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INDIA

THE POLICE SYSTEM IN EARLY COLONIAL SOUTH KANARA : 1799-1862

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I

This paper deals with one of the less researched areas in modern Indian history, namely, the Police system. The nature and significance of the colonial police system is not fully recognised by historians. It is based on archival sources such as administrative reports, official correspondence and judicial and police reports.

According to J.C. Curry, "the history of the Police in British India for the century prior to 1860 was, as a part of the general administration, that of a long series of experiments"¹ This observation holds good for the police system that existed in early colonial south Kanara. The Police administration was a part of the general administration and it was under the authority of the Collector. The police system that existed in the region after 1816 was mainly the creation of Sir Thomas Munro. After a series of experiments, it was only in 1859-60 that a thoroughly reorganised police system came to be established. Then it was a separate body distinct from the Revenue and Magisterial departments and was deprived of all revenue duties and powers.

II

It was through the Madras Regulation XXXV of 1802 that the police system was introduced in the Madras Presidency. In fact, the Bengal Police system was introduced in Madras presidency. Each district was divided into small police jurisdictions with an area of about 20 square miles. In each division a police officer called Darogha and a Thanadar were employed. They had under them 20 to 50 armed policeman., They were placed under the Collector.

A Police Committee consisting of senior public servants was formed in 1804 to "enquire into the present and former state of the police in the several provinces under this Presidency" and to devise measures for keying up the pitch of its efficiency². In 1806, T.M. Keate, the Judge and Magistrate in Mangalore, reported that on the subject of police, one should combine the objects of

economy and efficiency and that he obtained the consent of the Principal Collector that the duties of keeping peace in the interior and the detection of offences would be performed by the Collectors' village *Sibbundy* (officials)³. For the purpose of administering police, south Kanara was divided into three divisions each to be superintended by a Darogha who had a proper establishment of Thanadars and peons under his authority. Each division was divided into as many Thanadar stations as was found necessary. In each Thanadar station, there was a Thanadar and a proper compliment of peons. The Daroghas, Thanadars and Peons were appointed and removed by the Magistrate. Neither the Daroghas nor other Police officers were to inflict any punishment nor levy any fine on the culprits. They could only suggest punishment or fine to the Magistrate.

As the work of the Collector increased considerably, his police powers were transferred to the Zillah Judge in 1808. In 1812, there was only one Darogha in the Police Department attached to the Zillah Court of Kanara. A. Wilson, the then Judge and Magistrate, suggested the addition of three more Daroghas to make it perfectly efficient, in a Zillah so extensive and turbulent as Kanara. Wilson opined that the Police system must depend for rigour and promptness and the Daroghas should keep constant vigilance on the inferior officers and acquire much useful local knowledge to provide stability and vigour to the system⁴. For the suppression of outrage and preservation of order, many Regulations were enacted in 1812⁵.

III

In 1814, the Court of Directors condemned the Darogha system and expressed itself strongly in favour of the village police as the best form of security for local peace. It pointed out that no 'social order and tranquility' could adequately be preserved by a handful of Daroghas and Peons, wanting in local influence and connection with the people, ill-remunerated and placed in a situation and position of powers which they were tempted to misuse for personal gains. What the Court wanted was to revive the police to its original vigour at the village level and to units in the office of the Collector the duties of the Magistrate and his control of the police at the district level⁶.

As stated earlier, the duties of Magistrate and Superintendence of Police vested with the Judge. Sir Thomas Munro observed (during 1814-16) that the Judge had no time to attend to these duties and he could not discharge them without deranging

the municipal institutions of the country which were connected inseparably with the office of the Collector⁷. Munro opined that to facilitate the administration of justice and the police it was not necessary to overthrow the existing system. He suggested that the Judge should be confined entirely to his judicial functions and the offices of Magistrate and Superintendent of Police should be separated from that of the Judge and they should be reunited with that of the Collector. He stated that this was the regular practice under the British Government and also under the native princes. Further Munro insisted that these changes would grant the Collector and the heads of villages a limited jurisdiction in petty civil suits. This arrangement would also relieve the Judge from the duties of Magistrate and from hearing of a number of petty causes which occupied the greater part of his time and would enable him to settle all the suits came before him.

He further connected that we are not to consider English maxims as always applicable to India, but to follow those rules which are most applicable to that country, as it not is. India has no political freedom, no voice in framing laws or imposing taxes; and many regulations are not proper there, which might be otherwise under a "state of greater freedom"⁸. Munro stated that under the Hindu institutions, the duties of police and revenue were closely interwoven. The police under the Collector, Amildars, Patels and village watchmen had every advantage which could be derived from the employment of a most active and zealous body of village watchmen and from the cordial assistance of the people⁹. However, he cautioned that there should be a perfect control of the Collector whenever it was supposed that he could have any bias as a party concerned¹⁰. Thus Munro argued that the new system of Police established under the Madras Judicial Regulations had everything against it. It was at variance with the feelings and prejudices of the people, and had therefore no moral force to uphold it. It rested almost exclusively on the services of a set of hired Dargohas and peons who had no connection or common interest with the inhabitants¹¹. In his memorandum on the revision of the Judicial System (1813), Munro said : "The new system of police was not half so efficient for the protection of the inhabitants and maintenance of the authority of Government as the ancient system was"¹².

IV

Munro strongly advocated the continuation of the existing

system or the rough-and-ready native system of Police administration with some changes rather than introducing wholesale changes. This was in tune with his policies in the field of land revenue administration. As the first Collector of the Kanara province, he had introduced the 'Ryotwari' system of land revenue administration for it suited the system of landholding in the region. There existed the system of private ownership of land which was hereditary in nature¹³.

Appointed as a Special Commissioner (1814-18) for the revision of the Madras Judicial system (or the Cornwallis System established under Wellesley in 1802), Sir Thomas Munro was at Fort St. George on 16th September 1814¹⁴. Munro was instructed to carry out (for which he laboured from September 1814 to September 1816) the reforms recommended in the Court of Directors' despatch of 19th April 1814. This long judicial letter was primarily concerned with the civil judicature of Madras and secondarily with police administration. The Directors insisted that their recommendations were based upon extant and old practices. They agreed with a point made earlier by Munro in his letter, of 15th August 1807, to the Madras Board of Revenue. In this letter, Munro argued for the use of Indians and of Indian institutions as the sole means to penetrate that strange mixture of fraud and honesty in the natives of India. On the subject of native police also, the Directors appreciatively noted Munro's views about the hereditary village-watch constituting an adequate as well as acceptable form of local policing¹⁵.

Among the reforms suggested by the Court of Directors, Munro opines that the most important one was the transfer of police and magisterial duties from the Zillah Judge to the Collector. The Judicial Commission headed by Munro (his colleague Commissioner was George Stratton) held that the Zillah Judges had hardly any opportunity to acquire an intimate knowledge of the people as they were confined to their headquarters. They reported that such knowledge could be had only by the Collectors because they frequently toured the Districts in pursuance of their revenue duties. This was not accepted by the Governor's Council. The Council accepted the idea of transferring to the Collector only the superintendence and control of the police. The Council accepted the idea of transferring to the Collector only the superintendence and control of the police. The Council was opposed to giving the Magistrate's power to the Collector. It did not want to unite the executive and judicial power in opposition to the whole basis of

the Cornwallis tradition¹⁶. It was only on 13th September 1816 that the seven Regulations implementing the 29th April Judicial letter drawn by Munro and Stratton were finally promulgated as law by the Governor of Madras Presidency. One of the Regulations transferred the superintendence of the police and magisterial duties from the Zillah Magistrate to the Collector, the Darogha establishment was abolished and the police of villages placed under the immediate direction of the patels, of districts under that of tahsildars, and of provinces, under the Collector¹⁷.

As far as Munro was concerned, the work of the Commission (Judicial 1814-18) was directed to one main end, that of employing Indians more extensively in the internal administration of the country. In every Department, whatever could best be done by native servants should, he believed, be entrusted to them. In the discharge of all subordinate duties, especially judicial ones, Indians not only cost less, but being infinitely better qualified, were more efficient than Europeans¹⁸. In framing the Regulations, Munro and Stratton endeavoured, they wrote, "to adopt them as far as possible to the manners and institutions of the people for whose use they are (were) institutions of the people for whose use they are (were) intended, and to that end they were made as simple as possible"¹⁹.

Munro's suggestions and arguments were well considered by the Madras Government and it enacted Regulation 9 of 1816 and reverted to the old police system of village watchmen, mostly hereditary. Thus the office of the Zillah Magistrate and the Police duties were transferred from the Zillah Judge to the Collector-Magistrate. The Collector, Sub-Collector, Tahsildar (head of the District Police), Patel (heads of villages) and other revenue officials were thus vested with the Magistracy and charge of the Police²⁰. The Revenue, Police and Magisterial authorities centered in one and the same set of functionaries. In fact, it was in 1816 that a general system of police was established throughout the territories subject to the Government of Fort St. George. The establishment of the Daroghas was abolished. The duties previously performed by Police Daroghas and Thanahdars were transferred to the heads of villages, Tahsildars, Zamindars, Amceens of Police, Cutwalls, Magistrates and their assistants. The heads of villages were aided in the discharge of their duties by the village accountants and village watchers, and the other Police officers by the Peons on their respective establishments. Rules were laid down for the guidance of the native heads of Police, who

were required to aid the village authorities in the apprehension of offenders, to investigate all complaints of offences direct to the Criminal Court; certain inconsiderable powers were vested in them of disposing of trivial offences. Such powers were extended by subsequent enactments to the infliction of ten day's imprisonment with labour, in cases of petty theft; when the value of the property stolen did not exceed five Rupees; and to the imposition of a fine, not exceeding three Rupees, for other offences of a trivial nature²¹.

V

The police system introduced in 1816 continued to exist in the region till the middle of the nineteenth century. However, the system suffered from defects like corruption, torture and oppression of the natives as it was in the fields of Revenue and Judiciary. In September 1854, the Madras Government appointed a Commission consisting of E.F. Elliot, H. Stokes and John Bruce Norton to investigate the whole subject of torture and oppression of the natives by the officers of the Revenue Department and also by the Magisterial and Police officers. The Commissioners stated that "torture was more prevalent in revenue cases than in police cases. However, it was widely used in the police cases as well. They stated that torture was prevalent in the districts where European supervision was less frequent, strict and effective . . . Also its prevalence was due to the fact that the revenue and police functions were combined in the same set of officials"²².

On the issue of torture, F.N. Maltby, the Collector and Magistrate of Kanara, in 1854 said : "With regard to Police, I regret to express my full conviction that, scarcely a case of robbery occurs in which illegal means are not used for obtaining concessions, and discovering proof; confinement without food is the most common, but others of a most cruel nature used to resorted in, and I fear that, although diminished in number and atrocity, they are by no means obsolete. Horrible torture applied to females, and varieties of cruelties applied to men are within my recollection, as constantly charged against the Police and I believe then charged truly I have known a prisoner to be put into a nest of red ants, as an effectual means of getting a confession from him"²³. Maltby also stated that threats, intimidation, false promises of pardon and sometimes hunger and worse cruelties were doubtless resorted to in the detection of crimes²⁴.

Offering pardons was one of the methods used for criminal detection. By Section XX Regulation VIII of 1802 it was laid down that the accessories in crimes of a heinous nature such as murder, gang robbery, arson and the like, could be offered pardon if they made a full disclosure of the crime and all the persons involved in it and thereby helped the apprehension and conviction of principal offender or offenders. In the early half of the nineteenth century this method was resorted to frequently²⁵. Torture was another important and most frequently used methods of criminal detection by the Police till 1856. The Government took half hearted measures to check the practice of torture and between 1806 and 1855 as many as 10 circular of the practice of extorting confessions with the object of abolishing that barbaric method²⁶.

W. Fisher, the sub-Collector of Kanara, even in 1855 observing about the Police System said : "That there is no case on record, but remembers one instance of ill-treatment of a prisoner by a Tahsildar in 1839, of which he did not hear for 2 years; and has no reason to believe that the superior Police officers of the district resort to use of improper means to elicit confessions"²⁷. Fisher contined and said : "... that it is certainly probably that prisoners are sometime ill-treated by the lower grade of Police in order to discover where stolen property has been concealed"²⁸. Regarding torture, in 1854, Rev. H. Moegling, a Missionary in Coorg said : "In the Police Department, violence and cruelty, of a minor degree, is a daily practice. I lived formerly in the neighbourhood of a Police office, and saw daily that prisoners were beaten, flogged and ill-treated. I know also for certain that for the purpose of extorting confession from women, a disgusting application of red pepper is sometimes employed. Most of the police officials do not know better, and it is remarkable that several of the ablest officers are most forward in the use of violent means"²⁹. The whole Police was underpaid, notoriously corrupt and without any of the moral restraint and self-respect which education ordinarily engendered. Commenting on the Police system, Saalfelt said : "The police Establishment has become the bane and pest of society, the terror of the community, and the origion of half the misery and discontent that exist among the subjects of Government. Corruption and bribery reign paramount throughout the whole establishment; violence, torture, cruelty are their chief instruments for detecting crime, implicating innocence, or extorting money"³⁰.

VI

Such a system of Police required either thorough replacement or reorganisation. In fact, the Commissioners, E.F. Elliot, H. Stokes and J.B. Norton, in their report of 1855 suggested measures to overcome the problems existing in the administration. They suggested the separation of revenue and police functions, reorganisation of police under the direct supervision of a Superintendent of police who was to be an European Officer, simplification of the legal procedure by which the prisoners could be produced before the Magistrate at a very early date and the offenders who resorted to torture could be brought to book very soon, without great difficulty. The Madras Government accepted these recommendations of the Commission and Police were made a distinct body and separated from revenue powers³¹. "The atrocities committed by revenue servants acting as police officers and attracting a bad name to both the branches, the lackadaisical attitude of Collectors to Police work and consequent growth of indiscipline and corruption in the ranks of revenue servants and the apparent ineffectiveness of the check exercised by the Zillah Judges over the police led to the reorganisation of the Police in 1859"³². Thus in the late 1850's, the Government introduced some measure to place the Police administration under an independent European authority by separating the duties of Police and Revenue. They thought of creating a better paid, better organised Police force separated altogether from ordinary revenue duties, placed under European officers, and commanded by an intelligent Superintendent, immediately responsible to Government for the peace of the whole region.

In 1859, the whole Police forces of the Madras Presidency was replaced under the direction and control of the Inspector General of Police for the Presidency of Madras, whose powers were prescribed in Act XXIV of 1859 – an Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George. The offices of Inspector General, Deputy Inspector-General, Superintendent, Assistant Superintendent, and so on were created. The Inspector General was in charge of the general administration of Police³³. The Deputy Inspector General was in overall charge of the Police in the district level. The Superintendent of Police was the head of the District Police force. The duties of the Assistant Superintendents were similar to those of Superintendents of Police and consisted of such portions of

details of police management of the District as were assigned to their special care. The subordinate police staff included Division Inspectors, Head-quarter Inspector, Audit-Inspector, Security from Office Inspectors, Reserve and Store Inspector, Court Inspector, Prosecuting Inspector, Head Constables and Constables³⁴.

With the introduction of the new Police in 1860, there was some improvement and progress in the field of criminal detection. However, throughout the nineteenth century faith in the efficacy of harsh punishments for the prevention of crime continued. The Indian Penal Code was passed in 1860. Until that time quite a number of barbaric punishments such as mutilation (abolished in 1802), branding (abolished in 1818), torture and so on were prevalent. The Indian Penal Code recognised only five punishments. They were capital punishment, transportation beyond the seas, imprisonment - simple and rigorous, forfeiture and fines. The Indian Penal Code came into operation from 1st January, 1862³⁵.

In the early days of British administration, the prisons were not constructed on any regular plan. The Government passed Regulations regarding the prison administration. Section XXI, Regulation VI 1802 governed the place, security and other details of prison. However, unsatisfactory situation prevailed in this area of colonial administration also³⁶. Some old tents, a few hired houses, a disused pagoda or a dilapidated wing of court-house itself constituted the Zillah prisons obviously in such places there was absence of security and discipline. In south Kanara, the prison in Mangalore did not have one building, and in 1805 it was located at four different places. They required separate guards and attendants. There was a hospital and an Assistant Surgeon for the prisoners. In 1805 it was stated in the official records that cleanliness and health of the prisoners were both unobjectionable³⁷. In 1805, Alexander Read, the Principal Collector in Kanara, reported that there was a necessity for enlarging the jails in Mangalore for purposes of greater security and health of the prisoners³⁸. Similarly, Bulby Hoodgson, the Judge on circuit, in Kundapura wrote to the Madras Government that the criminal prisoners in Kundapura were kept in a dark and confined room elevated upon a ruinous bastion of a fort - equally prejudicial to their health and discreditable to the Government³⁹. Hoodgson suggested to set up a jail in Kundapura. The prisoners were supervised by guards and sentenced to hard labours⁴⁰. A

whole ward or one or more cells were allotted to the different classes of prisoners such as debtors, criminals, femals and juvenile culprits. Every prison had a hospital, lunatic cell, store room, kitchen, well and latrine. In 1836, the Prison Committee suggested the construction of central jails. Though the Company Government accepted this suggestion, nothing much was done for its implementation. It was only after 1857 that the Madras Government decided to set up first class central jails and second class central jails. South Kanara came under the second central jail set up in Cannanore⁴¹.

CONCLUSION

The early six decades of the nineteenth century saw the growth of an organised system of Police in south Kanara and in the Madras Presidency. To start with the police duties and the Darogha establishment were under the Collector. Later it was transferred to the Judge. Once again, in 1816 the administration of Police was re-transferred to the Collector-Magistrate. Obviously there was an union of Magistertial, Police and Revenue duties and all these were managed by the Collector. The Police System introduced in 1816 was mainly the brain-child of Sir Thomas Munro. This system continued for about four decades. Its defects like torture, bribery, corruption, etc. compelled the Madras authorities to reorganise it. Thus the new Police system was introduced in 1859-60. Though the Munro system of Police was suited to make use of the traditional village servants and revenue officials, the system as it came into being in the region was not benevolent for the people. The rules and regulations, official hierarchy, corruption, torture etc. made the Police system defective. There was absence of the Penal Code and the state of prisons was unsatisfactory. All higher posts were the preserve of the Englishmen. The natives were unhappy with the rules and regulations, and the costly and dilatory nature of Police administration.

NOTES

The present south Kanara District (of Karnataka State), during the period of our study was a part of the province of Kanara and Soonda, attached to the Madras Presidency. This province was annexed by the British in 1799, that is, soon after the fall of Tipu Sultan. Later it was divided into two : southern division and northern division (1891-05). The phrase "south Kanara" here refers to the southern division of Kanara and Soonda. See Proceedings of the Madras Board of Revenue (hereafter PMBR), 11-12-1800, Vol.

- No. 268. 366: *PMBR*. 27-12-1800. Vol. No. 269. 10681: *PMBR*. 30-4-1801. Vol. No. 281. 5. 124: H.A. Stuart: *Madras District Manuals. South Kanara*. Vol. II (Madras. 1895). 236-37.
1. J.C. Curry : *The Indian Police*. quoted in B. Shalini Devi. "The History of Crime and Punishment in the Presidency of Madras in 19th Century" (Ph.D. Thesis. University of Madras. 1966). 162.
 2. *The History of Madras Police. Centenary Volume. 1859-1959* Madras. 1959. 96.
 3. T.M. Keate to the Secretary to Govt., Fort St. George. 13-8-1806. Proceedings of the Madras Judicial Department (*PMJD* hereafter). 29-8-1806. Sl. No. 19. 2774.
 4. A. Wilson's letter dated 3-3-1812 to the Chief Secretary to Government. Fort St., George. in *PMJD*. 9-6-1812. Sl. No. 73. 3034-35.
 5. *PMJD*. 9-6-1812. Sl. No. 73. 3041-61.
 6. B.B. Mishra : *The Administrative History of India. 1834-1947. General Administration*. Bombay. 1970. 534.
 7. Alexander J. Arbuthnot : *Major-General Sir Thomas Munro (Selection from his Minutes and other Official Writings)*. in 2 Volumes. Vol. II. *Judicial*. Madras. 1886. 278.
 8. *Ibid.* 279. John G. Ravenshaw. Madras Civil Servant. also agreed that these changes would give the Judges more time to discharge their duties. See Ravenshaw's letter of 15-1-1814. in *Selection of Papers from the Records of the East India House Relating to the Revenue. Police and Civil and Criminal Justice. under the Company's Governments in India*. in 2 Vols., Vol. II. London. 1820. 136.
 9. *Ibid.* 282.
 10. *Ibid.* 279.
 11. *Ibid.* 282.
 12. Selection of Papers from the Records of The East India House *op.cit.*. 107.
 13. For more details on the topic. see N. Shyam Bhat. "South Kanara 1799-1860 : A Study in Colonial Administration and Regional Response". (Ph.D. Thesis. Mangalore University. 1988). Chapter V: For details on the Police System during the pre-British times. see David H. Bayley : *The Police and Political Development in India*. Princeton. 1969. 36-42.
 14. T.H. Beaglehole : *Thomas Munro and the Development of Administrative Policy in Madras 1792-1818. The Origins of 'The Munro System'*. Cambridge. 1989. 102; Burton Stein : *Thomas Munro. The Origins of the Colonial State and His Vision of Empire*. Oxford. 1989. 178.
 15. Burton Stein. *op.cit.*. 180-82.

16. T.H. Beaglehole. *op.cit.*, 103.
17. *PMJD*, 19-8-1815. Sl. No. 108. 2913-3042; Burton Stein. *op.cit.*, 182-83; T.H. Beaglehole. *op.cit.*, 111-12; B.S. Baliga : Tanjore District Hand Book. *op.cit.*, 493.
18. T.H. Beaglehole. *op.cit.*, 119; For details on Munro's Views on the native System. See Sir A.J. Arbuthnot; *Major General Sir Thomas Munro*, Vol. II. *Judicial*, Madras. 1886. 278-66.
19. T.H. Beaglehole. *op.cit.*, 109.
20. Minutes of Evidence. XX B-151-2. 534; B.B. Mishra. *op.cit.*, 535.
21. A.J. Arbuthnot : *Select Records of Criminal Cases determined in the Court of Foujdaree Udaltut of Madras. 1826-1850*, Madras. 1851, XI.
22. Report of the Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency. Madras. 1855. Vol. I, 55-71.
23. *Ibid.* Vol. I. Appendix-C. No. 10. Kanara. cvii.
24. *Ibid.* cviii.
25. B. Shalini Devi. *op.cit.*, 166-67.
26. Report of the Commissioners *op.cit.*, 167-68.
27. *Ibid.* cxi.
28. *Ibid.* cxii.
29. *Ibid.* cxiii.
30. *Ibid.* 62.
31. *Ibid.* 34-71; B. Shalini Devi. *op.cit.*, 171; B.B. Mishra. *op.cit.*, 536.
32. *The History of the Madras Police - Centenary Volume*; 261; B. Shalini Devi. *op.cit.*, 172.
33. *Orders of the Madras Police (Corrected upto 20th Feb. 1897)*. Vol. I Madras. 1897. 3-9; B.B. Mishra. *op.cit.*, 536.
34. *Orders of the Madras Police*. *op.cit.*, 11-18.
35. David H. Bayley. *op.cit.*, 41-45; B. Shalini Devi. *op.cit.*, 225-36.
36. *PMJD*, 8-1-1811. Sl. No. 58. 59-60.
37. *PMJD*, 15-4-1805. Sl. No. 10. 730-32.
38. *PMJD*, 24-9-1805. Sl. No. 12. 1923-25.
39. *PMJD*, 15-11-1805. Sl. No. 13. 2149-50.
40. *PMJD*, 25-5-1810. Sl. No. 52. 2113.
41. B. Shalini Devi. *op.cit.*, 362-63.