CHAPTER 1

Introduction

The problem of assessment and collection of revenue has received notice from the present day scholars but not another vital problem of the Nineteenth Century, namely the maintenance of law and order. Law and Order is, both historically and empirically, a concern of all citizens. Historically, the principle reaches back to pre-historic times when primitive man first organised society.

The East India Company adopted the existing police system in the conquered territories with certain modifications. The police did not encounter any foul weather in the early years of the Nineteenth Century. However, the police organisation in the districts of the Presidency was haphazard. A Police Committee was appointed in 1804 to suggest ways for its improvement. Madras Regulation XI of 1816 gave a definite shape to the police administrative system throughout the Presidency. Under it, the police was made inseparable from the revenue department. In the districts, it was put under the superintendence of Collectors and Magistrates; they were, however, subject to the scrutiny of the Courts of Circuit and Sadr Courts. The subsequent enactments gave the subordinate revenue officers a free hand in relation to police work; it resulted in degeneration of the police work, and induction of many of its gravest ills.
The village police, the ancient institution which formed the basis of the police in the beginning of the Nineteenth Century, was neglected subsequently and the Court of Directors felt unhappy over the decay of the village police; they attributed the ills of the old police to its decadence. Attempts were made to revive the institution; the village police continued to remain in the same condition as the higher police officials did not bestow much attention on it. Further, they did not appreciate the services of the village police.

The perpetration of torture by the revenue servants spread widely and the news of it reached even the British Parliament. The Liberals gave wide publicity to such reports in order to criticise the British Government for its reluctance or even inability to check its officials from resorting to barbarous practices in the name of revenue collection. However, a Commission was appointed in 1855 to inquire into the alleged cases of torture in the Presidency. The findings of the Commission brought out the deplorable condition of the police administration. The Moplah disturbances and the prevalence of gang robberies added to the miseries of the people and caused a feeling of insecurity among them.

1. LPC, 9 September 1854, 322, TCR, 45.
2. ICR, 47.
3. Minute by Lord Harris, 11 September 1856, 38, LROH, 39; The History of the Madras Police, 269 and 270.
The condition of the Presidency during the first decade of the period under study was deplorable not only in the matter of police administration but also in the administration of Criminal Justice. The different types of laws created confusion in the minds of the masses. Their difficulties were greatly enhanced by the complicated and, quite often, conflicting procedures adopted in the courts of the Presidency. The British Government were aware of these difficulties and the process of the codification and simplification of law and procedures was started in the thirties by the appointment of a Law Commission. Yet the government was not motivated with a sense of urgency. The outbreak of the Revolt of 1857 gave a jolt to the British who then realised the imperative need for reorganising the judicial administration and make it more palatable to the ruled.

The formation of a police in Sindh by Charles Napier, and the Punjab dual police system had set new patterns of police administration in India. The Sindh system was much appreciated by George Clerk, Governor of Bombay who desired to remodel the police on the Sindh pattern. Six years later, his ambition was partially fulfilled by the remodelling of the Bombay police in 1853.


5. The History of the Madras Police, 250.

6. Venugopal Rao, 'Police under the East India Company,' Indian Police Journal (Centenary), 1951, 144.
Directors directed the Madras Government to remodel its police. The murder of Conolly, Collector and Magistrate of Malabar made the Madras Government feel the grim reality of the situation; the Government was forced to decide to give effect to the recommendations of the Torture Commission, namely, the separation of revenue from police powers and placing the police under a European officer of its own and, ultimately, reorganising the police into an independent agency for prevention and detection of crime. An effort has been made in this work to study in depth the efforts to evolve a new police devoid of judicial powers, subject to the superintendence of European officers. The organisation of the police, the service conditions and the efficiency of the police have also been analysed. An attempt is made to evaluate the reorganisation and working of the village and town police during the period under study along with the efforts of the Government to revitalise it.

Crime is an important aspect of the social behaviour of man. The present study projects an empirical analysis of crime during the period under review with the help of the data gleaned from Annual Administration Reports, Judicial Administration Reports, District Gazetteers and decennial Census Reports. These reports contain a rich mine of statistical details, which unfortunately, have been neglected by the historians. The analysis of trends

7. TCR, 83.
and patterns of crime which is presented in this study, is simple and visually verifiable through charts, maps and tables. Very sophisticated data manipulation techniques have not been applied to the data as it is not comprehensive enough to permit it. An effort has also been made to explain, as far as possible, the trends and patterns of crime which emerged from the empirical analysis. Of course normative comments and moral judgements have been consciously and meticulously eschewed.

A detailed study of Moplah outbreaks has not been included in the present study. The Moplah territory namely Malabar is situated in one small corner of the Presidency and its impact on general crime situation of the Presidency was negligible. It was a strictly a local problem. Moreover, it would be difficult to add anything new. The outbreaks have been investigated in detail by scholars like Diwan Bahadur C.Gopalan Nair.

The Revolt of 1857 spurred the government to enact a series of codes with a view to obviating the distress and discontent caused by the existence of various kinds of laws in the country. Likewise, the establishment of High Court in 1862 in Madras was followed by reorganisation of criminal courts with definite jurisdiction in the Presidency; it put an end to the confusion created by different sets of courts, often with conflicting jurisdictions. The present study attempts to focus on the nature and character of the agency employed in the
judicial administration, the sufficiency or otherwise of the courts and their accessibility to the common man. An effort is also made to study various aspects of jail administration with a view to investigating the nature of punishment involving imprisonment.

The problem of law and order has received scant notice from historians. The History of the Madras Police is the only book dealing exclusively with the Madras Police; but it is a long narrative of the history of the Madras police, lacking critical evaluation. Furthermore, it is a centenary publication of the police department and, naturally, quite often projects official views.

V.T. Titus' Police Administration in the Madras Presidency, an unpublished thesis submitted for the M.Litt degree to the University of Madras in 1946 deals mainly with the history of the Madras police from the beginning of the Nineteenth Century down to 1946. Since it covers a long period, specific problems pertaining to police administration in mid Nineteenth Century could not be properly noticed.

Among the general histories of the Indian police we should note J.C. Currys' The Indian Police, Sir P. Griffiths' To Guard My People, the History of the Indian Police, and A. Gupta's Crime and Police in India upto 1861 and The Police in British India (1861-1947). These authors did not present a pointed study of the problems of Madras
police. No detailed account is presented; they generally deal with Madras police in a nutshell.

This study is based upon the official proceedings, consultations, despatches and other official reports, preserved in the Tamil Nadu Archives, Madras, and in the National Archives of India, New Delhi, and several collections of private papers whose microfilm copies are available at the National Archives of India. On their basis, it has been possible to make a coherent study of the problems connected with law and order in Madras Presidency.