

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

9th August 1860.

No. 59. Read the following letter from H. WOOD, Esq., Magistrate of South Arcot, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Cuddalore, 31st July 1860, No. 31.

In reply to Government Proceedings under date 11th instant, No. 60, I have the honor to forward a detailed report of the affray at Adánapet received from the Acting Head Assistant Magistrate.

2. The only information which it appears necessary for me to add is that a letter was forwarded by me on the 12th January last to the District Engineer, in reply to one from him to my predecessor stating that the ryots of Adánapet would come to no agreement with the ryots of Ariancoopum respecting the division of the water of the Adánapet tank.

3. The estimate for the sluice was however resubmitted by the District Engineer with a long list of similar unexecuted works and again sanctioned by me without remark.

4. The District Engineer appears nevertheless to have instructed his subordinate not to carry out the work unless a compromise between the parties was effected, and I have requested him to inform me how that Officer came to attempt to do so without such a compromise having taken place.

5. I may mention that no Petition or complaint was received at my Office or presented to me on the subject although I resided for upwards of 15 days at Tindevanum in the month of April last.

6. I shall make a personal enquiry into the right or otherwise of the Villagers of Adánapet to retain the whole of the water of their Tank as soon as I am at sufficient leisure to visit the spot, and meantime orders have been issued to close the sluice until the question is decided.

7. It only remains for me to add that the Inspector General of Police is completely in error as to the Villagers "having been called together by beat of tom tom some days before," nothing of the sort having taken place till the day of the affray.

From P. P. HUTCHINS, Esq., Acting Head Assistant Magistrate, to H. WOOD, Esq., Magistrate of South Arcot, dated Cuddalore, 27th July 1860.

Your letter dated the 16th instant No. 164, and calling for a report on the late disturbance at Adanapet, did not reach me till late on Saturday night the 21st instant. It was forwarded to me from the Accountant General's Office, and appears to have been through an inadvertence, enclosed in a cover addressed to that Office. I have now the honor to submit the following remarks as the result of my enquiries both at Tindevanum and Adanapet and subsequently at Cuddalore.

2. The first report of the collision that reached Cuddalore appeared to me at the time to have been greatly exaggerated, and the event shows that I was right. There was however no doubt that a most serious affray had taken place; and I should have hastened out at once to Tindevanum but that I was unfortunately detained here for the examinations. The examinations concluded on the 27th, and the following day I left Cuddalore for Tindevanum. On my arrival, finding that the rioters who had been arrested belonged to the lower classes, and that the ring-leaders and men of influence had not yet been apprehended, I desired the Táluq Magistrate to make a preliminary enquiry under my supervision, and to release such of the prisoners as were not inculpated in some special way. Meanwhile I examined the records of the case, and the bulky correspondence which had passed with regard to it between the Department Public Works and the Revenue Authorities. I will now give a brief statement of the case Magisterially and will then proceed to show how it stands on the Revenue side.

3. The Táluq Magistrate's enquiry did not quite answer the object I had in view; I mean that of weeding away the unimportant prisoners and witnesses. The prisoners forwarded for further trial were 23 and 7 more were subsequently apprehended by myself. The witnesses were correspondingly numerous owing to the number of the prisoners whom it was requisite to identify. All however agreed in every material particular. It appears that the inhabitants of

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Adanapet were alarmed for the safety of their crops in consequence of the Department of Public Works having commenced to cut a sluice from their Tank. The sluice was intended for the irrigation of certain lands attached to the neighbouring Village of Ariánkuppum. The same work had been contemplated and indeed actually commenced last year; but it had been stopped and an inquiry had been instituted owing to the determined opposition offered to its construction by the people of Adanapet.

4. On the 16th June 1860 the work was recommenced, but the villagers turned out in such numbers that the work party, though under the protection of the Police, thought it more prudent to desist for the present. Warrants were procured for the apprehension of the most conspicuous of the villagers and on the 22nd a party of Constables proceeded to Adanapet to arrest them; 2 or 3 of the individuals were arrested. Nearly the whole village had assembled to see that the sluice was not recommenced, and those who were arrested cried out for help. Some 40 of the villagers ran forward to their rescue and carried them off. They then returned and seized two of the Constables who had stood guard over those who were arrested, and were therefore particularly obnoxious as well as the nearest to the rioters. One of the Constables managed to escape with little injury, the other was most seriously hurt, and it appears to have been fortunate that he escaped with his life.

5. The majority of the prisoners, as I have already said, were inferior ryots. The ringleaders belonged to the higher classes. Warrants were out for their arrest, but they could not be found. I therefore issued a proclamation under Section XVII, Regulation IX of 1816, desiring them to appear within 34 days. They then came in and gave themselves up to me. The most important of them was the Village Monegar. He appears to have been the principal instigator of the affray both before and after its occurrence. It is even stated that he ordered the villagers, by public proclamation, and beat of drum, to resist the building of the sluice, and there can be no doubt but that he was present in the scene of affray, urging on the people and threatening those who held back.

6. Under these circumstances I left off the majority of the defendants with little or no punishment. Two were released for want of proof. Thirteen were dismissed with an admonition to take warning by the punishment imposed on the other prisoners. Seven were sentenced to pay a fine of 3 Rupees or to be imprisoned for 7 days. Six were sentenced to be imprisoned for 2 months with hard labour and to pay a fine of 15 Rupees or in default to further imprisonment with hard labour for 1 month. The remaining two were the principal ringleaders, one of them being the manager and instigator of the affray, the other the most conspicuous leader in its execution. Each of these was sentenced to imprisonment with hard labour for 6 months and to pay a fine of 50 Rupees or in default to be imprisoned for a further period of 2 months. The manager has also been dismissed from his office.

7. Two more rioters have since been sent in, but they were not accused of having made themselves conspicuous in the affray. I considered that a sufficient example had already been made and I released them with a warning, but without a regular investigation into their case.

8. On a perusal of the records with the Tahsildar while at Tindevanum, the first point that attracted my attention was that the villagers of Adanapet had *prima facie* an exclusive right to the disputed tank. This right has certainly never been rebutted. On the contrary it seems to be allowed in all the correspondence on the subject; so much so that in one order the Collector directed the Tahsildar to see if the Adanapet people could not be brought to consent to the work by the concession to them of some part of the Ariánkuppum land; even this they refused. I am therefore at a loss to conceive under what authority the Department Public Works commenced the work. I was anxious to speak on this subject with the Executive Officer in charge of the range. With this view I remained at Tindevanum several days longer, but at length I was obliged to leave without an interview.

9. The Overseer in charge of the work shewed me the written instructions under which he was acting. The first of these was a letter from the District Engineer to Mr. Campbell enclosing the sanctioned estimate of the work but providing that "some arrangements should be come to before it was commenced."

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10. The villagers of Adanapet refused to compromise under any circumstances. Upon being represented to Mr. Campbell, he passed a peremptory order to the Overseer to commence the work at once, and if necessary, to call in the Police to their assistance.

11. I have been unable to ascertain what correspondence has passed on the subject of this between the Collector and the Engineer. But Mr. Campbell had clearly gone beyond orders when he commenced the work without the consent of the village. Adanapet had *prima facie* an exclusive right to the tank, and that right was being infringed. A second breach of peace was threatened and imminent. I therefore stopped the work pending the enquiry, giving my reasons to you.

12. I have now only to recommend that a full enquiry should at once be held on the true side. Let it be decided once for all whether Adanapet has a sole and exclusive right to the tank. Had this vexata quæsitio been determined, and a distinct order been passed that no sluice was to be cut, the villagers would scarcely have ventured to offer any opposition. Near the work was attempted and successfully opposed. No one was punished for want of though an affray was committed. Various conciliatory measures were adopted to obtain consent of Adanapet. All these measures failed: the village persisted in refusing the consent. The case was then dropped for 5 or 6 months, and at the end of that time another attempt was made.

By asking the villagers' consent their right to the tank was acknowledged; by persevering in the work in the face of their refusal, that right which had been acknowledged was deliberately infringed. What wonder if opposition were offered and if they determined to defend by that water on which all their hopes depended and their right to which had been acknowledged by the authorities?

13. The Police seem to have behaved well and wisely throughout. But they ought never to have been called out. The Police order No.—issued by the Inspector General seems most

(True Copy.)

(Signed) H. WOOD,
Magistrate.

ORDER THEREON, 9th August 1860, No. 996.

The report of the Acting Head Assistant forwarded with the above confirms the statement of the Inspector General as to the correct behaviour of the Police on the occasion.

The report is well drawn up, and it appears to Government that the case has been, as regards the punishment of the offenders, dealt with by the Acting Head Assistant Magistrate with much discretion.

These papers will be communicated to the Public Works Department.

(Signed) T. PYCROFT,
Chief Secretary.

W. H. L.

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To The Chief Secretary

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