CHAPTER 7

Conclusion

The condition of the police in the Presidency during the first half of the nineteenth century made imperative the appointment of the Torture Commission to look into the alleged cases of torture in revenue and police department; this brought forth the sorry state of affairs not only in the Presidency but also all over the British India. Their recommendations formed the basis for the subsequent formation of an independent police department. Thus it resulted in separation of police powers from those of revenue. Though the recommendation was kept in cold storage for some time, the Moplah outrages culminating in the murder of Conolly, the district Magistrate of Malabar, expedited the measures to give effect to the recommendations of the Commission.

The reorganisation of the police in a corner of the Subcontinent, Sindh, and its partial adoption in Bombay Presidency urged the Home government to take steps to evolve a police for the Presidency which would be free from the defects of the old police. It directed the Madras Government to reorganise the police on the Bombay model. Under the active guidance and energetic zeal of W. Robinson, a plan was chalked out; it was given a statutory character by the enactment of the Madras Police
Act XXIV of 1859. The police under the new code performed preventive, protective and detective duties. The police was to be headed by a European Chief Commissioner who later came to be known as Inspector General of Police.

After a detailed discussion among high officers regarding the nature of relationship to be established between the police and the magistrates, it was provided in the Act that the police should act 'as an instrument at the disposal of the magistracy for the prevention and detection of crime.' The vague statement created confusion, and often the magistrates treated the police as a subservient body and created a complex in the minds of the police officials as it seemed that they were no longer independent in exercising their powers. The dual control and undue interference of the magistrates undermined the authority of district Superintendents and impaired permanently the usefulness of the Deputy Inspector General by reducing him to the position of an inspecting and reporting officer. This resulted in evasion of their duties; this watered down to a considerable extent the principle of the separation of police powers from those of revenue officials as well as the judiciary. No doubt their relation was 'typical of English arrangement with their lack of logical finish.'¹ However, the clear demarcation of powers

¹ J.C. Curry, The Indian Police, 90.
and recruitment of men with better background on higher emoluments promoted a sense of unity between the two with a view to preserving the peace and order in the locality.

Military men were preferred exclusively to head the posts of Deputy Inspector General and Superintendents of Police; the posts were meant exclusively for the Europeans. The pay of the higher officials was low, considering the amount of responsibility they had to shoulder; the areas under their control were also vast, which required unremitting attention; whereas the pay of their counterparts was higher in other presidencies where the areas under their control were not so vast as in Madras Presidency.

Though the Commission of 1860 felt it imperative to enhance the pay of the constables, it continued to remain low throughout the period under review; the earnings of the ordinary labourer was far better than the pay of the constables.

The constables indulged in and continued to practise the vices of the old police, namely, corruption and bribery without any scruples. To them, the power vested in them was a boon; they freely used to coerce the populace for their own personal benefit. Their overbearing and disdainful behaviour was added to their ignorance of proper police methods caused by indifferent training. The police
methods were so oppressive that the victims of robbery
dare not come forward to report and preferred to bear the
loss.

Promotion policies and prospects of advancement in the force
were not conducive to efficient working. The avenues of
promotion for policemen were scarce and offered no
inducement to honest and good work. The chances of rising
to the level of head constable or Inspector seemed to be
bleak for ordinary constables who could at the most aspire
for promotion to the first grade of constable. Most of
them would end their career in the same cadre or, at best,
after advancing only one step in the hierarchy. Nothing
could be more disheartening and demoralising to the force
as a whole.

The training was rudimentary in nature; the station-house
officers were in no way competent to train the recruits
who found nothing in them to emulate their example. The
latter inherited the corrupt practices from their superiors
who had acquired them in their long service in the department.
The detective work mainly fell on the station-house officers
and head constables who were often not properly qualified
either by education, training or status for these kinds of
duties. The nature of their work often dragged them out
of the station-house; consequently the ordinary constables
had to receive the complaints and do detective work. It was a pity to entrust such delicate work to the ignorant constable who was more keen on making some gain out of the ease from the parties rather than on bringing the culprits to force the law.

The village police, an ancient institution, was revived under the direction of the Court of Directors who felt that many of the ills of the old police might be attributed to the decadence of the village police. Efforts had been made with a view to enthusing more confidence in the efficient functioning of the village police. But the failure to provide sufficient manyam lands and adequate remuneration owing to the wavering policy of the officers as well as the negligence of the higher officers, did not allow them to be very useful to the department. Furthermore, caste distinctions stood as a barrier to the efficient functioning of the village police as most of the watchmen had been recruited from the lowest castes of the society; this severely limited the choice.

The revolt of 1857 forced the British authorities to recognise the glaring shortcomings in the administrative system in various branches. They realised also the depth of discontent they had caused in the minds of Indians. Efforts were made as soon as normalcy returned to reorganise
the administration with a view to stopping its recurrence. The vital branch of Law and Order received much attention; Acts like the Madras Police Act of 1859 and the Indian Police Act of 1861 set up a uniform police system throughout the country. A series of comprehensive codes were passed which ushered in a new era in the field of administration of justice.

The enactment of the Indian Penal Code and the Criminal Procedure Code cleared the confusion caused by different types of laws which created discontent in the minds of the people. They brought all laws relating to crime and criminals on a definitive footing. But, still the laws remained beyond the comprehension of the masses whose dependence on the vakils was in no way lessened. They dreaded unfamiliar court rooms and the strange formal dress of the lawyers and judicial officers; the strange procedures and formalities observed in the court made the people anxious to avoid involvement in judicial proceedings. The judicial system still failed to evoke their confidence.

The institution of honorary magistrates was indeed a laudable one; since it provided the rural masses with a court where they could freely bring their complaints without any difficulty. They would provide justice almost at their door steps. It saved them much expense; time and strain. The mode of selecting honorary magistrates was governed by special considerations; the government preferred men with influence and wealth rather than merit. This was
prompted by the imperial interest of securing the class of influential people on government's side. This considerably watered down the utility of one of the most important measures with great potential.

Nearly twenty percent of all kinds of cases was tried in the munsif's courts in villages; still some more powers should have vested in the courts which would definitely have reduced the burden of the subordinate magistrates who disposed nearly seventy percent of all kinds of cases.

Nearly all the district courts were located at the district headquarters. The distance of the nearest court to the outlying villages was often more than 100 miles. People had to undertake a long journey to reach the courts with a view to filing a suit or appearing as a witness. Such journeys in the nineteenth century had to be undertaken on foot by common people. A round trip to the places would sometimes necessitate a journey of 200 miles or more over all sorts of rough terrain. Such journeys might take as much as three weeks to complete. For a cultivator, an absence of three weeks during periods of sowing, weeding, irrigation and harvesting might result in the total loss of his crops. The absence from the usual calling for vast majority of people living in extreme poverty would be ruinous.
and might drive even their families to starvation. A larger number of courts were to be opened in the interior to facilitate the ordinary people to have their cases tried without undergoing severe ordeals.

The principal aim of punishment remained deterrance. There was no consistent policy regarding the judicial punishment; the prison, the police and the judiciary held different notions about it. Many of the judicial sentences were watered down by the jail authorities due to the conflicting ideas about what rigorous punishment should mean. Transportation which was a nightmare to the criminals was gradually losing its dread among the people.

The Government of India was beset with financial difficulties owing to the Great Revolt of 1857; this caused strict economy to be adopted as a policy by the Central as well as in the Provincial Governments. The policy of economy caused reduction in the police strength of the Presidency which was already below strength. No doubt, the pressure of work became more acute with the rising trend of crime.

Besides this, the financial difficulties of the government were also responsible for the inadequate number of judicial tribunals in the Presidency. The proportion of courts was low in respect both of population and of area.
Their numbers did not keep pace with the rising tide of crimes and the resultant increase in criminal business.

The financial policy of the government was like placing the cart before the horse. The limited budget did not allow the local governments to launch on any reform for removing or reducing the glaring shortcomings of the administration of justice as well as on the effective maintenance of law and order and suppression of crime. The effort of Madras Government to set up a reformatory for juvenile prisoners proved to be abortive.

The serious crime of gang robbery was practically rooted out; dacoity and robbery, the violent crimes against person and property, were under check. The Thagi and female infanticide were not heard of in the Presidency. There were stray cases of infanticide which were effectively brought to trial.

Most of the crimes against the person and property were perpetrated by Maravans and Kallars, followed by the Koravas and other wandering criminal classes. Next came the Pariahs, the low caste Hindus, Pallis and other local criminal classes. The involvement of Brahmins in the commission of crimes was negligible.
Bellaray, Cuddapah, Kurnool, North Arcot and Salem were more crime prone than the other districts in the Presidency. Violent crimes against the person and property were especially more numerous in the Gceded Districts of the Presidency than elsewhere. Malabar and South Canara were least affected by crime.

A close analysis of the shortcomings in the administrative system would reveal that they often were the result of overriding insistence on the strictest economy. The Supreme Government was beset with great financial difficulties consequent upon the Great Revolt of 1857 and its suppression. The authorities in London and India ordered that severe measures of economy should be adopted by all the provincial governments. The correspondence, both public and private, of the period reverts again and again to this aspect. The Madras Government had no option except obeying such peremptory orders.

The Presidency Government had to reduce the strength of the police against their better judgement. They had to do it in spite of a rising trend in crime. They could not entertain any proposal to better the emoluments of the policemen. The thana circles remained large and, in some cases at least, unwieldy. More than half of all the cases of petty crimes against property were allowed to remain uninvestigated partly because of the insufficiency of the police force.
A need for strictest economy was also responsible for difficulties in the administration of criminal justice. The judicial officers were overburdened. The number of judicial tribunals was inadequate in respect of population and area. The rising trend of crime and the resultant increase in criminal business called for a substantial addition to the existing tribunals. The Government, it seems, was not in a mood to substantially alter the structure of taxation for raising additional resources though it might lead to an imperfect fulfillment of the most important obligation of any civilised government—proper enforcement of the law and the maintenance of order. Adequate and effective security of the person and property of the subjects appeared to be secondary to the overriding considerations of economy to the occupants of the ivory towers of the Fort St. George and the Writers' Building at Calcutta. It is indeed a very unfortunate and warped view of the true imperial interests.