

A STUDY ON TORTURE COMMISSION REPORT IN COLONIAL TAMILNADU

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Introduction

At the beginning of the Nineteenth Century, political instability was followed by internecine wars, evils of plunder and devastation. All these with the unfavourable natural conditions made Madras province into a state of extreme distress. Further, a pernicious system of administration, where the rulers, administrators and men in authority imposed tax collection at will and indulged in corruption and bribery made the province a difficult place to live.

The Torture Commission Report

The Torture Commission Report was formed to study and to investigate all cases either of torture inflicted by instruments or other means or of punishment of any kind illegally administered. It further states, "at any rate upto a later period torture has been common both in police and revenue matter".¹ The Board in its minutes of 5th January 1818 in para 276 substantiated the point, "as the new code (ryotwari system) were entirely at variance with those of the existing revenue administration". The new legislation required revenue to be subordinate to justice, whilst, the ryotwari system has rendered justice entirely subordinate to revenue. The new laws, by their general principles and not by any specific incitement took from the native revenue officers, the power to punish and confine. which they have exercised to coerce the ryot to cultivate and annually to take from him all that he was able to pay; the tahsildar was stripped of the kittecole or hand torture the stone placed on the head under a burning sunud; but even after these minutes the Government officials continued to torture ryots.²

This necessitated the Board to issue another minute on 7 November 1820, in which it expressed the protection of the ryots in the following words. The great body of the ryot is not in the state of ease and security, which the justice and policy of the British Government mean to place him. In general, the ryots submit to oppression, and pay what is demanded from by a person in power, and they and their witnesses and so far from the seats of the courts of judicature; delays are so ruinous to them, they are so poor, so averse to forms, new institutions and intricate mode of procedure; they are so timid, and so simple a race, that it is necessary for the Government to endeavour to protect them a summary and efficacious social process.

A short description of violence commonly in vogue for revenue and private extortion are as follows: keeping a man in the sun; prohibiting him from going to meals or other calls of nature; confinement; preventing his cattle from going to pasture; quartering a peon on the

defaulter, who is obliged to pay him daily wages; the use of the kittee annundal squeezing the crossed fingers with the hands; pinches on the things; slaps, blows with fist or whip running up and down; twisting the ears, making a man sit on the soles of his feet with brick bats behind his knees; putting a low-caste man on the back; striking two defaulters head against each other or trying them together by their back hair of the head to donkey's or buffalos's tail; placing a necklace of bones, or other degrading or disgusting materials, round the neck, and occasionally, though very rarely more severe discipline till.³

Though it was believed the kittee had become absolute, it was not so. It was described as a very simple machine, consisting merely of two sticks tied together at one end, between which the fingers are placed as in a lemon squeezer. Another method was annundal by tying a man down in a bent position by means of his own cloth or a rope of coir or straw passed over his neck and under his toes, is generally common and beyond dispute.

About complaints referred to Collector the report states, "the persuasion states that a reference of the petition to the tahsildar is likely to end in nullify; the immense power wielded by the native servants in the districts and those in the Collectors Ossers, who work together" and further adds, "the Collector does nothing without the advice of the Ministerial Oficer, and (for the ryots) the general fear of offending the tahsildar to whom the next kist to be paid, principally keep the parties from coming forward".⁴

Even if the trial takes place, the tahsildar and ryots witnesses bribe or intimidate the ryots witnesses and thus the statement will not be believed. It is said, a ryot trying get redress from the Europeans was a marked-man amongst the native officials.⁵

The replies from the authorities pertaining to the torture and other grievances found a very lukewarm response from the Colonial Government. The replies were received for 48 cases were in the affirmative, in 3 cases it was negative and neutral in 3 cases. Though the torture commission was not able to redress the grievances of ryots, there was indeed greater awareness about the behaviour of the lower revenue officials at the districts.

The report after enquiring and analysing many Ryots, Collectors, Employees, Tahsildars, Police and many Europeans concluded that, "the collection of the land revenue was entrusted to the very class who had from time immemorial been accustomed to practice the worst cruel and violent tortures upon the persons of the important prisoners in their custody, accused Or suspected of crimes, and that with the full cognizance and even approval of their fellow countrymen at large. Now it certainly does not seem to be drawing an over strained inference to argue that the peons accustomed to elicit confessions in criminal matters through the instrumentality of torture would not be slow to have recourse to the same or similar appliances for the extortion of dues in revenue matter.⁶

The Commission report made the following suggestions; immediate separation of the revenue and police functions. The Police to be placed under independent authority. More appointments to the natives in the revenue affairs and implementation of the measures taken by the Government. The report stressed the immediate action, so the oppression against the ryots would be greatly reduced.⁷

Few other problems faced by the peasants were the uncertainties of the ryotwari settlement, which was further aggravated by the cumbersome legal system. The notions of ownership and title were envisaged by the ryotwari settlement. The issue of pattas to each ryot in the post 1850s revenue resettlements would not only facilitate revenue collection but would also provide cultivators with a secure title in land. Unfortunately pattas failed to acquire a legal status and most ryots found it simpler not to bother about Pattas at all.⁸

C.J. Baker comments that, "a large amount of the Government's work in launching legal process for recovering arrears of unpaid revenue arose because individuals who acquired land deeds by inheritance or settlement of debt found that one of the few reliable ways to discover what land the deed referred to was simply to neglect paying the revenue and allow the Government to undertake the work of identification". This was indeed the native intelligence at play to over-come the British bureaucracy or they may just be a victim of ignorance to the alien administrative procedures.⁹

Dharma Kumar argues that, this period witnesses; break-up of large land holdings followed by overall deterioration in the land. The peasants were further at the hands of money - lenders or large farmers, which led to dispossession of their lands. Dharma Kumar observes, Money lenders were much less powerful in the Tamil districts where loans from larger farmers were more common; but in some Tamil district, too, they had once been local masters of the countryside; they have been known to compel labour, to turn out rots enmasse for the duties of the cover to hold regular courts (Kuttam) for the punishment of the refractory.¹⁰

The period also witnessed the money value of indebtedness increasing due to the growth of money economy and security of land ownership. The condition of the peasants had greatly increased from the earlier period. With regards to tenancy, there was no measure to protect tenants of ryotwari landowners. Dharma Kumar feels, between 1862 and 1880 eviction of tenants had increased by 45%. Further the tenants were not paid adequate compensation and this combination of social and economic tyranny had resulted in increasing crime.¹¹

Conclusion

The peasants were at the mercy of the assessment officials and the whole of the bureaucracy was exerting its weight on the peasants. It was in this background that peasants lived in Tamilnadu before the turn of the twentieth century.

End Notes

1. Report of the Commission for Investigation of Alleged Cases of Torture at Madras Presidency, Fort St. George, Tamilnadu Archives, Madras, 1855, p. 5.
2. Ibid., p. 8.
3. Ibid., p. 33
4. Ibid., p. 37

5. History of Land Revenue Settlement and Abolition of Intermediary Tenures in India, Madras, 1976, p. 56.
6. Bakers, C.J., *An Indian Rural Economy 1880-1995 -The Tamilnad Country Side*, Oxford University Press, Delhi, 1984, p. 72
7. Report of the Commission for Investigation of Alleged Cases of Torture at Madras Presidency, *op.cit.*, pp. 41-46.
8. Baker, C.J., *op.cit.*, pp. 72-73.
9. Dharma Kumar., *Land Ownership and inequality in Madras Presidency* in Indian Economic and Social History Review, Section XII, 1975, pp. 233-234
10. *Landownership and Inequity in Madras Presidency*, in Indian Economic and Social History Review - XI, 1975, pp. 229-61
11. Srinivasa Raghavaiyengar, S., *Memorandum of the Progress of the Madras Presidency: During the Last 40 Years of British Administration*, New Delhi, 1988, p. 251.