

The Law and Order System in Kerala: A Historical Over View

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Abstract

The concept of law and order maintenance was got much attention in India from ancient period onwards. Kerala was considered to be one of the most conscious society in India. The police in Kerala was in more democratic way. There were some drawbacks, too. In this background, the paper explores the historical outline of the law and order system in Kerala and critically analyses the undemocratic attitude of the police force, the most important stakeholder in the law and order system in Kerala. In this study, historical and exploratory methods were employed. There was use of both primary and secondary data. From the ancient period onwards, strong and well-built law and order machinery exist in Kerala. In the course of time, several reforms were introduced. The latest reform is the Janamaithri Suraksha Project. It is worked in a zigzag fashion.

Keywords: Law and Order, Police, Kerala Society, Administrative Reforms, Colonialism.

Introduction

The idea of law and order was originated with the emergence of modern state. To maintain law and order is the first and foremost duty of every state. In ancient political thought, the concept of social contract was clearly validated. On that, the people surrender all of their personal will to the sovereign to acquire a peaceful social life. Social Contractualists like Thomas Hobbes, John Lock, and Jean-Jacques Rousseau clearly describe the role of the sovereign. Generally, they said that the sovereign should protect his subjects from external threats. For that reason, a number of laws came into existence to maintain social order. The Oxford English Dictionary defines “law and order as a situation characterized by respect for and obedience to the rules of a society: ‘his forces for preparing to withdraw from the province after restoring law and order’”. The idea of law and order mentioned in ancient Indian literatures like Arthashastra written by Koutilya. India witnessed there were number of administrative systems in her past. She has a rich tradition. The various rulers in ancient and medieval India formulated a number of laws and create efficient law and order system.

The law and order system in Kerala, a state in India also have a glorious past. In colonial era Kerala situated as three different regions. The southern region named Travancore and the central region named Cochin were under monarchical rule. The northern region named Malabar was a district in Madras province under British rule. In 1948, the Travancore and Cochin were amalgamated. In 1947, Madras province became the part of Indian union. In 1956 the state of Kerala was formed on the basis of Malayalam speaking areas, one of the regional language in India. Kerala was one among the states who reformed its police act in the initial period of Independence. The police act in 1861 implemented by

British have a number of undemocratic elements. The first ministry in Kerala appointed a commission to study police reforms. Later with the recommendations of that commission, the new police act of Kerala was passed in 1960. In Kerala, police force always stood with the interests of ruling governments. There were number of examples were saw in the history of Kerala. That attitude will create problems in maintaining the law and order. During emergency period, the time of political agitations in 1990's, and the tribal agitation in Muthanga were the incidents we can trace police brutality. That attitude of police was changed in small scale with the implementation of Janamaithri Suraksha Project, community police initiative in Kerala. That project also faced so many criticisms. The police force were failed to inform the people for the benefits of this project and they also faced organizational drawbacks.

In this research paper critically analyze the history of law and order in Kerala with the help of historical records. The paper also tried to explore the different strategies of the working of Kerala police both pre independence and post-independence period. The methods which used to complete this paper is both exploratory and historical. The paper mainly used secondary data. It also used some primary data which available on government archives.

The History of Law and Order in Kerala

Ancient history of Kerala indicates that geographically and politically it maintained a distinct character. The foreigners initially invade in Kerala, because they admired about various spices in the land. The Portuguese invader Vasco De Gama disembark at Kappad, a coastal area in northern Kerala. The law and order machinery in Kerala also have such tradition. The remaining parts of the paper explore the history of law and order in the land in the light of the history of policing in Kerala.

The History of Law and Order in Ancient Kerala

The history of law and order in ancient Kerala was the history of three different regions. In the southern region of Kerala was known as Travancore. The central region was known as Cochin. These both regions were under monarchical rule. The northern region is part of the erstwhile Madras province under British rule, and it was known as Malabar district. So, the history of law and order in ancient Kerala is discussed on three separate heads.

History of Law and order in Travancore

Travancore is bordered by the princely state of Cochin to the north, the Indian Ocean to the south, the Arabian Sea to the west and the Sahyas into the east. Travancore was initially the part of Chera empire. During their reign, they appointed officials called "Kolkars" to maintain law and order. After the collapse of Chera empire the country fell into the hands of feudal land lords. They were appointed their own men named 'Madampis' to collect taxes and control the law and order issues in the region (Menon, 1878). In the year 1729, Marthanda Varma conquered all the feudal lords and built modern Travancore. He reorganized the former army, provided them with good weapons and brought discipline among them. Marthanda Verma recruited people from all castes and religions. He appointed Dilanayi, who had been defeated in the Battle of Kulachil, as commander in chief. Dilanayi deployed his troops at Padmanabhapuram, Thiruvananthapuram and Kollam.

Karthika Tirunal Rama Verma (1758-1798), modernized and strengthened the existing army. About one lakh soldiers were deployed for civil, police and revenue jobs. Later, Divan Ummini Thampi, formed a 200 men police troop called 'Kaval' with the help of Macaulay, a British resident. At that time, prisons

called 'Thanavu' were setup to house trial prisoners. In 1814 Colonel Munroe, resident at that time, re-organized the police. The number of force was increased to 500 (Menon, 1878). In 1835, Swathi Tirunal abolished the feudal system in Travancore. The army, known as Travancore Nair Brigade, was also given the task of maintaining internal law and order. By 1844, in most of the areas in Travancore were set up police stations (Thanaav) and officials (Zipoys and Nayiks) were appointed. A Superintendent of Police and a Kotwal have been appointed in Kollam. In Thiruvananthapuram, a Town Superintendent of Police and two Kotwals were appointed. In Nagarcoil a Superintendent and a Kotwal were appointed (Ibid).

In 1861, Britishers introduced their police act, Travancore also made efforts to enact a new police act. Based on this, in 1881, 4 Police Regulations came into force. The Royal Travancore Police was formed with the effect of those regulations. The first Superintendent of Police was O M Bensly. He is considered as the father of the police force in the state. The number of troops were increased. People with educational qualifications and physical fitness were recruited into the army and the modern training will be given to them. In 1900, the Fingerprint Bureau was established in Thiruvananthapuram (Sreedharan, 2017). George was appointed as next superintendent. The police sports festival started during his time. In 1915 CB Cunningham became the Chief of Police. He had written a book named Thiruvithamkode Police. In his time the post of Commissioner of Police was created above the Superintendent. In 1919 Cunningham was appointed the first Commissioner of Police.

William Pitt became commissioner after Cunningham. It was then that the police gained the power to suppress the freedom struggles. The police used this power to suppress the student uprising in 1921. However, during Pitt's reign there were many reforms occurred in the army. It was at that time the Criminal Intelligence Department was setup. After Pitt, L A Bishop became the commissioner. It was during his tenure the exact jurisdiction of the police stations was determined. It was also at that time the stations were required to keep a crime history. Another major achievement in that period was the Police Club, which was started for Police Officers. (Sreedharan, 2017). Next Commissioner B Narayana Pillai was formed the Criminal Intelligence Bureau and placed it under an ASP. The Fingerprint Bureau was also brought under the CID department. In addition, the traffic and CID were placed under the supervision of the respective district superintendents. The Department of Motor Vehicles was placed under the IG. At the same time, the Armed Forces became the part of force. In the time of Pichhu Ayyankar, the Criminal Intelligence Bureau and the Fingerprint Bureau were placed under a superintendent. In 1939, the Police Gazette was started.

From 1939, the head of police force became known as Inspector General and Khan Bahadur Syed Abdul Karim Suhra Wardi was appointed as the first IG. A Deputy Inspector General was appointed to assist the IG (Sreedharan, 2017). The Travancore Police Manual came into force in the same year. Based on that manual, a women police force was formed consisting of a head constable and 20 constables. In 1943, the Police Training College was established in Thiruvananthapuram. It was during its inauguration, Divan CP Ramaswamy Iyer announced that the motto of the police should be 'Mridhubhave Dhridhakrite'. In the time of Partha Sarathi Ayyankar, the Vayalar and Punnappa struggles and shootings took place. By that time, the freedom struggle had intensified and the Diwan formed a private police force under the command of Colonel Simson, an Anglo-Indian from South Travancore. (Sreedharan, 2017). In 1948, elections were held in Travancore. The Congress party came to power. In July 1949 Travancore-Cochin amalgamation took place. Chandrasekaran Nair, former IG in Travancore was continued as the IG in Tiru-Cochin. It was at that time that the policemen were

killed in Sooranadu and Edappally. He effectively countered such attacks. When the state of Kerala was formed in 1956, Chandrasekharan Nair was appointed as the first IG of Kerala. (Gurukkal & Varrier, 2018).

History of Law and Order in Cochin

The modern police force in Cochin was formed by Colonel Monroe in 1812. He formed thanas (police station) with thanadars and thananaiks on a taluk basis. Monroe made separate departments for Revenue, Justice and Police. During the reign of Maharaja Rama Varma (1864-1888) an independent police force was formed in Cochin on the basis of a report by a British officer named George Gurter. He was also the first Superintendent of Police in Cochin. Under him there were six inspectors, head constables and constables. The total area was divided into 6 zones and the responsibility of each zone was divided among the inspectors. Head constables were in charge of police stations. During that time a reserve force and a police training school were started. In 1884, a police force was established only for Cochin (Umadathan, 2017).

In 1904, military training was given to the Reserve Police. Later they came to be known as Military Police. There was one Reserve Inspector, 13 senior officers and 96 junior officers in that force. A fingerprint bureau started functioning in Cochin that year itself. In 1908, the six zones were reduced to three. 13 police sub-inspectors were selected and given charge of major police stations. Police stations with less workload were downgraded to outposts. The strength of the force was increased from 63 constables to 477. In 1911, the posts of Superintendent of Police and Commander of the Nair Army were merged. The posts of prosecuting inspectors were created to take cases to the courts. River Police formed to prevent crime in backwaters and rivers of Kochi. In 1921, the Chief of Police was given the rank of Commissioner. In 1922, the Port Police Force was formed to maintain law and order in the port. In 1930, all inspectors were made deputy superintendents. All sub-inspectors were promoted to inspectors (Umadathan, 2017).

In 1932, the whole region was divided into two. Police headquarters have been established at Ernakulum and Thrissur. Village Vigilance Committees were established in all the villages and opened up the possibilities of open dialogue between the police and the people. In 1941 Cochin Police Manual was implemented. Based on this, the administration of the regions was placed under the District Superintendents of Police. Inspectors were given charge of police stations. In 1942, there was a strike in Cochin Police for salary hike. The government suppressed that strike. Seven were dismissed, 140 police officers were suspended, four were demoted and 73 were fined. In 1946, the fire brigade was brought under the police. Ernakulum and Thrissur were placed under the Deputy Commissioner of Police. At the time of merger with Travancore in 1949, Kochi had one thousand six hundred and fourteen police officers. With the amalgamation of the states, the state armies were merged into the Indian Army. Internal Security became the responsibility of the Armed Reserve Police. This force was known as Cochin State Royal Police. When Tiru-Kochi amalgamation took place, the High Court remained in Kochi. But Cochin's police, which was only one-fifth of Travancore's police force, was merged with Travancore Police and Chandrasekaran Nair, who was IG of Travancore, became the first Chief of Police in Thiru-Cochin (Umadathan, 2017).

History of Law and Order in Malabar

The Britisher's were introduced systematic police administration in Malabar in 1792. They implement-

ed a new police system in 1800. The Police officers at that time were known as Kolkar, Safedar and Jamedar. There were two Jamedars, eight Safedars and 277 Kolkars in the force. It was not able to cope with the resistance put up by Pazhassi Raja and others. In 1816, changes were made in the composition of the police force. In villages, village headmen and in taluks, tahasildars were given the responsibility of supervising the police. In the towns an officer named Police Amin was entrusted with the administration of the police. This system was inadequate to maintain law and order. The British Government asked the Governor of Madras to form a strong police force. As a result, a police force of 31 officers and 150 zepoys was formed (Umadathan, 2017).

During the outbreak of the Malabar Rebellion in 1836, the British authorities decided to have an armed police force in the Madras Residency and divided the Presidency into two zones. An able officer named Henry Valentine Connolly was appointed Collector and District Magistrate of Kozhikode. He played a leading role in suppressing the Malabar Rebellion. As a result, Connolly was murdered in his collector's bungalow in September 1855. In 1858, a brilliant Englishman named William Robinson was appointed as the Chief Police Commissioner. The police troop was modernized in 1859. As part of this, 108 police stations were established. Among them, 188 officers, 1278 constables and a special armed police force were formed to quell the riots. But this force could not suppress the Malabar Rebellion of 1921-22 (Madhavan Nair, 1987).

The British formed a special armed battalion of only Hindus and Christians. Malappuram became their permanent headquarters. Hichkock, who was the Superintendent of Police in Malabar, was the founder of the Malabar Special Police. There were 6 British officers, 8 Subedars, 16 Jamedars, 60 Havildars and 600 constables. 6 companies of MSP were given to Tamil Nadu after the birth of Kerala (Madhavan Nair, 1987). After 1920, police administration became difficult. Khilafat agitations and freedom struggles gained strength. In 1937, the strength of the Malabar Special Armed Police was increased. In 1937, for the first time in the Malabar Police, an Intelligence Section started functioning with its headquarters at Kozhikode. During that time, unjustified police firings took place at many places.

The famous Morazha strike took place in 1940. A sub-inspector and a head constable were killed in the encounter with the protesters. 2 protesters were killed in Thalassery. During this time the communist movement gained strength in Malabar and more police stations were established to suppress them. MSP was appointed to quell the farmers' strikes that broke out in several places in Malabar. This situation continued even after independence. Malabar was merged with Tiru-Kochi in 1956 as part of the formation of Kerala state. The Malabar Special Police was merged with the Tiru-Kochi Special Police but remained headquartered at Malappuram. MSP was also in the forefront of suppressing the liberation struggle in 1959 (Gurukkal & Varrier, 2018).

The Law and Order in Kerala since 1956

The state of Kerala officially came into existence on 1st November 1956. Chandrasekaran Nair, who was the IG in Thiru-Kochi, was the first IG in Kerala too. Vellayambalam palace in Vazhuthakadu was designated as the police headquarters. The EMS-led cabinet came to power on 5 April 1957 with the support of independent MLAs. After the formation of the state, the Tamil officers in the police department were released to Tamil Nadu and the Malayali officers who were there returned to Kerala. Reorganization arrangements also took place in the Kerala Police. A police manual in four volumes was prepared. In 1956, excluding MSP and Fire Force, the police had 11,312 members¹.

At the end of 1957, the post of a Special IG was created. NR Srinivasayyar was the first to be appointed

to that post. Palace Guards, Traffic, Taxation, Fire Force, Armed Police including MSP, CID, Railway Police, Fingerprint Bureau, Training and Special Branch were under this IG. The structure of Crime Branch, Special Branch and Fire Service was made similar to that of other states. The Palace Guard was merged with the District Armed Police. After the formation of Kerala state, the police stations of 4 southern taluks of Travancore and Chenkotta became part of Madras state. Police stations in Malabar and Kasaragod became part of Kerala. The post of Special IG has been abolished in the state police and the state has been divided into two regions and two posts of DIG have been created. A post of DIG was also created and Railways and Criminal Intelligence were transferred under him. Chandrasekaran Nair was succeeded by Sri M. Krishna Menon (1957-61) as IG. It was during his time that the force of Home Guards was formed. A force comprising 148 members in each district was formed in the then 9 districts (Umadathan, 2017).

During 1958-59 there were police firings at 4 places. 4 people were killed in firing incidents at Chandanathop and Munnar in Kottayam district. There were casualties in police firing in Angamaly and Thiruvananthapuram Pulluvila. A pregnant woman named Flory was also killed in police firing in Cheriyaathura. The Kerala Police Act came into force in 1960. The railway police in the state was placed under a superintendent. In 1962, an armed police unit was created exclusively for Thiruvananthapuram City. Thiruvananthapuram Rural Police District was formed by adding Neyyatinkara, Nedumangad and Attingal and given charge to a Superintendent of Police. Now, there are a total of 19 police districts in Kerala (Umadathan, 2017).

In 1964, the post of Director of Vigilance was created at the equivalent rank of IG. The erstwhile Ex Branch was merged into the Vigilance Department. In 1967, IG was given the charge of Commandant of Home Guards and Director of Fire Force. In 1968, the Central Government formed the Central Reserve Police Force. 1968 to 1976 was a period of challenges for the Kerala Police. There were Naxalite attacks on police stations in Thalasseri (1968), Pulpally (1968), Kuttyadi (1969) and Kayanna (1976). Landlords were also attacked in Wayanad (1970), Kannur (1970), Palakkad (1970), Kottayam (1970), Kasaragod (1970), Kollam (1970) and Thiruvananthapuram (1970). Such attacks resulted in widespread damage and loss of life.

A team headed by Jairam Patikal, who was then the crime branch police superintendent, conducted the case investigation. The police managed to arrest the accused in some cases. In 1972, Singaravelu, who was in the Tamil Nadu cadre, was appointed as IG. He is the originator of the concept of Model Police Station. He urged the police officers to treat the public with dignity and avoid delay in investigation. It was during his time that a special section called Crime Branch CID was formed in 1973. As early as 1973, Prime Minister Indira Gandhi inaugurated a women's police station in Kozhikode. Kayanna Police Station was attacked during Emergency. It was lifted in March 1977. The central government has tasked officials in each state to investigate the atrocities committed during the Emergency. The investigating officer was Raja Gopal Narayan, who was DIG in Kerala at that time. The investigation team consisted of Superintendent Moiteen Kunhi, DySP Antony and, Circle Inspector Parameswaran Pillai (Umadathan, 2017).

During the Emergency, the police were complicit in many human rights violations. An important one is the disappearance of Rajan, who was an engineering student. The case put K. Karunakaran, the Home Minister during the period of Emergency, and Jairam Padikal, a police officer, under the shadow of suspicion. Three accused, including Jayaram Patikal, were sentenced to one-year imprisonment, but the High Court quashed the sentence on appeal. DIG John Mathai investigated the case of Varkala Vijayan

Nair and Nadapuram Kannan, who went missing in police custody during the emergency. DySP Ramachandran Pillai and Ramachandran Nair were part of the investigation team. The judicial inquiry into the cases was conducted by Justice Viswanathayyar of the Kerala High Court. A DySP was sentenced to one year's imprisonment but was later commuted by the Division Bench.

Single digit fingerprint bureau was started in Kerala in 1978. In 1980 there is a violence in Vizhinjam, one died in police firing. In 1981, the rank of Chief of Police was elevated to Director General of Police. Ananda Shankaraiyyar himself was the first DGP. In 1983, there was a clash between police and people during a Muslim religious festival in Alappuzha. One person died in the ensuing police firing. The Alappuzha events had a reflection in Thiruvananthapuram as well. In 1983 MK Joseph became DGP. The uniform of police constables was modified in his period (Umadathan, 2017). A police team known as White Patrol has been appointed to maintain law and order in Thiruvananthapuram City. After Prime Minister Indira Gandhi was shot dead on October 31, 1984, the police had to work hard to deal with the nationwide protests. In May 1985, women's police stations were started in Thiruvananthapuram and Kochi. Mr. Raja Gopal Narayanan became the DGP in 1988. He insisted that at least twice a year top police officials should visit the police stations and evaluate the operations. In the time of Jayaram Patikal (1993-94), the Highway Patrol began. About 20 vehicles were arranged to control the traffic on national roads (Umadathan, 2017).

After Patikal, TV Madhusudan became DGP. He implemented many programs for the welfare of the police force. He played a major role in the implementation of the police housing scheme. His contributions include the renovation of the Chandrasekaran Nair Stadium and the construction of the MK Joseph Pavilion. He also set up the security system at Sabarimala. DGP Abdul Sattar Kunju, was the one who settled the problems of Sivagiri Matam. It was also during that time that BSF was allotted a base in Kerala. BS Shastri, one of the long visioned DGP in Kerala, was very keen on reforming the police. He played a major role in the implementation of computerization in the police. He was succeeded by PR Chandran. He was also an engineer, he applied his vast knowledge to modernize the police force. In the time of KJ Joseph there is an attempt occurred to revived and modernized the Highway Patrol. He was appointing women police officers in all police stations.

Hormis Tharakan was the next DGP. Being an academician, he took the helm to start the Kerala Police Academy. He also brought about timely changes in the police curriculum. He insisted that all policemen should be trained in computer and driving. He also established a state-wide centralized vigilance system (Behera, 2020). After him Raman Srivastava became Kerala DGP. In his period, a community policing called 'Janamaithri Police' was implemented in Kerala. The main objectives of this scheme were, the police should be the friend and helper of the people, that they should interact with the people and that the police should get the help and cooperation of the people in maintaining law and order. Apart from this, Srivastava took the initiative to implement the Gangster Act in the state and to form a Police Complaints Authority under the chairmanship of a retired High Court judge (Behera, 2020).

After Srivastava, Jacob Punnoos was appointed as DGP. He played an active role in coming up with the new Kerala Police Act in 2011. Also, the popular project called Student Police was the result of the same. The objective of this project was to impart police training to the students and educate them to make them law abiding and good citizens of character who fight against the evils of the society. It was also during that time that computers and internet facilities were installed in all police stations in Kerala. Today all police stations in Kerala are computer networked with each other and with all police

headquarters. He also opined that as part of making the activities of the police transparent, the first information report should be recorded on the computer and registered. It was during that period the first coastal police station was established and patrolling of the sea began. In Sabarimala, he took initiative to fix the camera system, virtual queue, traffic enforcement camera system, digital control rooms and the Commando troop known as the Thunder Bolts. In that period the Badge of Excellence was started and it was awarded to skilled detectives (Umadathan, 2017).

In 2011, the Armed Reserve and the local police were merged into a single Kerala Civil Police and the constables job titles were changed to Civil Police Officers. Similarly, the official name of the DGP, who is in charge of the administration of the state, has been changed to State Police Chief and the District Superintendent of Police has been changed to District Police Chief. During the Covid pandemic, the Kerala Police worked as front fighters under Lokanath Behra. Anil Kant is currently the Chief of Police of Kerala. The Pink Protection Project is a special project launched by the Kerala Police based on reports that violence against women was increased during the Covid era. As part of this, Pink Patrol, Pink Janamaithri Beats, Pink Control Room, Pink Shadow, Pink Romeo, Pink Digital Drive, Vanita Sales & Counseling Centers and Digital App have been organized. Under Anil Kant, Kerala Police is on the path of change (Umadathan, 2017).

CONCLUSION

In conclusion, we are assumed that Kerala have a vast history of law and order. From Chera monarchy to current democratic atmosphere it will grow slow but steady. In the ancient time Kerala was situated in three different administrative regions. Therefore, until 1956 she had a different history. The current police cop in Kerala have followed the tradition of Travancore most of the time. The reason behind it was the other two regions ambulated to Travancore and the state capital is Trivandrum. We can identify that the police forces in Malabar and cochin were joined Travancore police and they were ready to stood behind the police force in Travancore. Kerala was one of the state in India had took an initiative to formulate new police act in the initial period of independence. The police in Kerala have always maintain their loyalty to the ruling government. They were highly criticized by the general public for their unwanted interference. In 2008 Kerala police was shifted to new policing strategy. That project somewhat helps to regain the popular support but it was not adequate.

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