

MADRAS RECORD OFFICE.

Government of Madras.

General DEPARTMENT.

G.O. No.	1837	Press
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Dated	14	1887

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Not to be folded or roughly handled

1837

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Proceedings of the Madras Government, Judicial Department,
14th November 1867.

No. 177. Read the following letter from Major C. E. BATES, 16th Regiment, M. N. I., late Superintendent of Police, Trichinopoly, to the Chief Secretary to Government, Fort Saint George; dated Tonghoo, 8th October 1867.

I have the honor to acknowledge with thanks the receipt of a copy of the Government Order, No. 66, 7th March 1867, on the so called Trichinopoly Torture Case. It is not necessary or desirable that I should go again into the whole from the beginning: I cannot make the case clearer than is stated in my letter, dated 9th September 1866, forwarded to Government by the Inspector General of Police, with his letter, No. 1752, dated 24th October 1866.

2. I will not take up the time of His Excellency the Governor in Council by alluding any further to the charges and insinuations made against me by the Inspector General of Police in his letter quoted in the last paragraph, with one or two exceptions, to be mentioned immediately. I respectfully submit that, in my letter dated 8th April 1867, I have, on the important points therein alluded to, clearly and indisputably shown that Officer's premises to be incorrect *in toto*, and that, therefore, as a matter of course, his deductions are necessarily false.

3. The exceptions referred to above are these:

In paragraph 18 of his letter to Government, Mr. Robinson thus writes:—"He (the Superintendent) judged wrongly in entrusting the case to Vythilingam, a volunteer from another Taluq, and evidently an unscrupulous man, who had before been tried on a similar charge before the Session Court."

An intimate acquaintance with the state of native society in the Mofussil makes one individual necessarily chary of forming an opinion in favor of the guilt of another, simply because the latter has been charged with a crime. It is not every man who is charged who is guilty; nor, on the other hand, is it every man who is acquitted who is innocent; but, in the case alluded to by the Inspector General, I had every reason to believe the man innocent. On the Head Constable being acquitted, a reference was made to the Inspector General as to whether he should be allowed to remain in the Service. The Inspector General, whose dictum is that no Officer can remain in the Force upon whom rests the "breath of suspicion," directed that this man should remain in the Police.

If, therefore, the Head Constable was deemed worthy to keep his post, he must have been held worthy to perform those duties which pertained to that post. Any other position, such as the Head Constable retaining his rank and post and being at the same time held untrustworthy to perform his legitimate duties, would be manifestly so utterly incongruous and inconsistent, that I am sure I need say nothing more about it.

4. I have always held that a man in a position such as that of the Head Constable should be made to do his duty, and take the consequences of his illegal acts, if he commits any.

5. It was perfectly legitimate for me to select any Police Officer, whether volunteer from another Taluq or otherwise, for any particular case, at any time, and under all circumstances.

6. Again, the Inspector General says in the same paragraph—"It was his (the Superintendent's) duty to satisfy himself that there was legal evidence to justify the arrest made by his subordinates."

Is it not shown that I satisfied myself so far as to request the Town Sub-Magistrate to release the prisoner, and that he declined doing so for reasons of his own.

Secondly, says the Inspector General, "to check hasty and futile arrest."

This is, I presume, intended to convey an impression that, if the Superintendent was doing his duty in this respect generally, such a thing as an isolated instance of hasty arrest could not possibly have occurred; but I question whether such does not happen sometimes with the best Police in the world, and I would ask where is it shown that the Superintendent, as a rule, was not using his best endeavours to make the Police act in accordance with law? One isolated instance of irregularity does not prove the practice.

7. I will not take up more of His Excellency's time on this 18th paragraph of the Inspector General's letter. The insinuations, implications, and charges are so puerile that I feel humiliated in being obliged to notice them, and I only do so because of their misleading tendency.

8. I now respectfully solicit the attention of His Excellency to the 2nd paragraph of the letter from the Magistrate of Trichinopoly to the Chief Secretary to Government, No. 6, 29th January 1867.

"ii. I may add, for the information of Government, that, since these subsequent records have been called for, Major Bates has resigned the Police, and Maruday has been detected in *flagrante delicto*, and awaits, &c."

It is difficult, I think, to perceive that any connection exists between my leaving the Police and the matter at issue, unless the Magistrate wished to convey the impression that it was in consequence of "these subsequent records" having been called for that "Major Bates resigned the Police;" and I submit for His Excellency's consideration whether any other meaning can possibly be attached to it by an unbiassed mind. More than one Government official who had seen the Government Order under reference lamented to my face that I had been obliged to quit the Police in consequence of "that Dark's Bridge affair."

9. The Government Order calling for the "subsequent records" is dated 2nd November 1866; yet it is not until just three months had elapsed, a most strange and unaccountable delay, and during his Excellency's absence at Calcutta, that these records were forwarded, viz., 29th January 1867, i.e., a few days after I had resigned my appointment in the Police; therefore, the Magistrate's statement, that "since these records have been called for Major Bates has resigned the Police," was the reverse of honest, and must have conveyed a false impression to the mind of Government, and I am reluctantly constrained to believe that such was his intention; for my determination to quit the Police at the first opportunity was known to all in Trichinopoly, and it is a fact that, during the three months delay in forwarding the subsequent records, the Magistrate of the District repeatedly questioned me as to when I intended quitting the Police. This extreme curiosity on a point which could have had no personal, and under the circumstances should not have had any official, interest for the Magistrate, coupled with the fact that the subsequent records were sent in very soon after it became known that I had resigned, may be the key to the cause of delay, and to the object the Magistrate had in view when he penned the 2nd paragraph of his letter under reference.

10. I may here state that my reasons for quitting the Police were absolutely and entirely personal; and that nothing but my anxiety to capture the band of

dacoits I had been hunting for, for a considerable time, induced me to remain as long in the Department as I did. That duty completed, I resigned my post in accordance with a determination formed long previously.

11. But the paragraph of the Magistrate's letter above commented on has, together with the insinuation it conveys, been accepted in its integrity by Government, and by the latter endorsed. Paragraph 10 of the Government Order thereon expresses it with an even more telling effect against me.

Paragraph 10, "Major Bates has resigned his appointment in the Police; the Head Constable has been convicted and punished by the Session Court; and the other Officers implicated have been dismissed from the Service."

1st.—Here I am associated in one paragraph and the same breath with felons.

2nd.—If paragraph 17 of letter, No. 1752, 24th October 1866, from Inspector General of Police to Secretary to Government, is read in connection with these two paragraphs, there is no avoiding the alternative, viz., that I was forced to quit the Police.

3rd.—This is not an enviable position for an Officer after 22 years' service, six of which have been passed in the organization of the Police.

12. This is not encouraging—it is not nice; but, unpleasant as this is, worse follows.

1st.—I solicit a careful perusal of my report on the torture case, appended to letter, No. 1752, 24th October 1866, from Inspector General of Police to Chief Secretary to Government.

I regret that the paragraphs are not numbered, but I will quote those bearing on the point I am about to refer to.

Page 5. Question II by Inspector General.—"Was he (i.e., Superintendent) aware of the remand to Dark's Bridge Station, and eight successive remand warrants?"

Answer.—"Yes I was, and spoke to Sub-Magistrate 'about it'."

Question III by Inspector General.—"Was he aware of the removal to Copoo?"

Answer.—"Yes, the remand was at request of Sub-Magistrate, and reported to be by his order by Head Constable."

2nd.—Page 6. "On the following day, i.e., 1st June, the Sub-Magistrate paid me a visit, and urged the necessity that existed for the removal of the two prisoners from the town to some out-station. Three stations were spoken of—Towagoody, Arasengoody, and Copoo. I fixed on Copoo as being the nearest, but told the Sub-Magistrate that the prisoners would be removed only on his written order."

3rd.—"On the 3rd June 1866, the Acting Head Quarter Inspector informed me that Head Constable Vythilingam had reported from Copoo that he received the orders of Sub-Magistrate, and that, as he had to attend to a dacoity case himself, he could not come for the prisoners, but he had sent in a Constable for them. As I, at the time, was under the impression that it was perfectly legal for the Sub-Magistrate to remand prisoners to any station he thought advisable, and as I had settled personally with the Sub-Magistrate that any removal must be done under his remand warrant, and as Head Constable Vythilingam had been directed not to

4 "move the prisoners without such an order, no suspicion whatever arose in my mind that all was not right, and I said 'well, let them go'."

4th—Again, "subsequent to this, I received another visit from the Town Sub-Magistrate, when we discussed freely on this matter, and he expressed his satisfaction at the removal of the prisoners away from the focus of intrigue."

5th—Again, "finding that nothing was being done in Maruday's case, I went down to Town Sub-Magistrate's Cutcherry, and then pointed out that we had no right to keep the prisoners under remand for so long without investigation" &c., &c.

6th—Again, "on a second occasion I went to his Cutcherry, where he informed me that the Head Assistant Magistrate had sent him a sharp takeed, calling for explanation as to why Maruday had been kept so long under remand without inquiry, and that he had replied, saying that it was absolutely necessary."

7th—"I recalled to his recollection what I had said before, viz., 'very well, you say its all right, but there will be a row about this'."

8th.—On all these occasions, Copoo, in connection with the prisoners, was freely and fully spoken of; my conversations with the Town Sub-Magistrate were invariably carried on in Hindoostanee; yet, in the face of this detailed statement, uncontradicted or contravened, the Inspector General charges me with undue reticence, simply because I did not state whether the Town Sub-Magistrate was instigated by the Head Constable or not, as if this mattered or bore upon the point in the slightest degree. I could have stated, but that it did not appear to me to be in any way material to the issue, that it was the Town Sub-Magistrate who first suggested to me that the Head Constable should be put on the case, but I put the Head Constable on for the reasons already given in my report, and for those alone.

9th.—But the Government go much further, notwithstanding all that I have said, undisputed as far as I am cognizant, they, in their 15th paragraph of Government Order under reference, state as follows.

"The Government do not believe that the Sub-Magistrate was aware of the removal of the prisoners from Dark's Bridge station to Copoo."

And in paragraph 17, the Government state that "the ready compliance of the Sub-Magistrate with the wishes of the Police was in a great measure caused by a desire to assist, or by fear of opposing, the Superintendent."

13. I have already shown that the reverse of this was the case; that the Sub-Magistrate took the case out of the hand of the Police, and that the latter were acting in accordance with his wishes; and that I reconstituted with the Sub-Magistrate, and that that Officer declined to release the prisoner.

14. I reiterate all my former statements: I have nothing to add to, or take from, them.

15. If, notwithstanding all that I have said, and my assertion that the Sub-Magistrate thanked me for removing the prisoner to Copoo at his (the Sub-Magistrate's) request, the Government do not believe that the Sub-Magistrate was aware of the removal of the prisoner from Dark's Bridge station to Copoo, then the Government must believe that my statement is a tissue of falsehoods from beginning to end—it appears to me that there is no alternative; and if the Government believe

that my statement is false, how is it that I have been allowed to revert to my military duties without any inquiry into my conduct?

16. It is impossible for me to divine the grounds upon which the Government have founded the opinion expressed in paragraphs 15 and 17 of the Government Order. The unusual course had been adopted of publishing only a part of the proceedings, viz., the reports from the Police, and the Chief Magistrate's letter. The Sub-Magistrate's defence has not been published; but, in the two paragraphs above quoted, the Government have assumed a position in favor of the Sub-Magistrate diametrically opposite to what really was the case.

In conclusion, I did not, and do not, believe that the Sub-Magistrate was acting otherwise than in perfect good faith, when he requested me to remove the prisoner to Copoo. I was acting in good faith myself, and had I supposed that he was acting illegally, I should, of course, have told him so, and I attribute his denial of all knowledge on the subject (I have heard him deny) to the great fear that overcame him when he believed that a torture had been committed.

17. During the three months between 2nd of November 1866 and 29th January 1867, I was on several occasions subjected by the Magistrate of the District and his Head Assistant to a sort of quasi inquisitorial examination, of an extra-judicial nature; and on each occasion the conviction was painfully impressed upon me that the object of these gentlemen was more the endeavour to make out a case for the Sub-Magistrate than to arrive at the truth of the matter.

18. Lastly, had it not been for the most fortuitous circumstance, I should have been in ignorance of the tenor or even existence of the Government Order against which I complain, and which might rise up against me, at some future time, with fatal effects. I would respectfully ask His Excellency what have I done to call forth an order so worded as to reflect, in the highest degree, disgracefully and discredibly upon me, and this without even giving me the slightest opportunity of meeting and rebutting the charges implied.

I leave my case entirely in His Excellency's hands, to do me that justice which I respectfully submit I have shown that I am entitled to.

No. 178. ORDER THEREON, 14th November 1867, No. 1837.

The Governor in Council directs that Major Bates be informed that the Government are persuaded that, in the case to which reference is made in the letter above recorded, Major Bates acted in perfect good faith. The Government in passing the Order, dated 7th March last, No. 363, while they considered that Major Bates had shown want of judgment and a disregard of the law, had no intention of reflecting on his character, which is unimpeached.

(True Extract.)

Chief Secretary.

To Major C. E. Bates, Tonghoo.
To the Inspector General of Police.

Exd. J. H. Burns.

48
I would tell Major Bates
that the Govt. has no doubt
but in the case & which
opinion I made in his
letter he acted in perfect
good faith and that in
preparing the order dated
the 9th March last, while
they considered that he
had shown want of judgment
and a disregard of the
law, they had no intention
of reporting on his character
which is unnecessary.

Major Bates thanked I
think he satisfied with
the above WM

W. A.

Major Bates

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from
Major F. El Bates, late Super-
intendent of Police, Trichinopoly.
Here enter 2nd October 1867.

Order 14 Nov^r. 1867 No^o 1837-

The Governor in
Council directs that Major
Bates be informed that
the Government are persuaded
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the order dated 7 March
last N^o 363, while they
considered that ^{Major Bates} ~~he~~ had shown
want of judgment and
disregard of the law, ~~there~~
had no intention of reflecting

W. R.

N.
W.

on his character which is
unimpaired.

At Mayor C. C. Bates, Secy
of the Board of Education }
City of New York }
Sept 19/94

John D. ...
1867 Department.

No. 1837

PROCEEDINGS OF GOVERNMENT.

[Signature]
Dated 14. Thompson 1867

Continued
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2/2/67

7/1/67

2/2-27

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2/2-27

2/2/67

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