CHAPTER 2

Madras Police in Mid-Nineteenth Century

The police system of the Presidency at the end of the Eighteenth Century was in no way inferior to any other system and, in a large measure, it was more active and useful, being based on the village police system dependent mainly on the hereditary principle. It drew the attention of the British who adopted and continued it for more than half a century with certain modifications. It is proposed to analyse the organisation of the police establishment adopted by the British till 1859. The prevailing condition of the police system in mid-nineteenth century that led to the installation of the Torture Commission and its findings, its recommendations and subsequent follow-up action by the Government of Madras, are dealt with in the following pages.

At the time of acquisition of the provinces in the Presidency, the British found the existing police, based on the village system, impressive, and continued it with slight modifications for the prevention and detection of crime.1 Thereby the zamindars were not completely stripped of their police duties; in lieu of such services they were made to pay enhanced revenue. They were used

1. East India Judicial Selections, i, 154, IPCR, 11.
to extort and amass wealth, which was often dissipated in a jealous rivalry of ostentatious display. The weapons which were intended for the enemies of the state were quite often turned against the state itself and against each other. In short, they were used for personal aggrandisement, mutual rivalry or public plunder. It was sometimes with great difficulty that the regular army could restrain the insolence or insubordination of such rebels and robbers. 2

The government, therefore, put the police duties in the hands of District Magistrates who had a staff of darogahs with subordinate officers and a body of peons. 3 The heads of villages, aided by accountants and servants like taliar, were invested with police powers. They were subject to the authority of the zamindar, an honorary distinction similar to that of Lords Lieutenant of Counties in England. This system was most suitable for the needs of the country, and was least calculated to excite suspicion and alarm. 4 This was effected with a view to rendering their influence useful to the state by investing it with the sanction of public authority and by uniting it with a responsibility which might ensure its exercise for beneficial purposes. Any deviation from the

2. Ibid., 11.


established usage and prescriptive rights might arouse discontent and rebellion as was the case in Malabar.

Under the new system, the headmen were made responsible for the conduct of the inhabitants of their respective villages. As a check, the headmen were made accountable to Magistrates for neglect of duty. They were made liable to prosecution in the zillah courts for any abuse of their authority. All details pertaining to suspicious elements were to be forwarded to the police darogah who had to keep with him the register of all rowdy or suspicious characters on the basis of information furnished by the village accountant at the instance of the headmen. Besides, the execution of warrants from Magistrates was the sole responsibility of the headmen who were empowered to call upon all persons to assist them in the performance of such duties. Those who refused to render such assistance were liable to be punished by a fine. Even the headmen were not an exception to this rule. The headmen had also to procure the supplies required by European travellers at fixed prices.

The karnam, taliar and other village functionaries discharged their police duties under the direction of the

5. Ibid., 47.
headmen. The appointment of a peon paid from the public funds in the establishment of the headmen would in no small measure result in the enhancement of their authority. At the same time, it would act as a check upon them. 6

Though the zamindar was the highest police officer in his zamindari, the real police work was executed either by the darogah or his deputy, usually appointed by Magistrates on the recommendation of the zamindar. Such zamindars as were empowered to act as police officers were allowed to take out a commission from the judges and the Magistrates. Simultaneously, they were required to execute a penal engagement. Neither the zamindars nor the darogahs were the appointing authorities of any of their subordinate police officers. 7 But the revenue servants employed by the zamindars were to assist the police officers in the discharge of their duties, especially in the execution of warrants on pain of punishment.

The police establishment attached to the judges at the headquarters was composed of muktasars or darogahs, mutasaddias, dafadars, kotwals, thanadars and peons. 8 The darogah, the principal police officer, who received a pay

6. Ibid., 53.
7. Ibid., 57.
8. MJS, i, 223.
from 15 to 25 pagodas per month was put in charge of two or three circles according to their extent and population. He had to reside in the same town as the amildar whose presence deterred the darogah from fomenting disputes with a view to receiving money privately from both the parties. His duty compelled him to make rounds of the area committed to his charge, three or four times a year. The mutasaddi was the keeper of records and the peons were the watchmen. All the peons, with the exception of guards, were to remain with the darogah. Their pay was less than that of army sepoys.\textsuperscript{9} However, the peons depended largely on the taliars and kavalkars for information regarding criminals, and these were undoubtedly the persons best qualified by virtue of their local knowledge and habits of life.\textsuperscript{10} The taliars were paid by a mixed allowance of land, money and grain along with certain cesses such as mara, wartanah and mooleries.\textsuperscript{11}

\textsuperscript{9} Colonel Munro's Report, 10 April 1806, 25, MJS, i.

\textsuperscript{10} Ibid., 22.

\textsuperscript{11} Mara was a fee on the produce of the soil; wartanah was a fee on houses and shops; mooleries were fees on goods passing through the country. Ibid., 30.
In 1813, the Government of Madras appointed a 'Police Committee with R. Fullerton as President, to make an enquiry into the administration of Justice and police in the Company's territories. The Court of Directors, dissatisfied with the existing Darogah system of police as ineffectual and ill-adapted to its intended purpose, strongly insisted upon the maintenance of the village police based on the views expressed by Colonel Munro and Colonel Wilkes. Further, they agreed with Colonel Munro in favouring the Collectors being in charge of the police and, thereby, the control of the police as well as the duties of the Magistrates were to be transferred from zillah Judge to the Collector. The Tahsildars


13. '...by reverting to the village institutions, an expensive police which has been formed within these few years and is still increasing, might be abolished, as not only useless but vexatious to the country; that there was already an ancient system of police in India, which answered every useful purpose, and which required no other aid, unless that of being resorted where it may have been destroyed by violence.' - observation of Colonel Munro.

'...the new establishments of police, in which such large sums have been unnecessarily expended, might be entirely reduced, by putting into activity the admirable institution of village officers, instead of attempting to destroy that excellent instrument of which, he adds, "I speak not from vague observation of what it is."' - Colonel Wilkes. CD to GM, 29 April 1814, 94.

could also work as police officers as they were closely connected and in constant communication with the patels and other village officers by virtue of their subordination to the Collector in revenue matters. Therefore, the Commission recommended that the new police establishment under the Collector should consist of the Tahsildars, Amildars, village patels, karnams and taliars aided by the Amildar's peons and by the kotwals and their peons in large towns.15

The recommendations of the Commission were largely incorporated in the Madras Regulation XI of 1816 which was enacted for the purpose of establishing a general police system throughout the Presidency. The Collector and Magistrate was placed under the scrutiny of the Courts of Circuit and Sadr Courts who, in turn, reported their findings about the police to the Government. Regulation IV of 1821 increased the powers of police Ameens who were in charge of towns with large European population. The new enactments which made the supervision of the police the joint responsibility of the Collector and the Courts of Circuit, both of whom were already pressed heavily by their respective work, gave subordinate revenue officers a Roman holiday in relation to their police work. The concentration of revenue and police in one hand, coupled with insufficient and ineffective

15. BRP, 18 December 1815, MJS, ii, 390 and 391.
supervision, resulted in the free use of torture for the purpose of extracting Government revenue. The abolition of the Courts of Circuit and the subsequent establishment of zillah courts or Courts of Sessions by Regulation VII of 1843 brought the police under the superintendence of the latter. The structure of police thus evolved remained largely unaltered till the sweeping reforms in the 'fifties.

Usually, the heavy revenue work drew the zeal and attention of the officials to revenue duties and, consequently, the police branch of their duties was generally neglected by Collectors and all their subordinates down to the ordinary peons. The avenues of promotion and distinction were scarce in the police department. 'For the Europeans', Le Geyt said, 'the path of promotion and distinction is not the department of the police but of revenue. There are no rewards for able police officers, no prestige even attaches to ability in this department obtaining for its possessor credit in the eyes of Government or among his fellow servants.'

The formation of the Sindh Police by Charles Napier in 1846 on the model of the Royal Irish Constabulary was a landmark in the history of the Indian police. It

17. The History of the Madras Police, 260.
18. Ibid.
served as a prototype for police systems in subsequent acquisitions of territories by the British.19 Armed police or Sibbandi Corps were stationed in different parts of the Presidency as early as 1840 for purposes other than ordinary police duties and had been separated from the rest of the police establishment.20 They were a kind of militia. The Sibbandi Corps consisted of officers such as Darogah, Sirdar, Jamadar, Dafadars, Naib Dafadars, Naiks, Lance Naiks, Rayasums and Peons. On the whole, their number did not exceed one hundred and fifty men. They were under the charge of European officers, mostly the adjuncts of the army. They were also employed in guarding and escorting the prisoners.21 They were employed in guarding the ghats also, especially in the district of Bellary. The Magistrates of Masulipatam, Rajamundry, Vishakapatnam and Ganjam were empowered to use their discretion in fixing their number for the

19. 'To secure the peace of the country and avoid disseminating the troops which would render them familiar with the people and possibly diminish the wholesome fear of our power, I established a police of 2400 men, well armed, drilled and divided into three classes, one for the towns, two for the country, the first of all infantry, the two last infantry and cavalry; called the Rural Police. They assist the Collectors but form a distinct body under their own officers.'—Charles Napier, Ibid., 260.

20. Sy to MG to Sy, GI, 2 July 1851, 403 A, MJC, 11 July 1851, 4; The History of the Madras Police, 325.

protection of the frontier. They proved to be neither police nor good soldiers. Since it was an expensive organisation, W. Robinson, Inspector General of Police, favoured the merger of the Sibbandi Corps with the New Police. Consequently, the merger took place in 1862 and they were maintained as Armed Reserves.

The murder of Conolly, the Collector and Magistrate of Malabar, at the hands of Moplah assassins on 12 September 1855, alarmed the Government, and it immediately alerted the police corps under Major Hally and the regular troops in the district for the capture of the murderers by authorising the offer of any reward however high for their apprehension. However, the murder and subsequent events brought to light the worthlessness of the police in Malabar. The condition of the police was no better.

23. Memorandum by W. Robinson, PRPI, 1861, 158.
25. Minute by Montgomery, 25 September 1855, MJC, 2 October 1855, 40; 'There were 31 distinct Moplah outbreaks between 1837 and 1852', Special Commissioner's Report on Moplah Outbreaks, 25 September 1852, The History of the Madras Police, 269.
26. 'It appears incredible that a band of men should traverse a great part of the district for a period of six weeks, with the avowed intention of destroying the principal person in it, that this intention should be known to hundreds, probably to thousands and that not a whisper of it should be conveyed to those entrusted with the preservation of order or if known should be completely withheld.' - Elliot (Member of the Council), Ibid., 272; PRPM, 38.
in the rest of the Presidency. The lackadaisical attitude of Collectors to police work and consequent growth of indiscipline and corruption in the ranks of revenue servants drew the attention of the Court of Directors. They contemplated the need of a drastic reform in the police system of the Presidency as it was not able to cope with the prevailing amount of crime or to ensure protection to person and property. While the matter was under consideration, the Madras Government received a further jolt during the debates in British Parliament where Madras Presidency was subjected to scathing criticism.

In 1852, a memorandum detailing the grievances of the people of South India was addressed to the British Parliament by the Madras Native Association under the guidance of Gaju Lakshminarasu Chetty. The petition was put on the table of the House of Lords on 25 February 1853. On the necessity of the installation of a Commission, Lakshminarasu Chetty further wrote on 24 January 1853 as follows: 'If a Commission could be obtained to take information in this country, all the more glaring complaints could be fully substantiated. We have tried to avoid exaggeration in our statements, but the evils alluded to are so great that nothing will

27. Sir Pecival Griffiths, To Guard My People, The History of the Indian Police, 78.
29. Parameswaran Pillai, Representative Men of Southern India, 156.
convince people in Europe of their truth except the establishment of such Commission.' The petition, though initially assailed as 'a tissue of misstatements', certainly contributed very largely to those numerous enquiries, into the practice of torture. 30

On 31 July 1854, on Blacket's motion, a debate on the alleged use of torture in Madras Presidency by Indian officials while exacting government dues, ensued in the British Parliament. 31 The reports of torture were based on the information furnished by officials and other residents in that Presidency. Torture and coercion were freely used in order to collect taxes. 32 A number of British merchants who knew it were too afraid to disclose it for fear of incurring the displeasure of the local government. The miserable ryots were taxed very heavily. They were put to still further exactions by the employment of physical violence. J.B. Norton, a barrister, and other members, described the brutalities committed while enforcing payments on ryots. D. Seymour, who had himself toured over large areas of the Presidency in the company of Lakshminarasu Chetty, Phillimore and V. Scully called

30. A handsome compliment was paid to Lakshminarasu Chetty by J.B. Norton in 1879, Ibid., 163.
for an inquiry into the allegations.\textsuperscript{33} Charles Wood, the President of Board of Control, who claimed hearing about the Madras tortures for the first time, promised a searching enquiry.\textsuperscript{34}

Charles Wood instructed the Government of Madras to institute a most searching enquiry into the alleged use of torture by Native Officers.\textsuperscript{35} But the Governor of Madras, anticipating a wish from the Court of Directors, had already ordered the Collectors to enquire about the facts of the allegation in their districts.\textsuperscript{36} Further, the Collectors were empowered to seek information from respectable residents, Europeans or Natives who were unconnected with Government, by availing themselves of the help of all judges, engineers, medical officers and army officers. The Governor-in-Council went a step further by appointing a Commission known as the Torture Commission, consisting of E.F. Elliot, Chief Magistrate of Police in Madras, H. Stokes, Madras Civil Service, and J.B. Norton, Barrister, to investigate the alleged cases of torture.\textsuperscript{37} The Government desired to wipe such crimes out of existence.\textsuperscript{38} However, the Commission was directed

\textsuperscript{33} Parameswaran Pillai, \textit{op.cit.}, 154; TCR, Appendix A, Enclosure 2, 47.

\textsuperscript{34} TCR, 47.

\textsuperscript{35} Pub. Desp. to England, 23 September 1854, 30, 2.

\textsuperscript{36} \textit{Ibid.}, 2.

\textsuperscript{37} Govt. Order, 26 September 1854 - Notification, 603, MPC, 8 May 1855, 65.

\textsuperscript{38} TCR, 5.
not to interfere with the enquiries to be made by Collectors.\textsuperscript{39}

The Commission's powers were duly enlarged in October 'to investigate all cases which might be brought before them either of torture inflicted or punishment of any kind illegally administered.' Thus the enquiry was extended even to police cases.\textsuperscript{40} At the request of the Commission, the appointment was notified in all languages and wide publicity was given in all the leading newspapers. The Act XXXII of 1854 was passed to facilitate the Commission to administer an oath to witnesses.

The Commission grouped the evidence under six heads, namely, the opinion and belief of former officers, report of the contemporary officers, testimony of eye-witnesses, statement of actual sufferers along with the examination of the accused, the admission of individuals from among the revenue officials both European and Indian, and the records of abuse of authority and cases tried by Magistrates during the preceding seven years.\textsuperscript{42}

\textsuperscript{39} Res., 30 September 1854, 1018, MPC, 3 October 1854, 22.

\textsuperscript{40} Res., 1027, MPC, 3 October 1854, 38, 10.

\textsuperscript{41} Ibid., 7.

\textsuperscript{42} TOR, 53.
After a thorough consideration of the whole mass of evidence, the Commission concluded, 'that personal violence practised by the native revenue and police officials generally prevails throughout the Presidency, both in the collection of revenue and in police cases.' Many cases that came before the Commission clearly revealed that the use of torture was mainly to gratify the private passions of the native officials whether of avarice or revenge. Bribe or Mamool was universal, and where payment could not be obtained easily, oppression would be resorted to by using the combined forces of revenue demands and police authority.\textsuperscript{43} This was corroborated by the evidence of Nalla Muthu Pillay.\textsuperscript{44}

The Commission's conclusion indeed endorsed the statement of Ninchin, the Acting Sub-Collector of Nellore, that 'Personal violence may be the rule and not the exception in a district.' This general remark may be sufficient to account for the existence of torture. The Commission was surprised at the unanimous acceptance of the fact by the people and lower officials that, in criminal cases,

\textsuperscript{43} TCR, 60.

\textsuperscript{44} '...oppression was used by the Government Native Servants over the fellow subjects for realizing their own illicit demand than for the actual collection of the Government's due.' - Nalla Muthu Pillay, TCR, 35 and 36.
the practice of torture was not only necessary but proper. Surprisingly, it excited no abhorrence or astonishment or even repugnance in their minds. 'optimum habemus testem confitentem reum,' a maxim not unknown to English Law, seemed to have been received by the people at large with implicit credence, no suspicion being felt about the dangerous fallacy which lurked beneath the doctrine.

The Commission purposely took note of the common violence incidental to normal family intercourse. It ignored the fact that wife-beating or child beating was then prevalent in the West also. To the Commission, the torture seemed a 'time-honoured institution.' Regulation XI of 1816, Section 17, required the police to produce the prisoners and witnesses before the Judges within 48 hours of apprehension but no law was more freely broken. The Commission noticed the highhandedness of police in detaining the parties involved in cases for a long period of time despite the circular orders of the Faujdarree Court. This irregularity afforded the readiest opportunity both for the use of personal violence and the defeat of its detection. The practice of eliciting

45. 'Had I not buried some of the suspected parties up to their necks in mud and dipped others at the end of the Pocottah pole in the well within an inch of their lives,' said a Tahsildar the other day, 'I had never got the information...'-Mutadar of Salem to G3, 6, TCR, Appendix C 14, 56.

46. Ibid., 55.

47. Ibid., 63; MFC, 19 September 1854, 955.
information in criminal cases and extortion of dues in revenue matters by means of torture was legacy of administration borrowed from the Native rule. Hence it was no innovation. But the practice of torture was conspicuously absent in Tirunelvelly, only one district in the whole Presidency, owing to the revengeful spirit of the people. The inefficiency and unskilfulness of the police, coupled with the indifference of the people to give them assistance, were the primary causes for the practice of torture.

<table>
<thead>
<tr>
<th>Year</th>
<th>persons apprehended</th>
<th>Acquitted</th>
<th>Punished &amp; Convicted</th>
<th>Acquittals</th>
<th>Condictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1850</td>
<td>1,32,994</td>
<td>67,677</td>
<td>45,323</td>
<td>36.28</td>
<td>25.04</td>
</tr>
<tr>
<td>1851</td>
<td>1,74,473</td>
<td>67,996</td>
<td>40,560</td>
<td>38.37</td>
<td>23.24</td>
</tr>
<tr>
<td>1852</td>
<td>1,76,367</td>
<td>68,259</td>
<td>41,445</td>
<td>38.70</td>
<td>23.49</td>
</tr>
<tr>
<td>1853</td>
<td>1,83,661</td>
<td>72,903</td>
<td>41,465</td>
<td>39.63</td>
<td>22.57</td>
</tr>
<tr>
<td>1854</td>
<td>1,90,685</td>
<td>77,413</td>
<td>44,741</td>
<td>40.59</td>
<td>23.46</td>
</tr>
<tr>
<td>1855</td>
<td>1,91,359</td>
<td>77,150</td>
<td>43,462</td>
<td>40.31</td>
<td>22.71</td>
</tr>
<tr>
<td>1856</td>
<td>2,07,032</td>
<td>79,113</td>
<td>47,474</td>
<td>38.27</td>
<td>22.93</td>
</tr>
</tbody>
</table>


49. Arunachalla Pillay, Principal Sadr of Tirunelvelly, TCR, Appendix C, 21.

50. TCR, Appendix C, 18.

51. Data have been collected from EJ CrJ 1853; Letter 31 July 1857, 75 A, MJC, 25 August 1857, 9.
Table 2.1 clearly shows how the efficiency of the police deteriorated in the first decade of the period under study. There was a general decline in the proportion of convictions to number of people apprehended. The large proportion of acquittals was attributable to a want of deliberation and judgement on the part of the police officers. 52

The immense extent of zillahs and the long distances separating the people from Courts of Justice had long been felt and admitted to be an evil. The unwieldiness of the large tracts under the charge of European officers made it difficult for them to effectively supervise them and look into the abuses personally. Further, their time was principally devoted to their revenue duties and those who took active interest in the superintendence of police were practically debarred by other calls upon their attention from devoting to it that 'unremitting care and supervision which were essential to the prevention and detection of crime.

52. Registrar to the Court of Foujdarree Adalat to Asy to Govt(Jud), 7 February 1850, 13, MJC, 12 March 1850, 12.

53. The district of North Arcot was nearly as extensive as the whole of Wales and was the fourth most populous district. Wales had 7,400 Sq miles and North Arcot had 7,000 Sq miles. The former had 11,84,000 inhabitants while the latter had 14,85,000 - TCR, 73; Statement of Objects and Reasons, 26 February 1859, Papers related to Act XXIV of 1859, 76.
The Commission felt that the people at large found it futile to appeal to European officers for redressal owing to the distance they had to travel at great personal loss and inconvenience. Further, they asserted that the cry of the people was to guard them against the oppressive acts of the Indian government servants but not against European officers. They all along defended the European officers who were either ignorant or utterly helpless in suppressing the evil. But the Commission's view was obviously wrong since the reports of Collectors revealed that they were conscious of such practices. They did not interfere lest that would affect the collection of revenue and the maintenance of law and order. The fear might have had some basis, but knowingly to place the masses at the mercy of tyrants in uniform could never be justified. Their passive attitude was indeed a blemish on their administration.

Most of the revenue officials had little or no formal education. They were not given any training in the police methods. Their incompetence made them to display rapacity, cruelty and tyranny in the execution of duties. Furthermore, they preferred to risk the discovery of practice of torture rather than to incur the displeasure

54. TCR, 54.
of their superiors for failure in their assigned tasks.\textsuperscript{55} The police, considering themselves to be a part of the machinery that ruled the country, considered themselves above the people. One judge aptly classified the population into 'the governing and the governed, the oppressor and the oppressed.'\textsuperscript{56} Such a sense of belonging to the ruling class, it appears, convinced them that they could behave as arrogantly and practice as much as tyranny as they pleased.

From the highest to the lowest, with few exceptions, all acted in league for the common purpose of extortion and for mutual protection from discovery. All acted in unison to defeat all the measures of their victims to obtain any redress against their cheating, intimidation, extortion, fraud and violence. This was facilitated at many places by the concentration of revenue and judicial offices in the hands of persons belonging to some families or of a particular caste. Moreover, often they were closely connected by marriages.\textsuperscript{57} The Commission, who realised how interlinked they were, commented that

\begin{itemize}
\item \textsuperscript{55} TCR, Appendix C, 21.
\item \textsuperscript{56} TCR, 81.
\item \textsuperscript{57} Fiftysix relatives of the Naib Sheristadar of Nellore in judicial and revenue service of the district; nearly 235 Maharastrian Brahmins were government servants above the rank of peons out of a total of 388 in the Bellary District. TCR, 43.
\end{itemize}
' the practice of personal violence can never be completely eradicated until this league be broken up and its power destroyed.' The Court of Directors also directed the Government of Madras that, in future, two revenue servants in the Huzoor or government treasury, should not be Maharastrian Brahmins and that a proportion of the Fauksildars in each district were to be chosen from classes other than Brahmins.

**Table 2.2**

Number of police officers charged with abuse of authority, 1852-55

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of police charged with abuse of authority</th>
<th>Acquitted</th>
<th>Punished</th>
<th>Percentage of punished</th>
</tr>
</thead>
<tbody>
<tr>
<td>1852</td>
<td>1084</td>
<td>816</td>
<td>243</td>
<td>22.41</td>
</tr>
<tr>
<td>1853</td>
<td>977</td>
<td>761</td>
<td>197</td>
<td>20.16</td>
</tr>
<tr>
<td>1854</td>
<td>1006</td>
<td>699</td>
<td>271</td>
<td>26.93</td>
</tr>
<tr>
<td>1855</td>
<td>1143</td>
<td>902</td>
<td>206</td>
<td>18.02</td>
</tr>
<tr>
<td>1856</td>
<td>880</td>
<td>672</td>
<td>203</td>
<td>23.06</td>
</tr>
</tbody>
</table>

58. The powerful combination down to the lowest officials was referred to in Munro's Report wherein he stated that he perhaps only removed one set of servants to employ another equally corrupt—Munro's Report, 10 April 1806, 55; 'Some or all these circumstances unite in every case in more or less forcible combination to render redress not only difficult but in many instances almost impossible.'—TCD, 69 and 70.

59. Rev. Desp. from GO, 1856, 3, 10.

60. Data have been collected from FRJrJ, 1853 - 1856, Appendix G.
Table 2.2 exhibits the number of police officers charged with the abuse of authority during a period of four years. The average of the punishments, which was 22.11 percent, is a testimony of the irregularities to which the police officers resorted to. It is noteworthy that in the peculiar circumstances of the time, the conduct of very few police officials using violence in the discharge of their duties was enquired into.

**TABLE 2.2.**

Various forms of offences under which police officers were charged, 1853 - 1856

<table>
<thead>
<tr>
<th>Year</th>
<th>Bribery</th>
<th>Extortion</th>
<th>Oppression</th>
<th>Other abuses of authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1853</td>
<td>245</td>
<td>184</td>
<td>129</td>
<td>419</td>
</tr>
<tr>
<td>1854</td>
<td>202</td>
<td>250</td>
<td>194</td>
<td>360</td>
</tr>
<tr>
<td>1855</td>
<td>125</td>
<td>203</td>
<td>321</td>
<td>494</td>
</tr>
<tr>
<td>1856</td>
<td>191</td>
<td>215</td>
<td>169</td>
<td>305</td>
</tr>
</tbody>
</table>

Bribery was widely prevalent among the lower cadres as is evident from the table 2.3. Extortion and oppression flourished unchecked through all grades of officials responsible for the maintenance of peace and order. The corruption was very oppressive and injurious to the people for almost all their illicit gains must be at the cost of the purses of the poor people.62 Their pay was not


62. Minute by Thomas, MPC, 3 August 1854, 20.
sufficient to induce an honest discharge of duty. Both village headmen and watchmen connived at the evil and even harboured offenders in return for a share of the booty. 63

The use of kitte, anundal, squeezing the crossed fingers with the hands, pinchers on the thighs, placing in the stocks, tying the hair of the victim's head to a donkey's or buffalo's tail, placing a necklace of bones and other degrading and disgusting materials round the neck were some forms of violence commonly in vogue for extortion. 64 Torture was freely used in a much more aggravated degree in police cases. 65 Lifting a person by his moustache, suspending by the arms while tied behind the back, searing with hot irons, placing insects such as the carpenter beetle on the navel, scrotum and other sensitive parts, dipping in wells and rivers till the party would be half suffocated, and putting pepper or chillies in eyes or introducing them into the private parts of men and women were some of the principal tortures in vogue in police cases. 66 Even though such

63. **FROD, 1853 - 1856, Appendix G.**

64. Kitte was a simple machine consisting merely of two sticks tied together at one end, between which the fingers were placed in a lemon squeezer. Anundal was to try a man down in a bent position by means of his own clothes or a rope passed over his neck and under his toes. 'I rather believe that it (kitte) survives as a menace and that its application as a torture instrument is almost if not entirely extinct.' - CR of South Arcot to CS, 325, MPC, 3 October 1854, 21; TOR, 61 and 62.

65. **TOR, 67; Appendix C 13, 20 and 21.**

66. **Abbe, J.A. Dubois, Hindu Manners, Customs and Ceremonies, 666.**
ill-usage might leave some marks on the person of the victims, they disappeared before they were produced before European Magistrates. Some forms of violence like prevention of sleep or dipping in wells did not leave any mark at all. It was generally practised only on the lower order of the ryots whose position least permitted of their making any complaints whilst their ignorance and timidity rendered them most submissive to the authority.

The infliction of such ill-treatment had come to be looked upon as mamool or customary, an everyday happening and of unavoidable necessity. The use of violence had in fact become so much a part of the system that quite often, even the persons who were able to pay the dues would not do so unless some degree of force was resorted to.

67. MPC, 19 September 1854, 955, 2.

68. 'I brought 14 rupees from my house' says a ryot in a disposition referred to by Lushington 'but only paid six. I brought the said money to pay, but as no violence was used towards me, I did not do so. Had I been compelled, I would have paid them.' - TOR, 74; Forbes, Collector of Thanjavur, writes as follows: 'The ryot will often appear at the Cutcherry with his full liabilities in his possession, tied up in sums about his person, to be doled out, rupee by rupee, according to the urgency of the demand, and will sometimes return to his village having left a balance undischarged, not because he could not pay it, but simply because he was not forced to do so.' - TOR, Appendix C, 16.
The police under the circumstances was a 'little better than a delusion.' Saalfelt regarded the police as 'the bane and pest of society, the terror of the community and the origin of half the misery and discontent that exist among the subjects of Government.' Even the victims of crime did not escape from the clutching grasps of the heartless police. Many a time, the parties robbed were coerced and detained in the Kachery for days or weeks to the detriment of their normal life and pursuits in order to force them to point out the supposed thieves. To avert this danger, they generally disavowed the stolen articles and disclaimed the property though their names were found on it in bold letters.

### Table 2.4

<table>
<thead>
<tr>
<th>Year</th>
<th>Gang robbery</th>
<th>Highway robbery</th>
</tr>
</thead>
<tbody>
<tr>
<td>1854</td>
<td>1,724</td>
<td>831</td>
</tr>
<tr>
<td>1855</td>
<td>1,675</td>
<td>927</td>
</tr>
<tr>
<td>1856</td>
<td>604</td>
<td>475</td>
</tr>
</tbody>
</table>

Table 2.4 clearly indicates that nothing could be done against those who chose to perpetrate acts of violence.

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6. ECR, Appendix C, VIII/6, 87.
7. Ibid., 87.
8. Minute by Lord Harris, 11 September 1856, 58.
or robbery. There was not much probability of preventing them and the culprits had a fair chance of escaping detection.

The strength of the European officers in districts was insufficient for the actual needs of the Presidency. Hence, the Commission recommended that the substantial strengthening of the element of European agency into civil administration of the districts might put an effective check on the prevailing obnoxious practices. However, the Commission felt that the use of the phrase European agency would give room for suspicion and indicate hostility against the Indians. Then it substituted the term moral agency without reference to colour or birth.

Police powers were separated from Judges and transferred to Collectors as early as 1816 with a view to enabling the Zillah Judges to devote their whole time to the administration of Justice. The concentration of police

72. The proportion of European officers to the extent of territory and population in certain districts of the Presidency was as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Area in Sq.miles</th>
<th>Population</th>
<th>Number of European officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vishakapatnam</td>
<td>7,650</td>
<td>12,54,272</td>
<td>4</td>
</tr>
<tr>
<td>Cuddapah</td>
<td>12,970</td>
<td>14,51,924</td>
<td>4</td>
</tr>
<tr>
<td>Bellary</td>
<td>13,056</td>
<td>12,29,599</td>
<td>6</td>
</tr>
<tr>
<td>North Arcot</td>
<td>6,800</td>
<td>14,85,372</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>61,632</strong></td>
<td><strong>74,32,556</strong></td>
<td><strong>16</strong></td>
</tr>
</tbody>
</table>

73. TCR, 93.

74. Jud Desp. of CD, 20 December 1815; TCR, 91.
powers in the revenue officials created new problems. This armed even the petty officials with enormous powers which they did not hesitate to misuse. The only remedy would be the separation of police powers from revenue.\textsuperscript{75} Madras Times, the English newspaper, went a step further in stating that the existing police ought to be supplanted by a better police system as quickly as possible.\textsuperscript{76} Such a creation of different establishments would undoubtedly afford a great relief not only to the over worked government servants but also to the public. Both would tend to act as a check on one another. They must be placed under the superintendence of European officers of their own who could devote undivided time and attention exclusively to them.\textsuperscript{77} This would form an effectual check on resorting to torture for eliciting confessions and would guarantee the peace and safety of the subjects. Such a step would render the police more vigilant and efficient in detective duties.

In order to relieve the Collectors of their multifarious duties, the uncovenanted agency was to be increased in number with a provision for better emoluments and position on par with other presidencies.\textsuperscript{78} The Marathi language

\textsuperscript{75} TCR, 85.

\textsuperscript{76} Madras Times, 23 May 1859.

\textsuperscript{77} TCR, 88.

\textsuperscript{78} Rev. Desp. from CD, 25 September 1855, 42, 17.
was to be replaced by English as the official language; it would deliver a death blow to the concentration of revenue offices in the hands of Maharastrian Brahmins.

The Commission made some recommendations for long term reforms which would go a long way in ultimately putting the police on proper footing vis-a-vis the people. It suggested that the Government should take steps to change the character of Indians by means of widespread education, opening up of communication and the increased intercourse of mind with mind. Lowering the assessment upon the ryots would help in obliterating the oppressive practices of the police. The Commission, however, did not bother to explain how lowering of revenue assessment would be of help. The oppression did not result from a high rate of assessment, but from the greed of the government officials who were anxious to realise something for themselves along with the government revenue. That temptation would still remain even when the government demand was lowered. These recommendations were only general in nature.  

On the whole, the Commission hoped that its installation and its subsequent investigations had created salutary fear in the breasts of the corrupt officials and developed confidence in the hearts of the people to resist their

79. TCR, 77.
oppressors. The Commission, while submitting its report on 18 April 1855, appealed to the Government to implement the report as, otherwise, it would leave the courageous people who came forward to lodge complaints against the merciless officials, open to vengeance. Meanwhile, Lakshminarasu Chetty, one of the founders of the Madras Native Association, caused a memorial to be numerously signed and sent to British Parliament where it was presented to the House of Lords on 14 April 1856. The House thereupon condemned the practice of torture in clear terms.

Lord Harris, while acknowledging with thanks the Report, expressed his regret for the very sad state of affairs. The evil of torture was shown to be of a most serious nature both in extent and intensity. It would perpetuate the moral and social degradation into which the inhabitants of the Presidency were already sunk. He directed the distribution of the copies of the Report among all officers and Collectors who were asked to investigate those cases which were brought before the Commission. He resorted to drastic action by announcing that in all instances in which it is proved that the police are

30. TCR, 97.
32. Minute by Lord Harris, MPC, 12 June 1855, 946.
guilty of these acts that in addition to any punishment they may receive for the actual offence, they should be dismissed from the service with a positive prohibition from reemployment.' He firmly stood by the Commission for the separation of the revenue and police powers, and the members of his Council solidly endorsed his views. 83

Certain remedies were proposed in the Governor-in-Council's resolution of September 1855 to strengthen the European agency, the amendment of law, separation of powers and the reorganisation of police. The Collectors were ordered to issue a general proclamation to the effect that the ill-treatment and illegal exaction meted out to the ryots by the village officers were punishable by the criminal courts. 84 The concentration of offices in one caste by virtue of the Marathi language being the official revenue language was to be done away with.

The Government ordered the Board of Revenue to take steps to replace Marathi system of accounts. It was to be gradually replaced as the official language. Thus, the use of Marathi was abolished in the provincial courts and in the Board of Revenue with the approval of the

83. Ibid., 946.
84. MRC, 6 February 1855, 826.
Court of Directors in 1855. 35 The Advocate-General was asked to recommend such alterations as were necessary in the state of law in order to suppress the abuse of authority. The existing system of annual assessment was considered to be the source of all evils in the financial administration since it required frequent inspection of areas under cultivation and interference of the whole class of inferior servants. Such a system was to be replaced by a settlement with the ryots for a term of several years. 36 Concurring with the view of Elliot, the Governor-in-Council stated that the longterm settlement was to be introduced after the completion of revenue survey. 37

The Governor of Madras fully agreed with the Commission on the separation of the revenue and police powers, the placing of the police under the superintendence of a European, and the ultimate reorganisation of the police into an independent agency for the prevention and detection of crime. Thus the recommendations of the Commission were sincerely followed up; it set the ball rolling for significant police reform.

85. Minute by G-in-C, November 1854, MRC, 14 November 1854, 320; Desp. from CD, 1855, 32 to 35.
86. Rev. Desp. from CD, 10 June 1856, 17, 5.
87. Ibid., 5.
The Presidency Town, Madras, had a peculiar position right from the beginning of the British rule. It had its own administration and police system. The latter especially was independent of the general police. The growth of the Madras City Police was linked with the expansion and development of Madras City. Madras City, being one of the earliest British trading settlements, bore the stamp of commercial progress by about the middle of the Nineteenth Century. The changing atmosphere made imperative the altering of the laws and regulations for the maintenance of law and order in the city. The regulation framed by George Norton, Advocate-General, seemed to be inadequate to meet the growing needs of the City Police. Elliot, the Chief Magistrate and Superintendent of Police, who had steered the police through the storms and stresses for nearly two decades and earned the appreciation of the Government and admiration of the people, was ordered by Government to prepare a code for Madras City Police on 19 April 1853. Some of the sections of his draft were symptomatic of the powers of a Colonial Government. Institution of two or more police courts with the Commissioner of Police as the Chief Magistrate was envisaged under Section 4. The Commissioner would be assisted by two deputies.

88. The History of the Madras Police, 166.
Advocate General's report on the proposed draft was sent on 10 October 1853 to the Government. The Advocate General was not in favour of Indians being invested with magisterial powers that would enable them to sit singly as Justice; fortified by the speech addressed by G. Norton in 1843, he sounded that Indians were educationally unfit to hold such posts. After making certain minor amendments to the draft, the Government ensured that the Indian Magistrates were not to sit singly, and instructed Ramanujacharloo, the Deputy to the Superintendent of Police, that he was to exercise his powers pertaining to police duty but was not to perform the magisterial duties of the office. Thus the draft of Elliot formed the basis of the City Police Act XIII of 1856 which came into force from 1 November 1856.

The creation of a superannuation fund was the leading feature of the City Police Act. The contribution was half an anna or three new paisa in the rupee by every member of the force. The amount accruing out of stoppages due to sickness, fines for misconduct and on drunken persons

39. Mr. Norton had stated, 'But the natives of this Presidency are very inferior in point of qualification to the numerous wealthy, educated and intelligent natives of other Presidencies. They are scarce more than awake to the advantages of results of education.' *Ibid*, 135.

90. Papers related to Act XIII of 1856, 1054 and 1055, MA.
or for assaults on police officers and sale proceeds of wornout clothing was to be added to this fund for the purpose of giving retiring allowance or gratuity. The novel feature would be more beneficial to the force, if the contribution to the fund was not at the cost of the policemen but of the Government.

Lieutenant Colonel J.C. Boulderson became the first Commissioner of Police in 1856 under the new Act. The Commissioner of Police was empowered to make rules to be approved by the Government, and reserved the right to appoint and discipline any member of the force. The City police were entrusted with normal police functions. In addition, they were also to discharge some municipal duties relating to sanitation and problems incidental to a big city. The Commissioner was authorised to make bye-laws which he deemed necessary for the preservation of order, subject to the approval of the Government. He had the privilege of being appointed a Justice of the Peace and was vested with the jurisdiction of Magistrate of Police. He possessed the sole authority in regulating the public or religious processions and in licensing the use of music in the streets as well as public places within the city.

91. Act III of 1862.
The Commissioner was to be assisted by a Deputy Commissioner who was, in fact, to discharge all the duties of the Commissioner of Police in the Northern district, whereas the Assistant Commissioner, preferably an Indian, was to assist the Commissioner of Police by taking charge of the Southern district of the city. Neither the Deputy nor the Assistant Commissioner had the right to punish, promote or transfer any member of the force under him. The former had to make periodical checks of lock-ups, stations and the premises, stocks and accounts of dealers in arms and ammunitions. In some important cases, his attendance at the Magistrate's Court was insisted upon. The former was the Crown Inspector of Factories for the City of Madras, and an official visitor of the Government Work-house and Lunatic Asylum. Both were made responsible for most delicate and responsible duty of regulating the religious processions, whereas the latter dealt mostly with the cases in which Hindus were concerned.93

Next in the hierarchy came the Inspectors who were to be exclusively either Europeans or Eurasians, put in charge of each division. A large number of Europeans settled in the city would never accept the authority of an Indian Inspector. On the whole, there were seven divisions, three in the Northern district and four in the Southern.94 The administrative work pertaining to the division along with the patrolling was to be done by them. Under the

93. The History of the Madras Police, 177 and 178.
94. Ibid., 178.
Coroner's Amendment Act, they had to hold inquests in those parts of the town which fell beyond the Coroner's jurisdiction. 95

The Sub-Inspectors' cadre was entirely manned by Indians and their special duty was to enquire into cases in which Indians were involved, besides performing their usual detective business of the division. The sergeants who were all Europeans or Eurasians, being attached to each police station, had to furnish daily patrol reports, like the head constables. Head constables were the keepers of all records pertaining to the crime and criminals, maintained in the vernacular. 96 Their special duty was to receive and record complaints, and to enquire into cases. Normally, three were attached to a station, each being particularly responsible for one beat. Twenty-one constables were attached to each police station.

Act XXIV of 1859 carried out a great reform of the whole Presidency police. The Madras City Police, however, continued to be administered by Act XIII of 1856 till 1867, when it was incorporated by Act VIII of 1867 in the general police force of the Presidency. Thereby, the administration of Madras City Police was vested in a newly

95. Ibid., 173.
96. Ibid., 179.
appointed officer styled as the Commissioner of Police who was subject to the authority of the Inspector General of Police. All the provisions of the Act XXIV of 1853 and the Criminal Procedure Code were made applicable to the City Police.

The Police Courts were constituted on 13 February 1857, one in each of the police districts of Madras city. The Magistrates of the Courts were also appointed as Justices of the Peace whose orders had to be immediately carried out by the policemen whose attendance at the Courts was obligatory. The prime responsibility of the policemen in attendance at Courts was to execute all the summons and warrants issued in the criminal proceedings. Detailed provisions were made for the trial and punishment of offences in the Police Court. The jurisdiction of the City Police Magistrates was extended by Act VIII of 1867.

During the tenure of J.C. Boulderson (1856-1861), the City police was divided into two sections, preventive and detective. The uniform and accoutrements were supplied to them free of cost. The detective section had also

98. Papers related to Act XIII of 1856, Section 22.
99. Ibid., Section 22.
100. The History of the Madras Police, 183.
to report about the cleansing of the public roads and all cases of encroachments into the streets and on public highways, besides their usual detective work which was to be effectively discharged by making rounds by day and night. An attempt had been made to overhaul the Madras City Police by Captain Weldon, Magistrate of Police in 1869. He favoured the appointment of one Chief Inspector to be in charge of each of the two police districts, and the third one to be attached to the Police Commissioner's office; he was to be in charge of the Head Quarters and Detective division on a pay scale of rupees 200 - 300 for the purpose of supervising the police force and for all preventive measures. Weldon believed that the best kind of man for patrol constable was a heavy, stolid, good-tempered person, possessing good bones and muscles; he would deal with matters before his eyes in a common, sensible kind of way. In short, he was quite a different creature from the sharp, active, quick-witted detective. The prevailing system, namely, insisting on every man whether naturally fit or not, being entrusted with both detective and preventive duties, which was tried in the Dublin Metropolitan Police,

101. Govt. Order, 22 March 1856, MJP, 22 March 1856; The History of the Madras Police, 163.

102. Memorandum by Captain Weldon on the re-organisation of the Madras Town Police, 9 June 1869, MJP, 19 June 1869, 141, 3 and 5.

103. Ibid., 16.
proved there, as it did here, expensive and inefficient. Consequently, the organisation of a special detective division as found in London and Dublin must result in greater economy and efficiency in nabbing the habitual offenders and other criminals. Care had to be taken in matters of recruitment of the detectives whose selection must be based on promotion from head constable rank. Their pay and bhutta must be adequate so as not to tempt them to dishonest practices.\(^{104}\) Even the enhanced pay and bhutta as suggested by Weldon could not be of any help in redeeming the head constables from their corrupt practices. Hence, the possibility of selection from the ranks of head constables would not yield beneficial results.

Weldon firmly recommended the abolition of unnecessary thanas or police stations. His recommendation seemed to be a negative one on considering the extent and the density of the population of the city as well as the volume of police work. No wonder, the inhabitants of the city opposed his suggestion and submitted a petition to the Governor for the change of a constable's dress from white into black uniform during nights for the purpose of nabbing the culprits unawares.\(^{105}\)

The police strength was insufficient to cater the needs of law and order in the city. In 1868-69, there were 1023 constables on general duty at the rate of one 104. Ibid., 21.

105. Petition from the inhabitants of Muthialpet to GM, MJF, 12 April 1869, 143; 'The suppression of them (thanas) would be a public calamity.' - Hiram: Ara, 30 June 1875, Report on Hindustani Papers, June 1875.
constable to 447 people. Besides attending to their regular police work, they had to keep a watchful eye over the floating population who would more often visit the prostitutes and liquor shops. Hindu festivals and religious processions in the city often incited antagonism between classes and sects of Hindus as well as Muslims. 106 Furthermore, Madras was a port city.

The mounted branch of City Police was organised during the Revolt of 1857. 107 The police was to have, by Act XXIV of 1859, a mounted branch, stationed at strategic points. However, the Inspector and sergeants, attached to a division, were provided with horses at the State expense. They had to undergo a course in riding, and assisted in regulating traffic and preserving order in all large assemblies within or without their circles, as occasion required. 108 The mounted police was not in a state of efficiency as it failed to suppress the grain riots in 1866 when they broke out simultaneously in all parts of the large city of Madras. 109 Such a branch of mounted police was abolished in the city of Madras on 31 March 1870. 110 However, nine troopers were retained as sergeants in the foot police. Four horses for the prison van, eight for the 'sowars' and two spare ones to meet casualties were retained by the Commissioner.

107. AAR, 1869-70, 70.
110. Commissioner of Police to CS, 13 April 1870, 9, MJP, 23 April 1870, 60.
The marine branch of police protected property within the limits of the port which extended for about one and half miles along the beach; they also engaged in escorting offenders to and from the ships. In cases of shipwreck, the Inspector-in-charge of marine police had to communicate the information to the Commissioner who, in turn, might alert the police officers in the districts of North Arcot, especially Vellore town and Salem, to keep the reserve in readiness for despatch to Madras in order to save the victims and their property. 111

The Report of the Torture Commission is an epoch making document in as much as it brought out the crying evils of the revenue and police systems in the Presidency. It convinced the British authorities both in India and London about the need of a reform of sweeping character. After an initial period of hesitation the government applied themselves earnestly to the problem in the next few years.

111. The History of the Madras Police, 180.