

LAW AND ORDER IN MADRAS PRESIDENCY, 1850-1880 (1987). By P. Jegatheesan. B.R. Publishing Corporation, Delhi. Pp. x + 270. Price Rs. 125.

THE BOOK¹ under review is a concise treatise of historical research, based on official proceedings and records of the Tamil Nadu Archives, on the subject of law and order in Madras Presidency, during a vital 30-year period of British rule in India--from 1850 to 1880. This is a period which covers the Torture Commission (1855), Great Revolt (1857), Madras Police Act 1859, Indian Penal Code 1860 and establishment of the Madras High Court in 1862. All these events were important *per se*, and equally important in respect of their repercussions on the law and order situation in Madras Presidency as well as in the rest of the sub-continent. The choice, therefore, is appropriate.

The period preceding was one, which was characterised by total neglect of the law and order administration by British rulers, probably on considerations of concentrated revenue collection and economy of expenditure. Under the Regulation of 1816, the police found themselves controlled at all levels by revenue functionaries and involved equally with revenue servants in extortion of revenue as well as harassment in police cases. The allegations of torture were so many and so serious that echoes of these were heard even in the British House of Commons. The Torture Commission was, therefore, the result.

The commission found conclusively 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."² They also held that the law and order administration in the province was in a bad shape. The remedies they suggested included a "moral agency" (European) at appropriate levels, separation of the judiciary from the executive and, more importantly, that of the police from the revenue. The commission went on to suggest major reforms in the organisation of the police as an independent agency and emphasised the toning up of the village police to its historic effectiveness. They also advocated a long term settlement of revenue in preference to the process of annual accounting of revenue (*jamabandih*), which gave rise to most of the malpractices complained of.

The recommendations of the commission were taken up for implementation by the Madras Government albeit with a little initial hesitation. The situation as regards serious crime in the province, the Moplah disturbance involving also the killing of collector Connally (1855) as well as the Great Revolt forced their hands. As far as police reforms were concerned, the Sind experiment, already adopted with some success in Bombay, provided the model. The legal framework was laid down in the Madras Police Act. Though the commission's purpose of giving the police a separate identity and organisation was sought to be achieved in these reforms, the status and pay of police personnel were not enhanced and a provision was inserted in the Act that the district police would function under

1. P. Jegatheesan, *Law and Order in Madras Presidency, 1850-1880* (1987).

2. *Id.* at 13.

the control and direction of the collector, proved to be the thin end of the wedge that ensured that the new police was only a new wine in old bottle. Another reason for this was the fact that the police personnel were already steeped in questionable and corrupt practices and a clean break was not facilitated.

However, a good development that took place during the same period was the elimination of diarchy as regards higher courts in the province, *i.e.*, the Supreme Court manned by trained barristers-at-law and the Sadr Court controlled by senior administrators. Madras Governor Charles Edward Trevelyan's recommendations for merging these into a single High Court for the province finally prevailed. Madras had its High Court in 1862 under the Indian High Courts Act 1861. But dual control in the administration of justice at lower levels continued almost as before, through collectors.

Side by side the period also saw the enactment of the Indian Penal Code, Code of Criminal Procedure 1861 and Evidence Act 1872. These laws, except for the differential treatment provided for Europeans, were good, but the trouble was that they were not understood by common people. This gave an edge to the machinations of unscrupulous *vakils*. The procedure of appointment of honorary magistrates did not inspire confidence and the distance at which courts were situated from the people did not also help prompt and purposeful access to justice.

The last but one chapter of the book discusses the crime situation in Madras Province with reference to charts and maps of distribution of different crimes, relating the incidence to population, regions, seasons, grain prices and the like. Failure of *monsoon*, high prices of food grains and famine conditions always led to a spurt in crime. The ceded districts and Salem were the areas that contributed the bulk of the more serious and violent crime.

The book represents the outcome of a very useful study in an area which had received scant attention earlier. There have of course been historical treatises and dissertations on revenue collection and general administration, but no critical evaluation of law and order developments or police administration. The author has departed from the beaten track and discussed the unsatisfactory background situation that called for the appointment of the Torture Commission, re-organisation of the police and enactment of the new Police Act and tried to evaluate how far the reforms served the intended purpose. He has hit the nail on the head, when he identifies that placing the police under the "general control and direction of the Collector" defeated the very purpose of organising the police as a separate and independent entity for better performance. But the great travesty in that what the British rulers themselves located as the root cause of the malaise and failed to rectify it in full by their reforms, is still allowed to persist in independent India, even after the monumental labours of the National Police Commission (1978-81).

The author has done a good job of his research and presentation. Even the present reviewer, who had spent a life time in the study and practice of this subject, could pick up a few authentic facts from this book. This will, therefore, be a valuable addition to the existing library of authentic police literature in India.

Every police training institution and library as well as universities in the country which specialise in the criminological areas of social sciences, could profit by investing in this volume.

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