MADRAS RECORD OFFICE.

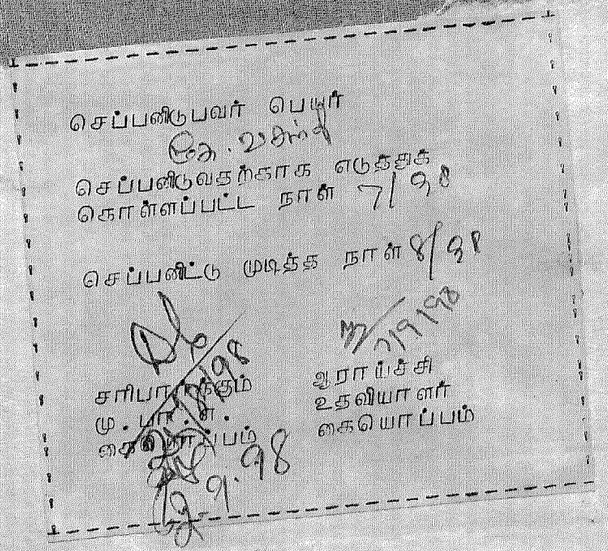
Government of Madras

DEPARTMENT

G.O. No. 763
Press
Mis.

Dated 19

Not to be folded or roughly handled.



செப்பனிடுபவர் பெயர்
கே. ராஜன்
செப்பனிடுவதற்காக எடுத்துக்
கொள்ளப்பட்ட நாள் 7/9/98

செப்பனிட்டு முடித்த நாள் 8/9/98

சரிபார்த்தும்
மு. பா. ச.
கையொப்பம்

ஆராய்ச்சி
உதவியாளர்
கையொப்பம்

(150)
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Proceedings of the Madras Government, Judicial Department, 28th November 1860.

No. 363. Read the following letter from V. H. LEVINGE, Esq., Magistrate of Madura, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 17th November 1860, No. 341.

1. In continuation of my letter of 20th September, No. 256, I have the honor to report for the information of Government, that the Police Amin of Kamudi whom I sent to Court on a charge of culpable neglect of duty has been convicted by the Criminal Court, and sentenced to 6 months' imprisonment and to pay a fine of 200 Rupees,—in default further imprisonment for 6 months under Section VII, Regulation X. of 1816. Copy of the Sentence is herewith forwarded and I am in hope, that the result of this trial will have a good effect on the conduct of the Native Sub-Magistrates in general.

2. I did not commit the Village Moonsiff and Met Peon, as I think that the tenor of their report to the Police Amin alluded to in the Sentence, would wholly exonerate them, though I am convinced that, on the 10th September, they were on the side of the rioters.

3. In searching for property, I came on some correspondence carried on between the Arupukotai people, and two of their number, who had gone down to Madras to endeavor to procure a Government Order to permit the Shanars going in palankins; there is some part of it which I consider should be brought to the notice of Government, in order that the Government may be convinced, that the question of processions is one of petty local party feeling, not shared by the public generally, and that the Natives of Madras who are as staunch Hindoos and Mahomedans as their countrymen up-country, have no sympathy with these local disputes.

4. A passage in one of the letters, says, Madras is nothing but a town of Parias, it does not signify what great man's house we go to, when we complain to them about the Shanars going in processions, the only answer we get is "why shouldn't they, what is it to you if they do." Every one here (Madras) does just as they like, it would take a month to tell you all about it.

5. In another letter the Arupukotai people are advised as follows:—

"It is the intention of Government to make all the people one caste, but if a disturbance takes place, they immediately draw back;" the receipt and genuineness of this letter was admitted by the party to whom it was addressed, Andiapa Pillai, a chief conspirator, who organized the whole riot, and left Arupukotai 4 or 5 days before it broke out.

6. I have not been able to get any evidence which would warrant my sending him and the other leaders to the Court, so I have held him to heavy security to keep the peace, his party are utterly discomfited and broken up, and their losses have been as heavy, if not more so, than that of the Shanars.

7. They spent a large sum at Madras before the Government Order dated 20th August 1860, No. 1,053, was issued, they stopt the trade of the town on the 5th September, and turned all the weavers into the streets. There are upwards of 3,000 looms in Arupukotai, the daily profit on each is said to be 4 Annas, for one month certainly the whole trade was stopt and it has not yet wholly recovered, for many of the weavers knowing themselves guilty have run away, though there are no warrants against them, while some others against whom warrants are still out are concealing themselves.

8. They brought down a Vakeel, a Mr. Wilson, from Madras, at an expense of 1,500 Rupees to defend them, who after a week's residence at Madura without having been able to do any thing in their favor expired raving mad in a state of delirium tremens.

9. From first to last the losses of the Town party estimated by themselves is not less than 30,000 Rupees, a greater amount probably than that lost by the Shanars; the whole of this lamentable loss and the misery and disgrace it has brought on the convicted is owing to the neglect of the Police Amin to inform me the state of affairs on the 7th; had he done so, I could easily have been in Arupukotai on the 9th with a sufficient force to prevent any outrage.

10. The result of the enquiry by me has been, that 335 persons were apprehended, some on warrant, some on hue and cry, some because of their having been found hiding in recesses and in unusual places for people to store themselves in. Of the apprehended, 137 persons were released, 153 were held to security, 17 have been punished for having stolen property in their possession, and 28 for being present in the riot; all the cases have been disposed of by me and

my Assistants under Section VII, Regulation X of 1816, and warrants are out against 113 persons who have absconded, these persons should be required at all events to deliver themselves up.

11. Property valued at Rupees 1,851-10-0, has been recovered, identified and given back to the Shanars; on one prisoner 25 sovereigns were found, his statement as to how they came into his possession was contradicted by his witnesses and though the sovereigns could not be identified, I gave them over to the Shanars, to divide amongst those who had lost sovereigns, they eventually gave them over to one of their party who had lost sovereigns with his cloths; some of which cloths had been found on the prisoner.

12. What the Shanar party actually lost cannot be known, but they were certainly cleared out of every thing in their houses and shops and the other party have not offered to prove that the statement made by any individual Shanar of his losses is excessive.

13. The 4th plea set up in his defence by the prisoner is ingenious and false as is the statement of the 1st witness the Met Peon. The greater part of the mob which plundered on the 10th was the mob of the 5th, 6th, 7th, 8th; if they did disperse on the 8th and did not meet on the 9th the Police Amin was not aware that such was the case and they only dispersed for meals and rest to meet again on the 10th, and as to their having been exasperated by insulting proposals of the Shanars on the 10th, if any such rumour got abroad, it was spread by the caste people.

14. When the Government Order was passed the Shanars went with betel nut, &c., to the heads of the castes, saying "we have the order, but we don't want to make it a triumph or to "heedlessly annoy you, be pleased to accept our offering, we only intend to go in our own "streets and the public road." Most of the towns-people wished to make peace and be friendly, a few only refused and broke up the meeting, departing to plot the riot in accordance with the advice from Madras.

15. The Met Peon admitted before me that the mob did not commence plundering till they found out the procession was not to take place, on account of the fears of the Shanars and he did not say anything of the threats and insults, that part of his evidence has been concocted to help the Police Amin, though I certainly did hear the same at Arupukotai, but it was generally said at the same time that it was false and a rumour got up purposely to try and make an excuse for the outrage.

16. Arupukotai is rather a cluster of hamlets, than a town, the different castes living in separate quarters, there is a Shanar quarter, but they have spread themselves into quarters inhabited by Lubbays and Chetties; the line that their procession was to have taken was partly the public road where there are no houses through an open place with houses on only one side, mostly the property of the Shanars, and through a bazar street wholly their own property, thus offering no provocation to their bitterest enemies, some Bramins, Naiks, Vellalars, Lubbays, Shaliers and Sheders.

17. I gather from the correspondence that the party in Madras procured a copy out of the Government Office of my letter to Government dated 5th August 1860, No. 202, and I believe their chief adviser and compiler of Petitions and the Pamphlet "Hindoo," is a man called Devaroyer Moodely in the Office of a Deputy Collector in Madras or Chengelput.

18. I understand from Mr. Robinson that in the new Police Act provision was to be made to quarter a Police Force in any town or district consequent on lawlessness or disturbance of the peace, the pay of the Force to be levied from the inhabitants of the town or district; such will no doubt have as good an effect in this country as in Ireland, but what is wanted besides is the same Act as is in force at Home, which is that a rate is levied off any township or country to make good any loss sustained by the inhabitants through a riot and plunder or malicious destruction of property in broad day-light; had there been such an Act in force in this country, not one Pice of the Shanars' property would have been touched, and I think the Malabar Act No. V of 1856 is a very good example, since its promulgation, and a levy of a heavy fine off the disturbed districts after Mr. Conolly's murder, not a single outrage has occurred, notwithstanding the disturbed time we have since gone through. I therefore beg to press this point on the consideration of Government.

Report of persons tried by the Acting Subordinate Judge of Madura, in the month of November 1860.

No. of the Case.	Names of the Parties.	Designation of the offence, the charge, and date of the complaint.	How disposed of.	Explanation of delay.
			Date of Apprehension. Arrival. Disposal.	
1860 to 68	Regina *versus* Sreenivassier.	Misdemeanor. *Charge.*—That the prisoner being the late Acting Police Amen of the Cancon- dy Division, and charged with the maintenance of the peace of his division, and having been aware on the 7th September at 11 A.M., that a mob had assembled and destroyed certain property in the limits of Aroppocottah situated within his division, and that the said mob were forming unlawful assemblies for the purpose of causing terror and creating a breach of the peace, took no efficient steps to preserve the peace, apprehend, punish, or disperse such rioters, and that in consequence of such culpable neglect, the Shanars' bazars in Aroppocottah were plundered on the 10th September 1860 by a mob of about 6,000 persons, and property valued at 37,048 Rupees carried off.	17th Sept. 6th Oct. 1860. 15th Nov. 1860.	The prisoner who is the late Acting Police Ameen of Cancody is charged with culpable neglect of his duty, an offence held to be a misdemeanor at common law. 2. The prisoner pleads not guilty and has employed Messrs. F. Fischer, Esq., and Vassodanassiry as Vakeels on his behalf. 3. The riot which took place at Aroppocottah on the 10th September of this year is a matter of such notoriety that it is not necessary for the Court to enter into details of this disastrous affair; the question is, whether the prisoner was aware that such was the case and if so, whether it was owing to the neglect on the part of the prisoner that this disturbance happened or whether the prisoner used the best endeavours that lay in his power to preserve the peace of his division. 4. It appears from the evidence that for some time past, in the Town of Aroppocottah, there has been a growing feeling of discontent on the part of the different castes towards the Shanars, whose enterprising and excited their jealousy and whose endeavours to make use of Palanquins, dogs and other insignia of their processions had offended their prejudices. This however had remained at culminating point some time, when it appears that on that day which subsequently transpired, the Shanars' bazars in Aroppocottah (Doc. D.), that the prisoner was fully aware of the agitated state of the town-people and of the imminent danger which threatened the Shanars, and that this state of things was most alarming as clear from the report itself. There is no doubt from the evidence before the Court that the prisoner was aware of the imminent danger which threatened the Shanars, and of the Sandur Sahyur, Mahoun dans and all other castes of people making fraudulent designs for the destruction of the Shanars' property and are making fraudulent designs for the destruction of the Shanars' property and are making fraudulent designs for the destruction of the Shanars' property and are

"acts without any regard for the Circar. On consideration of their activity and their numbers it appears to us that a great outbreak will take place within two "days; and unless your honor would immediately come on circuit to this place, disperse the mob and punish the ringleaders, there is no doubt of impending "troubles." This report was signed by the Mettoo Peon and Village Moonsiff, and despatched to the prisoner on the 6th September. It reached him on the 7th, and the only steps he took to put a stop to these proceedings were to write an Istyar, which he sent to the Mettoo Peon, calling upon the crowds to disperse, at the same time enclosing two Yakeels to the Monieem Cavulgars of Athiputty and Vadurar Putty to render assistance if required: a manifestly inadequate proceeding when the people were reported to be beyond the control of the law.

6. Again it appears from the evidence of the 2nd, 3rd and 5th witnesses, and the Court fully believes their testimony, that the 5th witness and two or three other Shanars came in person to the prisoner at Cumoody on the evening of the 5th, and throwing themselves before him begged him to come to their protection, but no! the prisoner would not move, he contented himself with writing two Urzees to the Magistrate and Deputy Magistrate informing them of the circumstance and asking for the assistance of some Police Sepoys and at the same time signifying his intention of going to Aroopoocottah after he had prepared his accounts. What then happened is unfortunately too well known; the outbreak occurred on the 10th, the particulars of which were communicated to the prisoner by the Mettoo Peon (1st witness) aforesaid.

7. The prisoner's defence, may be classed under five separate heads:—

1st.—That he *did* take efficient measures to preserve the peace.

2nd.—That he could do no more with his limited powers and small means with a charge of 1,000 square miles in extent.

3rd.—That he had a multiplicity of other business on hand.

4th.—That the mob of the 10th was a distinct mob and totally unconnected with the mobs of the 4th, 5th and 6th.

5th.—That having been permitted to perform the functions of his office up to the 15th September, he cannot now be legally indicted on a charge of neglect committed previously.

8. As regards the first head, no man who has gone through these proceedings can hold a different opinion from the Court, which is, that the prisoner took hardly any measures at all to preserve the peace. The Istyar, though it had the effect of dispersing the people on the 8th, did not keep them from rioting on the 10th, and his letter to the Deputy Magistrate, he must have known, could not reach him in time for the Deputy Magistrate to have afforded the necessary assistance by the 10th, the day fixed for the procession. What was wanted was the prisoner's presence on the spot, had he gone to Aroopoocottah in all human probability, this calamity would have been averted, but had it been otherwise, no blame would have been attached to the prisoner.

9. As regards the 2nd head such a line of defence is manifestly unavailing, firstly, because whatever was the extent of his charge and the means at his disposal, when he accepted the appointment, he accepted the responsibilities attached to it; secondly, because his charge is not very extensive compared to that of many other Police Officers; thirdly, because even if it had been, he at least was within a morning's ride of the scene of the disturbance, and fourthly, he had abundant means at his disposal had he *chosen* to avail himself of them, as is shown by the evidence of the Magistrate himself the prisoner's 3rd witness.

10. As regards the multiplicity of his business it is proved by his own diary, that, though he had two murder cases on hand, none of the parties were present before him on the 8th, and it is shown by the remarks of the Magistrate, that he could have investigated these cases as easily at Aroopoocottah as at Cumoody. And as for his accounts: are they to be put in the scale with the safety, property and it might have been the lives of the inhabitants of a rich and prosperous trading town? No, this excuse will not prove a justification of the prisoner's apparent apathy.

11. As regards the fourth head, namely, the attempt to disconnect the mobs of the 4th, 5th and 6th with that of the 10th, it is too flimsy to require much refutation. The prisoner's Vakeel "base the supposition upon a response given by the 1st witness (Mettoo Peon) during the cross examination, viz., "That the *immediate cause* of the outbreak was the Shanars asking the other castes to give them girls from each caste that they might carry them in palanquins (*i.e.*, intermarry with them.") The same observation has been applied to the greased cartridges and the Indian Mutiny, but there are few people acquainted with the events of those years that attribute the Mutinies to that source, the circumstance may have been used by designing men to stimulate the ignorant masses and so also this insulting proposal may have been circulated by the ringleaders of the rioters to increase the zeal of their partizans and render more turbulent their already excited passions. In further support of this it is pleaded that as the mob had been dispersed on the 8th by the prisoner's proclamation and as all was quiet on the 9th, he cannot be held responsible for the outbreak of the 10th. This might have been urged with some show of reason had the outbreak on the 10th been totally unexpected and had the prisoner not been aware that this was the day fixed for the procession; consequently if any resistance was to be

expected (and there was every ground for the supposition) he knew that the 10th was the day on which it would be offered. Indeed his guilt is greatly aggravated by the fact of his attention having been particularly drawn to the subject of the Aroopoocottah dispute both by the Deputy Magistrate on the 26th March 1860, (Doc. B.) and by the Magistrate in an endorsement (Doc. C.) which reached him on the 8th, only two days before the outbreak occurred.

12. As regards the legality of the Prisoner's arraignment the Court entertains no doubt whatever. The Prisoner was charged with the offence (as appears from the Arikai) as soon as the necessity for so doing presented itself to the Magistrate, which was in the course of the investigation he was holding on the subject of the riot; after that he was not allowed to return to his duty. To urge that the Magistrate should have accused him on the 10th, immediately after the disturbance took place and before any report had reached him in the matter would be to attribute that omniscience and omnipresence to which no mortal can aspire.

13. The Court can entertain no other opinion but that the prisoner is guilty of the charge. Had he performed his duty he would have instantly set off for Aroopoocottah on receipt of the Mettoo Peon's first report, and had he summoned the neighbouring Cavulgars, the Zemindar's Peons and the Duffa-ryots, his presence on the spot would have prevented the calamity which has befallen the town through his wanton disregard of consequences, and the misery which he has brought upon so many families would have been averted from their homes. It only remains for the Court to pronounce sentence upon the prisoner which in the opinion of the Court should be the extreme punishment which it can award; the prisoner is accordingly sentenced to (6) six months' imprisonment and further to pay a fine of (200) two hundred Rupees or to be imprisoned in default for a further period of six months or until such fine be paid into Court under the provisions of Section VII, Regulation X of 1816.

(Signed) J. D. GOLDINGHAM,
Acting Subordinate Judge.

MADURA SUB-COURT,
14th November 1860.

No. 264. ORDER THEREON, 28th November 1860. No. 1,567.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No. 25 Dept
1910 Despatch

From the Registrar
General

To the Chief Secretary to
Government
Fort St George

Dated 17th November 1910
Rec'd 22nd —"—

No 1948.

Submitting a
Petition requesting
to be informed of
the result of
the Examination in the
case of Krishna Iyengar
Notified the sentence
awarded by the Madras
Council to the Petitioner
Namely

Judicial Letter to Govt dtd 21st Dec. No
No 30 of 1910
Rejected as of no use

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Keep open for 2nd ref
Petitioner
Reg
Bo

263 & 264