

## MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

|          |            |                 |
|----------|------------|-----------------|
| G.O. No. | 1432       | Press           |
|          |            | <del>Mis.</del> |
| 133-134  |            |                 |
| Dated    | 22.11.1861 | 19              |

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,  
22nd November 1861.*

No. 133. Read the following letter from C. F. CHAMIER, Esq., Registrar of the Sudder Court; to W. S. WHITESIDE, Esq., Deputy Secretary to Government, Fort Saint George, dated 26th September 1861, No. 99.

1. I am directed by the Judges to state in reply to the Proceedings of Government, dated the 12th instant, No. 1,142, that Section XV, Regulation XXV of 1802 is the only provision of law now in force laying any responsibilities upon land owners in connection with Police matters.

2. When the Penal Code comes into operation owners or occupiers of land will be criminally punishable under Sections 154 to 156, if they permit an unlawful assembly or riot to take place on or respecting such land.

3. With regard to the proposition of the Magistrate of Madura that a fine be made leviable upon any Town or District, the inhabitants of which may combine to commit a riot accompanied by plunder of property, the Judges are of opinion that legislation of this nature should only be resorted to in extreme cases, where a crime may have become generally prevalent.

4. They observe that the Magistrate expressly states that the riot at Aroopocottah might have been prevented, if ordinary precautions had been taken by the Police authorities. In paragraph 7 of his letter to Government, dated 15th September 1860, the Magistrate remarks that "the plunderers were nothing more than a set of miserable wretches who would have disappeared at once, or would never have collected, had the Police Ameen with some Peons and Kavilgars appeared." And in paragraph 3 of his letter of the 20th, he assures the Government that they "need not feel the least alarm that any repetition of such an outrage is likely to occur, or that even any minor disturbances will arise."

5. Under these circumstances, the Judges consider that no sufficient cause has been shown for having recourse to special legislation on the subject in the present state of this Presidency.

No. 134. To the Secretary to the Government of India, Home Department, (Legislative,) dated Fort Saint George, 22nd November 1861, No. 1,432.

I am directed to acknowledge the receipt of Mr. Under Secretary Monteath's letter, 10th August last No. 1,526, in which this Government are requested to express their sentiments on the question of levying in certain cases a fine on the Town, District, or Division, in which a riot or pillage is committed by the inhabitants, and also on the subject of the existing laws relating to the responsibilities of land owners and occupiers of land in connection with Police matters.

2. With respect to the question of levying a fine on the Town, District, or Division, in which a riot or pillage is committed by the inhabitants, it is observed that the suggestion for an enactment of this tenor, was made by the Magistrate of Madura in reporting on the riot that took place in the village of Aroopocottah, and that the Secretary of State, to whom the papers connected with the riot were forwarded, thought the suggestion deserving of consideration and requested that it should be brought to the notice of the Government of India. Occurrences similar to the Madura outrage are but rare in this Presidency, nevertheless, when they do happen, this Government are of opinion that it would be well to be able to meet them as proposed, and that the law would act beneficially.

3. The subject of the existing laws relating to the responsibilities of land owners and occupiers of land in connection with Police matters was referred to the Sudder Court. A copy of the reply is forwarded with this letter. The Judges report that Section XV, Regulation XXV of 1802 is the only provision of law now in force laying any responsibilities upon land owners in connection with Police matters. When the Penal Code comes into operation, owners or occupiers of land will be punishable under Sections 154 to 156, if they permit an unlawful assembly or riot to take place on or respecting such land. It does not occur to this Government that further provisions are required.

(Signed) T. PYCROFT,  
Chief Secretary.

Exd. F. Cartledge.

No. 1000

My dear Sir

As the members of  
the Society with the Judges  
an answer may be one  
to send to the first of January  
— not Secret any of State  
in reply to them to the  
of 10 August last.

The agreement between  
you only to the view of the

Further as conveyed  
in paras 1-2 of the  
letter - on which in fact  
was the only point  
referred to there.

On the general position  
whether such a law as  
that proposed by Sengier  
be wanted, the first-hand  
evidence said that in  
their opinion it is - see

Memorandum note on the  
H.S. Montserrat letter.

J.P.

25/10/61

This should be reported  
home - I agree with the  
sudden in recent years  
of the case

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Judicial.

Nº 1432

The Secretary to the Govt. of India.  
Home Department.  
(Legislative)

Sir-

I am directed to acknowledge the receipt of Mr. Under Secretary Monteath's letter, 10<sup>th</sup> Aug. last Nº 1526, in which this Govt. are requested to express their sentiments on the question of levying in certain cases a fine on the Town, District, or Division, in which a riot or pillage is committed by the inhabitants, and

Subscribers list for  
the Indian Legislative  
Council. I am directed  
to inform you that the  
list is now being  
prepared.

and also on the subject of the existing laws relating to the responsibilities of land owners & occupiers of land in connection with Police matters.

2. With respect to the question of levying a fine on the Town, District, or Division, in which a riot or pillage is committed by the inhabitants, it is observed that the suggestion for an enactment

enactment of this tenor, was made by the Magistrate of Madurai in reporting on the riot that took place in the village of Arooprocottah, & that the Secretary of State, to whom the papers connected with the riot were forwarded, thought the suggestion deserving of consideration, & requested that it should be brought to the notice of the Govt. of India. Occurrences similar to the Madurai outrage are <sup>but</sup> rare in this Presidency, nevertheless

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or riot to take place  
on or respecting such  
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occur to this Court  
that further provision  
are required -

Fort St George,  
22 November 1861

JF

*Printing of [illegible]  
[illegible]*

*Proceedings*

1861 . Department.

No.

PROCEEDINGS OF GOVERNMENT.

Dated 22<sup>nd</sup> November 1861

*[Faint handwritten text, possibly a signature or address]*

*[Small handwritten mark]*

133-134