M.R.O. 1—20,000—16-10-33.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1530 — Press Mis.

92-93

Dated 10-11- 1933

Not to be folded or roughly handled

21/1/34

No. 92. Read the following Circular from G. COUPER, Esq., Secretary to the Government of the North Western Provinces; to the Commissioners of Meerut, Agra, Rohilcund, Allahabad, Benares, Goruckpore, Jhansie, Jubbulpoor, Nimar, Ajmere and Neemuch, dated Allahabad, the 6th October 1859, No. 1.

The returns to the Circular, from this department, No. 51, dated 14th February last, having been, for the most part, received and examined, it has been found impracticable, without a knowledge of the localities, of the character of the owners, of the several fortified buildings, and of the origin of the buildings, to pass specific orders on each case. The preferable course seems to be to lay down a few general principles for guidance, and to leave it to the Commissioners, guided by these, to determine finally, in concert with the Magistrates of their Divisions, what forts or fortified buildings shall be destroyed, and in what manner the demolition shall be carried out.

2nd.—You will, therefore, attend to the following instructions.

3rd.—All forts and fortified buildings which existed before the mutinies, with the sanction of Government, expressed or implied, the owners of which have remained loyal, should be allowed to remain unmolested.

4th.—I am to observe that, a building having been allowed to progress to completion before the outbreak, without any remonstrance or opposition on the part of any Officer of Government, must be held to have had the implied sanction of Government to its construction.

5th.—Forts, which have been erected or repaired by loyal people, during the disturbances, should, as a general rule, not be interfered with. The Lieutenant Governor apprehends that, there can be hardly any instance of a fort having been built during the progress of the disturbances, as the erection of fortifications is the work of some considerable time. Where such works have been commenced, the owner should not be allowed to complete them without the express sanction of the Government.

6th.—Forts, or fortified buildings, erected prior to the disturbances, the property of disloyal men or of men who have remained passive, or who have evinced no interest in our cause, should, as a general rule, be dismantled, if, in your opinion, their existence would endanger the public safety, or the interests of the State, in the event of another disturbance.

7th.—Great discrimination should, however, be exercised by you in determining what is to be considered a fortified building. It would be very impolitic, in the present state of things, to turn men out of their houses, merely because the walls are loop-holed, or because they are encircled by a high wall. The distinction is more easy to determine in practice, than to define on paper. But, as a general rule, no building or place should be considered fortified, and, as such, liable to demolition, unless it be defended on one or more sides by a ditch difficult to cross, or other obstacles, which would present a formidable front to an attacking party. Regard should also always be had to the circumstance of a well being within the enclosure. Without a well no fort could offer protracted resistance.

8th.—The great object, in short, is to dismantle those buildings, which threaten danger to the State, by reason of their strength and position, and the character of their owners, without unnecessary interference with the rights of private property. The cost of demolition should be borne by the owner whose misconduct has rendered the proceeding necessary.

9th.—As regards forts and defences, which has been constructed, or repairs to forts which have been made by disaffected men during the disturbances, they must at once be levelled at the cost of their owners. It appears that, in many cases, turbulent villagers have dug a ditch around the accessible sides of their village, and made a wall with the earth thus acquired. These ditches should at once be filled up. Nor should any village be allowed to screen itself behind impenetrable jungle. The villagers should be called upon to cut roads through such jungles, sufficiently wide to admit of the easy passage of troops on every side of the village. One of these jungle villages, defended by a deep ditch and wall, is, perhaps, the most formidable obstacle, which troops can have to encounter in this country; and they must no longer be allowed to exist.

10th.—During the ensuing cold weather, you should visit as many as possible of the buildings which may be subject to demolition, whole or partial, in accordance with the foregoing instructions, and satisfy yourself as to the justice and expediency of that measure; satisfy yourself, that is, say that the owner is or was disaffected; that the building, as it stands, is fraught with danger to the public safety;—and having satisfied yourself on the above two points, you should order it to be dismantled to such an extent, as to render it harmless as a Military position, at the cost of the owners. It will not, of course, be necessary, for you to visit, with this object, forts, which you have already seen, or which are notorious as regards their strength and position, and the characters of their owners.

11th.—Whenever, in your opinion, there may be special reasons, such as the poverty of the owner, for recommending that the cost of dismantling should be borne by the State, you should submit the case for the consideration and orders of Government.

12th.—The Statements received from you, with your letter, No. ———, dated———, are herewith returned; and you are requested, after fulfilment of the foregoing instructions, to re-submit them, indicating on the face thereof, in respect of each building, whether it has been spared, dismantled, or demolished. The one word ("spared," or "dismantled," &c.,) written in red ink across each entry, is all that is required.

No. 93. ORDER THEREON, 10th November 1859, No. 1530.

Communicated to the Military, and Public Works Departments, *for information.*

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No. 1530. 10 November 1859.
Communicated to the Mily. & Public Wks. Depts. for information.

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