Chapter Nine

JUDICIAL ADMINISTRATION - CRIMINAL AND POLICE
During the Nawab's administration of Carnatic, there used to be only Amildar for all purposes of revenue collection, administration of justice, both civil and criminal, and the control of Police. In villages there were Potaile and Curnume for revenue collection and judicial purposes, along with Taliary Police to keep law and order. These Tarriars and Toties formed the nucleus of village Police. There used to be a village watchman to keep vigil in the night. In towns, there used to be Kotwals and Kazis to keep law and order. The offences of a heinous nature were brought before the Kazis for capital punishment.

Establishment of Criminal Judicature

The first establishment of criminal judicature at Madras took place in 1800, when the Supreme Court of Judicature came into existence, but more or less it was a supervisory authority. It was in 1802 when regulations were enacted for the internal administration. By Regulation VII of 1802, the Court of Circuit was established for the trial of persons charged with crimes. Through Regulation VIII of 1802, a Faujdar Adalat (Criminal Court) was established for the trial of criminal cases. In countryside Darogah System of

1. The Regulations of Fort St. George, 1802.
2. Regulations of Fort St. George, p.52, Regulation VII.
3. Ibid, pp.62-66, Regulation VIII.
Police was established. One Darogah with a number of peons was directed to keep law and order in the vast tract of land. These people were the direct employees of the Government and they had no connection with the people. They were paid too scanty a remuneration to keep them contented, so respectable persons did not accept these posts. Being in the interior of the country, Darogahs were quite independent of the control of Magistrate. There was no coordination in the system.

The Criminal regulations and Police Administration was not very efficient. There was a big scandal of Mandavellie's case in 1803, when he tried to murder the policemen who went to arrest him. Later on he was brought before the Quarter Session and punished. After that it was distinctly established that the criminal law was defective in the Madras Presidency. The Officers, in the performance of their duty, were resisted and had no means to secure personal safety. The legal authorities in Madras declared that it was not possible to eradicate those evils without new legislation. So, the Madras Government requested the Court to adopt measures for removal of those serious defects in the criminal procedure.

In the Police administration also, inefficiency and corruption were apparent. The Madras Government had appointed a Committee for Police reforms. In 1806, this Committee submitted its report to the Government.

After the Mutiny at Vellore in 1806, the Government's attention was directed to formation of an organised police establishment in the Madras Presidency. The Government had tried to remedy the defects in the Police system, but found that there was a radical defect in the provisions of legislation. Lord William Bentinck pointed out the necessity of an efficient police organisation. The Committee for Police reforms proposed that it was essential for public safety that the power of local regulation and control was vested in the Madras Government. It was further proposed that the Judges of Supreme Court should have concurred powers, with the Governor-in-Council, in the formation of public regulations and the assent of the Supreme Court was essential for making them valid.

The Court of Directors on receiving a request from the Madras Government for radical reforms in Police establishment gave it their serious consideration. They applied to the Parliament for an enactment to place all the three Presidencies of Bombay, Madras and Calcutta on an equal footing. They were vested with equal powers of legislation

1 Public Despatches from Fort St. George to the Court of Directors, year 1806-9, Vol.39-B, dated 21st October, 1806, paras 6, 8, 16 and 19.
in all matters including Police. The Governor and Councillors of Bombay and Madras were to be at liberty and had authority to appoint Justices of Peace and hold quarter sessions, as already prevalent in Bengal. The Parliament, at the request of the Court of Directors, accordingly passed an Act. The Court observed in a public despatch to the Madras Government dated 26th August, 1807, that through this Act sufficient powers were vested in the Madras Government for legislation. Through the Act of 1807, the Governor-in-Council was given full powers for the superintendence and control of the Presidency.

Even, with this legislation the Crime situation in the country did not improve, as the reports of the Committees of Police of 1806 and 1810 had not been implemented but kept in the cold storage.

Defects of the Criminal Procedure

The vast jurisdiction of the Circuit Court was a serious impediment to the rigorous execution of criminal laws. The Zillah Judges could not cope with all the cases of criminal justice. It was heavily in arrears. So, in 1808, the Government empowered the Nizamat Adalat to dispense with vacations of the Court. But still the pendency of arrears remained. The Circuit Judges could not complete their circuit


due to heavy arrears of cases. They could complete only one half of the circuit, when another fell due. Through the Regulation of 1811, the Madras Government tried to remedy the defect, but, still, the accumulation of arrears continued. The Criminal Procedure was so tardy that the people were discouraged from filing suits against public offenders. The prosecution of a case required heavy expenditure and a long time, still the wrong was not redressed. There was reluctance on the part of the public to prosecute the offenders on account of defective criminal procedure. Moreover, through defective prosecution the accused frequently escaped punishment. All this helped the fraudulent and criminal persons to prosper in the society.

The administration of criminal justice was so irregular and delayed, that petty offenders who were to be sentenced only for two or three months on account of their crimes had to spend four or five months in jail before they were put up for trial. In this way, the offenders were unnecessarily kept in prison and had to bear avoidable hardships. On the other hand, the advantage of exemplary punishment was lost in this delayed action.

Conditions prevalent in the Country

The defective criminal regulations gave a free hand to

1. Ibid, p.255, para 100.
the corrupt and criminal persons. In the country corruption became rampant. The innocent people were grievously oppressed by the officials of the judiciary and police. The heads of villages and Cumums villages were harassed and money was extorted from them under the pretext of imaginary offences. The real offenders were exempted from punishment on the payment of money. Sometimes, the respectable inhabitants of the country were harassed on fictitious reports bringing disrepute to their families. In this way, more extortions were made. In order to keep up the importance of Police and Judiciary, disorder and alarm was exaggerated.

These conditions were precipitated in Canara, where systematic conspiracy of this kind prevailed.

**Corruption in Canara Judiciary**

The Police Officers attached to the Courts were no better than subordinate judicial officials. Like the latter, they also tried to exact as much as they could and, in many cases, became of the peculiar nature of their duties they were more tyrannical even than the Sheristaders. In Judicial Department at Canara, the Indian servants of the Court were engaged in corruption. Wilson, the Judge and Magistrate made a report on 1st May, 1813, and was the first to investigate and make an enquiry against Sheristadar Pottah and

1. Ibid.
Sheristadar Gopalah for a systematic, organised, extensive and flagrant corruption. Extortion and oppression were rampant not only in the Courts but in the whole of Indian Judiciary at Canara.

Wilson opined that the profound silence of Vakeels and Gumastas employed in the Court on this conspiracy was only due to some powerful inducement for their connivance. Another agency employed for the active assistance of Sheristadars in support of their malversations were the commissioners for the trial of civil suits. These people highly oppressed the lower class, getting forced work without remuneration. Those who refused were awarded punishments. From the people of high rank these officials extorted all the necessities of life at a nominal price.

Police Officers and Peons

The Police Officers and peons of the Courts were also implicated in this fraudulent organisation. Wilson observed that "attacks against dearest rights were made by one party and an abject surrender of every privilege was yielded by another". This extortion was not confined against those who had business before the Court, but was extended under every

2. Ibid, para 7.
form of aggravation which avarice could devise; against all whose opulence attracted notice, all whose possessions rendered them fit for such notorious designs. These malpractices had deep roots. In spite of the administrative reforms and vigilance of the Company's British servants, the local servants of the Company, in many instances, were successful in defrauding the Government and oppressing the public. The experimental stage of administration was not over as yet. Administration required more vigilant supervision and modification of regulations for dealing with cases arising out of fraudulent malpractices and corruption of local servants of the Company.

Wilson, in his letter of 4th June, 1813, stated that the amount of rupees 62,800 was extorted by these Sheristadars. After detection, prompt and effective punishment should have been awarded to the accused, according to the established form of Justice, but it was not possible, due to lack of regulations. Wilson requested the Government to amend the regulation, dealing with gross misconduct of the servants, which the enormity of the case justified. The Government did not accede to his request and chose a cautious path by not enacting an ex-post-facto law for a particular emergency.

Wilson's Overzealousness

Wilson, instead of pursuing the course, laid down for the guidance of the conduct of Magistrates by Regulation XII of 1802, I of 1809 and V of 1811, exceeded his powers. At
the onset of gross misconduct and fraud, Wilson became overzealous for the attainment of a substance of justice but he failed to observe the proper form. He made a proclamation, inviting and exhorting the people to lodge grievances which would be redressed and the instigators and conspirators punished. He deviated from the normal procedure of Judicature. He desired the accused to be criminally prosecuted instead of the injured parties filing a suit against the oppressor for bribes and extortion of money in Civil Judicature.

At this proclamation of Wilson, the public feeling secure at the hands of Government, came forward with their grievances against the accused, but in many cases they were not the aggrieved person themselves but only those who possessed the knowledge of unlawful transactions. Now the Government ordered Wilson to abandon the criminal proceedings against the accused. He was instructed to prosecute them in accordance with the regulations of Civil Judicature. These orders for the change of procedure by the Government served as a death-blow to the investigation of the case against Poolapah and Gopalah the principal accused and others of the Judicial Department.

Wilson deplored the orders of the Government, because now that the cases against the accused were transferred to the Civil Court, there was no hope for redress of the complaints. In accordance with Regulation XII of 1802, the institution of a Civil case was the only mode of prosecuting a great public embezzlement and extortion. The complainant had to substantiate his charges, otherwise, on his failure to do so, he was required to pay damages to the accused. Consequently, he himself had to suffer. As the complainants found themselves unable to substantiate the charges they silently withdrew their cases. As no one was willing to run such a heavy risk, many persons were prepared to forgo their claims rather than bear the expenditure and inconvenience of a public prosecution in case of failure. The cases against the accused were given up. Wilson solicited the Government to summarily dismiss the accused for their gross misconduct, but the Madras Government could not comply with his request in conformity with the regulation.

Wilson was succeeded by Baber, who also in a letter dated 29th July, 1815, to the Government, confirmed Wilson's allegations against the Court's servants and pleaded for their dismissal.

After that a period of three years elapsed, before any further action was taken. The supineness of the Government

1. Ibid, p.768, para 40.
was remarkable. The Sadr Adalat in spite of receiving suggestions from the Collectors did not adopt any regulation to deal with similar instances.

**Case on Wilson**

Now, Sheristadars Footpah and Gopalah, having great influence and wealth, tried to wreak vengeance upon Wilson. They instituted a case against him for making false charges against them, and that his judicial proceedings against them were illegal. Wilson was in a quandary. He was called upon to defend himself. He requested the Government that the case might be defended at public expense by the help of the public advocate, as he had acted only in public interest. The Madras Government acceded to his request and defended the case.

This case provides an exemplary inefficiency of the administration. The honest endeavours of Wilson to unearth and prosecute the offenders had landed him in difficulties. The inadequacy of Regulation XII of 1802 became apparent and lethargy of the Government was deplorable.

The Court of Directors, on being apprised of this situation, severely reprimanded the Madras Government in a letter dated 25th May, 1818, for its failure to protect the people from unlawful oppression and violence of scheming and notorious individuals, as the principles of British justice,

1. Ibid.
uprightness and the protection of the public were frustrated. The Court when apprised of the facts of the case, appreciated honesty, integrity and zeal of duty of Wilson, that brought into light the organised corruption. The Court gave full approbation to the conduct of Wilson and Register of the Court, in bringing forward the case of conspiracy.

The Court approved of the action of the Madras Government in defending Wilson and expressed its utter conviction about his honour and integrity. It considered him to be free from any charge. The Court observed the inadequacy of Regulation XI of 1802 in such like cases of corruption, where a civil case was the only procedure. The proceedings of Civil Judiciary were unable to check up such like fraud and embezzlement, which constituted a glaring defect in the administration of justice. In order to remove it, the Court directed the Madras Government to enact a regulation, through which corruption, embezzlement and extortion on the part of Indian Judicial and Revenue servants and also other servants was to be declared a public offence. This offence was to be prosecuted by the Government itself in public or private interest. The regulation thus enacted was to be used only in case of such an emergency, when huge public embezzlement and fraud had been committed.

1. Ibid, p.764, para 16.
2. Ibid, p.767, para 33.
The Court of Directors declared it expedient to revert to Regulation XII of 1802 and II of 1803, which empowered the Judge and Collectors to appoint, dismiss or suspend the Indian servants in case of improper behaviour.

The interference of the Court of Directors in this instance had a salutary effect on the judicial administration of the Madras Presidency in this instance. Not only the judiciary of Canara, but of the whole Presidency of Madras had benefited.

Court's Instructions for Reforms

Further, the Court of Directors in a judicial letter dated 29th April, 1814, observed the procedure of criminal justice in the Madras Presidency. The Court considered that through the modification in the existing civil Judicature, the Judges of the Circuit Court would be relieved from hearing appeals on the Zillah Judges, so they could give more attention to criminal cases of the Circuit. The vast extent of local jurisdiction of Court of Circuit hampered the rigorous execution of criminal laws. The Court of Directors taking into consideration all the factors pointed out that Zillah Judges were to be vested with jurisdiction in criminal matters so as to enable them to hear and determine all the minor cases,

1. Ibid, p.767, para 35.
2. Judicial Letter from the Court to Fort St. George, 29th April, 1814, pp.254-5, para 49.
decided by the Circuit Court. The Collector in his magisterial capacity, was also to be vested with authority to punish offenders by corporal punishment up to thirty rattans and a fine of one hundred Arcot rupees.

The Court further pointed out that in criminal cases the sentence might not be executed immediately without a reference to the Nizamat Adalat. When the guilt was clearly established and there was no ground for mercy for the accused.

By the appointment of Collectors in the administration of criminal justice, the necessity of assistant judges was fulfilled.

Reforms in Criminal Justice

The observations of the Court of Directors were forwarded by the Madras Governor to the Commissioners. The Commissioners after great and serious deliberations submitted their proposals to the Government, which after the concurrence of Supreme Court, enacted the regulations. Regulation IX was for reducing to one regulation certain rules which had been passed regarding the office of Zillah Magistrate, from the Judge to Collector of Zillah. It was intended to prevent the collision of authorities in the districts and to facilitate the administration of civil and criminal justice and at the same time to transfer the office of the Magistrate from Zillah Judge to the Collector.

Regulation X of 1816 was enacted for constituting the judges of the Court of several Zillahs as Criminal Judges of their respective Zillahs and for defining their powers.

Thus, the orders of the Court of Directors for reforms in criminal judicature had been implemented through the enactment of these regulations. The effects of these regulations as far as deducible from official document show that the number of crimes of a heinous nature ascertained to have been committed in 1817 was similar to those in preceding years from 1813 to 1816, but the number of persons apprehended was greater in 1817.

The number of offences committed is always higher than the persons apprehended. The number of criminal cases and of persons committed for trial before the judge of Circuit was certainly higher than in any former years. The arrears of criminal cases before the criminal Judges and Magistrates were much reduced. When the Collector of the district was vested with police and judicial authority, the administration in the country highly improved. As the Village Officers acted reluctantly under the dual authority of Collector and Magistrate. The revenue Collector disliked Thanedars, who reported nothing, but now in accordance with the ancient customs of the country, the authority was united under the single control of Collector and Magistrate. The Village

Officers brought every information to him, as Magistrate he had much more power and resources. Even after these regulations some cases escaped his notice, either through lack of vigilance and/or through the connivance of the Police Officers.

Another advantage of the new system was that the criminal Judge after being relieved from the superintendence of Police, could devote more time to the investigation of criminal cases, resulting in their speedier disposal. The petty offences were settled on the spot by Village Heads and Tehsildars. This saved the Judges from being loaded with unimportant cases. Thus, the inconveniences and expenses of inhabitants on law suits were greatly reduced, through the influence of Home Government. Another matter which merited consideration was the condition of the Police in the Madras Presidency.

Court's Orders for reforms in Police

The Committee of Police appointed by the Madras Government in its report of 24th December, 1806, had appreciated the ancient police establishment in the villages, through the authority of the headmen of villages. Lord William Bentinck, the Governor of Madras, also concurred with the proposals of the Committee.

1. Ibid, p.632, para 17.
The Select Committee of the House of Commons on the
East India Company, in its Fifth Report, commended the ancient
village police in Madras observing that it "looked at the
revival of taliary office in every village as the best
security of internal peace". The Court of Directors after
considering the reports of the Committee of Police and Col.
Munro, Bentinck's appraisement of the village Police, along
with the commendations of Select Committee, in its policy
letter of 29th April, 1814, gave a serious thought towards
reverting to it.

Establishment of Village Police

The Court of Directors observed various defects in the
existing establishment of Darogah Police. The change in the
mode of revenue collection and judicial administration
necessitated the re-establishment of Village Police. It was
to be introduced in all the areas of Permanent Settlement and
Ryotwari Settlements under the superintendence and control of
a Magistrate. By reverting to the village institution, it was
possible to dispense with expensive police.

Intermediary Agency

The Court of Directors expressed its disapproval of
the Darogah system of Police as being ineffective and ill-
adapted, but the necessity of some kind of intermediary

1. Ibid. Judicial Letter from the Court of Directors to
Fort St. George, dated 29th April 1814, p.251, para 21.
authority between the Magistrate and village officer was recognized. It was observed that as the Collector was entrusted with the duties of Magistrate, the Tehsildar in regular establishment of the Collector should be given the powers of Darogah. The Tehsildar in connection with revenue duties was in constant touch with Potail and other village officers. By the amalgamation of revenue and police duties, according to the ancient traditions of the country, the efficiency and vigour of the both the departments would be considerably increased. The superintendence of Police by the Collector was compatible with Tehsildar being vested with Police powers. The new Police Establishment would consist of Collectors, the Amildars or Tehsildars, Village Potasils, Curnuma and Talliers. In times of need, they were to be assisted by Amildar's peons and in larger towns by Kotwals and their peons.

The Court of Directors ordered the Commission appointed for making revenue and judicial regulations to make further observations on the police of the Madras Presidency.

The Commission to frame Police Regulations

The Commission was entrusted with the task of framing Police Regulations. It was required to study the proceedings of the Police Committee. Their attention was specially directed towards finding out details, whether there was

1. Ibid, p.252, para 86.
sufficient number of Talliers available and whether their remuneration was sufficient. They had to find out whether the Potails could be entrusted with the duties of village Police.

After the completion of enquiry, the Commission was required to draft the Regulations and submit them to the Government through Sadr Adalat. Col. Munro, who headed the Commission, observed that all the judicial reforms advocated by the Court of Directors were dependent on and subordinate to the Police reforms but the Madras Government refuted this observation of Col. Munro and pointed out that it was correct only with reference to Police administration. The modifications suggested for judicial administration were certainly not dependent on the transfer of the powers of Magistrate to the Collector. Those instructions about judiciary could be successfully complied with, even without the Police changes.

Transfer of Police authority to Collector

The Governor-in-Council considered this measure of the transfer of Police control to the Collector as one of great importance and capable of yielding beneficial results. Col. Munro did not agree to this, he considered that merely the superintendence and control of police was not the intention of 88th para of the Court's letter, but that all the duties of Magistrates should be transferred to the Collector. The Governor-in-Council differed from this interpretation of para
88th by Col. Munro and stated his reasons therefor. Firstly, no instructions were issued for taking away the powers of magistracy from the Zillah Judge, as it would be a radical change rather than mere superintendence of Police. Secondly, para 88th referred only to the recommendations of the Committee of Police of 1806. Thirdly, the efficiency of Police did not require magisterial powers. Fourthly, the suggestion of investing the Collector with magisterial powers contained in para 102 of the Court's letter was inconsistent with the intention of transferring all the powers of Magistrate from Zillah Judge to the Collector. The Government directed the Commission to confine itself to the transfer of superintendence and control of police to the Collector. The Commission was required to state its view further on the intention of the Court's letter. The Fau.idari Adalat and the Board of Revenue were desired to submit their views on this important issue.

The Commission expressed its definite views on the subject by stating that it was considered expedient that the office of Magistrate should be entirely transferred to the Collector. The Commission found it difficult to draw a line of demarcation between the powers of a Magistrate and the Superintendent of Police. The collision occurring between the two departments of the Government would cause a lowering

down of the prestige of the Government in the estimation of Indians. Thus the efficiency would be impaired, and Village Officer working under dual authority would be distracted from his duties as already observed by the Court of Directors, through all the reforms so as to prevent collection of authorities between magistrate and collector to facilitate the administration of justice and accomplish reduction in the expenditure of the judicial establishment. This important point of difference between the Government and the Commission was referred to the Court of Directors for clarification and instructions.

The Court's Verdict

The Court of Directors on receipt of the report of special Commission and a reference from the Government at Fort St. George, regarding the orders contained in para 88 for the transfer of police control to the Collectors, expressed their decided views on the subject. They declared that their intention had been that the transfer should take place in the sense and to the extent supposed by Col. Munro. That was fairly deducible from paras 84, 85, 88 to 91, 95 to 97, 102, 104 and 107 of the Court's despatch dated 29th April 1814. The Court approved of the Zillah Judge to have concurrent

1. Ibid. Judicial Letter from the Court to Fort St. George, 20th December 1815, p.314, para 12.
power of acting as magistrates in conjunction with the Collectors provided there was no risk of collision. The Court of Directors differed from the Government at Fort St. George by observing

"that it is by no means necessary to the efficiency of the Collector as Superintendent of Police, he should be vested with powers of a Magistrate," and expressed their opinion that to "withhold magisterial powers from the Superintendent of Police would greatly lessen the respect and salutary awe which their office as well as their character ought to inspire". (1)

The Court of Directors issued specific orders for the transfer of duties of Magistrate to the Collectors to be put into execution, so that Zillah Judges might devote their full time to Civil justice.

The Court of Directors expressed their disapproval at the controversies taking place on several issues connected with internal administration. They desired that the undivided energies of Government at Fort St. George should be employed in the execution of the orders of the Home Government through the enactment of Regulations. Thereupon, the Madras Government enacted the following regulations for police

**Regulation for Police**

In 1816 Regulation XI was enacted for the establishment of general Police founded chiefly upon the ancient usages of the country and a Police establishment came into being.

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1. Ibid, p.314, para 15.
2. Ibid. Judicial letter to Fort St. George, 12th May 1819, p.768, para 3 and 4.
Darogah and Thanedar establishment was abolished. Heads of villages, or Munsifs, Native Collectors, or Tehsildars, Zamindars, Ameens of Police, Kotwal and his peons, Zillah Magistrate and his assistants were the components of new Police Establishment.

Through the enactment of this Regulation the controversial issue of transfer of Police control to the Collector was settled in accordance with Munro's exposition of the Court's orders of para 88 of Judicial letter of 29th April, 1814.

Further Police Reforms

Even after the execution of the Court's orders for the revision in Judicial and Police Department, still more modifications were required for the smooth and efficient working of Police. At Madras town the affairs of Police had been conducted since 1812 by one Superintendent of Police and three Magistrates, they worked in rotation. This system of rotation was found to be absolutely useless as the Judges were not properly employed throughout the week and were for most of the time idle.

Therefore, some changes were introduced in this system. The Superintendent of Police was relieved from

constant attendance in the office as sitting magistrates; he was to act only in case of emergency. He was entrusted with the superintendence of the entire Police Establishment. Four Judges were employed to carry out the work, but again in 1818 it was found that four were not more efficient than three. The whole matter was reported by the acting Superintendent of Police to the Government.

Fullerton, member of the Council recorded a minute on 8th May, 1818, in which he raised an objection to the magistrates being placed subordinate to the Superintendent of Police without having any establishment of their own. The previous dismissed staff was experiencing great hardships. Again, in a minute Fullerton made reference to the correspondence between the Government and the Police Superintendent and stressed the necessity of modifications.

In October, 1818, the duties of Police Superintendent and his establishment were separated from Magistracy. Again in 1819 the efficiency of Police became a problem. In October, 1819, after a short correspondence, the department of magistracy and Police was reverted to the 1812 model. No minutes were recorded, or correspondence entered into, a system abolished previously was once again adopted.

1. Ibid. Judicial Letter from the Court to Fort St. George, 28th April 1824, p.43, para 179.
The Court of Directors in a judicial letter, dated 28th April, 1824, pointed out the inexpediency of the measures adopted by the Madras Government on a minute recorded by Fullerton, as it meant the supremacy of Police over Magistracy. He made no charge of inefficiency against the Police. The Court observed that the working of the Department was at least tolerable. They considered the observation of superintendent of Police just, that there were too many Magistrates, who were not fully employed.

The Court of Directors approved the suggestion of the Police Superintendent, for reduction of the number of Magistrates from four to two, but observed they should be well and efficiently employed. The Court directed the employment of whole time Magistrates who could devote their full attention. Their emoluments were to be pagodas 350 Rs. per month. The Court pointed out that the Government at Madras had not paid adequate and desired attention to the Police Department which was essential for its smooth and efficient working.

The Police regulation of 1812 was rescinded in 1817, without any reason being assigned or discussions recorded on the proceedings of government.

The Court observed that ten new Police regulations noticed in the proceedings of the Government in 1818, were sent to be registered in the Supreme Court, while no intimation
had been sent to the Court.

The Court of Directors desired that the Madras government should give proper attention to the Police and Magistracy as to make it a model, in the interest of the public.

In the administration of justice, both Civil and Criminal, the Home authorities exercised a great influence. Judicature did not have the controversial character of either the Public department or the Revenue department. Munro, in making general remarks on police and judicial administration on 31st December, 1824, observed that on comparing the internal administration of the Company with that of the Indian princes, perhaps the Company had achieved greater success on the judicial than on the revenue side. He pointed out that perhaps the judicial duties requires less talent than the revenue collection. Judiciary was not affected by adverse seasons, by peace or by war. It was governed by fixed rules requiring patience and assuidity.

This observation by Munro carries a great weight and gives a true picture of the administration. He was the architect of modern Madras Presidency. He was fully aware of the shortcomings of the structure of judicial administration - civil as well as criminal and efficiency of Police. He

1. Ibid, p.45, para 193-96.
2. Arbuthnot, A.J., Sir Thomas Munro, Selection from his minutes and official writing, 2 vols (1854), p.25.
3. Ibid, p.29. "What is usually called Police can seldom

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advocated moderate assessment of land revenue which would enable all the able-bodied people to earn their livelihood, which would lead to amelioration of the general conditions and decrease occurrence of crime.

Still, the judicial reforms in the Madras Presidency through the influence of the Home Government exhibited a "spirit of trusteeship". The Parliamentary Committee in a report declared the British policy with regard to India "it is recognized as an indispensable principle that the interests of the native subjects are to be consulted in preference to those of Europeans, whenever the two come into competition, and therefore the laws ought to be adopted rather to the feelings and habits of Natives, than those of Europeans". (2)

Thus, the "respect for individuality" the cardinal principle of British liberty signified judicial policy in the Madras Presidency.

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of the offenders .... A moderate assessment by enabling all to final employment and to live is next to amelioration of manners, the best thing in this country to diminish crime".

1. Coupland, R., Britain and India, 1600-1941, pp.21-22.