

**In Blood and Color: The Madras Torture Commission Report as a Liberal Response to a
Crisis in Racial Capitalism**

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Introduction

To study Indian history, I faced the irony of traveling to the British Library in London. And while the walls of the library were lined with ornate paintings of Indian royalty, most of the academics conducting research were unmistakably white. Amidst this room of white academics, I rummaged through dozens of boxes containing trace files from different era of colonial rule. I initially set out to find Indian narratives, stories of Indians living under British rule and the institutions that shaped their experiences. Specifically, I planned on examining Indian experiences of police violence under British rule. Few documents in the archive, however, contained any reference to the lived experiences of Indians during British rule. Instead, I found myself limited by the constraints of a British archive. I encountered page after page of British perspectives, ranging from diary entries by British officers to extensive land surveys. Most folders contained incomplete records, or memos sloppily handwritten onto frail pieces of paper. My eyes ceaselessly glazed over documents until I stumbled upon the 1855 Madras Torture Commission Report.

An intimidatingly long, four-hundred-plus page document, the Madras Torture Commission Report ostensibly recounts stories of brutality enacted by Indian revenue officers. These officers, endowed with policing powers, were natives weaponized by the colonial state apparatus to collect taxes from villagers in Madras, India, who were unable to pay the higher tax rates imposed upon them by the East India Company in the mid-19th century. The colonial state, therefore, relied on revenue officers' brutality towards their fellow Indians in order to secure payments. However, the report ignored the underlying issue of the colonial taxation that prompted brutal acts. Instead, it professed a liberal concern with justice and rationalized the

revenue officers' brutality as the regrettable acts of a backwards and savage people. In other words, the report relied on racialized notions to deflect culpability *and* justify further control of the "unruly" Indians.

This fascinating document, written by three British men partisan to the Company, interweaves testimony from Madras villagers, Indian revenue officers, their British superiors, and British civilians, and provides an excellent lens to explore the intersection of policing, racial capitalism, and imperial liberalism in mid-19th century India. In it, we can see not only how policing emerged as a vehicle to uphold exploitative capitalist structures, but also how Indian labor afforded the Company the opportunity to construct a racial explanation for the pernicious effects of an inequitable economic system. In the midst of an illiberal quandary, the East India Company in the Madras Torture Commission Report managed to uphold their mantle of liberalism. While my original conception for this project considered Indian narratives, I have become, through the course of this research, primarily occupied with the task of understanding the British-Indian relationship and the different structures that enabled the British administration to exercise control over Indians.

A primary focus of my project is the institution of racial capitalism in colonial India. Defined as a process that “derive[s] social and economic value from the racial identity of another person,” racial capitalism was at the heart of British Indian colonialism.¹ South Asian historian David Arnold explains in *Police Power and Colonial Rule* that India served the valuable function of being a resource hub for the British Empire. By extracting wealth from the colony via the exploitation of Indian resources and labor, the East India Company and British Crown placed

¹ Nancy Leong, “Racial Capitalism,” *Harvard Law Review* 126 no. 8 (2013): 2152.

pounds in their own pockets. Indeed, India was understood as an “arena for the unlimited and unshackled application of British capital and intelligence.”²

In order for the British to construct such a system that prioritized capital over human life, the East India Company needed to invoke and reinforce notions of Indian racial inferiority. Paul Rich’s *Race and Empire in British Politics* draws on government documents from the Public Records Office in assessing Indian racial formation in the late 19th and early 20th centuries. This racial formation provided a cogent justification for imperial capitalist policies founded on a racial hierarchy. Rich describes the ways in which the British Empire leveraged Indian caste divisions and “backward” cultural practices – amongst a host of other characteristics – to justify this racial categorization. British imperial rhetoric justified exploitation through racialized myths that Indians could not rule themselves due to their natural inclination to create climates of instability. Frequently, British philosophers like John Stuart Mill would elaborate on the “backwardness” of Indian society due to their lack of adult maturity and childlike development.³ This trope translated into a general understanding of criminality. Indians, then, would “need” adult British rulers to acquire territory and establish economic structures in the perceived absence of sophisticated Indian economic networks. Rich’s piece demonstrates the fluidity of this racial construct by examining the ways in which racial categorizations adjusted based on anticolonial rebellion, caste status, and Britain’s own imperial expansion. This system of racial capitalism faced backlash from Indians themselves, who remained severely deprived of adequate capital and resources on their own land. As a result, the Company needed a system to effectively preserve and perpetuate racial capitalism.

² David J. Arnold, *Police Power and Colonial Rule: Madras 1859-1947* (Delhi: Oxford University Press, 1986), 12.

³ Uday S. Mehta, *Liberalism and Empire: A Study in Nineteenth-century British Liberal Thought*. (Chicago: University of Chicago Press, 1999), 70.

Policing emerged as the appropriate solution for the British administration to sustain this system. David Arnold explains in *The Police and Colonial Control in South India* that the police system in British India was constructed as a direct product of the capitalist state, as evidenced in police protection of Company revenue streams.⁴ The police collected information and enforced law and order in India, fulfilling roles that the British themselves could not accomplish thousands of miles away.⁵ While many officials of the Company remained away from India, police constituted the eyes and ears of the colonial operation, gathering information that British officers could not due to a lack of cultural knowledge and language barriers. My present study specifically considers with the figure of the revenue officer, a lower-level Indian officer granted policing and revenue collection powers, situated directly at the intersection of racial capitalism and policing. This position demanded employment by Indians who understood the indigenous environment better than the British and cost less to employ in the same capacity. Further, hiring Indian police officers afforded the British the opportunity to distance themselves from inevitable conflicts resulting from pernicious Company policies. These structures, however, did not live up to the ideals of equality espoused by the British in the metropole.

This tension of nominal liberalism and illiberal colonial policy marks another underlying theme of my project. Indian Political Theorist Uday Singh Mehta explores in *Liberalism and Empire* the inherent contradictions of a British philosophy that prided itself on being universally applicable while being grounded in a specifically European experience. How could a self-proclaimed liberal state bring itself to become an imperial power? The invocation of race proved instrumental in justifying the colonial enterprise, with liberal thinkers like Jeremy Bentham and John Stuart Mill turning to derogatory racial categorization to bolster their support of colonial

⁴ David J. Arnold, "The Police and Colonial Control in South India," *Social Scientist* 4 no.12 (1976), 3.

⁵ Ibid.

rule. Racial hierarchy upheld “visible mark[s] of the unfamiliar” and projected colonial insecurities unto this categorization.⁶ Mehta explains that the British consistently threaded the line between “familiarity and distance, warmth and sternness, responsibility and raw power” between London and India.⁷ South Asian scholar Ranajit Guha famously termed the relationship between Britain and India as one of “dominance without hegemony.”⁸ Since the nature of the relationship was nonhegemonic, Britain could not assimilate into the civil society of India; it did, however, exercise considerable dominance. Guha also explains that the ideals of liberalism, democracy, and liberty – ostensibly available to all – fell at the feet of the natural tendency of capital to reproduce its own exploitative institutions and conditions within the colonial context.⁹ In other words, the Indian experience would never live up to liberal ideals. Instead, liberalism bent to the will of racial capitalism, adapting its image in the metropole to sustain the exploitative systems that undergird colonial encounters. Capital remained the silent, driving force that impelled imperial powers to defy their own principles on their own terms.

My project’s reading of the Madras Torture Commission Report situates its analysis within these frameworks of racial capitalism, policing, and the British-Indian liberal paradox. The report is a unique document that interweaves these themes in a manner that directly reflects colonial aims to strengthen control over India in the mid-19th century. While previous scholars have devoted some attention to the report in the context of policing histories, I argue that that this report proved to be the most instrumental document in shifting police structures in Madras. The document arrived a crucial moment in British-Indian history, wherein a crisis in racial capitalism

⁶ Uday S. Mehta, *Liberalism and Empire: A Study in Nineteenth-century British Liberal Thought*. (Chicago: University of Chicago Press, 1999), 15.

⁷ *Ibid*, 11.

⁸ Ranajit Guha, *Dominance without Hegemony: History and Power in Colonial India*. (Cambridge: Harvard University Press, 1998), xiv.

⁹ *Ibid*, 67.

and liberalism prompted the British to produce a response. Thus, the report provides insight into British modes of thinking and racial rationalization. Further, the report's recommendations found resonance in an era of political calamity and instability. The assassination of British officials in Madras, crime increases in 1850s Madras, and the Mutiny of 1857, a watershed revolt that catalyzed a formal turn of power from the East India Company to the British Crown, contributed to an environment of racially-founded distrust. This distrust provided a unique opening for the Madras Torture Commission Report to wield influence over policing structures and create a lasting police bureaucracy. My work provides a crucial intervention in its in-depth textual analysis of the document and conclusion that British-Indian police reformation would not have been possible in the same manner without the report.

Chapter Breakdown

The first chapter of my thesis provides historical background for the evolution of economic activity in pre-colonial Indian society to contextualize British acquisition. Prior to the first British holdings in the area, land cultivation in Madras was organized in the medieval era first by religious worship, and then by a tributary state. Madras became segmented in the 17th century, as local rulers brawled with one another to gain jurisdiction over the area. The British exploited this segmented Madras in the 17th and 18th centuries to expand into the region, building strategic alliances with Indian elites of the old order. First adopting the indigenous model of land cultivation, the East India Company gradually set up operations in central Madras, erecting Fort St. George as a base of operations. The beginning of the 19th century in Madras coincided with the ongoing British industrial revolution, and an associated capitalist ethos that catalyzed the construction of a more explicit racial capitalist state in Madras. Land cultivation taxation

emerged as the primary source of revenue for the East India Company, as the British leveraged Indian knowledge and labor to render this profit stream as profitable as possible. A crucial actor in this structure was the Indian revenue officer, endowed with policing powers, instrumentalized by the British administration to collect land cultivation taxes. While initial taxation rates were calibrated to maintain farmers' standards of living, the Company's Board of Revenue eventually elevated taxes to a fixed rate, regardless of weather conditions. Farmers, then, bore the unreasonable burden of producing the same number of crops yearly, even in particularly inclement weather. Indian revenue officers, mandated by the Company to collect from these farmers, sometimes resorted to violent means to procure this government funding.

My second chapter, then, examines the British metropole's unfavorable reaction to state-sanctioned violence and the resulting Madras Torture Commission Report, a racially coded document that detracted from the underlying issue of stringent taxation to maintain the guise of liberalism. While initially the East India Company failed to issue a response to this state violence, grievances from villagers in Madras eventually reached members of Parliament in the metropole. This sparked a wave of outrage and coverage in London, as the East India Company received allegations of police torture and brutality at its hands. In order to preserve the mantle of liberalism, the Company drew up a commission consisting of three Englishmen partisan to the Company cause to investigate the matter further. The result of their investigation was the Madras Torture Commission Report, which labored to detract from the underlying issue of land cultivation taxes in an attempt to extricate the Company from instances of brutality. To sustain order and racial capitalism, the Company invoked notions of Indian brutality in order to account for state violence. The Indian revenue and police officers themselves were the issue, the report elaborated, and the British efforts to civilize the Indian populace clearly needed to be amplified

to prevent future misconduct. The commission recommended that Indians remain under stringent supervision from their British superiors, and that Indian revenue officers should no longer be endowed with policing powers. While the document consistently undermined Indian witnesses, instead privileging the testimonies of British civilians and officers, Parliament remained satisfied with the results and would come to adopt the suggestions proposed in the report.

My third chapter traces the impact of the report, analyzing the racially coded police regulations passed in 1860 designed to institutionalize distrust within the ranks of British Indian police.¹⁰ Between the passage of these regulations and the report, the murder of British officials and an increase in crime ushered in a wave of paranoia among Company officials who feared a loss of control within Madras. Further, the Mutiny of 1857 – a monumental revolt that swept parts of India outside of the Madras Presidency – shocked the Company into reorganizing its structure to exercise more control on the Indian people. The East India Company was formally absorbed under the British Crown and the Madras administration adopted a more stringent set of police regulations designed to subordinate Indian officers and “police the police.”¹¹ These regulations also functioned as a means to facilitate efficient information-gathering and surveil Indian villages for possible breaches in order. The Madras administration also established an ironclad bureaucratic structure to manage the implementation of these orders as closely as possible.

I conclude by considering the themes of violence and order as they pertain to the Madras Torture Commission Report. I argue that the colonial state highlighted torture as violence to construct an ironclad bureaucratic order divided on racial lines. Further, I contend that the

¹⁰ Anuj Bhuvania, "Very Wicked Children: 'Indian Torture' and the Madras Torture Commission Report of 1855," *International Journal on Human Rights* 6, no. 10 (June 2009): 9.

¹¹ *Ibid*, 23.

ideology of order operated as an organizing principle mediating the relationship between racial capitalism and policing.

Chapter One

A Formidable Force: Constructing the Racial Capitalist State

“State power was selective, even erratic. It could be thwarted or appropriated for unintended purposes. But, in the main, it was too formidable to be ignored, too weighty to be for long defied.”

- David Arnold, South Asian Historian¹²

Historian David Arnold’s assessment of British-Indian state power finds resonance from the point of British arrival in 1639 to India’s independence in 1947. From the 17th to the 20th century, the British constructed a holistic system of observation, assessment and management that pervaded every aspect of Indian life. This specifically colonial process took form in the institutionalization of private land settlements in Madras. The East India Company took advantage of segmented local control to establish a streamlined land taxation system. Along the way, the Company institutionalized annual surveys and leveraged indigenous knowledge to render existing state structures more productive, in line with the aims of racial capitalism. Rhetoric of productivity, as part of an overarching capitalistic ethos, translated into exploitative taxation policies that stripped Madras farmers to starvation wages. This iterative process provoked anger, confusion, and fear from the Madras villagers that it affected. As Arnold notes, British power was “too formidable to be ignored.”

In order to develop power in an unfamiliar society, the British relied heavily on the exploitation of Indian labor. After consolidating territory in Madras, the British supplanted existing employment with positions in accordance with their own agenda. From working at British factories in Madras urban centers to planting crops to provide the Company tax revenue,

¹² David J. Arnold, *Police Power and Colonial Rule: Madras 1859-1947* (Delhi: Oxford University Press, 1986), 2.

every Indian became part of the colonial operation with or without their express consent. One particularly important Indian role was that of the revenue officer collecting government taxes from village farmers. These officers operated on behalf of the East India Company to procure funding streams most vital to Company operations. These officers, endowed with policing powers, were situated at the intersection of a formidable force and an innocent populace. They are a focal point in my overarching analysis, as the state had no reservations in exploiting Indian labor and distancing themselves from this capitalistic relationship when the guise of liberalism had been breached. As the needs of the state changed, the Company managed their pool of Indian labor, and their relationship to Indian labor, to adapt.

This chapter provides economic historical background on land cultivation in Madras, contextualizing the British colonial acquisition. I begin by tracing the development of indigenous forms of economic activity predating colonial acquisition, and the ways in which Indians organized labor outside of British influence. While Indians constructed economic systems based on religion and state control, British networks gradually moved to craft a productive capitalist operation. I discuss early stages of British colonialism, and the ways in which the development of capitalism perniciously impacted the Indian populace.

Land Cultivation and Economic History

In order to understand the ways that British rule shaped Indian economic activity, we must examine the economic underpinnings that predated colonial acquisition. Extending back to the 9th century, the economy of Madras had been governed by distinct forces. Religion guided economic activity in the Pandya period, which extended from the 9th to the 14th century. In this period, temples operated as sites of economic transaction that formed networks between

individuals and villages. After the 14th century, the collapse of medieval era South Asian kingdoms led to the Vijaynagar Nayaka rule, wherein the state took on a stronger role in controlling economic activity. This era featured a more defined relationship between the state and the villagers and farmers of Madras. At this point, the East India Company's 17th century acquisitions, along with the Dutch and Portuguese colonial settlements, gradually led to Madras' transition into a market-led economy. Under the logic of racial capitalism, the East India Company imposed stringent land policies that severely affected the standard of life for Madras farmers. These three systemic periods were also marked by advancement in agricultural technologies and demographic changes that affected both production and distribution cycles.

Hundreds of years prior to the East India Company's intervention, in the Pandya period from the 9th to 14th century, villagers constructed a decentralized political economy and agrarian order based around local temples and founded on the devotion of Hindu deities.¹³ Indian society in general was rooted in the fundamental belief that the Hindu religion was a liberating force that would reward its proponents. As a result, temples became focal points of spiritual, cultural, and economic activity. Villagers used inundation and smaller diversion dams to move the flow of seasonal floods into harvest fields; they then deposited these crops and harvest to the gods as offerings for a prosperous season.¹⁴ Temples in this period could be understood as economic sites somewhat similar to modern day banks; villagers were able to take out loans, turn in taxes, and perform other commercial transactions within the confines of their local temple. The pervasiveness of temples throughout South India made it feasible for traveling merchants to find and fund business activity. And while there existed various kingships and royal governments controlling Madras and South India during this time period, the loosely connected villages within

¹³ David E. Ludden, *Peasant History in South India* (Princeton, NJ: Princeton University Press, 1985), 13.

¹⁴ *Ibid*, 23.

the kingdom most consistently relied on local temples to facilitate economic activity. The dominance of religion began to decline, however, at the turn of the 14th century with the advent of the Vijaynagar Nayaka rule.

The Vijaynagar Nayaka era, lasting until the late 16th and early 17th century, saw a centralization of economic activity along with a more pronounced role of the state, which laid the groundwork for the emergence of the East India Company. Madras and more broadly Southern India, while wrought with localized warfare, were formally under the Vijaynagar Empire. This new order was accompanied by an increase in tribute transactions between smaller villages and royal officials.¹⁵ The transactions between villagers and state authorities guided economic activity and made this era more robust than the medieval Pandya rule that it had preceded. This new order in Southern India was complicated by the influx of northern warrior and peasant classes who had been displaced by the Turkish conquest of Delhi. These sudden displacements led to a diversification in farming practices and the utilization of previously untilled land. In addition, the integration of northern and southern farming practices led to the creation of new networks of dams and channels that crisscrossed Madras. The improvements in irrigation technology allowed farmers to more efficiently cultivate land. But as a result of the concurrent regional consolidations of power, farmers in Madras were now bound to royal authorities to produce regular seasonal harvests. The state constructed an official hierarchy of tributary transactions and revenue contracts that mandated the production of set crop yields from Madras farmers. This hierarchy began to be codified, as officials recorded farmer transactions on palm leaves.¹⁶ The tributary state afforded the peasantry the opportunity for increased market

¹⁵ Ibid, 13.

¹⁶ Ibid, 71.

exchange and economic revitalization.¹⁷ However, the Vijaynagara Empire began to deteriorate in the mid-16th century, making way for a similar order in the Nayaka Empire.

Before the British East India Company even arrived, however, the Portuguese and Dutch merchants had set up 16th century coastal tracts for trading. Since the Nayaka Empire had not fully carved out their own settlements on these coastal regions, there was little animosity or warfare over these initial acquisitions between the indigenous order and the European powers. In addition, both European nations paid tribute to local Nayaka leaders in exchange for armed protection from external threats. The relationship between the Portuguese and Dutch, however, was marked by considerable tension. Each European nation took advantage of the segmented structure of the Nayaka Empire and occupied bordering towns on the Madras coast. The Dutch eventually emerged victorious, securing treaties with the Nayaka state to protect their possessions.¹⁸

Company Settlements

The East India Company first obtained a grant for land acquisition in central Madras in 1639. Like the Portuguese and Dutch, the East India Company was in search of a southern trading hub to conduct business with European powers. When the East India Company found out about Madras, they immediately set their sights on occupying the territory. Francis Day, an employee of the Company, landed off the coast of Madras and aided in negotiations with a local ruler, Damarla Venkatadri Nayaka, to obtain part of the coastal land Madrasapatnam in exchange for trading profits and standard armed protection from locals. While the land grant in Madrasapatnam did not cover the entirety of Madras, the Company would spend years

¹⁷ Ibid, 13.

¹⁸ Ibid, 71.

afterwards settling the rest of Madras through negotiations and warfare against Dutch and Portuguese forces. Following the initial Madras settlement, Francis Day obtained a grant from the East India Company to begin building on the land. Day, along with other settlers, aided in the erection of Fort St. George, a towering fortress that marked the forceful presence of the East India Company and protected its officials.

As the East India Company began to set its sight on expansion, the indigenous dynasty began to deteriorate, losing battles and resources to attacks from northern warriors. A series of droughts and diseases also began to deplete large populations of Indian leaders. In contrast, Fort St. George kept British officials relatively shielded from significant harm. As the East India Company began to consolidate control over what would become the Madras Presidency, regular economic operations continued and the British began to establish their own economic order.¹⁹ This was, by no means, an overnight process. On the contrary, British officials moved to gradually centralize political and economic power while converting the area into a capitalist hub for the East India Company. Instead of establishing new systems of governance, the Company simply integrated itself into the existing networks of state power. The Company allowed Indian descendants of the Nayaka elite into higher-ranked positions in the regional officer corps in order to quell any possible remaining opposition to British encroachment.²⁰ By creating positions of employment for the Nayaka descendants, the Company legitimized its own presence in the area. Accordingly, Madras villagers began to understand Company authority as “being vested in themselves” and strove to attain success as defined by British standards.²¹ In the same vein, the British also enforced the use of an Anglo-Indian language of discourse, employing that language

¹⁹ Ibid, 105.

²⁰ Ibid, 105.

²¹ Ibid, 105.

to systematize new regulations for landowners and other power holders in Madras society.²² This language operated as a middle ground between indigenous tongues and formal British speak, employed to gradually steep villagers into the new British order. This discourse signaled power, only accessible to a small number of privileged Indians with ties to the British government. For the most part, centers of power became increasingly inaccessible to Indians living in Madras villages.

Fort St. George became a focal point of economic and political activity, as administrative leaders of the Company expanded outwards from the fort to build factories and warehouses. Company officials aimed to transform Madras, and specifically the area around Fort St. George, into a center of industrial production. Eventually, Fort St. George and the surrounding area were denoted as “White Town,” a settlement exclusively reserved for Protestant British settlers.²³ White Town was filled with neoclassical buildings and structures to house the British elite; painters and artists were commissioned to create pieces featuring the mighty settlement amidst its “exotic” surroundings.²⁴ Indians were forbidden from living or owning property within the confines of White Town and were confined to the peripheral area known as “Black Town.” Black Town consisted primarily of agricultural land and was made up of local weavers and merchants that were displaced at the time of colonization. This dichotomy represented the relationship between British officials and Indians in this era. While the British harbored racial resentment toward surrounding Indians, they required Indians to labor on behalf of the Company.

²² Ibid, 101.

²³ Despite what I initially assumed, the name “White Town” gets its name from the color of the white houses in the settlement, rather than the racial demographics of the area. Presumably, Black Town received its name from the abstract White-Black color opposition, rather than an intended racial connotation.

²⁴ Mary E. Hancock, *The Politics of Heritage from Madras to Chennai* (Indiana: Indiana University Press, 2008), 28.

This was especially true as the Company's power in the area grew over the course of the 18th and 19th centuries, and they steadily imported industrial technologies to enact large-scale transition to an industrial economy.²⁵ To accomplish this aim, British officials enlisted the efforts of indigenous civilians to work in factories and warehouses.

Indians in Madras performed the bulk of the labor necessary for the continuation of Company operations. While some Indians worked in factories, others tilled fields as farmers, or held positions as revenue officers. Every position of employment directly or indirectly contributed to the Company's profit-making motive. Since the British themselves did not have adequate numbers of European employees to oversee their business enterprises or have knowledge of local customs and culture, Indians were instrumentalized as part of the Company machine. In a sense, the Company weaponized these Indian laborers to understand indigenous cultures in order to construct a capitalist system that extracted resources from Indian acreage. The Company found roles for Indians in various sectors of its operations. As the Anglo-Indian discourse developed, some Indians became fluent in English and operated as translators. Others worked within the Company bureaucracy, assisting British officials in the mundane processes of creating and filing funding requests. Farmers and other indigenous laborers aided the Company's operations directly through taxation that funded a bulk of Company operations. Some Indians did not work in an official capacity for the Company; instead they served in informal auxiliary roles that enhanced British economic and political capital. Some village leaders and their chiefs hastily constructed alliances with the British elite in the hope that these relationships would better their position in the colonial hierarchy.²⁶ Indians in all professions were paid a fraction of British

²⁵ David E. Ludden, *Peasant History in South India* (Princeton, NJ: Princeton University Press, 1985), 107.

²⁶ *Ibid*, 100.

wages, while British officials enjoyed a surplus in their superior roles.

This demarcation of wages fell in line with the overarching colonial principle of racial capitalism to maintain efficiency and profitability in all operations. To this end, given that the chief strategy of the British administration was to accumulate as much wealth as possible within Madras' urban centers, the Company prioritized the securing of private property.²⁷ This would open up avenues for state centralization over taxation.²⁸ Every acre of property in Madras needed to be productively tilled in an organized, and methodical fashion. Landowners would work in conjunction with farmers to grow crops, the profits of which would be taxed by the East India Company for government revenue. This source of government revenue was particularly important in Madras since it constituted a large majority of available Company funding. In order to collect these government taxes, the Company set up a bureaucratic system of revenue collection. Revenue officers were imbued with policing powers and the mandate to collect taxes from all farmers and villagers. But neither the revenue officers nor the landowners or farmers themselves received nearly as much in wages as the Company officials. This system was understood to be a straightforward and centralized process that extracted the maximum amount of money into Company wallets. By centralizing funding streams, the Company would be able to carefully monitor any discrepancies and easily modify existing systems. To this end, the Company conducted surveys to closely observe cultivated land. Company officials continued to carefully record streams of funding from these areas and employed indigenous knowledges to seek out more means for profit extraction.

Still, this system took on an *olungu*²⁹ structure, which allowed slight fluctuation in crop

²⁷ Ibid.

²⁸ Ibid, 107.

²⁹ Olungu is a Tamil word meaning "orderly but designed to be otherwise."

prices each year in response to seasonal weather conditions.³⁰ If a particular season was met with a considerable lack of rainfall, for instance, farmers would be required to pay an amount proportional to their crop yield that season. Farmers also faced flooding, silting, and decayed irrigation – common factors that often proved ruinous for a season’s harvest. The Company’s Board of Revenue explained that this system “preserved the rights” of landowners and maintained stability within the Madras Presidency.³¹ Individual assessments for farmers would be set by multiplying the acreage on a farm by the estimated output per acre, multiplying this amount by the government tax proportion, and then converting the resulting amount into a figure adjusted to inflation.³² In addition, the Board of Revenue granted a “liberal remission procedure” that utilized a revenue survey from 1802 that established a lower expected crop yield.³³ While many farmers and landowners accumulated far fewer wages than before, the Company’s system ensured that Madras villagers could make a living wage with the bare minimum access to basic necessities. This system was contingent on the support of British officials and local villagers in adjusting expected amounts as needed.³⁴

However, the 1840s and 1850s saw a marked increase in rhetoric of efficiency and management that ran contrary to the established land taxation system. The intellectual climate in Madras began to shift in the early 1840s, as imported English organizational skills found their way into Indian society.³⁵ As the British began to construct railways and infrastructure to easily control the management of Indian territory and facilitate the movement of commodities, the

³⁰ Ibid, 111.

³¹ Ibid.

³² Ibid.

³³ Ibid, 113.

³⁴ Ibid, 115.

³⁵ Ibid.

system of capitalism (and accompanying ethos of capitalist productivity) influenced other British Indian fields. Capitalism prompted the Company to constantly reevaluate existing funding systems to exploit the maximum amount of acreage and labor. British officials thirsted for new means of revenue, carefully scrutinizing each sector of government. E.B. Thomas, the head of revenue collection for the Tinnevely District of Madras, aggressively sought to launch a new infrastructure project and implored the Board of Revenue to consider this request. While other Company officials rallied around this request, the Board of Revenue maintained that “grand plans” were outside the scope of the colonial budget.³⁶ To make matters worse, unprecedentedly low crop prices in the 1840s and 50s found the Company unable to sustain its operations at the same scale. This matter constituted a crisis that disrupted the capitalist order and the Board of Revenue understood that they needed to leverage any opportunity to extract profit from Madras villagers, and strengthen their hold on Madras.

These conditions gave way to a watershed moment, wherein British officials eliminated any fluctuations in taxes, due to weather abnormalities, instead opting for a higher fixed tax unyielding to any external environmental activity. Farmers would no longer be provided the “luxury” of government tax adjusted to conditions outside of their control. Instead, revenue officers would mandate a fixed amount in taxes, or farmers would face imprisonment. These low-level revenue officers were often Indians working on behalf of the state, endowed with policing powers.

³⁶ Ibid, 116.

Conclusion

While indigenous systems of economic activity existed hundreds of years prior to colonial acquisition, the East India Company managed to exploit existing segments of the population to craft their own system. By strategically making alliances with existing elites, the Company secured its place in Madras and gradually expanded through the course of the 17th, 18th, and 19th centuries. While the Company initially grafted elements of the old economic system for their own purposes, their application of these land cultivation mechanisms would become tools to perpetuate Company growth. The Company leveraged Indian knowledges and labor to bolster these structures. Surveys codified this knowledge, and were instrumental to Company expansion later in the 19th century. Observation, as a concept, became a tool of control – the more that the British knew about their holdings in Madras, the better they would be able to manage people and resources. British officials in the early 19th century began to oversee a disturbing trend of violence inflicted by revenue officers attempting to procure government revenue. This observation, however, remained at odds with liberalism, a guiding concept that the British heralded in the metropole.

My next chapter scrutinizes the British response to critiques of liberalism in the colony. The Madras Torture Commission Report controlled the narrative of state-sponsored violence by offering a racial explanation. Indians, not British capitalism, lay at the heart of the issue according to the report. The document is a surgical endeavor, aligning itself with a racial hierarchy and offering tacit support to capitalist exploitation without acknowledging a fall from liberalism. It remains a testament to the British Empire's masterful ability to conceal the screams of Indians miles away from London – for who will hear them?

Chapter Two

“Who will hear?”: Understanding the Madras Torture Commission Report

“About two months ago, I had regularly paid my rent; he asked me for 10 Rupees as a present, I remonstrated and said that the season was very bad and I could not afford to pay. Whereupon he ordered two of his collecting peons³⁷ to seize me by the ears and lift me up. I begun to cry. Many of the villagers saw it. They then gave me 10 stripes with leathern thongs called Comechewar, and kept me in the Chavady³⁸ for two days in great restraint. Still, I had nothing to pay and told him so. At last he let me go, and said my field would be sold, and that I will not get it next season, I went and complained of this to the Tahsildar³⁹ who had me thrust away, I did not complain to the Gentlemen, for who will hear?”⁴⁰

- Vyapoory Gounden, *Madras Farmer 1855*

Gounden’s testimony was one of 1,959 submitted to the Madras Torture Commission. Starting in 1841, farmers in Madras who failed to pay land cultivation taxes were subjected to varied forms of humiliation and torture at the hands of revenue officers. The 423-page report created by the commission documented these instances of brutality, illuminating the extent to which torture existed in Madras. One villager reported that an officer had forcefully grabbed his neck, strangling him until he submitted payment.⁴¹ Another explained that he had been repeatedly beaten with whips in the sweltering heat.⁴² Sometimes the revenue officers punished individuals in front of their families in order to induce payment. For instance, one 18-year-old villager was whipped repeatedly in front of his mother until she agreed to sell part of their property to submit the tax.⁴³ As state officials continued to infringe upon basic human rights, the

³⁷ *Peons* refer to low-ranking police officers.

³⁸ *Chavady* refers to a public village space.

³⁹ *Tahsildar* refers to a village revenue collector.

⁴⁰ Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency, *Report of the Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency* (Madras: Fort St George Gazette Press, 1855), 27.

⁴¹ *Ibid*, 28.

⁴² *Ibid*, 25.

⁴³ *Ibid*.

villagers no doubt felt a sense of moral and psychological deprivation, in addition to sustained physical injuries.

Police torture typically involved readily available materials and close physical confrontation. In one popular form of torture, officers would force natives to gather rocks and hold them above their heads in the sweltering heat until their knees buckled or their arms gave out.⁴⁴ Officers were often willing to subject natives to hours of this ceaseless violence, as the victims' bodies began to weaken. In another form of torture, villagers would be tied by their feet and arms with ropes that were dipped in chilies and mustard seed for several hours, leading to severe swelling and ulcers that would last for days.⁴⁵ Some were flogged and beaten with a variety of instruments, from an officer's leather belt to nearby sticks of tamarind.⁴⁶ Other forms of torture included, and were by no means limited to, confining a victim within stocks in a kneeling position without food, forcing a victim to stand in mud during a storm, and simply punching and kicking victims until they stopped resisting.⁴⁷ These means of torture were rarely precise methods of inflicting harm. Rather, they improvised ways of procuring government revenue.

Often, officers would begin with milder methods of brutality that gradually intensified as victims continued to fail to submit payments. One villager recounting his experience to the commission explained that, at first, his face was simply spat on and he was detained in public as a form of humiliation. He submitted the payment and continued with his daily activities. Soon afterwards, however, the officer came to his house again and continued to demand payment; when he was not immediately able to gather the amount necessary, he and his fellow victims

⁴⁴ Ibid, 10.

⁴⁵ Ibid, E xiv.

⁴⁶ Ibid, E, xv.

⁴⁷ Ibid, 10.

were made to squat while the officers pushed them down, straining their bodies until they would capitulate. This brutality was accompanied with elements of humiliation, as the officers made some of the farmers “twist their ears and make them walk backwards and forwards,” in an attempt to make the farmer degrade themselves.⁴⁸ This punishment, commonly employed to humiliate disobedient schoolchildren, quite literally forced the Indian victim to act like children at the hands of Company officials. These infantilizing actions reinforced the notion that they were somehow subordinate to the Company and had to pay a price for this inferiority. Many villagers were forced to submit money saved for food or other necessary living expenses. In some cases where victims simply lacked the money to pay immediately, officers destroyed the victim’s property as a form of punishment.⁴⁹ One villager explained that he was initially tied by the feet and flogged with a leather belt and tamarind twigs until he bled. While his brother eventually arrived at the scene with the necessary amount, the officers later assaulted the villager’s buffalos for his lack of immediate payment.⁵⁰ Incidents like these defied logic, as some of the officers would continue to harm villagers even after they surrendered payments. As violence persisted, villagers were helpless.

Natives had little legal recourse to such violations to their bodies and properties. Villagers who talked through their experience often described feelings of hopelessness and shock. These were farmers that were forced to submit unreasonable amounts of payment to begin with and, to compound on this stress, they faced imminent threats of brutality if weather did not permit a bountiful harvest. They were quite literally being punished for events wholly out of their control. And as the violence persisted, feelings of shock transitioned to disillusionment as

⁴⁸ Ibid, 24.

⁴⁹ Ibid.

⁵⁰ Ibid, A 43.

villagers learned to cope with the pain in their grim realities. The aforementioned Vyapoory Gounden was made into a public spectacle, brutalized in the middle of his village with little possibility of recourse for the officers involved. Villagers watched as Gounden cried. Perhaps the most heartbreaking aspect of Gounden's testimony, and the testimony of numerous victims trapped in the same predicament as him, was a feeling of helplessness. After describing his humiliation, Gounden asks "who will hear?" These villagers were screaming at the feet of an institution far more powerful than them.

This institution, the East India Company, imposed stringent fixed rates on land cultivation, and mandated the collection of these taxes by revenue officers. Earlier in the nineteenth century, it mandated the collection of land-based tax revenues at a fixed, rather than fluctuating, rate. This revenue provision was disastrous in practice, as farm wages were subject to change based on volatile weather conditions. Particularly inclement seasons left farmers and cultivators without the means to pay the Company's taxes. And since revenue officers shared some of the same functions as police officers, this often led to abuses of power. To complicate the matter, these low-level revenue officers of the British state were often Indian. Since Indians were barred from entering the higher ranks of the revenue service, they were relegated to positions where they would need to procure unfair taxes from their fellow countrymen. European officers, on the other hand, were able to remain distanced from these instances of torture while receiving pay on behalf of the Company. The conflicts on the ground involved Indian officers brutalizing Indian civilians, while the East India Company was able to wash its hands of any Indian blood.

In moments of great physical and psychological pain, what else could farmers like Gounden do when faced with this dilemma? These villagers, often without formal education and

the funds necessary to press legal charges against the state, suffered physically and financially at its hands. Farmers, tirelessly laboring to provide for their families, would rarely have the time or means to pursue legal actions against the state. In one instance, the court delayed a victim's trial for weeks, such that his wounds were barely noticeable and deemed inadmissible as evidence by an English doctor.⁵¹ These cases involving a gross negligence on behalf of the Madras legal system were frighteningly common. As evidenced by Gounden's testimony, some officers resorted to forms of public torture and humiliation such that everyone in the village could observe this brutality. Clearly, officers did not fear legal recourse in choosing to disobey the law in a public setting. More than half of police officers known to brutalize villagers were released in Madras courts.⁵² The victims of police brutality, along with passersbys, fellow officers, and members of the British regime, understood that these violent institutions were firmly entrenched in their society.

In this chapter, I conduct a textual analysis of the Madras Torture Commission Report, closely examining its content and structure. I argue that this crucial document operated as a liberal justification of torture that erased the East India Company's own complicity in instances of brutality. I contend that this document drew on racial ideas of Indian brutality to skillfully distract from the original issue of land cultivation. I begin by providing context, explaining various attempts by local organizations to change British policing. I dissect the Company's initial inability to respond to these claims and the overarching British liberal tendency to maintain a favorable self-image. I explain that the Company only created a commission when the British Press and Parliament members caught wind of the atrocities in Madras. I proceed to the

⁵¹ Ibid, E xxx.

⁵² Ibid, 44.

commission's creation, scrutinizing the members of the commission and their relationships to the Company. I argue that, since each member of the commission stood to benefit from the continued colonial operation, the report's creation was "doomed" from the start. In prioritizing the needs of the Company above the Madras people themselves, the commission accomplished its overarching objective. In my ensuing analysis of the report, I draw upon Uday Mehta's *Liberalism and Empire* and Elizabeth Kolsky's *Colonial Justice* in British India to provide historical context and understand the report's racialized language. I analyze each section of the report, explaining the role of its structure and content in crafting a coherent argument. I conclude by summarizing my findings and evaluating the implications of the report's racial policing arguments.

Policing Dialogues

While police torture was a well-established and relatively known practice in Madras, local Madras villagers faced difficulties in shaping the revenue institutions already in place. Numerous villagers attempted to report the unfair treatment, but British authorities failed to act. Even after repeated complaints made on behalf of isolated individuals over the course of several decades, the East India Company was able to avoid issuing a response. The Madras Native Association, an organization founded by activist and merchant Gazulu Lakshimnarasu Chetty to protest unjust policies of the British regime, attempted to change the system in 1853.⁵³ The Association, made up primarily of educated Indians, submitted a petition to the British Parliament addressing the grievances of victims in Madras.⁵⁴ Even though the bulk of the

⁵³ "Hidden Narratives of Torture." *University of Cambridge*, Accessed November 02, 2016, <http://www.cam.ac.uk/research/news/hidden-narratives-of-torture>.

⁵⁴ *Ibid.*

Association's membership was relatively wealthy and educated, the British again failed to issue a response. This reluctance to assist members of a relatively privileged bloc of Indians demonstrates that the issue of police brutality was specifically racial. In other words, even the wealthiest of Indians remained unable to engage to British authorities because no amount of money would change the fact that they were Indians, under control over the British. This dismissal of Indian subjects represented entrenched ideological currents that informed colonial policy. The impulse to manage and silence Indian subjects was a specifically colonial enterprise that relied on a fundamental trust, by the white citizens of Britain, of British governing.

Ultimately, the East India Company and British state were most concerned with preserving their liberal self-image to subjects in the metropole; so long as the people of Britain were unaware of these state-sanctioned instances of brutality, they did not need to take any decisive action on the matter. The East India Company was primarily preoccupied of maintaining a legitimate and cogent "liberal justification of the empire" and its associated institutions.⁵⁵ Liberal scholars and progressive thinkers like Jeremy Bentham and John Stuart Mill openly advocated for the free exchange of ideas along with freedom from oppressive rule.⁵⁶ These values, however, were entirely cast aside in everyday operations. These thinkers, like other metropolitan British subjects, did not bear witness to the public humiliation experienced by villagers in the middle of Madras towns. Residents in Madras simply lacked the access and audience to explain their colonial predicament. And for victims of brutality, physical pain was often overshadowed by the larger concern for morality within a society and institutions that operated under the guise of liberalism. How could it be that Indians, characterized by the British

⁵⁵ Uday S. Mehta, *Liberalism and Empire: A Study in Nineteenth-century British Liberal Thought*. (Chicago: University of Chicago Press, 1999), 2.

⁵⁶ *Ibid*, 3.

as brutal beings with a lack of regard for ethics, exist in a Western society void of morality? While the British nominally professed to remain “above” such uncivilized behavior, the East India Company held a vested interest in violence. This cognitive dissonance must have bewildered and disheartened Indian subjects of the East India Company. Most villagers, like Gounden, were living without the means to survive, let alone travel to Britain. If this façade of equality was broken down, the British government feared that they would lose respect and legitimacy amongst their own white constituencies.

While the Company was able to avoid changing their policing and revenue institutions for several decades, this gradually began to change as members of the British Parliament and the British press became aware of the extent to which torture persisted in Madras. Reports from the Madras Native Association, sent by founder Chetty, reached Parliament in 1854, and their claims began to alarm members of the British government. Several members of Parliament earnestly questioned the validity of these allegations of torture. Was it true that the East India Company, an organization that projected an image of enlightenment amongst Indian savagery, had been responsible for the blatant abuse of its subjects? Liberal party Parliament member John Blackett, from the city of Newcastle upon Tyne, created a motion in 1854 to closely examine the land settlement system, describing it as “the vilest that could be devised.”⁵⁷ Another Liberal Party MP, Danby Seymour, declared that “the object of the Government was to get ten shillings from a man who had only eight shillings a year.”⁵⁸ Amidst numerous public outcries to investigate why such heinous practices were occurring, the British press further publicized the issue through news coverage and satirical pieces. *The Times* ran a story on the “Indian Inquisition” and began a

⁵⁷ Patrick B. Smollett, *Madras: Civil Administration; Being Rough Notes From Personal Observation Written in 1855 & 1856*. (London: Richardson Brothers, 1858), 3.

⁵⁸ *Ibid.*

public dialogue on the existence of torture in the British colony.⁵⁹ Unlike the petition submitted by the Madras Native Association, however, these allegations of torture were now exposed to the British public. The British government, quick to avoid the continuation of negative publicity, swiftly ordered the creation of a commission in Madras to investigate the “use of instruments and torture by native subordinate servants of the state.”⁶⁰

The Commission

The Court of Directors formed a commission in September 1854, made up of three white British men with vested interests in the colonial rule over India: Edward Elliot, John Bruce Norton, and Patrick Smollett. Elliot, a former Royal Army officer and then-judge of a Madras Presidency court, was involved in numerous Madras-based business enterprises and was an influential figure in the East India Company. Elliot was understood to be an untrustworthy man “loose morals and profligate habits.”⁶¹ His reputation was colored by his adulterous relationship with Isabella Napier, the wife of an East India Company official.⁶² This affair resulted in a publicized divorce trial, which earned him the local reputation among the British as a pariah of sorts. John Bruce Norton was a barrister practicing in the Madras Supreme Court and the owner of a local newspaper. Norton served in numerous capacities in the lower circuit court system before operating in the Supreme Court. He was an enthusiastic supporter of the Company’s

⁵⁹ Anuj Bhuwania, "Very Wicked Children: 'Indian Torture' and the Madras Torture Commission Report of 1855," *International Journal on Human Rights* 6, no. 10 (June 2009): 9.

⁶⁰ Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency, *Report of the Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency* (Madras: Fort St George Gazette Press, 1855), A.

⁶¹ Sriram V., "Of Mrs. Napier and Mr. Elliot." *The Hindu*, Accessed November 04, 2016. <http://www.thehindu.com/news/cities/chennai/chen-columns/of-mrs-napier-and-mr-elliott/article4112750.ece>.

⁶² *Ibid.*

regime and would go on to write a book on preventing rebellions in India to maintain colonial rule.⁶³ Patrick Smollett, a civil servant working at the time of the commission's creation, explains in his notes that the Court of Directors chose Norton in part because he owned a newspaper and would be able to control narratives of police torture amidst negative press.⁶⁴ The third was a civilian, H. Strokes, described by a Madras Government agent as a "great partisan" of the land revenue system.⁶⁵ Strokes had previously administered the land cultivation system in the Guntoor village.

Clearly, each of the commissioners held a vested interest in the maintenance of the status quo in Madras. Each of their jobs and affiliations were hinged on the stability of the Company regime. Further, the Company allowed men to continue working in their respective jobs during the investigation period. This move was, quite literally, antithetical to ideals of justice and impartiality and the report was doomed from the start to be a partisan narrative serving the interests of the East India Company.

Still, the commission began its work and sent out thousands of pamphlets translated⁶⁶ into Tamil, Telegu, Canarese, Malyalum, and Hindustani to alert Madras villagers of the investigation. These languages encompassed the broad spectrum of peoples living in Madras. The pamphlet urged villagers who had been tortured to write in descriptions of these abuses or to contact the commission in person. The three investigators, to use the term loosely, worked in an office one day a week for roughly six months, where they scanned the grievances of Madras villagers. Although the Madras Native Association requested the commission to have a reporter

⁶³ John B. Norton, *The Rebellion in India: How to Prevent Another* (London: Richardson Brothers, 1857).

⁶⁴ Patrick B. Smollett, *Madras: Civil Administration; Being Rough Notes From Personal Observation Written in 1855 & 1856*. (London: Richardson Brothers, 1858), 6.

⁶⁵ *Ibid.*

⁶⁶ The report is unclear in specifying whether or not the commissioners acted as translators or if they contracted external translators.

present at the hearings, the commission denied its request and continued to hear village testimony sequestered from the general public.⁶⁷

In addition to testimony from the civilians themselves, the commission took it upon itself to assemble evidence from five additional sets of authorities on the subject of police torture. First, the commission consulted older Madras Presidency officials who had served for several decades in the East India Company in order to understand the prevalence of these practices before the mid-19th century. Second, the commission interviewed authorities currently serving within the Madras Presidency. Third, the commission consulted eyewitnesses from Madras villages to understand their vantage at incidents of police brutality. Fourth, the commission collected testimony from the Indian revenue officers themselves admitting to exacting government revenue through torture. Finally, the commission drew from evidence presented in prior court cases about police brutality in the Madras Presidency. While the report assembled a variety of testimonies from various actors in Madras under the pretense of objectivity, its narrative shifted away from the original issue of land cultivation tax.

The Report

The report opens with an explanation of the commission's original purpose: to investigate the "alleged cases of torture" by subordinate Indian police officers who collected Government revenue.⁶⁸ Its scope quickly expands, however, to discuss how the Madras Governor in Council sought to ascertain the prevalence of police torture in matters other than the Revenue Department. The commission explains that, while their "attention was in the first instance

⁶⁷ "Torture Commission," *The Indian News and Chronicle of Eastern Affairs* January 17, 1855, 235.

⁶⁸ Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency, *Report of the Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency* (Madras: Fort St George Gazette Press, 1855), A.

directed to be confined to cases of alleged ‘use of Instruments of Torture by the Native Subordinate Servants of the State for the purpose of realizing the Government revenue,’” the Government instructed them to investigate “all cases which might be brought before [them] either of torture inflicted by instruments or other means or of punishment of any kind illegally administered.”⁶⁹ By rapidly pivoting from the original issue of Government revenue, the commission puts itself in a position to evaluate the Indian police force as a whole and to demonstrate that police torture was not inextricably linked to colonial land taxation. The key contention raised by press and Parliament members was the Company’s own complicity in police torture; this early move made by the commission marks the beginning of a removal of the Company’s presence from the quagmire. Before asserting their bold argument, however, the commission needed readers to view them as a credible investigative source.

The report established the “objectivity” of the commission by explaining the “public nature” of their present inquiry.⁷⁰ The report makes a point to explain the public location of the commission’s meeting space, in addition to the thousands of circulated pamphlets and newspapers advertisements notifying Madras residents of the commission’s origin. In total, 1,959 residents in the Madras Presidency, a fraction of the entire Madras villager population, travelled to the commission’s office in-person and sent in letters to express their grievances with police torture.⁷¹ After explaining the extent to which the commission’s creation had been circulated, the report introduces the idea of truth by stating that the “object of the commission may fairly looked upon as a fact.”⁷² This invocation of “fact” follows in the Company’s tradition of assuming the role of a disseminator of truth amidst Indian subjects deemed to be unreliable. Elizabeth Kolsky

⁶⁹ Ibid.

⁷⁰ Ibid, 2.

⁷¹ Per the 1851 census figures, the total population of Madras was roughly 22 million people.

⁷² Ibid, 2.

explains in *Colonial Justice in British India* that the ideal of truth, and its associated power, was monopolized by the British to maintain stability amongst subjects.⁷³ By operating under the false pretense of a scientific approach to fairness, the Company was in privileging Europeans with a justice system that remained inaccessible to Indians.⁷⁴ To reiterate, each of the commissioners remained invested in the existing colonial system and sought to bolster their own standing within the report. After establishing themselves as a source of credibility, the commission members attempted to establish the Madras respondents as mendacious.

In addition to legitimizing the commission, the report drew upon racialized ideas of Indian credibility to selectively delegitimize testimony that did not fit within the report's overarching narrative. British authorities were often concerned with the unreliability of Indian knowledge and constructed "investigative modalities" to understand definitive truths about Indian life.⁷⁵ In 1831, Richard Clarke, a registrar at the Madras Supreme Court of Revenue, explained to a Parliamentary Committee that natives typically base their testimony on what they expect the consequences to be, rather than adhering to a factual description of events.⁷⁶ The colonial impulse to seek out truth and objectivity led to the construction of a specific medico-legal literature documenting Indian veracity through a multitude of non-scientific methods. For instance, courts from 1840 onward would often mandate Indian subjects to deliver testimony with a reference to their chosen deity and religion to substantiate their accounts. The commission explicitly called upon this literature when claiming that "our united experience of Native character induces us to form our judgment on the credibility of their statements upon different

⁷³ Kolsky, Elizabeth. *Colonial Justice in British India*. Cambridge: Cambridge University Press, 2010, 109.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

considerations.”⁷⁷ Without completely disregarding the validity of Indian testimony, this initial statement serves as a valuable tool for the commission. The report clarifies that, “in respect to educated English witnesses,” the commission can understand their testimony to follow in the British ideals of truth.⁷⁸ By establishing a racialized hierarchy of truth, holding Europeans to be the most trustworthy, the European investigators validate their ability to ascribe value to each piece of testimony throughout the report. The language of truth and objectivity is further complicated when considering the typical inefficiency, and unwillingness, of the Company’s Madras judicial system in convicting officers.

Victims of brutality would often not approach the Courts to report instances of police abuse, as they feared the exorbitant legal fees and time commitment that accompanied filing police reports.⁷⁹ As the aforementioned Madras farmer Vyapoory Gounden’s testimony suggests, few villagers had a positive disposition toward the Company’s legal system. This reluctance to participate in a legal system antithetical to the needs of Indians left a gaping and ambiguous hole of “truth” that the commission was ready to fill in throughout the report.

To further control the narratives of villagers providing testimony to the commission, the report calls upon the backward nature of Indian peoples. When describing the motives behind Indian non-reporting, the commission explains that natives have “natural” tendencies to “submit to oppression” rather than to navigate a colonial bureaucracy.⁸⁰ The commission makes this point more explicit by explaining that “they are so poor, so averse to forms, new institutions, and

⁷⁷ Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency, *Report of the Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency* (Madras: Fort St George Gazette Press, 1855), 10.

⁷⁸ *Ibid.*, 4.

⁷⁹ *Ibid.*, 10.

⁸⁰ *Ibid.*

intricate modes of procedure; they are so timid and so simple a race” that the Government needs to guide them through legal processes.⁸¹ This idea is concurrent with mainstream narratives of the Indian race as propagated in British society at the time. Influential political philosopher John Stuart Mill, along with many of his contemporaries, advocated for the coercive intervention of British systems of governance to enforce a “civilized” structure to life, a structure that the Company felt sorely lacked in Indian civilizations.⁸² Colonial bureaucracy served as a near impenetrable barrier, staffed almost entirely by British officials, for Indian villagers not familiar with Western institutions. The commission linked this lack of Indian participation to their poverty and, ultimately to their race. Farmers like Vyapoory Gounden, and their reluctance to participate in the legal system, were understood by the British order to be errant in their assumptions of legality and morality.

Old Authorities

After drawing on racialized narratives to selectively value Indian testimony that fit into British narratives, the commission established a historical genealogy to underscore how entrenched torture was in Indian society. A key contention initially raised by progressive members of Parliament was that police torture only came into existence after British land taxation. The commission went to great lengths to disprove this claim by establishing that it was “historical fact” that torture was employed in previous governments to obtain both revenue and confessions.⁸³ The report calls upon old authorities, consisting of early 19th century descriptions

⁸¹ *Ibid.*

⁸² Uday S. Mehta, *Liberalism and Empire: A Study in Nineteenth-century British Liberal Thought*. (Chicago: University of Chicago Press, 1999), 5.

⁸³ Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency, *Report of the Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency* (Madras: Fort St George Gazette Press, 1855), 4.

of the Indian policing system made by state officials and justices involved in the colonial settlement. This body of testimony primarily offered observations on Indian policing practices during the colonial period. By emphasizing their position as “old authorities,” the report aims to lend added credibility to these white British officials. One official, Sir Thomas Munro, explains that the habits of Indians tend to “compulsion where there is suspicion,” an unfortunate biological reality that even British systems of governance is unable to rectify.⁸⁴ Similar testimony from other state officials aid in the narrative that recent instances of torture actually declined after the shift in land taxation.

The old authorities in the report describe the ways in which torture had been employed for non-revenue purposes as well. One justice remarks on the continued prevalence of police torture to extract confessions by explaining that the same tortures was extracted upon villagers for different purposes.⁸⁵ The judge explains that this practice was a “crime of too common occurrence in the Madras village of Canara, even on the part of the Officers of Government.”⁸⁶ Once again, the report includes similar testimony by other justices in the Madras Court System to underscore the fact that Indian culture is fundamentally entrenched in barbarism. The commission implies, without going as far as to explicitly state, that the present crisis of land taxation is merely a natural continuation of native practices in the colonial state. While few formal records exist on the prevalence of torture preceding the colonial intervention, it is clear that torture did exist in India in the premodern era, as it did with many other countries. The British, however, offer no evidence to substantiate their claim that torture was more prevalent in India than other countries. Still, the report moves to conclude its consideration of testimony by

⁸⁴ Ibid, 9.

⁸⁵ Ibid.

⁸⁶ Ibid, 8.

older authorities before moving on to other branches of testimony; by strategically placing the testimony of old authorities at the forefront of the report's investigation, the commission essentially lays out what they consider to be the objective truth of Indian police torture. Subsequent testimony serves to corroborate the original statements laid out in the beginning of the report.

The report continues in assembling the testimony of modern authorities of the state, officials who worked in the interior and could attest to the then-current prevalence of these practices. To absolve these officials of any blame, the report initially establishes that "the purpose of extortion among the native population" was done without "the general run of Europeans being aware of it" since Europeans would not have been directly working with native officers.⁸⁷ This statement is self-contradictory, as the officials delivering testimony clearly understood the extent to which torture existed within the Madras Presidency. The report attempts to reconcile this incongruity by explaining that while "some few gentlemen altogether ignored" the practice, most Europeans would not "have personally witnessed the operation."⁸⁸ The commission makes no attempt to further substantiate these claims, operating under the assumption that Europeans, for the most part, would no doubt have the moral fortitude to report such atrocities. To elaborate, they explain that "no Native would knowingly venture to have recourse to any such practice in the presence of a European," reinforcing the idea that Europeans acted as a moral authority amongst childlike Indians.⁸⁹

This trope of Indians as children, contrasted to their adult European counterparts, was commonly employed in liberal theoretical works. John Stuart Mill famously spoke of Indians as

⁸⁷ Ibid, 14.

⁸⁸ Ibid.

⁸⁹ Ibid, 14.

beings in need of strings “used to help children to learn and walk.”⁹⁰ Similarly, John Locke explained that “children who did not obey and who had an overdeveloped sense of their own difference” had to be “bent by force” to learn adult behaviors.⁹¹ Whig politician Thomas Macaulay urged the East India Company to carefully instruct Indians in European forms of education and governance in order to improve the state of their race. These racialized descriptions of Indian morality often deprived them of nuanced modes of the human experience.⁹² This is reflected in the report’s one-dimensional portrayal of Madras villagers – the commission believes that Indians exercise brutality as part of their natural proclivities and would only cease in the presence of a European superior. This observation, that the solution to Indian violence an increased level of surveillance and supervision, implies that a reformed system of British Indian police should simply increase the amount of European officers operating above Indian officers. Indeed, a provision to this effect worked its way into the reformed police system in 1860.

Modern Authorities

The report continues, before presenting the testimony from modern officials of the East India Company, by explaining how most of the officials’ observation of police torture are inadmissible. The report explains that “ordinarily the violence” of most Indian officers is “of a petty kind, although causing acute momentary pain and even many of the severe kinds invented by native ingenuity leave no mark behind them.”⁹³ This statement is crucial in exonerating the

⁹⁰ Uday S. Mehta, *Liberalism and Empire: A Study in Nineteenth-century British Liberal Thought*. (Chicago: University of Chicago Press, 1999), 174.

⁹¹ *Ibid.*

⁹² *Ibid.*, 24.

⁹³ Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency, *Report of the Commissioners for the Investigation of Alleged Cases of Torture in the Madras*

justice system for its inability to immediately and fairly try cases involving revenue officer brutality. The commission explains that the European judges are unable to make a judgment on decisions involving most cases of brutality. For instance, they noted that cuts quickly become “obliterated” following the injury and, thus, could not be verified by the courts.⁹⁴ This unsubstantiated claim points to shifting British conceptions of the Indian body. In the court, English justices⁹⁵ would more often than not side with European defendants under the assumption that any violence suffered by Indians could be attributed to the natural weakness of the Indian body.⁹⁶ The frequency of these cases produced a quasi-scientific medical literature examining the subject of the Indian body; any observed marks of violence left on Indians were delegitimized or downplayed in trial.⁹⁷ And in cases where outside doctors testified on behalf of the Indian victim, the judicial system rarely took this information into serious consideration when delivering verdicts.⁹⁸ The report continues to reinforce this notion of Indian fragility, ensuring that European officers would not be penalized for their willful observation of police torture, before moving on to the testimony itself.

The testimony from the modern authorities presents Indian officers as greedy and animalistic in their impulses to exact violence unto others. W. Knox, an acting agent to the Governor of Fort St. George, explained that torture was a reality in the Moghul Empire preceding British rule and derived from the “Hindoo” impulse to collect money in whatever way

Presidency (Madras: Fort St George Gazette Press, 1855), 15.

⁹⁴ *Ibid.*

⁹⁵ Indians who sought justice for violence on behalf of British officials needed to own enough money and maintain enough stamina to make it to court. If they miraculously had the time, effort, and energy they were hindered by the legal system’s inequality.

⁹⁶ Uday S. Mehta, *Liberalism and Empire: A Study in Nineteenth-century British Liberal Thought*. (Chicago: University of Chicago Press, 1999), 57.

⁹⁷ Kolsky, Elizabeth. *Colonial Justice in British India*. Cambridge: Cambridge University Press, 2010, 122.

⁹⁸ *Ibid.*

possible.⁹⁹ He elaborates, explaining that brutality is simply not an issue to Indians, as they naturally gravitate toward money without regard for others around them. This carries the implication that Indians do not necessarily torture for any specific purpose, but to enjoy the brief satisfaction that comes with money. J. McKenenzie, a businessman in Madras, elaborates explaining that this greed on behalf of Indian officials is “little better than delusion,” attributing these police atrocities to a psychological issue transcending contextual information. By pathologizing the action of procuring Government-mandated funds, Mackenzie and others present a racialized argument that pulls the narrative further away from the original colonial-specific issue of land cultivation taxation.

The modern authorities also describe the various methods of torture that they have personally witnessed or that they have come to know about through rumor. Captain F.H. Rundall, a civil engineer operating in the 9th division of the Madras Presidency, explains that Indian officers often procured insects, most often the ubiquitous carpenter beetle, and inserted the creature into the navel of the villager.¹⁰⁰ Another official, A. Robertson, the agent to the Governor of Fort St. George, explains that Indian officers often confine villagers within stocks in uncomfortable positions for extended periods of time with heavy sun exposure.¹⁰¹ Most of these officers are careful to add the disclaimer that Indian officers would clearly refrain from these practices if they were aware that a European was directly observing their behavior. In other words, the mere presence of British people would apparently stabilize natural Indian proclivities to harm others. It is important to note that many of the officials, presumably aware that their

⁹⁹ Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency, *Report of the Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency* (Madras: Fort St George Gazette Press, 1855), C xl.

¹⁰⁰ *Ibid*, C xli.

¹⁰¹ *Ibid*, C xliv.

responses are being recorded in a widely-circulated document, refrain from personally admitting any sort of knowledge of police torture. Captain S. O. E. Ludlow, a Civil Engineer from the 7th Division of Madras, explains that he had “never witnessed or had official notice of the practice” but that he had “casually received from various and trustworthy sources and parties” that police torture is a reality within Madras.¹⁰² The report only includes the first initial and last name of these officials, without disclosing their entire first name, which could be an attempt by the commission to preserve a base level of anonymity for East India Company officials.

Eyewitnesses

The report moves into considering testimony from eyewitnesses in Madras, wherein mostly white residents of Madras describe instances of police brutality. Reverend C.F. Muzzy¹⁰³ describes several incidents involving an “instrument” made up of several pieces of leather used to repeatedly thrash and whip victims.¹⁰⁴ A.M. Simpson, a merchant, describes his experiences observing a dozen villagers with heavy stones “placed either on their heads or on their backs between the shoulders” with their bodies bent in the same position for hours at a time in the sweltering heat.¹⁰⁵ Mr. Simeons, a business assistant, witnessed a man’s turban being removed and tied “over his neck and fastened under his knees” with a heavy stone placed on his back for several hours.¹⁰⁶ Reverend Kannadiya explains that “for the purpose of extorting confessions from woman, a disgusting application of a red-pepper is sometimes employed” hinting at a form

¹⁰² Ibid, C xlii.

¹⁰³ Most of the white population in Madras that was not part of the East India Company or the emerging merchant/skilled occupation class were missionaries on journeys to proselytize; accordingly, most of the eyewitness testimony comes from reverends in the area and the commission prefixes each church official with the full reverend title.

¹⁰⁴ Ibid, 18.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

of sexual abuse.¹⁰⁷ In these eyewitness accounts, the white passerby's express tremendous shock and disgust at the brutality of these officers. Not once, however, do these eyewitnesses express any remorse for failing to report these atrocities immediately. One observer, H. L. Grove, a civil engineer working for the East India Company, explains that he lived "in the compound adjoining" a police officer and "night after night" heard the officer beat and whip victims.¹⁰⁸ And while the "nocturnal flogging went on for many weeks," he does not express any desire to report this.¹⁰⁹

The commission follows these testimonies by explaining why the accused police officers in question will not be put on trial. The commission opens these remarks by explaining its original purpose to "report our opinion upon the existence or nonexistence of the alleged practice of torture."¹¹⁰ Further, since 1,959 complainants "from all parts of the country" wrote in and spoke personally to the commission on this matter, it would be a "cruel oppression" not to bring about some sort of comprehensive trial punishing those mentioned throughout the report.¹¹¹ They explain, however, that doing so would "put a stop to the civil administration of the country" if they had decided to pursue this course of action.¹¹² This explanation is significant, in that the commission itself readily admits that it prioritizes the continued functioning of an oppressive system above the needs of the Indian people. And while it is odd that the commission decided to place these remarks in the middle of the report, the theme of maintaining order and stability is consistent with the rest of the report and, more broadly, the British regime in India.¹¹³

¹⁰⁷ Ibid, 19.

¹⁰⁸ Ibid, 20.

¹⁰⁹ Ibid.

¹¹⁰ Ibid, 22.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ I was unsure as to why the commission chose to include these details in the middle of the report, rather than the beginning or ending. The transition to the next section is notably awkward in language and

Victims

The commission moves onwards in discussing the village victims of police brutality, considering their testimony. By this point, however, readers of the commission's report have already considered the opinions and observations of European authorities, old and new, in addition to European eyewitnesses who all stand to gain from the continuation of existing colonial systems. The older authorities established a historical genealogy of torture, followed by the racialization of Indian officers and victims by modern officials and the apathetic response exhibited by eyewitnesses. The commission ordered the report in this way such that, when readers finally arrived at testimonies delivered by Indians themselves, they would have already considered and absorbed the European viewpoints. Further, the statements given to the commission only contain descriptions of torture without delving into broader systems of land cultivation. Whether or not the commission took the liberties of truncating the Indian statements is unknown, but regardless, readers could no doubt read through the experiences of victims and attribute blame to the Indian people as a race if following the narrative laid out by the commission. The commission fails to explain why they chose to structure the report in such a way, but, from a reader's perspective, the narrative works in benefitting the Company's point of view.

The commission continues in listing out several of the complaints made by villagers. Each of the statements begins with an official statement listing the individual's name in full, their village-specific location in Madras, and their place of employment. In addition, the report includes the exact date that the testimony was taken. Following this introductory note is the

structure.

actual testimony by victims. Each piece of testimony solely focuses on the villager's own experience with the police, particularly listing out the methods of torture that they encountered. These grievances in the report do not, however, include any significant criticism of the land cultivation system. Essentially, the commission curated statements from Indians victims. As such, the commission was able to list each of these testimonies without commenting on each one. Rather, the testimony ends with the victim's signature along with the signature of the commission member present for the interpretation, presumably to confirm the veracity of statements.¹¹⁴

Each piece of testimony is an individual account from villagers describing their specific interactions with officers. One victim, Parasoorama Gramy, explained that they were beaten by revenue officers and confined to a prison for three days while their land was forcibly taken by the government.¹¹⁵ Caudathree Moodely describes an incident where a revenue officer physically beat him and grabbed him by the neck until they promised the officer that he would submit the payment.¹¹⁶ These villagers speak tiredly, desperately hoping for an end to this brutality. It is also clear that this report appeared as a rare opportunity by the government to consider their experiences. One villager Kistna Pillay asks, in a sentiment similar to Gounden's, "what is the use of a poor man like me complaining?"¹¹⁷

The commission ends this section by explaining that since the "process of translating the vast mass of written communications has been so tedious," they refrained from examining each one of the 1,959 in-person and letter complaints.¹¹⁸ Without explaining the amount of letters that

¹¹⁴ The report notes that each member of the commission collected testimony simultaneously to save time.

¹¹⁵ Ibid.

¹¹⁶ Ibid, 23.

¹¹⁷ Ibid, 26.

¹¹⁸ Ibid.

they read or closely examine, they elaborate in noting that many of the complaints that they had read were “comparatively trivial” and that it would not be an efficient usage of time to sort through the rest of the grievances.¹¹⁹ Instead, the commission believes that readers would be able to ascertain the general character of police torture based on the fifty six listed in the report thus far. While this explanatory note acts as a transition paragraph onto the next section, the commission’s move at this juncture is significant in that they grant themselves the power to selectively include and omit testimony as they deem fit. If the commission truly failed to read through all of the complaints for the simple issue of translation, then they are hypocritical and should have espoused false values of justice and equality. In this case, the East India Company should have instructed the commissioners to work each day of the week to settle the matter and ensure that all of the testimony appears in its full form. Alternatively, if the commission had read through these grievances and decided that the villagers were too critical of the state, this explanation operates as a convenient veneer to guard readers from more condemnatory remarks. In an ambiguous move, the commission notes that they would be “happy to furnish a supplemental report” if it is deemed necessary.¹²⁰ Sadly, no such report exists.

Revenue Officers

The commission abruptly continues in introducing admissions from revenue officers implicated in cases of brutality. Reinforcing the notion that Indians tend to be mendacious in recounting any episode in the presence of a white person, each of the native officers’ testimony is qualified with a European supervisor, witness, or confidante. Unlike earlier instances in the report, wherein the commission questions the veracity of native villagers, this section is rooted in

¹¹⁹ Ibid, 27.

¹²⁰ Ibid.

distrust for natives working on behalf of the East India Company. In fact, the commission opts to bury the actual testimony in the appendix, leaving space in the report to exclusively list each of the reliable Europeans that cosigned the accompanying revenue officer admissions. Rather than introduce the “admissions of a retired Tahsildar” immediately, the commission swiftly disclaims that an unidentified European man Mr. Bourdillon “states [his account] may be relied on.”¹²¹ This European, introduced without any sort of title or affiliation to the Company, is unquestionably prioritized above the known agent of the state. This in itself demonstrates the extent to which the commission utilized this report as an opportunity to extricate its own relationship with natives of any employment. Similarly, the commission hovers above the account from the “Tahsildar of Vizianagarum” by first introducing civil and session judge of Nellore Mr. Crozier as a witness to this testimony.¹²² The judge explains that this native officer “referred to his own practice of using torture in the collection of Revenue” as the commission jumps to the subsequent European.¹²³ The report’s treatment of native officers borderlines on comical, as the reader has to burrow through the appendices to read the section in its entirety.

The testimony itself consists of Indian revenue officer’s admissions of brutality as told by Europeans. Since these messages are relayed through the white middlemen, they are quite nondescript and many of the officers remain unnamed, presumably for the sake of anonymity. This points to another aspect of the commission’s aim – while they aim to separate themselves from Indian officers, they recognize the need for these officers to retain government positions to collect revenue. The aforementioned Judge Crozier explains that the officer believes police torture “is chiefly resorted to in the Revenue Department in furtherance of the irregular and illicit

¹²¹ Ibid, 34.

¹²² Ibid.

¹²³ Ibid.

demands of the Officers themselves.”¹²⁴ Likewise, a civil engineer, Captain Boileau, recounts that “it is undoubted that forcible means are continually resorted to” by revenue officers.¹²⁵

These scant descriptions act as confirmation that the commission’s overarching thesis – that native officers are naturally barbaric – is accurate, without disrupting the current flow of labor within the Company. The report’s appendices move onward in a similar fashion, rarely inserting any additional information and rigidly aligning to the commission’s argument and the Company’s mission to maintain stability in the Revenue Department.

Court Records

Finally, the commission turns to its final head of evidence in a brief examination of prior court documentation of police brutality over the past seven years. The commission takes this opportunity to criticize courts for both failing to apprehend revenue officers and administering light sentences upon those who are convicted under courts. Citing the court statistics in the village of North Arcot, “out of 2 cases only 5 are proved while of 93 accused only 7 are convicted.”¹²⁶ The report points to the overwhelming amount of evidence that must be presented in order for the courts to apprehend known criminals. In one North Arcot case, the “small trifling discrepancies in the evidence” were held to “invalidate truth” and dismiss the case as groundless.¹²⁷ The report qualifies this critical assessment of the courts by noting that the commission members “do not think that these returns could afford data for drawing any average estimate of the general amount of personal violence or its degree of prevalence.”¹²⁸ This

¹²⁴ Ibid, C,lxxxvii.

¹²⁵ Ibid.

¹²⁶ Ibid, 40.

¹²⁷ Ibid.

¹²⁸ Ibid, 42.

ambiguous disclaimer ends the section before the commission recaps the overall findings of their inquiry.

Conclusion

The report concludes in offering suggestions for future modifications to the policing system. First, the commission recommends that more European officers should be stationed and assigned to Madras districts. As long as the “disproportion between the size of the Districts and the number of European Officers employed in the Civil administration” remains, Indian officers will continue to brutalize villagers.¹²⁹ Second, the commission recommends that revenue officers of the state should not be endowed with policing powers. By separating the two departments, the commission explains that torture in cases of revenue extraction will significantly decrease.¹³⁰ These sweeping proposals reinforce the notion that the root cause of police brutality is not land taxation, but Indian tendencies to torture. The commission has managed, throughout the report, to extricate issues of land cultivation from policing and continues in this line of reasoning in its final strokes. These recommendations, which would be soon implemented, will be discussed in full in the following chapter.

While the Madras Torture Commission Report had the potential to be a progressive cornerstone in the British Indian regime, it amounted to a sterilized document shifting the narrative miles away from the original issue of land cultivation. Acting as an agent of the East India Company, the commission maintained vested interests in the continued operations of Madras police. As such, the report essentially became a racial argument, operating under the

¹²⁹ Ibid, 58.

¹³⁰ Ibid, 59.

pretense of objectivity to demonstrate to the metropole the barbarism of Indian subjects. In turn, this document generated a great deal of calamity in London—what was to be done with the restless Indians in Madras? This debate was soon overshadowed, however, by the Mutiny of 1857—a massive two-year rebellion.¹³¹ This large-scale Indian rebellion, mostly concentrated in the north distanced from the Madras Presidency, led to the dissolution of the East India Company and the subsequent shift of power to the British Crown.¹³² While Madras was not involved in the rebellion, its residents were still subject to the stringent British regulations that followed the rebellion. In 1860, a wave of new authoritarian police reforms swept the nation and British police chiefs in each state issued a series of regulations to subordinate Indian officers. These regulations, when considered in conjunction with the Madras Torture Commission Report, read as a racially coded set of mandates aiming to control the Indian police force. Further, the rebellion sparked fear in Company officials, as they realized that their holdings in India were not as secure as they needed to become. The police needed to become more intimately linked with British needs of securing state property and possessions.

¹³¹ "Hidden Narratives of Torture." *University of Cambridge*, Accessed November 02, 2016, <http://www.cam.ac.uk/research/news/hidden-narratives-of-torture>.

¹³² *Ibid.*

Chapter Three

In Blood and Color: Police Regulations in the Aftermath of the Commission Report

“...it is impossible for us, with our limited means, to attempt to educate the body of the people. We must at present do our best to form a class who may be interpreters between us and the millions whom we govern – a class of persons Indian in blood and color, but English in tastes, in opinions, in morals and in intellect.”

- Thomas Macaulay, Whig Politician 1835

As the needs of the colonial administration changed, the police structures followed suit. Following the release of the Madras Torture Commission Report, the East India Company's Court of Directors debated the efficacy of proposed reforms to police and revenue-gathering institutions. Underlying these proposals was a racist mistrust of the Indians subjects' abilities to execute orders of the state. They depicted Indian officers as childlike and in need of constant supervision and discipline as they journeyed to civilized behavior. To this end, the commissioners urged the government to increase the number of European officers overseeing Indians, to increase funding for the police and revenue departments, and to separate revenue and policing functions for agents of the state. All these proposals were hindered by a basic lack of funding.

As I elaborated in the previous chapter, the Madras Torture Commission Report operated as a liberal justification of torture that buried the foundational issue of land taxation. Prior to the colonial encounter, land-based revenue was collected at a fluctuating rate, to account for volatile weather conditions. If tropical storms adversely affected a farmer's plot of land, for instance, his rate of taxation decreased in proportion to his harvest losses. The East India Company, however, mandated a fixed rate of taxation, irrespective of seasonal weather conditions. Most farmers simply could not grow enough crops to sustain their livelihoods under these unreasonable fixed

rates. Further, the Company officials responsible for procuring this revenue from farmers were endowed with policing powers since revenue-collecting fell under police jurisdiction. These low-ranking officials, Indians working on behalf of the Company, often assaulted and tortured farmers to exact government taxes. The Madras Torture Commission Report thus served as an opportunity for the Company to erase its own complicity in land-based taxation and, in the process, reform the police system to keep Indian officers “accountable” to European officers. In practice, this operated as an excuse to surveil and exercise control over Indians.

To this end, the report’s first proposed reform was to increase the number European officers overseeing Indians; this policy was grounded in the idea that Indians would behave virtuously in the presence of mature, European figures. Many of the report’s descriptions of police brutality were accompanied by reminders that “the purpose of extortion among the native population” was carried out without the “general run of Europeans being aware of it.”¹³³ With this underlying premise firmly established, the commissioners could comfortably level their criticism exclusively at Indian officers. As I elaborated in my last chapter, most British officers had some knowledge of police brutality, but failed to report these practices. To a certain extent, it was true that some European officers were unaware of the abuses because they were responsible for overseeing thousands of low-level Indian officers. In private communications, Court Register AJ Arbuthnot and Judicial Department staffer T. Pycroft lamented the “defective” organization that places too great a burden of supervision on European officers.¹³⁴ Unsurprisingly, European officers expressed grievances to the Judicial Department and Court of Directors. Governor of Madras Lord Harris surveyed the collectors and found them to be overworked and unable to

¹³³ Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency, *Report of the Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency* (Madras: Fort St George Gazette Press, 1855), 18.

¹³⁴ India. Judicial Department. Fort Saint George. *Our Governor in Council*. 1854, 96.

effectively perform their responsibilities.¹³⁵ And while officials like Pycroft would recommend that “a material alteration is requisite in the formation and arrangement of the Police Corps,” the Company’s strained resources prevented increases in European salaries and personnel.¹³⁶

Similarly, the second proposal presented to the Court of Directors sought to address the inability of Europeans to properly oversee their Indian subordination by separating the police and revenue departments. The commission concluded that the Indian revenue officers endowed with police powers and responsibilities were essentially being given an incentive to act on their more “animalistic instincts” to squeeze money from villagers through physical abuse. This idea was founded on the British notion that Indians could not control their brutal proclivities and would need specific, distinct functions to operate effectively. The commission’s report explains that giving Indian officers these dual responsibilities engendered a lack of “moral restraint and self-respect” and ran counter to the British civilizing mission.¹³⁷ In reality, the Indian officers were simply acting on behalf of the British government and, in this sense, could be understood as agents of the colonial state. How exactly did British officials expect Indian officers to procure government-mandated revenue if Madras villagers simply did not have sufficient funds to pay the government? This is simply one of many inherently colonial contradictions that line the Torture Report’s recommendations.

A more likely motivation for the proposal was to allow high-ranking British superiors to continue overseeing Indian police. By separating their functions, European supervisors would be able to strictly control low-level Indian officers in each department. Similar to proposals for

¹³⁵ David J. Arnold, *Police Power and Colonial Rule: Madras 1859-1947* (Delhi: Oxford University Press, 1986), 21.

¹³⁶ India. Judicial Department. Fort Saint George. *Our Governor in Council*. 1854, 96.

¹³⁷ Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency, *Report of the Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency* (Madras: Fort St George Gazette Press, 1855), 59.

European supervision, the separation of police and revenue functions had long been a contentious issue within the East India Company's administration due to existing budgetary constraints. In dividing the existing departments, the Court of Directors would need to appoint new generals and magistrates. Prior to the report's creation, this proposal was deemed to be too expensive to implement. Indian police abuse became a key mechanism that Company officials leveraged to request supplemental funding to further their control over Indian policing.

The third proposal recommended increasing the colonial budget in Madras in order to increase the number of European officers. The budget increase would be funded, by expanding the government-mandated land revenue, which would be collected by none other than lower level Indian officers. In other words, the report proposed that in order to stop Indian officer abuses in revenue-collecting, the colonial state needed to expand; the funding for the expansion would rely on revenues collected from Indian farmers who had little to give and thus would likely be abused by Indian officers to extract more rupees from them. Essentially, the solution to the problem perpetuated the problem. Since the root cause of police brutality was the shift of land-based revenue collection from fluctuating to fixed rates, increasing taxes would simply aggravate the existing problem. This irony presented the Madras leadership with a seemingly inescapable dilemma. The Governor of Madras estimated that the "chief additional expense due to the reforms would be the significant increase in European officers," totaling an estimated million rupees.¹³⁸ And since "it would be useless to attempt a reorganization of the force without, in the first instance, appointing a European officers to each district," the East India Company would either have to increase land-based taxation or locate other departments to pull funding

¹³⁸ Anuj Bhawania, "Very Wicked Children: 'Indian Torture' and the Madras Torture Commission Report of 1855," *International Journal on Human Rights* 6, no. 10 (June 2009): 21.

from.¹³⁹ One wonders whether or not the Company considered the fact that increases in taxes would surely result in social and economic unrest within Madras villages and, in the long run, exacerbate the bureaucratic challenges faced by Company. Several Judicial Department memos in 1852 and 1853 remarked that this approach seemed infeasible within the budgetary constraints of the Company.¹⁴⁰ These proposals would be implemented in an 1860 act mandating police restructuring, and accompanying regulations that reinforced these mandates.

This chapter sets out to analyze these internal police regulations directed toward Indian officers in 1861 and 1862, in the early years of the restructured Madras police model. I argue that the police regulations were an instrumental aspect of policing for the latter-19th century, directly informed by the Madras Torture Commission Report and the calamitous political climate from which they were borne. Prior to analyzing these regulations, I will provide historical background, elaborating the multitude of events that created the conditions for a police restructuring. The police regulations themselves stress the importance of European supervision and restraint on behalf of Indian officers. Further, the police themselves served to secure the institution of private property and, in the process, sustain the mechanisms of racial capitalism. The profit motive guided British actions, and Indian revenue officers were instruments in perpetuating the capitalist system. Policing, then, was understood to be a mechanism of wealth extraction and management, on racial lines.

After providing background, the remainder of the chapter is divided thematically as follows: first, I will analyze the regulations that underscore the value European supervision; second, I will analyze regulations that emphasize Indian discipline and restraint; third, I will analyze elements of these regulations that point to an increased role of state surveillance.

¹³⁹ Ibid.

¹⁴⁰ India. Judicial Department. Fort Saint George. *Our Governor in Council*. 1854, 108.

Background

While officials in the administration were unable to reach a consensus on the most “efficient” use of Company funds, the Madras Torture Commission Report proved to be the impetus that pushed the Company into action. The report provided the Court of Directors and members of Parliament with a comprehensive investigation into police brutality that strongly recommended swift institutional changes. With the British press and members of Parliament publicly calling on the East India Company to fundamentally change the policing and revenue institutions, the Company was forced to act. The UK-based *Bombay Times and Journal of Commerce*, for example, remarked that there was “ample” justification to implement the proposed changes in order to “secure the fullest enjoyment of [Indian] personal liberty to the people” and fulfill the intended purpose of the commission.¹⁴¹ To reiterate, the Company was primarily preoccupied with maintaining its liberal self-image in the metropole, and it would be incredibly difficult for the Court of Directors to justify inaction in the face of this well-publicized issue. But while the Company administration was unable to dodge British criticism, they easily deflected critiques from the Indian people.

The Madras Native Association, the Indian organization responsible for initial investigations of police brutality, continued to voice their stance against the Torture Commission’s incomplete inquiry. The Association was dedicated to representing Madras villagers whose opinions were not privileged, as were British officials. Catalyzing the Torture Commission Report was perhaps the organization’s most prominent moment. When they believed the commission had inadequately researched the matter, they expressed their grievances. Still, their cries fell on deaf ears. The Association wrote a memorandum to

¹⁴¹ “Spirit of the Indian Press,” *The Bombay Times and Journal of Commerce*, July 4, 1855.

Parliament, remarking that “the actual inquiry has resulted in the acquisition of the smallest amount of information possible” and that the Commission barely addressed the issue of land cultivation taxation.¹⁴² They elaborated that the issue of police brutality was “not with the physical perpetrators of it, but descends to them from the officials immediately their superiors.”¹⁴³ Their scathing and accurate critiques of the systematic issues that undergirded brutality went unnoticed. Members of Parliament that had once supported the creation of the Madras Torture Commission simply ignored the grievances of Indian subjects. As the Association continued to protest, from 1860 to 1863, their membership dwindled and the organization ceased to exist. This was accompanied with a decline in public outrage over the issue of police brutality. Without vocal Indian opposition, the British were able to maintain the report’s legitimacy and act upon the commission’s recommendations. While there exists no definitive evidence for the group’s dissolution, South Asian historian R. Suntharalingam suspects that British spies and informers obstructed Indian activist operation to prevent further political agitation.¹⁴⁴

Over the course of months following the report, the Court of Directors implemented some of the proposed reforms. First, the revenue and police departments were separated. Many Indian officials were laid off, to free up funding for European supervisors. One can imagine that these cuts were disastrous for the Indian officials and their families. The administration was interested in the stability of their colonial operation and the ramifications for the Indian people within their jurisdiction was not a priority. Indian villagers were essentially cogs in the Company’s larger endeavor. To this end, European supervisors were given orders to closely

¹⁴² R. Suntharalingam, "The Madras Native Association: A Study of an Early Indian Political Organization," *Indian Economic & Social History Review* 4, no. 3 (1967): 235.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

monitor Indian police activity to increase “efficiency” since the existing police had not been “adequately overlooked and controlled.”¹⁴⁵ To reiterate, Indian revenue collectors were “weaponized” by the state to enact colonial aims. Only when public outrage in London sparked calamity did the British government take active aims to “control” these officers.

Lower-level bureaucratic offices began to become centralized in their goals as the Company attempted to make their operations as productive and secure as possible. These changes were incremental, gradually moving toward a more controlling and compartmentalized government split on racial lines. Colonialism necessitated a police force that “preclude[d] any possibility of the police gaining ascendancy” over the rest of government and, by centralizing bureaucratic administrations, the Company attempted to prevent this from occurring.¹⁴⁶ The police force could no longer remain an estranged entity separated from British orders. The police needed to be closely managed by levels of bureaucracy that monitored every Indian movement. Bureaucracy emerged as the proper vehicle to prevent sudden change within the ranks of the native police service. This bureaucratic order also bolstered the “rigid hierarchy of function and rank” on racial lines. British officers remained superior to Indians in all forms of government and a tightly organized administration “inculcate[ed] loyalty and obedience to the police department.”¹⁴⁷ This process of compartmentalization coincided with dialogues among the Court of Directors to consolidate British rule, formally merging the East India Company and the Crown. As these discussions continued in London, events in Madras and India would spur the Company into more immediate action.

¹⁴⁵ David J. Arnold, *Police Power and Colonial Rule: Madras 1859-1947* (Delhi: Oxford University Press, 1986), 22.

¹⁴⁶ *Ibid*, 32.

¹⁴⁷ *Ibid*, 33.

Colonial Unrest

In Madras, issues of violent crime and gang robbery continued to ravage villages and obstruct revenue streams for the Company. As land-based revenue became untenable for farmers and villagers, many died of starvation or turned to crime.¹⁴⁸ Dwindling harvests in the early 1850s were accompanied with “exceptionally high crime levels.”¹⁴⁹ In addition, many Indian Company officials were let go as part of the compartmentalization process, creating a sizable portion of Indians susceptible to robbery and theft. This trend hit a zenith in 1854-57, when 8,247 gang robberies were reported to the Company.¹⁵⁰ Since formal complaints from organizations like the Madras Native Association were ineffective, the subaltern classes of Madras were simply reacting to the conditions imposed by the Company. Steadily, the foundations of Company rule began to crumble. And while thousands of Indians were without adequate food or shelter, Company officials failed to take active measures to alleviate poverty until the insecurity of private property began to worry administration officials. The institution and enforcement of land property was a hallmark of Company rule and sustained its operations; in many ways, the dual revenue-police functions of lower level officials reflected the underlying aim of the police to sustain capitalism.¹⁵¹ The colonial operation as a whole was guided by a profit motive, and the police were created as a means to protect lucrative properties that would benefit the Company. Once this symbiotic relationship was disrupted, the administration had to reevaluate the efficacy of the police. To reiterate, the original issue of police violence for the British was not torture – it was the protection of government funding streams via exploitation of Indian farmers. In several instances during this time-period following the release of the Madras

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ Pretty huge idea.

Torture Commission Report, the police failed to provide adequate protection to property, as well as protection of the European officials of the Company.

The most notable instance of police inefficiency and inaction was the 1855 assassination of District Magistrate of Malabar, HV Conolly. The assassination's roots stretch back to 1852, when the Company was grappling with violence against Hindu landlords that aided in Company revenue collection. One group, the Muslim Mappila community, was targeted by the government as a perpetrator of these attacks. Conolly helped capture the leader of the group, Syed Fazl, and promptly exiled him. In 1854, the Company passed the Malabar Warknives Act, which "authorized the confiscation of the weapons with which they armed themselves."¹⁵² These two events prompted a swift backlash, as four members of the Mappila Community broke into Conolly's home and hacked him to death on his veranda.¹⁵³ Company officials soon found that thousands of people in the district were aware of this assassination plot and that those responsible for the attack had already been wanted for days before the killing. Although this event had nothing to do with abusive police behavior, it further highlighted the "utter inefficiency of the police" and compounded the Torture Report's case for police reform.¹⁵⁴ As if these events did not constitute enough of an impetus for Company reaction, the Mutiny of 1857 would send ripples of insecurity and paranoia through the Company's ranks.

The Mutiny of 1857, sometimes referred to as the War of Independence, marked one of the largest revolutionary actions against the Company's rule prior to the 20th century Independence movement. The cornerstone movement was catalyzed on May 10, 1857, by the

¹⁵² Ibid.

¹⁵³ This concept is known in India as *karma*, "seen as bringing upon oneself inevitable results."

¹⁵⁴ David J. Arnold, *Police Power and Colonial Rule: Madras 1859-1947* (Delhi: Oxford University Press, 1986), 24.

introduction of rifle ammunition encased with pig and cow fat.¹⁵⁵ Since ammunition required a soldier to bite off the bullet tip before firing, Hindu and Muslim soldiers alike refused to comply on the basis of religious-sanctioned dietary restrictions. The root causes of the rebellion, however, were much more entrenched. Prior to this event, increasing trends of Westernization and resource extraction--like the shift in rules of taxation--created economic and social insecurities that permeated every rank of Indian society. British officials tended to ignore these grievances for the most part, focusing instead on capitalist extraction and revenue collection. The mid-nineteenth century was an era of “British self-confidence” due to the British “territorial expansion and military victories as the British and Company pushed back the belief frontier.”¹⁵⁶ The processes of administrative Anglicization “gave confident expression to a belief in the superiority of British institutions” that blinded some officials from taking precautionary action against the Mutiny.¹⁵⁷ In other words, the British were disconnected from the lived realities of Indians living under Company rule. The Mutiny spread from Bengal to Delhi, Agra, Kanpur, and Lucknow – all northern and eastern regions of the country far from southeastern Madras. Still, this colonial neglect affected Madras, as evidenced by the mid-century political agitation and spikes in protests. As while the Mutiny was unsuccessful, the movement was a powerful impetus that prompted Company officials to scrutinize their relationship with the Indian people.

To this end, the East India Company was abolished to formally consolidate power under the British government. India became a crown colony. The British administration understood that a paradigm shift was in order and that they needed to rule with an organized, bureaucratic approach to control. Every aspect of Indian life was to be monitored. In the wake of the Mutiny,

¹⁵⁵ "Indian Mutiny," *Encyclopædia Britannica* <https://www.britannica.com/event/Indian-Mutiny>.

¹⁵⁶ David J. Arnold, *Police Power and Colonial Rule: Madras 1859-1947* (Delhi: Oxford University Press, 1986), 24.

¹⁵⁷ *Ibid*, 16.

British imperialists concluded that the military was an insufficient means to surveil and control the Indian nationalist movement and its activities. The military was powerful, but its members were not intimately acquainted with daily happenings in a given area. The British needed to be prepared for any criminal activity. Only a civilian police force could protect private property; defend European officials and their livelihood; and ensure the stream of revenue from landowners to the state.¹⁵⁸ In addition to enacting orders in response to civil unrest, the police needed to take on precautionary measures to prevent crime before it started. They needed to collect information, promptly report to their superiors, and act without question. The Mutiny served as a haunting reminder for the British officers to closely monitor the police force and quell discontent within its ranks. The Indians needed to become immersed in British modes of thinking, completely obedient to the whims of their European superiors. As the British Whig politician Thomas Macaulay infamously remarked earlier in the century, the Indian people needed to become “Indian in blood and colour, but English in taste, in opinions, in morals, and in intellect.” They needed to “police the police.”¹⁵⁹

The Madras administration took a leading role in this endeavor in their reforms for the police structure. Informed by the sweeping proposals elaborated in the Madras Torture Commission Report, the new police system would enforce high levels of supervision on the Indian people, and the Indian police. The mid-nineteenth century moment created the political foundations on which this type of colonial policing could emerge. The Madras Act XXIV of 1859 formally constructed the provincial constabulary, along with appointments for twenty superintendents, twenty assistant superintendents, and a chief commissioner.¹⁶⁰ The updated

¹⁵⁸ Ibid, 34.

¹⁵⁹ Anuj Bhawania, "Very Wicked Children: 'Indian Torture' and the Madras Torture Commission Report of 1855," *International Journal on Human Rights* 6, no. 10 (June 2009): 28.

¹⁶⁰ David J. Arnold, *Police Power and Colonial Rule: Madras 1859-1947* (Delhi: Oxford University

police structure contained an “institutionalized European distrust of Indians” through the direct supervision of European officers over Indian subordinates and a “rigid hierarchy of rank and function.”¹⁶¹ Accordingly, the administration made efforts to efficiently employ scarce European labor by “concentrating it in key supervisory posts, allowing little initiative to Indians in the inspectorate.”¹⁶² To borrow South Asian historian Partha Chatterjee’s term, the British intended to solidify the rule of colonial difference, or the “preservation of the alienness of the ruling group” that remained central to colonial control. Following the Madras Act XXIV of 1859, European supervisors issued frequent regulations to subordinate Indian officers in line with this rule of colonial difference. These regulations specified every possible aspect of policing to ensure that Indian officers unequivocally understood their place in relation to the British officers. They were expected to act as agents of the state and, in the process, they were denied the agency to act independently.

Regulations Format

The police regulations take the form of an official British document, surgically inserting notions of Indian racial inferiority to justify stringent orders. Each of the police regulations, addressed to Indian police officers under the new structure, began with a bolded “POLICE ORDER” looming above the page, along with the regulation number. The regulation number is followed by the date, and the piece of legislation relevant to the regulation at hand. For example, Police Order Number XII specifies that the regulation is specific to Section 34 of the Police Act of 1860, which deals with the minutiae of submitting summons to superior officers. The

Press, 1986), 28.

¹⁶¹ Ibid, 29.

¹⁶² Ibid, 29.

reference to legislation is followed with an explanation for the police regulation, often referring to transgressions on behalf of Indian police officers that did not adhere to existing police orders. In Police Order Number XXVIII, for example, the regulation begins by explaining how a session judge dismissed a case “with the remark that foul play had been used by the Police in obtaining Confession.”¹⁶³ Examples of police transgressions are swiftly accompanied with a stringent order. The aforementioned order concerning police confessions chastises police for their “ignorant and clumsy” means to obtain a simple confession. The regulation goes on to say that police must “rest [their] case entirely on the fact established” through courts of law and the judiciary.¹⁶⁴ Each regulation is addressed from the Inspector General of Madras Police, William Robinson. These regulations vary in length, from two sentences, to an entire set of pages. They are consistently harsh and invoke racialized ideas of Indian brutality, as introduced in the Madras Torture Commission Report. Many of are utterly redundant, referencing the same mandates and orders to low-level Indian officers. Reminiscent of a delinquent child’s detention slip, these regulations continue in the British tradition of liberal condescension.

European Supervision

Many regulations in the new police structure mandated prompt reporting of criminal activity to European supervisors. Indian police officers were frequently ordered to check-in with European officers in order to ensure fairness and accuracy in their police activities, from making an arrest to overseeing a public event. This approach to supervision, directly lifted from the Torture Commission Report’s recommendations to create a sturdier rank of European superiors, constructed unequivocally stringent lines of communication for Indian officers. If Europeans

¹⁶³ William Robinson, *Police Order Number XXVIII*. June 20, 1860. Madras Presidency.

¹⁶⁴ *Ibid.*

were readily available to guide wayward Indian officers, the reasoning followed, Indians would eventually understand how to govern and police themselves in an efficient and fair way. In practice, this meant a hovering European presence that suffocated lower-level officers in every aspect of their work.

Police Order Number Thirteen, for example, outlined a strict line of command in regards to dead bodies found by the police force. The regulation orders lower-level policeman to immediately report sightings of dead bodies within the province. The police are required to “send immediate information to the Station House, with a concise statement of the appearance of the body and circumstances, according to the printed form.”¹⁶⁵ Afterward, the officer must request a Superior Officer to arrive at the scene, who will assume sole responsibility of the situation. The European officer will “inspect the body and make a very accurate note of [the body’s] condition in their own handwriting” while the Indian officers closely watch. If the European officer finds it relevant to an existing criminal case, he will request the European district Magistrate to view the body before making a decision.¹⁶⁶ This entire process was to be documented and filed, for reference and accountability. This insistence on bureaucratic norms pointed to a broader mistrust in native veracity. Similar to existing agrarian systems, British officials sought to avoid “any intermediary authority between the Company and the cultivator” to exercise control in the most stringent way possible.¹⁶⁷ The very act of inspecting a dead body needed to be routed through two European supervisors, with written confirmation of every notable interaction along the way. If Indian officers did not comply with these excessive regulations, they would be terminated and lose their livelihoods. They were essentially “trapped” in this new bureaucratic structure, forced

¹⁶⁵ Ibid.

¹⁶⁶ William Robinson, *Police Order Number XIII*. March 10, 1860. Madras Presidency.

¹⁶⁷ Anuj Bhawania, "Very Wicked Children: 'Indian Torture' and the Madras Torture Commission Report of 1855," *International Journal on Human Rights* 6, no. 10 (June 2009): 23.

to comply with British standards of policing.

This is perhaps best exemplified in Police Order LIX, a rather paternalistic regulation that stressed the importance of European supervision. The order begins by explaining a “remarkable instance of apathy” among Indian officers in response to a gang of robbers that stole property in a Madras village.¹⁶⁸ This introduction is followed by blunt declaration that “neglect and venality of the Police and the unchecked recurrence of crime have utterly dispirited the inhabitants.”¹⁶⁹ Essentially, the Inspector General argues that the Indian police are responsible for Indian mistrust in British government. As evidenced by testimony from farmers and villagers in the Madras Torture Commission Report lamenting on the oppressive nature of colonial policing, this could not be farther from the truth. Still, the regulation continues in explaining the importance of European officers to “awaken” and “arouse confidence” among the Indian officers, who are otherwise indifferent to criminal activity.¹⁷⁰ Indians require “more than ordinary encouragement” to follow European officers and maintain the rule of law.¹⁷¹ To this end, the Inspector General calls for Superintendents of Police to dispatch more European officers to guide Indian officers in gang robbery cases.

The strong wording of this regulation shows us the moral authority the British exercised in constructing a stratified police force, following the rule of colonial difference. In “policing the police,” British officials not only controlled specific methods of policing – they attempted to present themselves as moral authorities and, in the process, deprive Indian people the ability to act morally. This calculated condescension operated on “the rule of colonial difference,” which

¹⁶⁸ William Robinson, *Police Order Number LIX*. March 10, 1860. Madras Presidency.

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*

¹⁷¹ *Ibid.*

preserved the “alienness of the ruling group” in comparison to the ruled.¹⁷² This terminology elaborates the relationship between the colonial state and its subjects. The colonial state, Chatterjee explains, operated as “an agency that was destined never to fulfill the normalizing mission of the modern state,” as the premise for its power lay in the legitimization of difference.¹⁷³ Bureaucratization served as the vehicle to firmly implant racially-based constructions of difference throughout government and society. The police, one arm of the colonial operation, was an effective instrument to train Indian officers to believe in their own inferiority through incessant instruction and regulation. In instilling stringent European supervision, Indians would become dependent on Europeans and, more importantly, European structures. Processes of “modernization” were inextricably linked to entrenched racialization and the degradation of Indian humanity.

Indian Restraint

This goal was furthered in routine attempts in police regulations to foster a sense of restraint among Indian officers. Police regulations frequently instructed Indian officers to refrain from acting without express European permission. Police Order LXX, for example, laments the fact that an officer did not report a “grave irregularity.”¹⁷⁴ The Inspector General goes on to stress the importance of abiding closely to police protocol for lower-level officers. He elaborates, explaining how “obedience and respect” for European authority figures are cornerstones of an efficient police operation.¹⁷⁵ Similarly, in Police Order Number XCV, the Inspector General

¹⁷² Partha Chatterjee, *The Nation and its Fragments: Colonial and Postcolonial Histories* (Princeton, NJ: Princeton Univ. Press, 2007), 10.

¹⁷³ Ibid.

¹⁷⁴ The irregularity in question is not specified, and the entire regulation is written in broad, vague language.

¹⁷⁵ William Robinson, *Police Order Number LXX*. October 31, 1860. Madras Presidency.

chastises Indian officers for interfering with missionaries on a proselytization mission. The regulation strictly remarks that this “intolerant and unwarrantable interference with such persons will be vigorously and determinedly put down.”¹⁷⁶ In both instances, the Inspector General attempts to restrict Indian officers in their freedom of movement and activity. This marks the other side of the “rule of colonial difference.” In order for European supervisors to properly exercise control, their Indian counterparts must remain obedient and servile in accordance with these regulations. Historian David Arnold goes as far as to say that this institutionalized structure was a “realization of the Benthamite ideal of a Panopticon.”¹⁷⁷ By concentrating European manpower in key supervisory posts, Arnold explains, the British Raj was able to limit Indian mobility. Still, the British officers understood that Indians were necessary for a sustained colonial operation.

State Surveillance

Indian officers were necessary in order to enact ground-level policing functions and, more importantly, collect information and deliver this intelligence to the European supervisors. In the wake of the Mutiny of 1857, and the murder of HV Conolly, British officials understood the importance of creating a civilian police force that understood the local area, and relayed on-the-ground information to higher ranks of government. Since Indian officers lived in Madras villages with fellow civilians, they were well-poised to gather information that might be vital to crime prevention and property protection. Police Order Number LI explains that lower-level officers must always embark on “walks” to observe lesser-populated areas and “report correctly

¹⁷⁶ Ibid.

¹⁷⁷ David J. Arnold, *Police Power and Colonial Rule: Madras 1859-1947* (Delhi: Oxford University Press, 1986), 29.

all they may have seen.”¹⁷⁸ On these walks, police officers are required to visit local leaders and communicate with “principal inhabitants” of the area in order to best understand “all matters worthy of notice.”¹⁷⁹ The information collected on these walks are to be noted and collected by higher-ranked officials. Just as the European officers watched over their Indian subordinates, Indian officers watched over their fellow villagers. Considering that Europeans made up a fraction of the Indian population in Madras, higher ranked officials needed to leverage native knowledge to take precautionary measures to crime. In another Police Order, dated a month after LI, the Inspector General reminds District Superintendents of the mandated “daily transmission of a Diary” for every lower-level officer.¹⁸⁰ These diaries must take the form of an accurate and faithful record of all the acts done” with “every occurrence and information coming to their notice.”¹⁸¹

To this end, British colonizers reformed the architectural makeup of Madras. From the mid-19th century onwards, the British state erected various Indo-Saracenic buildings in and around Fort St. George. The buildings were arranged such that state officials could easily track and monitor open spaces from the vantage point of each public building. These buildings were “tied to the state’s surveillance apparatus by their styles and functions” by operating as “headquarters for agencies that enabled British ruler to ‘see’ the territory and inhabitants of British India: census operations, mapping, property, and taxation record, courts and schools.”¹⁸² As the police system developed to become information-collection units, the surrounding area literally transformed to accommodate this goal. Languages of “observation” and “sight” line the

¹⁷⁸ William Robinson, *Police Order Number LI*. September 27, 1860. Madras Presidency.

¹⁷⁹ *Ibid.*

¹⁸⁰ William Robinson, *Police Order Number LVII*. October 25, 1860. Madras Presidency.

¹⁸¹ *Ibid.*

¹⁸² Mary E. Hancock, *The Politics of Heritage from Madras to Chennai* (Indiana: Indiana University Press, 2008), 34.

pages of the Madras police regulations, reflecting a deep-seated imperial paranoia. This, again, tied into the overarching profit motive; by restructuring buildings to enable supervision of police, the British were well poised to ensure police productivity and, in turn, profit accumulation for the state. The British literally reformed the architectural makeup of Madras to increase levels of productivity and profitability.

Conclusion

The enactment of stringent police regulations in 1860 was by no means confined to a single cause. The assassination of HV Conolly startled the British administration, who well aware that such an attack on British life could be prevented by ritualistic information-gathering. At the same time, crime in Madras began to skyrocket and, while the simplest solution to the issue would be to revert taxes to more lenient rates, the East India Company understood police to be the most effective means to secure property. Further, the Mutiny of 1857 was a watershed moment in British Indian history, as the Company understood that they needed to take dire measures to manage and control their holdings in India. The consolidation of formal power under the British state enabled the administration to enact recommendations from the Madras Torture Commission Report in their fullest form. Under the guise of liberalism, the British were able to restructure the entirety of Madras policing to preserve institutions that brought wealth to the Crown. They were able to supervise police at every level, gathered information, and stymie revolt through the institution of an ironclad bureaucracy organized on racial lines.

I argue that the restructuring of policing would not be entirely possible without the racial justification generously provided by the Madras Torture Commission Report. Race is the key element that gave license to the exploitation of Indian labor and property. If Indians themselves

were rendered inhuman, stringent supervision and exploitative capitalism would emerge as a righteously liberal route to governing in India. The Madras Torture Commission Report serves this necessary function and constructs a racial argument brilliantly through the employment of precise language. From undermining the veracity of Indian witnesses, to shifting the premise of land cultivation under which the document originated, the report deftly worms its way through obstacles to maintain the facade of liberalism while exacting more control unto the colony. The seemingly impossible task is accomplished within the confines of four hundred pages and, in turn, oppressive structures are rendered “normal” by British actors, who would allow the metropole to benefit from Indian violence in this fashion for another hundred years.

Conclusion: Understanding Violence and Order in the Liberal State

*State power was selective, even erratic. It could be thwarted or appropriated for unintended purposes. But, in the main, it was too formidable to be ignored, too weighty to be for long defied.*¹⁸³

- David Arnold, *Historian of South Asia* 1986

*About two months ago, I had regularly paid my rent; he asked me for 10 Rupees as a present, I remonstrated and said that the season was very bad and I could not afford to pay. Whereupon he ordered two of his collecting peons to seize me by the ears and lift me up. I begun to cry. Many of the villagers saw it. They then gave me 10 stripes with leathern thongs called Comechewar, and kept me in the Chavady for two days in great restraint. Still, I had nothing to pay and told him so. At last he let me go, and said my field would be sold, and that I will not get it next season, I went and complained of this to the Tahsildar who had me thrust away, I did not complain to the Gentlemen, for who will hear?*¹⁸⁴

- Vyapoory Gounden, *Madras Farmer* 1855

...it is impossible for us, with our limited means, to attempt to educate the body of the people. We must at present do our best to form a class who may be interpreters between us and the millions whom we govern – a class of persons Indian in blood and color, but English in tastes, in opinions, in morals and in intellect.

- Thomas Macaulay, *Whig Politician* 1835

Three quotes, separated by time and subject-position are united by the British-Indian colonial relationship. More than a century after the Madras Torture Commission Report, historian David Arnold elaborates on the strength of the British state in its ability to control Indian territory and people. He analyzes the means through which the East India Company concentrated its efforts on constructing revenue streams that exploited Indian communities. Zooming in closer on the effects of this exploitation, Vyapoory Gounden describes his own experience being confused, humiliated, and brutalized by revenue officers of the state. Gounden

¹⁸³ David J. Arnold, *Police Power and Colonial Rule: Madras 1859-1947* (Delhi: Oxford University Press, 1986), 2.

¹⁸⁴ Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency, *Report of the Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency* (Madras: Fort St George Gazette Press, 1855), 27.

was brutalized by none other than his own Indian brethren, employed by the state to sustain colonial operations. Whig politician Thomas Macaulay, an Englishman overseeing the colonial enterprise, explains the rationale for the decision to maintain Indian employment within the ranks of the British police service. If Indians were weaponized within the ranks of the British state apparatus, he reasons, the East India Company could exercise control over the territory with ease. Further, British officials like Macaulay could distance themselves from the everyday violence of the colonial regime.

This idea of violence is one that I have consistently returned to throughout this thesis. Entering the archives, I was initially struck by the explicit mention of “torture” in the Madras Torture Commission Report. The report’s pages are lined with heartbreaking unfiltered testimony from Indian villagers violated by unforgiving Company revenue institutions. Some farmers were beaten mercilessly, others were made to crouch like a child in public, still others were subjected to a twisted combination of brutality and humiliation. The explicit nature of this torture became a tool for the British regime, as the negation of torture fit neatly into the Enlightenment philosophies heralded by the British themselves. Torture was considered a clear indication of a premodern society; a “primitive” and “barbaric” non-Western society like India that did not fit into British conceptions of civilization.¹⁸⁵ This “discourse of impermissibility of torture in modern liberal democracies” made possible a narrative that demonized violence antithetical to state goals.¹⁸⁶ In this case, the Madras Torture Commission Report rallied against explicit violence to sustain its liberal image and sustain colonial operations without objections from the metropole. The language of torture became racialized to the extent that barbarism was

¹⁸⁵ Jinee Lokaneeta, *Transnational Torture: Law, Violence, and State Power in the United States and India* (New York: New York University Press, 2011), 8.

¹⁸⁶ *Ibid.*

further embedded into conceptions of Indian identity. In order for the liberal state to flourish, the Indian needed to be denigrated.

The liberal narrative of torture also served to detract from the violence imposed by the state apparatus. While the impermissibility of torture enabled a straightforward condemnation of brutality, the everyday violence of the British state does not make an appearance within the confines of the Commission Report. We can look no further than to Weber's notable statement that "legal coercion by violence is the monopoly of the state."¹⁸⁷ Take, for example, the hundreds of farmers submitting to unreasonable payments at the hands of the state. These farmers might have enjoyed interactions with the Indian revenue officers, but could easily have been left penniless for weeks without adequate food or water. Consider the revenue officers in these encounters as well. The East India Company abandoned indigenous structures of revenue collection, supplanting existing jobs with forms of employment that benefitted the state. Prospective revenue collectors were situated between the possibility of unemployment and the prospect of earning substandard wages to facilitate the exploitation of their own neighbors. Many revenue collectors that participated in Company operations were simply cast aside by the British Crown in 1860 as police reforms demanded a higher European to Indian ratio. The processes of legislation and codification constructed a white, Western barrier that shielded the British from further criticism or interrogation. The lengths to which the British state operated to avoid risking their capital streams is extraordinary. Rather than abolish the capitalist system, the administration took every means necessary to preserve revenue institutions. As racial capitalism underwent a crisis, state liberalism and racial identity readily contorted themselves to adapt.

Indeed, the police structures served as vehicles through which racial hierarchy could be

¹⁸⁷ Ibid, 4.

realized and perpetuated. The police structure came to embody the rule of colonial difference following the Madras Torture Commission Report, as Europeans exercised more stringent formal power over Indians than ever before. Former Indian police officer Anandswarup Gupta described the new structure of policing as a “cold, bureaucratic, optimistic, and racially arrogant” approach.¹⁸⁸ The colonial bureaucracy enabled the British Crown to stymie possible insubordination and revolt, limiting the agency of Indian police. By limiting Indian freedoms of movement and Indian agency, the British could secure the bureaucracy.¹⁸⁹ Similar to formal codification, bureaucratic rationalization legitimized Indian racial inferiority in a lasting manner.¹⁹⁰ The bureaucracy was presented as a modern, Western panacea for the uncivilized, racially-founded torture that pervaded “premodern” India. In the bureaucracy, police regulations operated as a primary arm of the state apparatus, normalizing Indian subordination through codes of conduct aimed at keeping Indian officers as controlled and productive as possible. This, in turn, would streamline operations and contribute to a sense of order that would aid in British efforts to better control the Madras area. Police officer diaries, for example, could be codified and used to inform future land surveys to increase profits. This desire to maintain order reflects the underlying principle that guided policing.

Further, the British ideology of order essentially mediated the relationship between policing and capitalism. Following the initial conquest of Madras, and India as a whole, the East India Company shifted their paradigm of conquest to an “idiom of Order”¹⁹¹ that sought to

¹⁸⁸ Anandswarup Gupta, *The Police in British India 1861-1947* (Delhi: Concept, 1979), 8.

¹⁸⁹ Ranajit Guha, *Dominance without Hegemony: History and Power in Colonial India* (Cambridge: Harvard University Press, 1998), 27.

¹⁹⁰ Anuj Bhunia, "Very Wicked Children: 'Indian Torture' and the Madras Torture Commission Report of 1855," *International Journal on Human Rights* 6, no. 10 (June 2009): 19.

¹⁹¹ Taken from Ranajit Guha's conceptualization of capital-O “Order” as a construction of imperial control.

maintain and perpetuate established colonial structures.¹⁹² Order, positioned at the apex of Western modernity, emerged as an organizing principle that aided in the mobilization of labor across society.¹⁹³ The rhetoric of Order guided the early 19th century land surveys instituted by the Company to efficiently monitor the land and establish profitable tax collection mechanisms. Following the Madras Torture Commission Report, the Madras administration reaffirmed the importance of Order in organizing the police structure and ensuring that the police were well equipped to surveil and monitor villages. In this way, the police served to protect Order in the British colony. Order, in turn, served to preserve streams of capital flow. Insofar as news of brutality did not reach London, torture by revenue officers facilitated monetary transactions between farmers and the Company, thereby preserving Order. Once the façade of liberalism was breached, Order translated into a hovering system European supervision that preserved capital flow through a more controlled, streamlined process. The Madras Torture Commission Report, then, should not be understood as an aberration from policing development – rather, the document and its recommendations constituted a logical liberal response to a crisis in Order and capitalism.

Parting Thoughts

To study Indian history, I traveled to London. And while I originally intended to study Indian narratives, my project morphed into a study of the British-Indian colonial relationship. Given the relatively sparse availability of archives written and maintained by Indian sources, perhaps my intentions to study Indian narratives were as “doomed” from the start as the faux liberal conclusions of the Madras Torture Commission Report. This rather perverse comparison

¹⁹² Ranajit Guha, *Dominance without Hegemony: History and Power in Colonial India* (Cambridge: Harvard University Press, 1998), 25.

¹⁹³ *Ibid*, 27.

between my own experience and the experience of an imperial commission points to the power relations inherent in my own study of this project. As an Indian-American fluent solely in English attending an American university gathering sources from the British Library, I submit to the reality that this work is lacking in considering and amplifying the agency of the subaltern. The Indian narratives I initially set out to find cannot be located within the renovated halls of the British Library. This is not to say that my thesis was a fruitless venture. Rather, my journey writing has only reaffirmed my belief that academics hold an obligation to consider narratives from the most marginalized communities. And as South Asian scholar Ranajit Guha maintains, “misrepresentation by foreigners [should] be combated and overcome by self-representation.”¹⁹⁴

¹⁹⁴ Ibid, 201.

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