

Financial (1895) Department.

ORDINARY MS.

G.O., No. 1044

Dated 21st Dec. 1895.

INDEXED.

8/9

[Despatch Abstract.]

BUDGET ESTIMATES

Communicating to the Accountant-General Proceedings, Judicial Department, regarding the Kalugumalai riot and requesting him to make certain provisions in the revised estimates of the current year.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	633		1896				
	640/95.						

CURRENT No. 3372

Gobt. of {1895} Madras.

JUDICIAL.

Order—No 1044 of 21.12.20
R. Jm

Communicated to the
Accountant General, who
will add the necessary
particulars for putting in
the revised estimates of
the current year.

Issued 26 Nov. 95
Recd. 19 Dec '95. Encl. nil

G.O., No. 2451, 26th Nov. 1895.

NOVEMBER.

Kalugumalai Riot.

Passing final orders on the riot which occurred
in Kalugumalai, in the Tinnevely district, in
April 1895, and forwarding copies of the Proceed-
ings to the Government of India and to the
Secretary of State.

WITH ORDER

26/11/95
25/12/95
The acct Genl (S.S. to).
Cokell
19/12/95

No. 2451, JUDICIAL, 26TH NOVEMBER 1895.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—again the following paper:—

G.O., No. 1038, Judicial, dated 16th May 1895.

Read—letter from the Inspector-General of Police, No. 4-C., dated 29th April 1895.

Order—No. 1038, Judicial, dated 16th May 1895.

From the Inspector-General's report it appears that the individuals responsible for the failure to prevent the occurrence of the Kalugumalai riot are the estate manager, the Police Inspector and the Deputy Magistrate. The first named of these is dead, and the Government concurs with the Inspector-General in considering that the Police Inspector was not seriously to blame though a smarter officer would probably have done better. The Deputy Magistrate did not apparently make the *personal* inquiry which he was directed by the District Magistrate to conduct, but it would at this stage be premature to discuss his responsibility in connection with the riot. The District Magistrate, in reporting upon the incident, should deal specially with his conduct and, in order that the fullest information may be available, the report should be deferred until the conclusion of the magisterial inquiry into the cases arising out of the riot.

2. There is no doubt as to the desirability of establishing a punitive police force in the neighbourhood of Kalugumalai, but before passing orders on this point the Government desires to have the opinion of the District Magistrate on the Inspector-General's detailed proposals. It is not clear whether the force specified in paragraph 28 of the Inspector-General's letter is intended to be in lieu of, or, in addition to, that existing. This should be expressly stated.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.To the Inspector-General of Police.
" District Magistrate, Tinnevely.

Read—also the following papers:—

G.O., Mis. No. 1588, Revenue, dated 23rd April 1895.

Read—Proceedings of the Court of Wards, Mis. No. 676, dated 10th April 1895, recording, pending receipt of further report, telegram from the Collector of Tinnevely reporting the death of M.R.Ry. V. Venkataroyar Avargal, Manager, Ettiyapuram estate, from a stab received at Kalugumalai on the 7th instant.

Read—also Proceedings of the Board of Revenue, Mis. No. 1847, dated 11th April 1895, reporting the death of M.R.Ry. Venkataroyar Avargal, Manager of the Ettiyapuram estate.

Order—Mis. No. 1588, Revenue, dated 23rd April 1895.

Recorded.

2. The Collector's endorsement with its enclosures received from the Board of Revenue will be transferred to the Judicial Department in view of a report being required from the District Magistrate of Tinnevely of the result of the magisterial inquiry.

(True Extract.)

(Signed) G. S. FORBES,
Ag. Secretary to Government.

To the Board of Revenue.
Judicial Department.

No. 1054, Judicial Department.

Referred to the District Magistrate of Tinnevely for the necessary report.

(By order.)

OOTACAMUND,
16th May 1895.

(Signed) L. DAVIDSON,
Ag. Under Secretary.

To the District Magistrate, Tinnevely.

From the Inspector-General of Police, dated Madras, 27th June 1895, No. 3985.

From A. W. B. HIGGINS, Esq., District Magistrate of Tinnevely, to the Chief Secretary to Government, dated 19th October 1895, No. 1487.

In continuation of my letter, No. 1417, dated 30th September 1895, I have the honour to submit the report called for in G.Os., Nos. 1054 and 1038, dated 16th May 1895, on the death of M.R.Ry. V. Venkataroyar Avargal, Manager of the Ettiyapuram estate, and the Kalugumalai riot.

2. The village of Kalugumalai is the most important of a group of villages belonging to the Ettiyapuram zamindari which are situated somewhat apart from the rest of the estate, midway between the town of Sankaranayinarkóyil and the Koilpatti Railway station. For revenue and magisterial purposes this area forms part of the Sankaranayinarkóyil taluk under the jurisdiction of the Head-quarters Deputy Collector and Magistrate. For local fund purposes it is included, like the rest of the Ettiyapuram estate, in the area administered by the Tuticorin Taluk Board, of which the Sub-Collector is President. The village derives its chief importance from its temple and the annual festivals and cattle fairs which are held in January—February and March—April, and the temple again has acquired importance from the fact that 45 years ago the then zamindar bestowed upon it the lands of Kalugumalai village as an endowment. The population of the village is reported to be about 3,800, of whom

some 500 are Shanars (toddy-tree climbers), and the rest, excluding some thirty Muhammadans and a small body of Church of England Christians, are Hindus of other castes, the most important being Vellalas (about 350), Chetties (400) and Maravars (475).

3. For some time past the Shanar population of this district has been endeavouring to push itself upwards. It has acquired wealth by trade and acquired influence by embracing Christianity, and it desires to acquire a social status superior to that which it has hitherto held. The rest of the Hindu community on the other hand, though it cannot hinder the acquisition of wealth and influence by the Shanars, is not disposed to acquiesce in the raising of their social position.

4. Claims of this kind by the Shanars of Kalugumalai and their repudiation by the other Hindus have given rise to litigation. From 1886 to 1894, the civil courts (District Munsif, Sub-Judge and High Court) were occupied in the consideration of the question whether the Shanars might freely use the streets of the village through which the temple car passes for their marriage or other processions with palanquins, and it was decided in all three courts that this was not allowable and that the streets were the property of the temple. In this litigation, the zamindar, as hukdar (managing proprietor) of the temple, was plaintiff and eighteen Shanars were defendants. Naturally, such a prolonged litigation produced bitter feelings between the parties interested. On the death of the zamindar in 1890, the estate came under the management of the Court of Wards, and under the orders of that authority, was latterly being managed by M.R.Ry. V. Venkataroyar Avargal, Deputy Collector, whom I shall call the manager. This officer took the zamindar's place both as manager of the Kalugumalai temple and as plaintiff in the litigation.

5. The judgment of the High Court was delivered on the 7th August 1894. Having lost in the litigation, the Shanars appear to have tried to gain their end, i.e., the establishment of their position in the village, and more particularly the right to use the streets for processions, by another move. It would appear that, before the end of the same month (August 1894), a considerable number of them had expressed a desire to become Roman Catholic Christians, and the Roman Catholic missionaries had so far favoured their views as to make proposals for the purchase of a site for a chapel adjoining one of the disputed Car streets. The site belonged to a Shanar, Kalimuthu Nadan, but he had in April 1884, when he purchased it, made an agreement with the local manager (peshcar) of the temple to use it only as a tobacco godown and not to dwell there and not to open a doorway towards the Car street and accordingly opened a doorway in another direction. This same agreement is that referred to in paragraph 39 of the Sub-Judge's judgment in A.S. No. 39 of 1890. On the 22nd November, the purchase of the land by the Roman Catholic missionary from Kalimuthu's heirs was effected, and on 23rd November 1894, a preliminary religious ceremony was held and foundations were begun to be dug. The result of this was a riotous assemblage of other Hindus, who objected to the new building. This was dispersed by the efforts of the village magistrate and police, and the building proceeded. The manager sent on to the Head-quarters Deputy Magistrate his peshcar's report of the occurrence in reference to section 45, Criminal Procedure Code. The matter was also reported by the police to the Sub-Magistrate on 29th November 1894 in reference to a complaint by the Roman Catholic missionary Father Bammal of attempt at riot but as no actual riot had occurred, the Sub-Magistrate declined to take action. A petition was however put in before the then District Magistrate by the other Hindus. This was referred by the District Magistrate to the Sub-Collector under the impression apparently that he was the proper authority to inquire, and inquiries were made under the Sub-Collector's orders by the Tahsildar. The Police Inspector also made inquiries under orders of his superior officers in reference to another petition put in by the Hindus to the District Magistrate. The result of both inquiries was that the church was being built with a door into the Car street with the apparent object of defeating the result of the civil litigation by providing another occasion for the preferment of the Shanars' claim to go in procession in the Car streets and that there was

likely to be a breach of the peace. The Sub-Collector communicated the result of the Tahsildar's inquiry to the manager, who replied that he was taking legal steps for the removal of the chapel and asked the Sub-Collector to reason with the Roman Catholic missionaries on the subject. The Sub-Collector replied that it was a civil matter and that the manager might reason with the priest as effectually as the Sub-Collector. This remark was passed on the 29th March 1895. Copy was received by the manager on the 4th April 1895, and on it he wrote "await estate vakil's draft plaint."

6. In the meanwhile, the report of the Inspector of Police, dated 20th December 1894, had been received by the Head-quarters Deputy Magistrate, M.R.Ry. T. V. Narasimhalu Nayudu Garu, and the same officer received also a report, dated 20th December 1894, from the Stationary Sub-Magistrate of Sankaranayinarkóyil, indicating, after joint inspection of the village by both officers, the probability of a breach of the peace, especially if the open space in front of the church were to be occupied as was proposed, and suggesting action to prevent a breach of the peace. Another report in the same spirit was sent by the Inspector to his superior officers and eventually reached me, whereupon I directed the Head-quarters Deputy Magistrate, on 6th January 1895, to take necessary action after *personal* inquiry and to report the result. The Head-quarters Deputy Magistrate directed the Inspector to put in charge-sheets against persons who were likely to commit a breach of the peace in view to action under chapter VIII of the Criminal Procedure Code. Charge sheets were put in on 26th January 1895 against seven Shanars and seven other Hindus and were disposed of as miscellaneous cases, 2 and 1 of 1895 on 18th February and 16th March 1895, with the result that none of the Shanars were bound over to keep the peace and only two other Hindus were so bound over. As directed by Government in G.O., No. 1038, dated 16th May 1895, I will deal with this matter specially in a later paragraph.

7. The "Tai" festival held in the village in February 1895 passed without disturbance, possibly because the question of binding over the two factions was under consideration. The church was finished, and in March some 200 Shanars were baptized. The manager had in the meanwhile been in correspondence with the estate vakil at Tuticorin, in view to dispute the right of the Roman Catholic missionaries to build the church, and execution proceedings were also taken out by him for the recovery of the costs due by the Shanars in the civil litigation. On the 29th March, the kavalgar reported to the peshcar the erection of a pandal 10 yards long and 2 yards broad in front of the church and a platform 1 foot high. The peshcar informed the manager of the occurrence. The manager contented himself with communicating the report on the 1st April to the estate vakil with a request to submit a draft plaint (about the erection of the church), and to include in it as one of the causes of action, the trespass on zamin land (by the construction of the pandal and platform). On another similar report, he wrote on the 4th April, as he did on the Sub-Collector's proceedings, that the plaint to be prepared by the vakil should be awaited. He did not communicate the reports to the police or magistracy. This brings the matter up to 4th April. About the same time the manager had, as already mentioned, been taking out execution for the costs due to the estate in the civil litigation. Costs, amounting to about Rs. 1,000, were collected from the Shanars and were, on the 6th April 1895, paid into the Tuticorin Bank by Arunachala Nadan, a principal man among the defendants.

8. The events of the 7th April are well known, at least in outline. The enclosed map will show the position of the various places to be mentioned. It was the day of car festival. For the purpose of dragging the car and joining in the procession, several thousands of people had assembled. The car which was conducted by the

manager with his clerks and some peons and by a few of the usual extra force of police proceeded from the South Car street to the West and North Car streets and reached the eastern extremity of the latter

street about 10 A.M. It was in connection with the turning of the car into the East Car street that the riot began. The Hindus in the procession considered or chose to

consider it necessary that one of the chains of the car should be taken through the pandal which had been erected in front of the church. I note that the Sessions Judge believes that it was not necessary to take the chain through the pandal. There was a crowd of Shanars in the pandal and church. They objected to the approach of the chain and threw stones, which made the chain-pullers drop the chain. Then the manager went forward almost alone and said (I am quoting from the Sessions Court judgment in Sessions Case No. 41 of 1895):—

" 'Don't make any riot. You should remove the pandal and re-erect it.' Third defendant Karuthana Nadan replied impudently and the manager turned to direct the chain to be taken outside the pandal when the fourth defendant, Mahalinga Nadan, suddenly stabbed him in the abdomen, causing almost immediate death.

"The manager's head clerk, Sundram Aiyar, third witness, who was close by his master, was hit on the face with stones thrown by some Shanar. Panchanada Aiyar, another estate clerk, fourth witness, held out his hand to help the manager and was slashed on the arm by third defendant Karuthana Nadan. Alwarsami Naik, the Village Munsif of Doraisamipuram, was also stabbed by third defendant, Karuthana Nadan, in the abdomen and died early next morning. Marudakone, an old man, was also stabbed in the back by some one and died twelve days later. Hussain Rowter, sixth witness, says he was stabbed on the back and shoulders by third defendant Karuthana Nadan. Karuppan Chetti, fifth witness, was hit by a stone thrown by the Shanar rioters.

"The manager and others of the wounded were carried away to the chattram and rioting went on in the pandal between the Hindus and Shanars, and sticks and stones were freely used. This was the time when defendants received their injuries, consisting chiefly of abrasions and contusions.

"The head constable, Kolundavelu Pillai, sixteenth witness, had been elsewhere on duty, and, on his return to the Police station, got information at 11-15 A.M. He took a carbine and hurried to the chapel, receiving on the way a yadast from the acting Village Munsif Subba Naidu, fifteenth witness. By this time the thatched roof of the chapel was on fire. The head constable fired a shot in the air, which to some extent dispersed the rioters. The head constable, with the aid of first witness, Adinarayana Servai, and seventh witness, Alagiri Teven, then pushed open the south door of the side terraced building forming an annexe to the chapel and arrested eight defendants. No weapons were found on these defendants.

"Meanwhile, when the station-house officer fired his gun, the other Shanars attempted to escape by the lane on the north, and thirty of them, including all the other defendants, were arrested by two constables Venkatarama Raju, seventeenth witness, and Muttusami Nayudu, eighteenth witness, assisted by the Hindu crowd. The defendants were marched off and locked up in the Police station."

In the fighting which occurred previous to the arrest of the Shanars, 36 Shanars and five persons belonging to other castes were wounded.

9. The retaliation by the other Hindus for the murder of the manager and others began immediately. The church was set on fire, and, not content with this, the crowd invaded the Shanar quarters to the north-east portion of the village and burned the houses there. Their actual proceedings are still a mystery notwithstanding the inquiry into a number of cases brought against them, but in some way or other some seventy buildings were destroyed involving a loss of some 3,400 rupees worth of property and seven persons died from suffocation or burning. There was some looting also, the property lost amounting, as was alleged at the time, to Rs. 4,384 and also some tobacco and cotton which was either stolen or burnt. The police were engaged in guarding the arrested Shanars and were not available to stop the proceedings of the mob, and, indeed, considering the number, they could have done practically nothing.

10. By 3-30 P.M. the Sub-Magistrate arrived from Sankaranayinarkóyil and found the mob dispersed and the village quiet. He made immediate enquiries, and enquiries were continued by the Head-quarters Deputy Magistrate and the Assistant Superintendent of Police who arrived on the 8th, and the Superintendent of Police who arrived on the 10th, and stayed in the village until the 14th April.

11. The practical result of the enquiries made by these officials was that a police charge sheet was framed against 42 Shanars for murder, grievous hurt and rioting, but that though two complaints were made in respect of the attack on the Shanar quarters, viz., a general complaint by the Roman Catholic Catechist, Michael Pillai,

and a complaint of robbery by the daughter of Arunachala Nadan, the leading Shanar, no evidence of any value was forthcoming to support them, and the Superintendent of Police was unable to charge any one. The case against the Shanars was, in the first instance, taken up by the Sub-Magistrate, but as he had personal knowledge on the subject and the enquiry was important, it was transferred to the Joint Magistrate, Mr. J. A. Cumming, who on the 9th May committed 34 persons for trial by the Court of Sessions on charges under sections 302, 326, 147, 149 and 302, 149 and 326, Indian Penal Code. The case (Sessions Case 41 of 1895) could not be taken up until after the recess, and the hearing occupied nineteen days, being concluded on the 17th August. Two Shanars were found guilty of murder—section 302, Indian Penal Code, and rioting, section 147, Indian Penal Code, and one of them of causing grievous hurt—section 326, Indian Penal Code, and these men have been sentenced to death. The remaining accused have been convicted of rioting—section 147, Indian Penal Code, and sentenced to three or six months' rigorous imprisonment. The judgment is enclosed. The case is under appeal to the High Court and the result will be reported. The twelve complaints put in by Shanars before the Sub-Magistrate some thirteen days after the offence were transferred to the Joint Magistrate under my orders. He made a most elaborate and careful investigation in all but four cases up to 25th August when he went on leave. (His proceedings in Preliminary Register Case No. 4 of 1895 is enclosed). The remaining cases, which for various reasons hung fire, have been transferred to the Assistant Magistrate, Mr. L. Vibert. The following table shows the manner in which each case has been dealt with. The judgments of the Sessions Court in the cases which have been committed for trial are enclosed.

STATEMENT showing the manner in which each complaint against non-Shanars connected with the Ka'ngumalai riot has been dealt with.

Number of Register Case.	Sections of the Indian Penal Code involved in the complaint.	Number of persons complained against.	Number of persons discharged.	Number of persons committed for trial.	Sections of the Indian Penal Code under which committed.	Number of Calendar Case in Sessions Court.	Number of persons discharged by the Sessions Court.	Remarks.
4	Joint Magistrate.	5	..	5	147, 395 and 402	71	5	Two persons dealt with by Assistant Magistrate in P.R. No. 3 of 1895. One person has not yet appeared.
5	302, 395 and 430	8	6	2	..	72	2	
6	395 and 436	3	3	..	..	..	..	
7	395 and 436	10	7	..	..	..	..	
8	147 and 302	5	..	5	147 and 302	68	5	One person has not yet appeared.
9	395 and 436	7	..	7	147, 395, 436 and 114	64	7	
10	395 and 436	7	7	..	..	..	..	
11	395 and 436	7	7	..	..	..	..	
12	395 and 436	13	8	5	147, 395, 402, 436, 461 and 114.	65	5	Not yet disposed of. So far only five accused have appeared and there has been difficulty in obtaining the attendance of the witnesses.
2	Assistant Magistrate.	7	6	..	..	..	..	
3	395 and 323	2	2	..	..	..	..	
4	395, 436 and 323	9	..	..	..	..	..	

NOTE.—Complaint of Santhi Nadan has been thrown out for non-appearance of complainant, who is an absconding defendant in the case against the Shanars.

Unfortunately, up to date, no conviction has been had against any non-Shanar, but considering the nature of the cases and the evidence and especially the delay in making complaints, the result could hardly have been otherwise. It seems most improbable that such of the male Shanars as were not arrested in and about the church fled from the village on the approach of the Hindu mob and were not present to witness the destruction of their property. Since the riot, an extra force of Police has been posted in the village and no disturbance of the peace has occurred. On one occasion a complaint regarding an alleged conspiracy by Hindus to murder Shanars was presented to me, but on enquiry it was found to be groundless.

12. The conduct of the Police in connection with this lamentable riot has been already fully dealt with by the Inspector-General in his report read in G.O., No. 1038, dated 16th May 1895. I agree generally with his conclusions, and particularly consider that though the Inspector might well have been more alive than he

* Note.—He was not, as stated by the Inspector-General, residing permanently in the village.

was to the danger, yet it was the duty of the Manager, who arrived * in the village on the 5th April and had received warning on the 29th March regarding the erection of the pandal, to warn the Police and the Magistracy of the probability of disturbance and demand assistance. This, unfortunately, he failed to do, trusting probably in his own influence as a Brahmin and estate and temple manager, and suffered for his mistake by losing his life. He did not allow for the strong feeling which must have been roused against himself in the minds of the Shanars by the action which, in his position, he was bound to take in regard to the realization of costs of the former litigation and preparation for further proceedings towards the removal of the church and the pandal and platform. He suffered, it may, I think, fairly be said, entirely on account of hostility occasioned by his official acts. The head constable has been accused in two cases of leading the Hindu mob to burn and loot. In one of these cases such conduct has not been proved against him, and the theory is extremely improbable. The other case is not yet concluded owing to the extreme difficulty of obtaining the attendance of the other defendants and witnesses. The Superintendent, Mr. Stevenson, did excellent work in investigating the case against the Shanars, and, I am convinced, used every endeavour possible to obtain useful evidence against the other Hindus.

13. I cannot help thinking that the Roman Catholic Missionaries are to some extent responsible for the occurrence of the tragedy, for, even apart from the terms of the document executed in 1884 by Kalimuttu Nadan, they must have been well aware that the erection of a church in close proximity to the car street and at a considerable distance from the Shanar quarters was certain at some date to cause a disturbance.

14. I have now to deal with the matters to which my special attention is drawn in G.O., No. 1038, dated 16th May 1895, viz. (a) the conduct of the Deputy Magistrate, M.R.Ry. T. V. Narasimhulu Naidu Garu, and (b) the proposals of the Inspector-General of Police for establishing a punitive Police force in Kalugumalai.

(a) The action taken by the Deputy Magistrate and the grounds for that action have been briefly described in paragraph 6 above. He had been in this district as Head-quarters Deputy Magistrate in charge of Tinnevely and Sankaranayinarkóyil taluks (including Kalugumalai) for 2 years and 3 months, and was presumably therefore acquainted with the local politics of Kalugumalai. From 8th September to 7th December 1894, he was in charge of the treasury, but soon after resuming charge of his division on 8th December 1894, he was made aware by the separate reports of the Inspector and Sub-Magistrate, both (copies enclosed) dated 20th December 1894, of the events which had occurred subsequent to the decree of the High Court in August 1894 and particularly of the riotous assembly of Hindus on 24th November and the probability of further breaches of the peace in connection with the new church. The Inspector wrote: "In conclusion, I beg to submit that your honour will be pleased to visit the spot and make local enquiries and inspection and issue such orders to prevent the breach of the peace." The Sub-Magistrate particularly mentioned the claim of the Roman Catholic Priest to a space four to five yards wide

in front of the church, and also a difficulty which was likely to occur in connection with the movement of the car because "the ropes of the car used to pass and reach the front part of the church up to this time. As the place was vacant up to this time, no inconvenience was felt and there would be inconvenience hereafter by a building having been erected on the vacant ground." Both officers reported also that "already the house of the village munsiff and another in Hindu quarters and seven houses including the house of a constable in Shanar quarters had been set on fire on account of this faction." By my order of the 6th January 1895, the Deputy Magistrate was directed to take such action as he might find necessary after personal enquiry and to send a copy of his proceedings. I much regret that I did not add, as I should have done, had I more clearly realized the situation, that the enquiry should be made on the spot. The Deputy Magistrate did make personal enquiry as ordered, but the enquiry was made at a distance from Kalugumalai, and consisted solely of the hearing of the evidence against each set of persons which the police asked him to take in connection with the charge sheets which were placed before him. As already stated, the Deputy Magistrate discharged the seven Shanars who were charged in Miscellaneous Case No. 2 of 1895, and bound over two Hindus out of seven who were charged in Miscellaneous Case No. 1 of 1895. I enclose copies of his judgments in these two cases, dated 18th February and 16th March respectively. I had received copies of both judgments before the riot, but did not, I regret to state, notice their importance. The Deputy Magistrate's views based on the evidence before him was that in the proceedings of the 24th November 1894 the Hindus were the aggressors and therefore that such of them (two) as were proved to have taken part in the demonstration were the only persons whom it was necessary to bind over to keep the peace. One of the Hindus appealed to me after the riot was over, and I confirmed the Deputy Magistrate's order (see copy of judgment in Criminal Appeal No. 3 of 1895 enclosed).

15. On receipt of the Deputy Magistrate's report on the riot, No. 122, dated 20th April 1895 (copy enclosed), I directed him in person to submit an explanation as to why he did not go to Kalugumalai and make an enquiry there before disposing of Miscellaneous Cases Nos. 1 and 2 of 1895. His explanation No. 125, dated 22nd April 1895, is enclosed in original. It is true, as he says, that the evidence put before him by the Police related to distinct acts, viz., the erection of the church by the Shanars and the consequent disturbances created by the Hindus on the 24th November 1894, and that it is possible that, even had he gone to Kalugumalai to enquire, he might not have found that the building of the church was sufficient reason for binding over the Shanars. It is true also that the Manager, though he had reported the events of the 24th November 1894, had not asked the Deputy Magistrate to take action and proposed to proceed against the Shanars by way of civil action. At the same time the provisions of section 107, Criminal Procedure Code, are wide and allow a Magistrate to bind over not only a person who is likely "to commit a breach of the peace," but also a person who is likely "to do any wrongful act that may probably occasion a breach of the peace." There was in the reports before the Deputy Magistrate sufficient indication of the disturbed state of feeling in Kalugumalai including, as those reports did, not only details of the events of the 23rd and 24th November, but also information of the occurrence of nine incendiary fires which occurred on subsequent dates. Though I had not directed him to do so, the Inspector had invited him to visit the spot. Had he gone there and held a full enquiry into all matters bearing upon the questions before him, he would at all events have had material for a properly based opinion, whatever his conclusions might have been, and might have found reason for passing an order against the Shanars under section 144, Criminal Procedure Code, even if action under Chapter VIII was not feasible. By choosing to hold the enquiry elsewhere, he deprived himself of the full amount of information which was available for dealing with the state of parties at Kalugumalai. Such supineness is distinctly blameworthy, and it is possible that, had a local enquiry been made and action taken against the leaving Shanars as well as the Hindus, the tragedy of the 7th April would not have occurred. It is however easy to be wise after the event, and I submit that it may be believed that the Deputy Magistrate's remissness was more largely due to error of judgment than to wilful neglect of duty, and that it does not merit a more severe punishment than censure.

16. (b) In paragraph 2 of G.O., No. 1038, dated 16th May 1895, Government has, on perusal of the report of the Inspector-General of Police, stated that there is no doubt as to the desirability of establishing a punitive police force in the neighbourhood of Kalugumalai (under Act III of 1882), and has asked for my opinion on the Inspector-General's detailed proposals. I assume that Government is still of the same opinion, against which I have nothing to say, and so proceed at once to discuss the practical working out of the scheme.

17. Taking the Inspector-General's proposals as a basis, the matter has been threshed out by a committee consisting of the Superintendent of Police, the Headquarters Deputy Magistrate, the Manager of Ettiyapuram and the Acting Tahsildar of Sankaranayinarkóvil. The result of the deliberations of the committee is embodied in a memorandum sent to me by the Superintendent of Police, copy of which I enclose.

18. A proposal to charge the cost of the force upon all the villages within a radius of six miles from Kalugumalai, from which people might be reasonably expected to come to the feasts at Kalugumalai, was held to be unworkable, because of the enormous difficulty of making an assessment over so large an area, whether by beriz or as a house-tax, and the low incidence of taxation per head. The conclusion arrived at—in which I fully agree—was that the easiest and most satisfactory plan would be to limit the assessment to Kalugumalai and the hamlets and villages in its immediate neighbourhood. The places

	Popu- lation.
1. Kalugumalai and its hamlets, Dorai-samipuram and Kumarapuram ..	4,228
2. Venkiteswarapuram	559
3. Lakshmiapuram	200
4. Terku or Kottakalugumalai including its hamlet of Tulukapatti ..	844
5. Mother village of Palamcottai (roughly)	1,000
Total	6,831

proposed to be included are detailed in the margin, with the population of each, and will be found in the enclosed map. If Government should approve of the cost of the police force and incidental expenses proposed below, the incidence of taxation over this area will be rather over one rupee per head for the first year and seven annas per head for succeeding years. This charge will not, I consider, be excessive, but will be sufficient to constitute a real punishment to the inhabitants such as is, I presume, intended to be inflicted, in addition to the security afforded by the existence of the police force. It will also constitute a warning to people in other localities where party feeling is likely to develop riotous proceedings.

19. The cost of the force is proposed to be recovered by way of a proportionate assessment on estimated house-rental in the prescribed area. This will, I think, be fair, for the value of a man's house is a pretty good indication of his wealth, and such a tax, if carefully adjusted, should fall heaviest upon those who are best able to pay. No better plan can, I think, be devised.

20. The assessment, at all events in the first year, will require the services of an officer of the rank and pay of a Sub-Magistrate with a small establishment to aid him, and it is estimated that the time occupied in making the assessment and collecting the tax will be two or three months. His pay and that of the establishment and incidental expenses should be charged to the cost of the police force. Probably, it will be well that he should be supervised by a European officer, say, the Joint Magistrate, but there need be no extra charge on that account.

21. The force proposed is two head constables and twenty constables, which seems adequate and suitable. It is proposed to build permanent huts for half the force, such as might be utilized as police lines in the future. The remainder might be provided with temporary accommodation which will last as long as it may be necessary to retain the force. Probably the Ettiyapuram estate would be prepared to allow Government to acquire the requisite land free of cost, but in any case this would not be a heavy item. The cost of the force and huts and assessing officer's pay are detailed in the appendix. For the first year it would amount, in round figures, to Rs. 7,000, and in subsequent years to Rs. 2,800 per annum. Arms and ammunition will also be required.

22. The force proposed is in addition to that usually attached to Kalugumalai police station, viz., one head constable and five men, which is required for ordinary duties.

23. I enclose, for the information of Government, copy of an interesting memorandum, dated 7th June 1895, by Mr. Stevenson.

24. The Inspector-General's report enclosed in G.O., No. 1038, of 16th May 1895, has been already returned to Government with my letter, No. 986, dated 2nd July 1895. G.O., No. 1054, dated 16th May 1895, and its enclosures are herewith returned.

ORDER—No. 2451, Judicial, dated 26th November 1895.

In the first of the papers read above, the Government concurred with the Inspector-General of Police in considering that the local Inspector of Police could not be held to be seriously to blame for the occurrence of the unfortunate riot at Kalugumalai in April last, during the course of which Deputy Collector M.R.Ry. V. Venkataroyar Avargal, the manager of the Ettiyapuram estate, and two others were killed, reserved judgment upon the conduct in the matter of the Deputy Magistrate, M.R.Ry. P. V. Narasimhulu Nayudu Garu, until more complete information was before it, and referred to the District Magistrate, for his opinion, the proposals of the Inspector-General of Police for the establishment of a punitive police force in the neighbourhood of the village in which the riot occurred.

2. In the report read above, which was, by the permission of Government, delayed until the conclusion of the trial by the Sessions Court of the cases which arose out of the riot, the District Magistrate of Tinnevely deals with the last two of these subjects.

3. Upon consideration of all the information before it, the Government is of opinion that although it is a matter for much regret that neither the Deputy Magistrate nor the District Magistrate apprehended sufficiently early the bitterness of the ill-feeling that existed in Kalugumalai between the Shanars and the other Hindus of that place and the imminency of the risk of a disturbance there, yet that there is considerable reason for holding that neither of these officers were seriously to blame for the occurrence of the riot and the loss of life that took place during its course.

4. It is clear now, after the event, that the Deputy Magistrate should undoubtedly have made an enquiry on the spot into the circumstances of the case upon receipt of the reports from the police and the Stationary Sub-Magistrate of the uneasiness that existed in the village, but it appears that his omission to do so proceeded, not from any desire to avoid doing his utmost to maintain order in Kalugumalai, but from his failure to grasp the seriousness of the condition of affairs. For this error of judgment he had, however, considerable excuse, for from December 1894 onwards no disturbance had occurred in the village, the festival in February had passed off quietly, and the fact of the erection of the pandal in front of the new Shanar church, which was the immediate cause of the riot, had not been communicated to him.

5. The District Magistrate only joined his appointment in Tinnevely in December 1894, and was therefore less fully acquainted with the local politics of Kalugumalai than would have been the case had he been in the district during the events which took place there in November, and it was probably this circumstance which led him to treat with less energy than they in fact demanded the reports of his subordinates upon the dispute in that village.

6. Factions between the Shanars and the other castes of Hindus are of constant occurrence in Tinnevely, and it appears that neither the District nor the Deputy Magistrate had reason to suppose that the faction in Kalugumalai would lead to a more serious disturbance than any of the many others in existence. The man who of all others, from his lengthened official experience, his intimate knowledge of the history of the case and his residence in the village itself, was best qualified to form

an opinion upon the point—the unfortunate manager of the Ettiyapuram estate—clearly under-estimated the gravity of the situation, for he went down into the crowd unarmed and almost unattended; and the police appear to have considered that the Deputy Magistrate's order binding over two persons in the small sum of Rs. 250 to be of good behaviour (which it is now evident was inadequate to the needs of the case) was sufficient to prevent further trouble. Seeing, therefore, that those who were in the best position to judge of the feeling in the village had entirely miscalculated its true nature, the Government considers that it is impossible to hold that the superior Magistrates of the district deserve censure for failing to properly appreciate it.

7. The proposals of the District Magistrate in paragraphs 17—22 of his letter for the establishment of a punitive police force in Kalugumalai are approved. As the inhabitants of Kalugumalai itself were responsible for the riot, it is only equitable that the levy of contributions for the maintenance of the force should be restricted to the near neighbourhood of that village. A proclamation accordingly under section 15 of Act V of 1861 as amended by Act VIII of 1895 will be published in the Fort St. George and the District Gazettes, and the District Magistrate will notify it by beat of drum in the village and by affixing copies of it therein. The Inspector-General of Police and the District Magistrate will be requested to take early steps to carry the proclamation into effect, and the latter officer will report in sufficient time before the expiry of the period notified therein whether it will be necessary to maintain the additional police force for a longer term.

(True Extract.)

Redundant

Chief Secretary.

To the District Magistrate of Tinnevely.

" Inspector-General of Police.

" Revenue Department.

" Accountant-General, through Financial Department.

" Superintendent, Government Press.

Gazette.

APPENDIX.

PROCLAMATION.

Whereas the area described in the schedule hereto attached has been found to be in a disturbed state, and whereas from the conduct of the inhabitants of the said area it has been found expedient to increase the number of police stationed in it, it is hereby notified under section 15 of Act V of 1861 as amended by Act VIII of 1895 that for two years from the bringing into force of this proclamation a police force in addition to the ordinary fixed complement quartered in the said area shall be entertained in that area, and that the cost of that force shall be defrayed by the inhabitants of that area according to such apportionment as may be made by the Magistrate of the district.

Schedule.

1. Kalugumalai and its hamlets, Doraisamipuram and Kumarapuram.
2. Venkiteswarapuram.
3. Lakshmipuram.
4. Terku or Kottaikalugumalai including its hamlet of Tulukapatti.
5. Mother village of Palamecottai.

Exd. A. Raitt.

When given for copying _____
When copied _____
When examined _____
When signed _____

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READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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