School for training Station-house Officers was first started in October 1899 at the instance of Hammick, Inspector-General of Police; but the Government substituted it by a Central School at Vellore. One more School was started at Parvathipuram to train the Station-house Officers in Northern Circars. The instruction to the trainees was in the vernacular. The Police Training School at Vellore was made a permanent institution from 1 October 1905 when a new class of 'Sub Inspectors' were trained effectively and efficiently.

1. '...the policy of His Majesty's Government was that of increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to progressive realisation of responsible government in India as an integral part of the British Empire' - Secretary of State's announcement in the House of Commons on 20 August 1917.
The discipline, tone and management of the provincial Training School at Vellore was greatly improved under the able guidance of Superintendent E.T.H. Steevenson.

The Inspectors and the probationers to the post of Assistant Superintendents of Police, on their arrival from England, were to undergo training at the Vellore Training School in accordance with the instruction laid down in Police Orders.

In 1912, there was a police station to every 35,135 people and the jurisdiction of the police station covered an area of 89.8 square miles. It clearly showed an unwieldy jurisdiction.

The efficiency of the police force stood high in solving theft and cattle theft as their percentage of detection was higher in comparison with the detection of other grave crimes. Next came robbery and house-breaking, for which the detection rate was 31.5% and 28.8% respectively during the period of ten years between 1901 and 1910. Very poor performance was found in the detection of dacoity cases as the percentage of detection remained low. The beats and patrols of the police resulted in the steady decline of KDS, suspects and receivers of stolen property.

Among Hindu castes, Brahmins enjoyed the majority in the officers posts. Next came Baligas or Kavarais and Vellalas in 1900. The Vellalas and Baligas were recruited substantially to the force in 1900; the so-called lower castes namely Pariahs were quite negligible in the eyes of caste-ridden society. Muslims were found in large numbers compared to Christians.

The rate of literacy among the force of the presidency was high; nearly 86 percent of the force were able to read and write.
The mean incidence of punishment of transportation in a period of fifteen years between 1896 and 1911 (save 1907) was 185. There was a larger number of foggings in 1905 at Vellore jail compared to other jails in the presidency. The juvenile delinquents who were subjected to the sentence of flogging underwent psychological trauma. The maximum amount of fines imposed during the period of fifteen years between 1896 and 1911 was Rs.9,51,918/- out of which Rs.8,25,199 was realised (86.7%).

The prison administration was not uniform throughout India, as different systems were followed in different presidencies. The Prison Act of 1894 effected uniformity in the country. The Acts, rules and regulations were framed to manage the population in the prisons in order to make their life as rigorous as possible. The age group between 16 and 40 formed the bulk of the jail population in the presidency, as their mean incidence was 79 percent of the total jail population. Of them, the females formed 4.6 percent. The Hindus formed the largest numbers in the prisons. Nearly fortyone percent of the prisoners were employed in jail manufactures during the period between 1900 and 1915. Less than nine percent of them had been engaged in menial works.

There were stray cases of infanticide by women mostly to avoid the disgrace of illicit contact, due to desertion by their husbands and to poverty. Murder constituted less than 2.1 percent of grave crimes in the presidency during the period between 1900 and 1918. The detection of murder cases was low (21.3) compared to robbery (31.5) and burglary (28.8); but detection was somewhat higher than in dacoity cases (18.8). The crime of murder stood high in the southern range (623) of the presidency. In the Central range, the Cuddapah district emerged as a hot bed of murder. The largest number of murders took place in Coimbatore district, which tops the murder list of the presidency, during the period between 1895 and 1918.
The promotion avenues and prospects of advancement and monetary benefits of the police constables were less compared to those in other departments.

Madras Government proposed the creation of provincial Criminal Intelligence Department in the place of the Imperial Detective Department of Government of India. The Government of India accorded permission as a part of the general scheme of reorganisation. Thus, the Criminal Intelligence Department came into existence in the presidency on 18 August 1906. The introduction of crime charts in the districts as well as the Central chart limited to four districts by the Department, proved beneficial and it has been praised highly by many police officials. The Finger-Print Bureau was set up in 1898.

The Madras High Court came into being by the betters Patent issued on 26 June 1862; thereby it put an end to the dual system of judiciary in the presidency. The High Court tried an average of 67 cases of original nature and 176.5 revision cases under Section, 307 and 374 of the Criminal Procedure Code in a period of ten years between 1896 and 1906.

The Sessions Court, the highest court in the district, exercised supervisory powers over the working of subordinate courts. Trials in the Sessions Court were conducted with the help of jury or Assessors. To relieve the heavy burden of work, an Assistant Sessions Judges were also appointed. An average of 1252 cases was disposed of by Courts of Sessions in a period of eleven years between 1896 and 1906; 3394 persons on an average were under trial; of whom 41.37 percent were convicted.

Besides the existence of three grades of magistrates, a cadre of Stationary Sub-Magistrates was introduced in 1892 with a view
to relieving taluq Magistrates of their magisterial duties. The bulk of the cases in the presidency was handled by Stipendiary Magistrates (the mean incidence of cases in 1600/12 between 1896 and 1906). The honorary magistrates were invaluable for the speedy disposal of cases and relief to the stipendiary courts. Next to the stipendiary magistrates, the bulk of the petty cases was disposed of by village munsiff's courts. There were 4556 village magistrates in the presidency in 1901, and the number of cases disposed of by them was 10668 in that year alone. There was a village magistrate for every thirty-one square miles with a population of 8384 in 1901.

The mean incidence of persons tried under trial by-jury was 1450 in a period of eleven years between 1901 and 1911; the mean incidence of the verdicts approved by the judges was 96.1 during the said period. The system was good but the persons who acted as jurors and assessors were not up to the expectations in ensuring justice. Most of the higher posts in the judiciary were given to Europeans and Indians filled considerably fewer posts in the presidency; the position concerning the lower categories of the judiciary was quite opposite. Indian judges formed 86.3 percent of the total in the presidency.

The Indian Penal Code which was praised by James Stephen as by far the best system of criminal law in the world, recognised five types of punishment, namely, capital punishment, transportation, fines and forfeiture of property, flogging and simple and rigorous imprisonment. Though the number of capital punishments awarded was fewer (mean incidence was 50) during the period between 1896 and 1911, the mere form of capital punishment was subject to severe criticism as 'the government can hang a man but cannot revive a dead person'.

Thugee and Dacoity department was abolished in 1904; in its place, the Criminal Intelligence Department was started. The maximum number of dacoities (879) occurred in 1918 as it was a year of drought. The highest percentage of detection of dacoity took place in 1897 during a period of fifteen years between 1896 and 1910. As in the case of murder, Coimbatore (935) district tops the dacoity list, and it is followed by Kurnool (902), Tirunelveli (811), Bellary (761) and Nellore (743). Many criminal tribes like Donga Yerukalas, and Maravans were responsible for the commission of a number of dacoities in many districts of the presidency. Tirunelveli district tops the robbery list of the presidency.

Communal clashes quite often occurred during Muharam and Sri-ramanavami festivals in many districts of the presidency. Anti-Kallan and anti-Shanar riots that broke out towards the close of the nineteenth century deserve to be mentioned as they spread to Madurai and the borders of Travancore State and resulted in 102 dacoities and cases of arson. The murder of Ashe, District Magistrate and Collector of Tirunelveli at the hands of Vanchi Iyer at Maniyachi Junction on 17 June 1911 showed the escalation of political violence in the presidency. The Home Rule Movement created an atmosphere of uneasiness by instilling the spirit of nationalism in the minds of the inhabitants of the presidency.

Malabar, which remained a crime-prone district in respect of violent crimes took the fourth place for burglary next to Madurai, Krishna and North Arcot respectively. Thefts were more in the northern range of the presidency. Cattle thefts were more prevalent in Coimbatore district. The recovery in theft-cases was more than thirty-six percent during 1897 and 1915.