Sectt. II. 43.

2

ANNEXURE.

| Date of issue. | Particulars of records furnished. | Purpose for which furnished. | To whom furnished. | Remarks. |
|---|---|---|---|---|
| | | | | |

M.R.O. 1—38,000—16-10-29.

# MADRAS RECORD OFFICE.

## Government of Madras.

Judicial DEPARTMENT.

G.O. No. 761 Press ~~Mis.~~

114-116

Dated 10 — 5 — ~~19~~ 1867

23/23

**Not to be folded or roughly handled**

Read the following papers :—

No. 114. From W. ROBINSON, Esq., Inspector General of Police, to the Chief Secretary to Government, Fort Saint George ; dated Madras, 26th February 1867, No. 388.

I have the honor to acknowledge G. O., No. 147, dated 23rd January 1867.

2. I had requested the Deputy Inspector General to proceed to Tinnevelly, and there, in communication with the Magistrate, whose hand notes will be found on the papers herewith submitted, go into the Streevygoondum case, together with every other case in the trial of which the Session Judge has seen cause to animadvert on the conduct of the Police. He did so, and has prepared a report on each case. The record is too voluminous for submission to Government, but the result is that the facts scarcely support the exaggerated animadversions of the Session Judge.

3. I confine myself here to such cases as are alluded to in the papers referred to in the above Order.

4. I submit the Deputy Inspector General's report on the Streevygoondum case, with reference to the Magistrate's letter. The facts established make it a most serious case ; but I agree in the Magistrate's judgment on the case (vide hand note)— "The Head Constable must have acted honestly at first ; but, seeing how the Sub-"Magistrate neglected his duty, and having gained the requisite clue to the where-"abouts of the property, the temptation was too strong, and the Head Constable shared "in the plunder." As usual in these cases, the misconduct and illegal acts of the Sub-Magistrate (he was gratifying a grudge against the Sheristadar, the prosecutor, who even stated his belief that the Tahsildar had instigated the robbery in the first instance) led directly to the Police misconducting themselves. The Sub-Magistrate's conduct, as shown by the Magistrate's letter, was disgraceful and suspicious, and it is scarcely necessary to observe that under corrupt and dishonest Magistracy even good Police Officers are likely to fall. The Police Officers have happily been convicted.

5. With reference to the general sweeping assertion of the Judge, contained in the closing clause of paragraph 1 and paragraphs 2 to 4 of the Proceedings of the Session Court, in Case No. 96 of 1866, I have had every case in which the Court has animadverted on the conduct of the Police carefully examined by the Deputy Inspector General, in communication with the Magistrate, who has concurred in the views expressed by the Deputy Inspector General. The facts of these cases present no ground for such assertions. There have been inefficiency, carelessness, &c. In what Establishments do these not occur ? But the Government may be assured that there is fair regularity and efficiency amongst the Police of Tinnevelly, and that, on the whole, they are kept in their place. Where the reverse has been brought to light, the cases have been severely dealt with. Able Magistrates have presided over the District of Tinnevelly, and it has had the advantage of efficient Joint Magistrates and other European Officers during many years—Officers who have not tolerated usurpations of the kind alleged. The present Magistrate is, I believe, satisfied with both his Police Officers.

6. The Session Judge instances the Sattoor case, as showing that the Police Officers over-ride the Magistracy. In this case, certain Police Officers were guilty of torture. It was a most serious

The Report of the Deputy Inspector General is forwarded.

case, and the Superintendent took it up himself, and, at his request, the Head Assistant proceeded likewise to the spot. The case was taken out of the hands of the Sub-Magistrate, committed by the Head Assistant Magistrate, and the prisoners were convicted. The Session Judge remarked in his Calendar, No. 101 of 1865, that "the evidence, in the opinion of the Session Judge, shows the guilt of the prisoners "(two Police Officers), and a bold determination on the part of the Sub-Magistrate "of Sattoor to screen, and an acquiescence on that of the Sub-Magistrate of Virdooputty "screening, the offenders from the consequence of their acts. As to the conduct of the "Inspector, he has resigned, and it is no use referring to him, beyond recording an "opinion that he is utterly unfit for any future employment in the Police." The communications of the Superintendent to the Sub-Magistrate alluded to are enclosed for the information of Government, with the Superintendent's letter of explanation. The Inspector was inefficient, but reported the truth. The Superintendent rightly suspected foul play and trickery, and wrote to the Sub-Magistrate, indicating the points on which information was required, and pointed out that there were no grounds for releasing the prisoners. The Takeeds (the same form is used, under orders of the Board of Revenue, by Engineer Officers and other Executive Officers, when writing to Tahsildars and others) are not properly worded, and this has been set to right. I do not think that an Executive Police Officer, especially the Superintendent of a District, is precluded, by law or practice, from addressing a Magistrate on the subject of a grave case under trial before him, preparatory to committal. In fact, the freest and most confidential relations should be encouraged, and in this case the action of the Superintendent of Police was in the interest of the justice which was endangered by the conduct of both the Sub-Magistrates who had had to do with the case. The Inspector had reported the charge as true, but failed to follow it up. The Sub-Magistrate reported it as false. Be this as it may, this is a matter for regulation by the District Magistrate, and very easily controlled by him.

7. As regards Police Officers—the District of Tinnevelly has had efficient Officers. Lieutenant Gompertz organized and administered the Force with his usual ability and success, and thoroughly understood and maintained the right relation of Magistracy and Police. He was succeeded by Lieutenant Porteous, a very efficient Police Officer, who is thoroughly acquainted with the language, and has devoted energy and ability to the instruction of his men. Crime has been repressed and brought to justice in this exceptionally difficult District (full of Maravers and evil doers) with more than ordinary success. Lieutenant Porteous has not been uniformly judicious, but I have checked the few instances brought to notice. He failed to attend trials before the Session Court, and had in two or three instances taken insufficient notice of misconduct of his men, but I think I can safely assure Government that the Police of Tinnevelly do, on the whole, keep the place, and perform their duty, with fair efficiency. With an Indian Police working amongst ignorant and often corrupt Sub-Magistracy, cases of sad irregularity do, and must still, occur. They have been faithfully hunted out in Tinnevelly, and I do not think that any exceptional conditions prevail. I venture to express a hope that the Session Judge will see grounds to modify his unfavorable impressions when longer in the District.

8. The Magistrate has been misinformed in respect to Inspector Graham. He came from Travancore, is a well educated man for his class, and held good testimonials. He applied for employment, and was admitted on probation. He remained a few months in charge of a Division, but, when his charge was inspected by the Deputy Inspector General, it was found that he was quite unfit for the work. He was told that he would be removed on the ground of inefficiency, and tendered his resignation some two months prior to the trial alluded to, and I accepted it. No special misconduct was charged against him. Irregularities of his Subordinates came to notice afterwards.



From Major G. HEARN, Deputy Inspector General of Police, Southern Range, to the Inspector General of Police; dated Trichinopoly, 2nd February 1867.

I have the honor to acknowledge receipt of Government Order, No. 147, of 23rd January 1867, on certain Proceedings of the Session Court of Tinnevelly.

2. I have already forwarded to you a statement of my inquiry into the charges against the Police; but as there is one point in the Proceedings which was not before me when I made the inquiry at Palamcottah, I deem it desirable to draw your attention to the note by the District Magistrate, in paragraph 7 of the Acting Head Assistant's letter of 3rd May 1866, as well as to the paragraph itself.

3. The Head Assistant Magistrate says—

"There is no doubt the Sub-Magistrate was wrong in granting the Remand Warrants, for, "by the record, there is nothing to show that "there was any evidence or reasonable ground "of suspicion against them. The Police* are "equally blameable for asking for such "remands. The Session Court has, however, commented on these points."

* *Note by the Magistrate.*—I think far more. The Sub-Magistrates of this District appear to have been in awe of the Police from a faulty system only lately exposed.

4. I would submit that if the law had been obeyed, and the Sub-Magistrate had done his duty, no irregularities would have been committed by the Police. The law requires the Police to place prisoners before the Magistrates within 24 hours. This was done in the case under reference; the Police fulfilled the requirements of the law. The prisoners became the Magistrate's prisoners; and the responsibility then became that of the Magistrate alone.

5. Regarding the note by Mr. Puckle, I have, I think, fully shown you that the Magistrate's impression is erroneous. You are in possession of the Magistrate's remark on the superior legal attainments of the Police, as compared with the Sub-Magistrates. I have forwarded to you the cases remarked on by the Session Court, and submit that, if the Police have acted as stated by the Magistrate, there would be some proof on record.

6. I do not deny that the Police are, as a rule, too ready to ask for remands, without sufficient reason, and every effort has been made to check it; but the statement of the Magistrate, that remands are granted simply because they are asked for, only condemn the Magistrates themselves, who are bound to act according to law, and not in accordance with the wishes of the Police.

7. With reference to the last part of paragraph 4 of the Government Order, I venture to offer a few remarks for your consideration:—

I. That wherever there is a Magistrate who knows his duty there will be few shortcomings on the part of the Police, but where the Magistrate is ignorant, however efficient the Police may be, their working is rendered practically null and void. Instance the case under reference:—The Sub-Magistrate was known to be very corrupt; the Head Constable, a clever man, tried to do his duty, in the first instance, as is borne out by the record, but was not supported by the Sub-Magistrate, who, by his conduct, as reported in paragraph 3 of Mr. Puckle's letter, threw great temptations in the Head Constable's way, to which he yielded.

II. For the last six years, unceasing efforts have been made to instruct the Force in the Procedure and Criminal Codes, whilst no steps have been taken to advance the Sub-Magistrates in the same way. The consequence is, the Sub-Magistrates are in the habit of depending entirely on the Police for information upon those points on which the Magistrates should be the better informed of the two. The result of this state of things cannot but be mischievous in the extreme,

and until something is done to alter it—unless the knowledge possessed by the Sub-Magistrates equals that of the Police—comp'ications will always arise, and the present impression will remain, viz., that the Police overstep their legitimate functions.

*Remarks by Deputy Inspector General on Streevygoondum case.*

I have gone carefully through the records in this case, and am satisfied that every irregularity committed by the Police was either by the direct order of the Sub-Magistrate, or with his concurrence.

The part played by the Police is recorded in paragraphs 16 and 17 of Mr. Puckle's letter. I admit that every circumstance therein related is true, although some part is not proven. The Head Constable has been sentenced to 10 years' transportation, and the Constable to 5 years' rigorous imprisonment. Could the irregularities mentioned in the above two paragraphs have been committed without the knowledge of the Sub-Magistrate ?

Every act, from the beginning to the end, shows complicity on the part of the Sub-Magistrate, whereas, up to the 28th September, the Police acted honestly,—they made slight errors, but these were directed by the Sub-Magistrate.

Mr. Puckle, in paragraph 8 of his letter, states that "this Inspector has since resigned, "to avoid punishment for misconduct in another "case." The Magistrate must have been misinformed. The Inspector resigned in consequence of my having, when reviewing his work in May last, noticed his incompetency, and threatened him with dismissal. At this time, his conduct in the Mootoonendel Dacoity (to which, I think, the Magistrate refers) had not been brought to light. The Inspector left the Force on the 31st July, and the Court's Proceedings, noticing his conduct, were not received till 10th August.

In paragraph 9, the Magistrate mentions the absence of Ramasawmy Tevan, &c. This was known to the Police he assisted them in making the arrests detailed in paragraph 10.

In paragraph 10, the Magistrate remarks on the arrests, &c., &c., &c. The arrests were made on the 6th, and the prisoners placed before the Sub-Magistrate within 24 hours, and a written request was made that the prisoners' confessions may be recorded. The Sub-Magistrate remanded the prisoners, but did not take down their confessions. Four other prisoners were subsequently arrested, and at once placed before the Sub-Magistrate and remanded. The Magistrate states that "all were remanded for two weeks' Such is not stated in the Remand. The time there is not specified, but, on the top of the Warrant, in different writing, and evidently entered afterwards, are the words "two weeks."

It is true the prisoners were in confinement from the beginning of June to the 28th of September, but they were on the remand of the Sub-Magistrate—were daily before his eyes locked up in his own Cutcherry, and he gave batta for their daily food.

On the 16th of September, the Superintendent brought the conduct of the Sub-Magistrate, in keeping the prisoners so long in custody, to the notice of the Deputy Magistrate in the following letter :—

TINNEVELLY, 16*th September* 1865.

To W. UNDERWOOD, Esq.

Sir,

I have the honor to bring to your notice that one Ramasawmy Tevan and several other Maravers have been most *unjustly* detained in custody in the Streevygoondum station Lock-up, under the orders of the Tenkarai Sub-Magistrate, on a charge that these persons were concerned in a case of house-breaking and theft that occurred in the house of the Tenkarai Taluq Sheristadar. The offence abovementioned occurred on the 28th May last. Ramasawmy Tevan and others were arrested on 7*th June*, and have been kept in confinement since then. There seems to have been little or no inquiry made by the Sub-Magistrate, and his conduct appears altogether to have been most improper, and requiring very serious notice.

(Signed) C. PORTEOUS.

*Had a proper inquiry then been made, none of the subsequent rascality could have taken place. No inquiry* was instituted, although the Superintendent had brought to notice that five prisoners had been 3½ months in confinement, and that little or no inquiry had been made, and that the improper conduct of the Sub-Magistrate *required serious notice*. The Deputy Magistrate called on the Sub-Magistrate for an explanation ; *none was given*. At the expiration of 15 days, the Deputy Magistrate sent another Takeed, calling for an explanation, and fined the Sub-Magistrate Rupees 10. The Sub-Magistrate then replied, throwing the blame on the Police. This explanation was sent to the Superintendent, who replied as follows :—

*Remarks by the Magistrate.*

I was informed that he resigned to avoid the consequences of his misconduct in the Mootoonendel case. I now hear that he had already resigned, but was still in the Force when the Mootoonendel robbery occurred.

The Head Constable must have acted honestly at first ; but, seeing how the Sub-Magistrate neglected his duty, and having gained the requisite clue to the whereabouts of the property, the temptation was too strong, and the Head Constable shared in the plunder.

My dear Underwood.

Those Maravers were most illegally detained in custody for more than three months by the Sub-Magistrate. He tries to make out that the persons were under the inquiry of the Police. This is the height of absurdity. He would try and make out that the Inspector and Police were an independent Department; whereas they are the Sub-Magistrate's executives, just as much as the old Peons were.

It was knowing that they had not the power to detain made the Police apply to Sub-Magistrate for Remand Warrants, and these should not have been granted, unless there were reasonable grounds for suspicion. I consider the Sub-Magistrates' Urzee a gross subterfuge to clear himself. I shall feel obliged if, besides the other case (that of illegal detention of the Maravers), you will ask the Sub-Magistrate what he means by trying to throw responsibility off his own shoulders on to those of the Police, his subordinates. If the Police request Remand Warrants on insufficient grounds, the Sub-Magistrate should point out to them that they are wrong, and not grant Warrants for detention of men against whom there is not the least tittle of evidence. I hope you will pitch into this Sub-Magistrate.

(Signed) C. PORTEOUS.

Mr. Underwood then gave over charge of the Division to Deputy Collector Ramiah, and brought the above circumstances to Ramiah's notice in the accompanying letter.

Ramiah, on the 15th December, or six months after the arrest, and 2½ months after the release of the prisoners, recorded the accompanying.

I have stated that, up to 28th September, no irregularities had been committed by the Police, save keeping the prisoners in confinement by order of the Sub-Magistrate; and in this statement I am supported by the Magistrate, who, in paragraph 22, states that he "fully "believes that the Sub-Magistrate might have "convicted the first batch of prisoners with the "greatest ease." Had these been convicted, the subsequent rascality would not have occurred.

In paragraph 13, the Magistrate states that "the Sub-Magistrate wrote no less

[*By Inspector General.*—Not submitted as it is lengthy; he considers that neither Sub-Magistrate nor Police deserve censure.]



"than six letters to the Police about the "prisoners." He might have written a hundred, but he cannot throw off the responsibility. The law is plain: the sole power is vested in the Magistrate: if he does not enforce the law, he is responsible. This Sub-Magistrate disobeyed the law. His disobedience has been the cause of the Head Constable's rascality, for which he has been justly punished, but the Sub-Magistrate, the prime agent in all this villainy, is free.

The Sub-Magistrate told the Village Moonsiff, who wanted some Maravers' houses searched, that he did not know whether to search or not, and referred him to the Police, who knew all the regulations on the subject.

In paragraph 21, the Magistrate states "I "found nothing was likely to come to light "while the Tahsildar was in the place." The man apparently had such power and influence, that even the Magistrate of the District, with the two highest Native officials, could make no way against the opposition of this man, even though he was then suspended. This scarcely agrees with the Court's remark, that the Sub-Magistrate was afraid to interfere with the doings of the Police.

There is nothing whatever on record, or elsewhere, to support the Judge's assertion, but we have the Magistrate's own statement, that the Sub-Magistrate had more power and influence in Streevygoondum than he had.

I am not in the least attempting to defend the Police. Nothing would give me greater pleasure than to be able to fix the blame on any one who may be guilty. The only delinquents have been disposed of by the Session Court. The Inspector Mr. Graham has shown himself utterly useless and incompetent. He was, doubtless, in the Head Constable's hands. He was, I believe, in *perfect ignorance* of all that was going on. He was too listless to make inquiries, and, even if he had heard anything, he would have been too lazy to ascertain the truth. He was but a short time with us: he joined 13 days before the burglary was committed, and was required to leave the Force before the case was tried. He was formerly employed in Travancore, and came with good testimonials.

I forward his Roll and copies of his testimonials.

The Police Records connected with the case are *much more regular* than I could have expected, considering the villainy of the case.

(Signed) G. HEARN,
*Depy. Inspr. Genl. of Police.*

*Remarks by Deputy Inspector General on Proceedings of Tinnevelly Session Court on the conduct of the Police.*

*Remarks.*

I forward the Proceedings in each case, with the Superintendent's explanation (when any was given), and my remarks thereon.

*Case No.* 1, *Court No.* 593 *of* 2*nd November* 1866.

[The Court remarks on the outrageous conduct of the Sattoor Inspector; requests Superintendent to explain what notice he has taken of the Inspector's conduct; and directs that the Police be restrained from exceeding the powers given them by law.]

In this case, the Police erred in sending an Occurrence Report instead of a Charge Sheet. The Inspector kept a prisoner in custody without a remand, and sent him to the Deputy Magistrate for trial, notwithstanding the Sub-Magistrate had refused the remand. Two courses were opened to the Inspector—either to release the prisoner when a remand was refused, or send the prisoner to the Deputy Magistrate, explaining his reasons for so doing; the first was the right course according to Law, and doubtless the Inspector erred in acting as he did, but I venture to think that the Court would not have passed so severe a censure had the Inspector's reasons been submitted to the Court.

*By Inspector General.*

These are too voluminous for submission to Government, unless specially called for.

The Court's remark in the latter part of paragraph 3 has brought to my notice that the Superintendent has not in every case reported to the Judge what measures he has taken in regard to matters brought to notice by the Court.

*By Magistrate.*

The Superintendent used to correspond directly with the Court, but latterly through the District Magistrate.

It is evident by the tenor of the Court's Proceedings, and also from the Judge's letter, that he has been, and still is, under the impression that his remarks and orders have not been noticed by the Superintendent.

In many cases no reply having been sent to the Court's Proceedings, and in others where explanation has been afforded, the style not being perhaps deferential enough to a Session Court, has, I venture to surmise, led the Judge to think that his Proceedings have not been noticed as they should have been; that the faults of the Police have not been punished; that the errors pointed out have not been corrected; and that the natural consequence of such neglect must be disorganization.

*By Inspector General.*

All Superintendents have been directed to submit a full explanation of all points noticed by Courts relating to Police to the Magistrate of the District, for such notice as he sees fit



*No.* 2, *Court's No.* 578.

[The Court remarks on the ignorance of the Inspector in charging a case of dacoity under Section 392, instead of 395; in having sent the case to the Deputy Magistrate, instead of to the Sub-Magistrate, and in having kept the Deputy Magistrate in ignorance of the fact of the Village Moonsiff's report and first Police report being with the Sub-Magistrate; also on the irregular conduct of the Deputy Constable.]

The Inspector has been ordered into school for instruction.

The Deputy Constable has been dismissed.

*By Magistrate.*

A recent case at Sattoor.

*By Magistrate.*

Selecting the Magistrate before whom a case shall be brought has now been put a stop to.

The Police did not send a Charge Sheet when the prisoner was arrested. Had they done so, it would have become known to the Court that, in the first instance, the Police charged under Section 395 before the Sub-Magistrate, and that it was by *his* directions that the charge was altered to 392, and the case taken to the Deputy Magistrate.

The Sub-Magistrate knew that the case had been taken before the Deputy Magistrate. Was it not his duty to forward the Moonsiff's and Police Reports which were with him?

*By Magistrate.*

The distinction between Robbery and Gang Robbery has been specially pointed out to the Sub-Magistracy and Police of late. As the distinction is but technical, it may have been an oversight charging the prisoner under Section 392 in this particular instance.

*No.* 3, *Court No.* 596.

[The Court remarks that Charge Sheets are often incorrect, and points out the particular columns of the Charge Sheet in this case which are not correctly filled in.]

The prisoners were arrested on the 12th, sent to the Sub-Magistrate at Sattoor on the 13th, with an Occurrence Report, and a remand asked for.

The Sub-Magistrate gave a remand for five days.

On the 17th, the prisoners were sent with a Charge Sheet to the Deputy Magistrate at Tuticorin, and in column 12 the date of the prisoners leaving for Tuticorin (viz. 17th) was entered. The prisoners arrived at Tuticorin, 50 miles distant, and were placed before the Deputy Magistrate on the 20th.

The Police were wrong in sending an Occurrence Report to the Sub-Magistrate. They should have sent a Charge Sheet when the prisoners were arrested, and they should have entered in column 12 the date of the prisoners leaving the station, to be placed before the Sub-

*By Magistrate.*

This was so; but particular notice has been taken of these inaccuracies by the Magistrate.

Magistrate (viz. the 13th). The Sub-Magistrate should have filled in columns 18 and 19, stating he had granted a remand ; and in column 20 he should have given his reasons for so doing, viz., for the Police to prepare the case for submission to the Deputy Magistrate.

The Sub-Magistrate granted a remand on an Occurrence Report, instead of a Charge Sheet, and not having required a Charge Sheet to be placed before him, he could not fill up 18, 19 and 20.

I don't quite agree with the Court that columns 12 and 17 should agree. Column 17 is only filled in when a prisoner appears at the issue of a Process.

When a prisoner appears by Magistrate's Process, columns 12, 15, 16, and 17 must be filled in ; but when the prisoner is arrested without warrant, as in the present case, columns 12 and 15 only are necessary. Column 12 shows the time of prisoner leaving the station, and column 15 the time of his appearance before the Magistrate.

*No.* 4, *Court's No.* 469.

[The Court remarks on the conduct of the Police in the Tuticorin kidnapping.]

The Inspector General disposed of this by reducing the Inspector, and dismissing the Head Constable.

*No.* 5, *Court's No.* 503.

[The Court notices the preparation of a Charge Sheet in which columns 8, 10, and 11 were left blank, and considers it a disgrace to the Police.]

The Superintendent fined the Inspector Rupees 10.

*No.* 6, *Court's No.* 10.

[Requires to be informed why a Warrant was not applied for, for the arrest of a certain individual.]

It was subsequently ascertained that the man was not "wanted."

*No.* 7, *Court's No.* 38.

[The Court remarks that "it is perhaps "fortunate for the Deputy Constable, Sheikh "Baboo, that he was not present, for I am by "no means satisfied that he has acted straightforwardly in the case."]

The Assistant Superintendent personally inquired into the conduct of the Deputy Constable, and states that he was satisfied that the Deputy acted honestly.



*No.* 8, *Court's No.* 287.

[Court notices that a Constable, instead of taking a prisoner to the nearest Magistrate, took him to the Inspector, and that the Inspector did not bring this irregularity to the notice of the Superintendent.]

The Acting Superintendent reprimanded the Inspector, but did not comply with paragraph 1, Police Order 147, and report to the Court what he had done.

*No.* 9, *Court's No.* 63.

[The Court notices the conduct of Inspector Calleappa Chetty and Head Constable—the former for neglect of duty, and the latter for prevaricating.]

On the report reaching me, I directed the Inspector's reduction, and the dismissal of the Head Constable. This I did on the report made by the Superintendent. The Inspector General confirmed this ; but, on a further report being made, with the remarks of the Joint Magistrate, and the Magistrate having stated that he considered the punishments awarded by the *Superintendent* sufficient, the Inspector General was good enough to confirm the punishment awarded by the Superintendent.

*No.* 10, *Court's No.* 476.

[Court calls for report as to what notice had been taken of the conduct of the Police.]

Superintendent replied that he had reduced the Deputy to 2nd Class.

*No.* 11, *Court's No.* 378.

[Court remarks favorably on the conduct of a Constable.]

The Constable was promoted.

*No.* 12, *Court's No.* 473.

[Court remarks that a Deputy Constable was most negligent in his Proceedings, and gave false evidence before the Court. The Court also remarks that if the offences of the Police are not punished more severely than was that of the Inspector and Head Constable of Ambasamudrum (Case No. 9, Court's No. 63) the misconduct of the Police is not to be wondered at.]

The Superintendent reduced the Deputy to 3rd Class. I consider reduction too lenient a punishment for Deputy's offence. Had the Court been informed of the notice taken by the Inspector General and Deputy Inspector General of the conduct of the Inspector and Head Constable referred to by the Judge in paragraph 4, the latter part of that paragraph would probably not have been written.

*No.* 13, *Court's No.* 382.

[The Court remarks that the late Inspector Graham has shown himself not only ignorant and neglectful of his duties, but has given a deposition in Court false from beginning to end.]

The Inspector was out of the Force before these Proceedings were received; but his conduct in the case was brought to notice of Inspector General before the trial commenced.

*No.* 14, *Court's No.* 376.

[The Court remarks that the Police do not appear to understand Section 135.]

The Superintendent noted the Court's remarks.

*No.* 15, *Court's No.* 595.

[The Court remarks that the Proceedings of the Police in this case were altogether improper. They dragged a prisoner all over the country.]

The unfortunate woman referred to by the Court was dragged 150 miles. The prisoner was arrested at Sunkernacoil, and placed before that Magistrate; he sent her on to Kytar. The Kytar Sub-Magistrate sent her back to Sunkernacoil, and the Sub-Magistrate then sent her to Tuticorin. This was all on warrant.

*No.* 16, *Court's No.* 567.

[The Court notices the gross negligence of an Inspector, Head, and Deputy Constable, in not assisting a man to find his son who had been kidnapped.]

The Superintendent reduced the Head and Deputy. This I consider a far too lenient punishment.

*No.* 17, *Court's No.* 481.

[The Court notices that a Deputy Constable, instead of placing a prisoner before the nearest Magistrate, took him to the Inspector, who conducted a quasi Magisterial inquiry, released the prisoner, and placed the complainant in custody.]

The Superintendent does not appear to have replied to this. He brought the Deputy into the Reserve. The punishment was far too lenient.

*No.* 18, *Court's No.* 99.

[Court notices the irregular conduct of an Inspector.]

The Superintendent does not appear to have replied to these Proceedings. The Superintendent states that the Inspector was severely reprimanded.

*No.* 19, *Court's No.* 535.

[The Court notices the very irregular conduct of an Inspector.]

*By Magistrate.*

This man was a mere tool in the hands of the Head Constable, now sentenced to ten years' transportation.



The Superintendent fined the Inspector Rupees 7, severely reprimanded him, and pointed out his duty to him.

*No.* 20, *Court's No.* 589.

[Court notices that certain witnesses, who were required by the Court, were made prisoners of by the Police.]

The Superintendent explained that the mistake arose from the nature of the process issued by the Court.

*No.* 21, *Court's No.* 116.

[The Court notices the irregular conduct of the Police in a murder case.]

The Court's Proceedings in this case and the Superintendent's reply were, by me, at the time, referred to the Inspector General, who issued his orders thereon.

*No.* 22, *Court's No.* 525.

The Proceedings refer to the Sattoor case mentioned by the Judge, and, as I reply separately to it, I make no remarks here.

*No.* 23, *Court's No.* 6.

[The Court notices the irregular conduct of the Police, and points out that the Police gave much annoyance to the Moonsiff.]

The Superintendent offered explanation. It would have been better if he had noticed his Subordinate's conduct from the Court's Proceedings. Better proof of their conduct could not be obtained.

*No.* 24, *Court's No.* 97.

[The Court notices that the first records in the case were not sent.]

The Superintendent issued the necessary orders.

*No.* 25, *Court's No.* 470.

[The Court notices the neglect of the Police to investigate a case and apprehend the offenders.]

The original complaint made to the Police was "theft and assault," and as such was referred to the Sub-Magistrate, who ordered the case to be struck off as false, and as such it was entered in his B. Form. The case is one of many where the Sub-Magistrates jump at the offer of the Police to strike off true cases as false. Had the Sub-Magistrate instituted any inquiry, he would have ascertained that it was a true case of kidnapping.

*No.* 26, *Court's No.* 161.

I refer this for consideration of Inspector General.

*By Inspector General.*

There is no provision for returning summons. If required, the service must be proved by the person who served it.

*No.* 27, *Court's No.* 188.

[The Court forwards to the Superintendent a Tamil letter written by the Head Constable to the Acting Sub-Magistrate, during the inquiry, regarding the robbery in his house. The Court remarks that the letter is outrageously impudent, and shows that the Head Constable is totally unfit for his post.]

No notice appears to have been taken of these Proceedings. The following is the Superintendent's explanation :—

"Regarding the letter written by Head "Constable to Sheristadar, I received Session "Court Proceedings, dated 23rd March, on the "27th March, with a copy of Head Constable's "letter. This was the very last day I was in "office before I proceeded on leave. There was "then no suspicion against the Head Constable. "The Court pointed out that the letter was "impudent—nothing else. The Sheristadar "Sub-Magistrate did not bring anything to my "notice against the Head Constable. No cor-"rupt motives on the part of the Head Con-"stable were brought to my notice. The letter "seemed to be a private one, and though "(from what has come out since) it is apparent "that his motives were bad, I suspected "nothing then. The Head Constable, previous "to this, had been removed to another station."

A Tamil copy of the letter, and an English translation, are forwarded with the Proceedings.

I will now offer a few remarks on each case in which the Court has issued Proceedings. I will take them in the order in which I have above recorded them.

*Case No.* 1, *Court's No.* 593.

I would draw attention to the fact that these Proceedings were issued on the Calendar of Mr. Underwood, the Deputy Magistrate, and I beg it may be noticed that almost every case which has been remarked on by the Court has been committed by Mr. Underwood, or by one of the Magistrates in his Range.

If the Session Judge had called for an explanation of the Inspector's conduct, I think it would have been satisfactorily proved that,

*By Magistrate.*

No corrupt motives could at that stage of the proceedings have been ascribed to the Head Constable by the mere perusal of his letter, which taken *per se* may be read in two ways—either recommending the prosecution to compromise, or suggesting that Appavoo Tevan's wish to get a relation provided for should be taken advantage of to bring the robbery to light. If the Head Constable had discovered the robbery, this letter would have been regarded as evincing tact and resource, but, seeing that he himself was already in possession of the stolen property, and knew all about the robbery, of course, the letter was written with corrupt motives; but this no one could have known when the Court's Proceedings were penned.

*By Inspector General.*

Recapitulation, with Magistrate's remarks.



| | *Magistrate's remarks.* |
|---|---|
| if the Inspector was in fault, he erred with no evil intent. His reasons for his illegal action he fully reported to the Deputy Magistrate. This Officer did not find fault with his procedure, but convicted the case. With due deference to the Session Judge, I don't think the Inspector's conduct was "most outrageous." | |
| The latter part of paragraph 3 of the Proceedings is not borne out by any record. There is one instance where the Superintendent, perhaps, exceeded his province: this was in the Sattoor torture case, which occurred a year ago, and was at the time disposed of. | |
| *Case No.* 2, *Court's No.* 578. | |
| [Committed by Mr. Underwood.] | |
| In this case I consider that there is little or no blame to be attached to the Inspector. If an explanation of the Inspector's reasons had been called for, it would not have been necessary for the Court to make deductions as to the motives of the Police. The severe terms in which the Court remarks are scarcely called for. The Deputy Constable has got his desert—he has been removed from the Force. | I consider the Deputy Magistrate as much to blame as the Police. |
| *No.* 3, *Court's No.* 596. | |
| [Case committed by Mr. Underwood.] | |
| In this case only one column was not, perhaps, correctly filled in, in the Charge Sheet. I would submit that the Judge is wrong in paragraph 4 of his Proceedings. | Very slight fault can be found in this case |
| *No.* 4, *Court's No.* 496. | |
| [Case committed by Sub-Magistrate, Tuticorin, in Mr. Underwood's charge.] | Not a grave error—a column in a Charge Sheet not correctly filled in. |
| The Police behaved badly, and have been punished; but the offence of the Police does not affect the general administration of the District. | |
| *No.* 5, *Court's No.* 503. | |
| [Case committed by Sub-Magistrate of Colasegarapatnam, in Mr. Underwood's charge.] | |
| Columns 8, 10, and 11 were not filled up in a Charge Sheet. The Magistrate, when the Sheet was before him, did not require the Inspector to submit the document complete, nor did he make any remark on the Division. | Not a grave offence. |
| *No.* 6, *Court's No.* 10. | |
| [Case committed by Mr. Underwood.] | |
| Information asked for, which was given. | |

| | *Magistrate's remarks.* |
|---|---|
| *No.* 7, *Court's No.* 38.<br>[Case committed by Mr. Underwood.]<br>The Court was not certain that a Deputy Constable was quite straightforward. The Assistant inquired, and was satisfied that the Deputy acted honestly. | |
| *No.* 8, *Court's No.* 287.<br>[Case committed by Mr. Underwood.]<br>The Court remarks that a Constable took a prisoner to the Inspector, instead of to the nearest Magistrate. This is an error of one man of the Force. | Not a grave offence. |
| *No.* 9, *Court's No.* 63.<br>The Court remarks on the conduct of an Inspector and Head Constable. Regarding this Inspector's conduct, the Joint Magistrate, Mr. McGregor, remarks as follows :—<br>(Not given in original.) | Great laziness and neglect on the part of an Inspector.<br>[*By Inspector General.*—The reduction of the Inspector and dismissal of the Head Constable were ordered, but the Magistrate considered a lighter punishment adequate, and the severe punishment was modified.] |
| *No.* 10, *Court's No.* 476.<br>Court requests to be informed what notice had been taken of the Police in this case. The Superintendent replied that the Deputy had been reduced. | |
| *No.* 11, *Court's No.* 378.<br>Approves of Constable's action. | |
| *No.* 12, *Court's No.* 473.<br>[Case tried by Sub-Magistrate in Mr. Underwood's charge.]<br>Court reports a Deputy Constable for neglect and lying. | |
| *No.* 13, *Court's No.* 382.<br>[Case committed by Sub-Magistrate in Mr. Underwood's charge.]<br>Court reports on a late Inspector, as ignorant, neglectful, and lying. | Great neglect and lying on part of late Inspector Graham. |
| *No.* 14, *Court's No.* 376.<br>Court concludes that Police do not understand Section 135. | |
| *No.* 15, *Court's No.* 595.<br>[In Mr. Underwood's charge, and eventually tried by him.]<br>The fault here was solely Sub-Magistrate's. The woman was dragged 150 miles about the country, on Sub-Magistrate's Warrant. | No fault of Police. |
| *No.* 16, *Court's No.* 567.<br>[In Mr. Underwood's charge.]<br>Gross neglect on part of Inspector Greenwood (resigned). | Laziness of Inspector. |



| | *Magistra e's remarks.* |
|---|---|
| *No.* 17, *Court's No.* 481.<br>A Deputy took a prisoner to the Inspector, instead of placing him before the Magistrate. It was certainly not correct, but there was no evil intent. | An irregularity. |
| *No.* 18, *Court's No.* 99.<br>Neglect of an Inspector to follow up traces pointed out by complainant. | Laziness of Inspector. |
| *No.* 19, *Court's No.* 535.<br>Neglect and impertinence of an Inspector. Severely reprimanded, and fined Rupees 7. | Great neglect and laziness of Inspector. |
| *No.* 20, *Court's No.* 589.<br>Court issued an informal Process, and Police made prisoners of witnesses. | No fault of Police. |
| *No.* 21, *Court's No.* 116.<br>Court brings to notice the irregular conduct of Police in murder case. | Irregularities by Police. |
| *No.* 22, *Court's No.* 525.<br>The Sattoor case, which will be dealt with separately. | Torture to death by Police. |
| *No.* 23, *Court's No.* 6.<br>The Police abused a Moonsiff. | |
| *No.* 24, *Court's No.* 97.<br>Court notices first report was not sent to the Court. | Very slight. |
| *No.* 25, *Court's No.* 470.<br>Court notices delay of Police in investigating a case. | Laziness. |
| *No.* 26, *Court's No.* 161.<br>About Summons being returned to Court. | |
| *No.* 27, *Court's No.* 188.<br>This refers to letter from Head Constable in Streevygoondum case. | |

(True Extracts).

(Signed) W. ROBINSON,
*Inspector General of Police.*

*Deputy Inspector General's Report on Tinnevelly—28th November* 1866.

| *Deputy Inspector General's Report of the Sattoor Case.* | *Deputy Inspector General's remarks.* |
|---|---|
| On the 7th September 1865, the Superintendent reported as follows:—Inspector Ramalingum Pillay, of the Virdooputty Division, reported, last week, a case against a Deputy Constable and a Constable of his Division, in which he says the Deputy Constable, with a Constable and several others, caught six Coravers, and tied them up to trees, and so beat them that one died. Immediately on hearing this, as I could not trust the Inspector, I sent off an express to the Sub-Magistrate of Sattoor for an explanation. The Sub-Magistrate writes that the whole case is a fabrication. (To this I remarked "what says Inspec- | As an instance of the very unsatisfactory state of the Police. The Judge mentions the "Sattoor" Torture case, which occurred in—.<br>In this case the Judge remarks that the Superintendent and Assistant interfered in a most improper and unauthorized manner with the Sub-Magistrate, during his inquiry into the case. The Court also remarks that the interference in this case was, in a great measure, the cause of the Sub-Magistrate behaving as he did in the Streevygoondum case. I leave the Inspector General to judge, first, whether the Takeeds of the Superintendent and Assistant, sent in the Sattoor case, |

tor! Why should he make the statement unless there is truth in it"? The Coravers are concerned in a robbery case that occurred near Yettianaickenputty, and, on one of their number dying, when they learnt that they were suspected and were about to be arrested, they brought a charge against Deputy Constable of killing deceased Coraver. Had there been any truth in the case, I should have gone up there, as I want to leave Hodges quiet here for a time, to study.

On 16th September, the Superintendent reports:—The charge of culpable homicide against the Deputy Constable does not appear to me now to be such a fabrication after all. We heard only one side of the story—the Tahsildar's. (To this I remarked "Here you condemned the Inspector, who appears to have reported faithfully.") Some of the relatives of the deceased came howling to me to day, saying that the Deputy Constable, to extort a confession from them regarding a case of robbery, had tied them all up with ropes and beaten them; that one of their number was struck on the back of the head with a sword or bayonet, and on the private parts with a baton, and thereby killed. The case does not satisfy me, so I intend going up there myself; and as the Sub-Magistrate seems to me to have misbehaved himself a good deal by his reports to us, I shall take Storr up with me, and get him to overhaul the conduct of the Sub-Magistrate.

On the 18th September, the Superintendent reports:—In my Diary for last week I mentioned that the charge against the Deputy and another Constable looked so nasty that I intended to go and look after it. As the case was such a serious one, and the conduct of the Sub-Magistrate did not satisfy me, I determined to get the Head Assistant Magistrate to come with me and take up the preliminary inquiry of the case. I accordingly came back to Courtallum, have let him know all, and he has determined to start with me for scene of offence.

The complaint made against the Deputy, &c., is as follows:—That Deputy Constable Sivanandy, Constable Vunnien and a Kavalgar and a Pullee came to the Village of Puttumpoothoor, where they found in a field close by certain Coravers mending baskets. That they went up to these Coravers, and said "a theft "has been committed, come along." The Coravars said "we know nothing of it," but nevertheless they were dragged away to Shanarputty, a village close by. That there the men and women were thoroughly searched, and nothing was found on them. That the above individuals (accused) got a woman to search the private parts of the women. After this, two women were shut up in a bullock yard, and the Deputy Constable and four others took the remaining Coravers, men and women, six in number, to a Tope close by Bommayapoorum. That, with ropes and thongs which they had with them, the men and women were tied up to the trees, and there severely beaten; and all the time the accused kept saying to them "give up the stolen property give it up." All night the women were most shamefully treated. Early in the morning, Deputy Constable, it is said, took out his sword and gave one of the Coravers, named Sunkurlingum, a thrust with the sword on his head, and Constable Vunnien gave him a blow on his private parts with his baton. That these killed him. That, on this, all were taken down from the trees, and the accused, being afraid on seeing Sunkurlingam dead, drove the other Coravers away, got some water, and tried to revive Sunkurlingum; but, seeing him quite dead, they carried him away, and buried the body in the middle of the river. The accused then separated, and went to their respective villages. Next day, the Coravers say that they were so tired that they could not go and report to the Magistrate, or at the Sattoor Station. They say that they told a "Conicopilly," but he merely put his hand on his mouth, said "wah, wah," and went off to Munnarcottah, and remained there two or three days.

On the 24th, as the woman Soondrum was proceeding towards Yettianaickenputty, to report there the injustice practised on her and relatives, she was met by two Constables, Permaul and Moottoosawmy. To these she reported all, and they, it is said, came and disinterred the body, and sent a report off to Inspector, &c.; and the Village Magistrate of Puttumpoothoor, in whose limits corpse was found, being present, sent a report to the Sub-Magistrate of Virdooputty. This Moonsiff's report contained no accusation against the Constables; it merely contained a report of the finding of a body that had been buried in the river. It was from the Sub-Magistrate, Inspector first received information. He set out with Sub-Magistrate, and, on arriving near Puttumpoothoor, some Coravers came crying to

were such as to cause oppression to the people and be subversive of the ends of justice; and, 2nd, whether the Takeeds in the Sattoor case were any excuse for the Sub-Magistrate's conduct in the Streevygoondum case.

The Judge states that the Sub-Magistrate was in fear of interfering with the doings of the Police. This scarcely agrees with the Sherishtadar's opinion, "that the Sub-Magistrate instigated the burglary," and the Magistrate's statement, that the Tahsildar "took no "trouble to investigate it, and that by *this* "apathy and culpable neglect greatly favored "the designs of an unscrupulous Head Constable." The Magistrate states "the Sub-Magistrate's power and influence were so great that "I could not make way against his opposition." A man with such power and influence, even when under suspension, was not likely to be afraid of the Police.

The Session Judge, throughout his proceedings and letter, refers to this Sattoor case as a proof that the Superintendent [illegible] taken upon himself to be a sort of Non-Regulation Magistrate, and the Inspectors to be Non-Regulation Sub-Magistrates.

The points to be considered are these:—

1*st*.—Was the Superintendent wrong in writing to the Sub-Magistrate?

2*nd*.—Was he wrong in writing by "Takeed"?

3*rd*.—Was the style wrong?

4*th*.—Did the Police ride rough-shod over the Sub-Magistrate?

5*th*.—Did the Superintendent's procedure in this (Sattoor) case justify the acts of the Sub-Magistrate in the Streevygoondum case?

I do not think the Superintendent was wrong in writing to the Sub-Magistrate.

He was right in writing by Takeed.

I see nothing objectionable in the style.

The Police did not ride rough-shod. It was through the Superintendent's exertions that a conviction was obtained.

I see nothing wrong in the Superintendent's procedure.

The accompanying Proceedings by the Court in this case, contain Translations of the "Takeed," &c., which is the foundation and cause of the Judge's complaint.

(Signed) G. HEARN.

29*th November* 1866.

him, (he says) that they had been beaten, and that Sunkurlingum had been killed by the Deputy Constable and others.

Such is the complaint as it now stands. The village where all this is said to have taken place is in the Virdooputty Division. Assistant Range Inspector Ramalingum Pillay sent the Assistant what he called a report of this business. The Assistant showed me this just before I was starting. There was really nothing in the report. All the diary contained was to this effect—a Deputy Constable and a Constable had beaten and killed a Coraver. Hodges spoke of going up, but I recommended him not to do so till he had received more information, and I dictated a Takeed to the Sattoor Sub-Magistrate, requesting him to furnish us with information forthwith. I wanted to know how the Deputy came across the Coravers, what motive he had to ill-treat them, where the place was, the marks on Coravers, the marks on trees, &c. I was obliged to write to Sub-Magistrate, because the Inspector struck me, from his report, to be a perfect idiot, and that there was no chance of getting proper information from him. As I was going out, I told the Sub-Magistrate to send his reply to the Assistant Superintendent, and I then determined to go up if the case turned out to be true. The *Sub-Magistrate's reply to Assistant Superintendent was that the case was altogether a got up one.* The Sub-Magistrate explained at some length how he came to his conclusion. On learning this, I went down to Palamcottah, instead of going up to Virdooputty. While at Palamcottah, some relatives of deceased came howling to me, and made what appeared to me such a true, straightforward, and consistent story, that I made up my mind to go up at once, getting the Head Assistant Magistrate to come, if he could.

20th. Hodges, on my writing and telling him what I thought of the case, did not feel comfortable, and went off at once. Storr, in hearing particulars of case, determined to accompany me to Sattoor. We accordingly started this afternoon, marched 17 miles, halted for the night.

21st. Arrived at Sunkernacoil. Went carefully over depositions taken by Sub-Magistrate of Sattoor in the charge of murder. There are several discrepancies, but, at the same time, there is a sub-stratum of truth running through all, that makes me believe the charge.



22nd September. Arrived at Sattoor and went into case against Deputy and Constable. Head Assistant Magistrate decided to commence case again, taking fresh depositions. This I also considered the best plan, for, as I told the Magistrate, I would not give a farthing for the truth of the depositions taken by Sub-Magistrate. I believe they have been altered and framed to suit circumstances. This we shall look to afterwards. We got through the depositions of five of the complainants. It took us from 10 to 7; but we are thoroughly sifting the case. I took copies of every deposition, and thoroughly cross-questioned every witness, after the Magistrate had examined them first.

Bommayapoorum, 23rd. As I considered a personal visit on our part to the very spot where ill-treatment and homicide took place would not only be advantageous in ascertaining the truth of the case, but would be also matter of great satisfaction to ourselves, accompanied by Head Assistant Magistrate, Hodges and I came out to the very spot where the Coraver was killed and buried; took bearings of all the places, channels, river, villages about; and continued our examination of witnesses. More and more am I convinced of the truth of the case. The trees where complainants were hung up bear marks of having been cut with ropes or thongs. The place where the Coraver was buried is a bank in the bed of a river.

28th. Came here this morning to Head Assistant Magistrate's Cutcherry to finish case of murder against the Deputy Constable and Constable. At the case all day, and closed prosecution. Storr has come to the same conclusion as I have, that case is true, and he will commit it. There are no Constables for the prosecution, they are all for the defence. Their evidence, I am sure, will not hold water, and can be easily pulled to pieces.

My reasons for coming to a conclusion that the charge is true are as follows:—

Although there are a few discrepancies in the statements of the seven complainants, they are not in material points; and, though, apparently, their statements are somewhat exaggerated, there is such a sub-stratum of truth running through all, that, taking this into consideration with the fact that these poor wretches could have no motive in bringing such a charge against a Public Officer, I am inclined to be-

lieve it's truth. I did not entirely take the side for the prosecution, but put such questions as would enable us to arrive at a proper conclusion, and bring out the truth or otherwise of the case. A perusal of the depositions which I took in my own handwriting, and are literal translations of what each witness stated, will enable Inspector General to form an idea of the case. (To this, the Inspector General remarked "beautifully managed case—most "pains-taking investigation.") The affair was grossly mismanaged at first by a stupid Inspector. There was an Apothecary at Sattoor, and neither the Sub-Magistrate or Inspector had brains enough to ask him to examine the Coravers when they first came forward. Had this been done, all afterwards would have been plain sailing. I am now determined to find out whether death was caused by the blow on the head, or by that on the testicles. Unless the skull was fractured, the blow on the head would not have killed the man so suddenly.

The case was committed to Court. The Head Assistant Magistrate prosecuted. Deputy sentenced to ten, and the Constable to seven years' transportation.

*Proceedings of the Session Court of Tinnevelly, 20th January* 1866.

Read Calendar Session case No. 101 of 1865.

2. The trial in this case shows that the prisoners, two of them Police men, were accused of having tortured six Coravers to extort confession, and that, in consequence of the torture, one of the six died immediately. It is proved that the body was disinterred, and the Sub-Magistrate of Virdooputty sent for, and that he arrived early in the morning of the 25th August. It is proved that the prisoners were at once accused. The Virdooputty Sub-Magistrate remained idle, doing nothing whatever; he neither held an inquest, nor examined any of the Coravers present or any one else and the Sub-Magistrate of Sattoor had to be sent for. It is useless for the Sub-Magistrate of Virdooputty to plead that the body was not in his jurisdiction, for it was on his side of the river which forms the boundary between his division and the principal division of the Sattoor Taluq. He is guilty of the grossest neglect possible.

3. The Sattoor Magistrate also delayed in the most extraordinary manner the inquiry into this case. The parties were all about him, and yet, instead of examining the Coravers and witnesses at once, he examined one one day, one another, then some for one or two days, and so on, delaying the case to such an extent that it was taken out of his hands.

4. These facts remain, whatever the issue of the trial might have been; but the evidence, in the opinion of the Session Judge, shows the guilt of the prisoners, and a bold determination on the part of the Sub-Magistrate of Sattoor to screen, and an acquiescence on that of the Sub-Magistrate of Virdooputty in screening, the offenders from the consequence of their acts. As to the Inspector he has resigned. It is no use referring to him, beyond recording the opinion that he is utterly unfit for any future employment in the Police, or in any other public employment requiring honest independence of character or ability.

(True Extract)

(Signed) F. S. CHILD,
*Session Judge.*

*To the Superintendent of Police, Tinnevelly.*



*Proceedings of the Session Court of Tinnevelly, dated the 25th November* 1865, *No.* 525.

The Session Judge directs that the Superintendent of Police will explain how he took upon himself to write the two orders to the Sub-Magistrate of Sattoor, of which a translation is enclosed, and which form part of the record in Case No. 101 of 1865.

2. The Superintendent of Police will also call upon his Assistant also to explain on what authority he wrote an order to the Sub-Magistrate, dated 13th September, of which a translation is enclosed, and forward his explanation.

(True Extract)

(Signed) F. S. CHILD,
*Session Judge.*

*To the Superintendent of Police, Tinnevelly.*

*Order to the Sub-Magistrate of Sattoor Taluq, dated 14th September* 1866.

You say that the case of the murder which was committed in the village of Munnarcottah in the above Taluq is false, and the reasons assigned by you for having, in consequence, admitted Sivanandy Pillay, the Deputy Constable of Yettiannaickenputty, who was concerned in the above case, to bail, are not at all satisfactory. As I will come there as soon as practicable, to investigate the said case, you should not release the above Deputy Constable Sivanandy. From what was mentioned by the prosecutor, &c., in the above case, it appears that the said case is true. Mind this.

(Signed) C. A. PORTEOUS, Lieut.
*Superintendent of Police.*

(True Translation).

(Signed) F. S. CHILD,
*Session Judge.*

Miscellaneous No. 124.

*Order to Soobroyapillay, Sub-Magistrate of Sattoor Taluq.*

It is become known that the Sub-Magistrate of Virdooputty, learning from the Village Moonsiff's report that a corpse was lying at Bommayapoorum, situated within the range of the Sub-station at Yettianaickenputty, brought the circumstance to the notice of the Inspector of Virdooputty; that he (Inspector) afterwards proceeded to the spot where the corpse was lying; and, that as it transpired in the inquiries made by him, that six Coravers came; that the Deputy Constable and Constables, &c., at Yettianaickenputty jointly beat them; that one Coraver died; and that he is the person now lying dead—the Inspector has made out a charge against the Deputy and other Constables.

Why should it occur that the Deputy Constable and others have beaten the Coraver who is now lying dead, and thereby caused his death, in the absence of any cause for so doing? Did the said Coraver die from having been seized and beaten by the Deputy Constable, &c., or the Coravers beating one another, and thereby causing the death of one of them? Are they now charging the Deputy Constable, &c., with it, in view to excuse themselves?

If the Deputy Constable, &c., had beaten him, and thereby caused his death, there must be some cause for their doing so. If the Deputy Constable, &c., had beaten him with a baton and sticks, and thereby caused his death, why should there be only one slight wound on his head, without any other wound on his body? Why should the Deputy Constable go to Bommayapoorum? If he did go there, and kill the said Coraver, the said Coravers might have immediately reported the circumstance either to the Village Moonsiff or in the said village; but, on the contrary, it was on the arrival of the Sub-Magistrate and Inspector at the spot where the dead body in question was lying, that the said Coravers accused the Deputy Constable of having committed the crime. If the Deputy Constable, &c., had committed the murder, how werethey individually armed?

Where, and by what particular weapon, was the murder committed? The Sub-Magistrate should report the above particulars together with his opinion. The first report of the Inspector in this case of the dead body in question contains no particulars.

The 2nd report is utterly useless.

Therefore, at your sight of this order, write an answer in detail. You should very quickly send by express to the Assistant Superintendent gentleman at Courtallum. As I am going on circuit from Courtallum, send to the address of the Assistant Superintendent gentleman.

(Signed) C. A. PORTEOUS, Lieut.
*2nd September* 1865. *Supt. of Police, Tinnevelly District.*

The Sub-Magistrate should report the date and hour at which he may receive this order.

No. 5.

*Order to Soobroyapillay, Sub-Magistrate of Sattoor Taluq.*

It is not known whether the murder case, now under investigation, is entirely false, or true. In your last Urzee you have stated that the crime, laid to the charge of the Deputy, has not been proved against him. What has since been done in the above case? Are there circumstances to warrant the probability of crime being brought home to proof? As it is necessary for me to know the above particulars, send an answer immediately by express. Besides writing everything as it occurred in the said case from the beginning to the end, let me know your opinion thereon. Send by express.

COURTALLUM, (Signed) W. H. HODGES, Lieut.
13*th September* 1865. *Assistant Superintendent of Police.*

From Lieut. C. A. PORTEOUS, Superintendent of Police, Tinnevelly District, to the Session Judge of Tinnevelly; dated 27th November 1865, No. 436.

With reference to the Proceedings of the Session Court of Tinnevelly, dated 25th instant, I have the honor to inform you that, ever since my first appointment to the Police, I have been in the habit of communicating directly with Sub-Magistrates, and, when doing, so have always addressed them by *Takeeds*. No exception has hitherto been taken to this course.

2. When crime occurs I continually write to Sub-Magistrates (in Takeed form) for their opinion regarding such, to ascertain whether my Inspectors &c., have acted rightly, and whether the case be true or not. In this case in question, I had additional reasons for applying to the Sub-Magistrate for information, as the report received from the Inspector was such a very meagre one, that it showed his inquiry must have been very superficial, and knowing him, and having reported him to the Inspector General of Police for utter inefficiency, I was not prepared to place much reliance on any further report received from him.

3. The second Takeed which I wrote to the Sub-Magistrate was to inform him that from the story made by the prosecutors who had come down here to me to complain, I did not consider his reasons for releasing the Deputy Constable to be proper, and that I, therefore, intended to visit the scene of crime, and inquire further into the case; and it was because I believed the Sub-Magistrate to have acted improperly, that I asked the Head Assistant Magistrate to be good enough to accompany me to the scene of crime, and take up the case himself.

4. The Assistant Superintendent of Police addressed the Sub-Magistrate on the same grounds that I did.

No. 115. From R. K. PUCKLE, Esq., Magistrate of Tinnevelly, to the Chief Secretary to Government, Fort Saint George; dated Tinnevelly, 23rd February 1867, No. 74.

In reply to the Proceedings of Government, No. 227, dated 13th instant, I have the honor to inform you that I have not yet received the orders of the Board of Revenue on the letter referred to in the above Proceedings.



No. 116. ORDER THEREON, 10th May 1867, No. 761.

On the 3rd December 1866, the Session Judge of Tinnevelly submitted to Government copies of certain Proceedings of the Session Court, together with the Magistrate's replies, relative to the conduct of the Sub-Magistrate of Tenkarai and the Police of the District, in a case of house-breaking which occurred at Streevygoondum in May 1865. In one of these Proceedings, dated the 19th November 1866, the Session Judge recommended the dismissal of the Sub-Magistrate of Tenkarai; strongly animadverted upon the interference of the Superintendent of Police of Tinnevelly, and his Subordinates, with the authority of the Sub-Magistrates; and attached some blame to the then Acting Head Assistant Magistrate, Mr. Storr, and to the Deputy Magistrates, Mr. W. Underwood and Ramiah, who were at the time in charge of the Taluq when the irregularaties adverted to occurred. In the Proceedings in question, the Session Judge alluded to certain orders issued by the Superintendent of Police, and his Assistant, to a Sub-Magistrate, in connection with a case of torture.

2. The Government referred these Proceedings and letters to the Inspector General of Police, and, with reference to a marginal note to paragraph 8 of the Magistrate's letter to the Session Judge, dated the 22nd September 1866, requested Mr. Robinson to explain the grounds on which Police Inspector Graham had been allowed to resign his appointment in the Police, if it was known at the time that he was liable to punishment. The attention of the Magistrates of the several Districts, and of the Inspector General of Police, was also specially drawn to the remarks contained in paragraphs 2 to 5 of the Proceedings of the Session Court above referred to; and they were called upon to report whether the subordinate grades of the Magistracy generally entertained correct notions regarding their positions relatively to the Police, and whether the latter were in any way permitted to overstep the bounds of their legitimate functions. The replies to these last mentioned requisitions have not all been received, but it may be mentioned here that the tenor of most of those which have reached the Government is to the effect that the state of things described by Mr. Child does not obtain in other Districts.

Order, dated 23rd January 1867, No. 147.

3. The Inspector General of Police, in his letter recorded at the head of these Proceedings, has submitted a report made by the Deputy Inspector General of Police, Southern Range, on the conduct of the Police in Tinnevelly, in the Streevygoondum case, and in the torture case above alluded to, together with his own remarks.

4. The Governor in Council has given these papers his careful consideration, and considers the explanation which is afforded in them to be satisfactory.

5. In the Streevygoondum case there was, doubtless, gross misconduct on the part both of the Sub-Magistrate and of the Police, but the misconduct of the former was fully as bad, if not worse, than that of the latter; and, as remarked by the Magistrate and Inspector General of Police, the Sub-Magistrate was the first to offer inducement to the subsequent intrigues of the Subordinate Police Officers, who have been convicted and punished by the Session Court. The Sub-Magistrate has absconded, so that nothing further remains to be done in the matter.

6. The shortcomings of the Police, animadverted upon by the Session Judge in the Proceedings specified in the enclosure No. 3 of the Inspector General's letter, are many of them trivial omissions and mistakes, such as (however much they are to be regretted) must occasionally occur in all Districts. In the Sattoor torture case the style of Lieutenant Porteous' Takeeds to the Sub-Magistrate was certainly objectionable, but this the Inspector General states has been corrected. There must, of course, be free correspondence between the Magistracy and the Police, but the latter should carefully abstain from anything which may convey an impression of ordering or over-riding the former.

7. The conduct of Lieutenant Porteous, however, in the Sattoor torture case, was highly meritorious. When the two Sub-Magistrates grievously failed in their duty, Lieutenant Porteous, in concert with the Head Assistant Magistrate, took prompt and effective measures, and brought the offenders to justice. The Governor in Council sees reason to think that, on the whole, the Police in Tinnevelly do not deserve the indiscriminate censure bestowed upon them by Mr. Child on several occasions, and that the Force is in an increasing state of efficiency. It must be remembered that Tinnevelly is one of the most difficult districts under the supervision of the Inspector General.

8. It is observed that Inspector Graham, of the Tinnevelly Police, resigned the Service two months prior to the trial of the case alluded to.

(True Extract).

*Chief Secretary.*

To the Inspector General of Police.
,, Session Judge of Tinnevelly.
,, Magistrate of Tinnevelly.

Exd. J. H. Burns.

Jud. Departt. 14

Nos. 421 & 423.

From the Magistrate of Tinnevelly d/23d Feby/67
From the Inspector Genl. of Police d/26th do.

For orders.

I have gone carefully through all these papers and the explanation which they afford seems to me satisfactory—

As regards the Sheevigoonthu case doubtless there was gross misconduct on the part both of the Sub Magistrate & of the Police, but the former was to the full as bad as the latter and indeed as remarked by the Magistrate & Inspector Genl. of Police was the first to offend & give opening and inducement to the subsequent villainy of the Police Officers. These last have been convicted and duly punished by the Session Court. The Sub Magis. has absconded

so that in this particular instance nothing
remains to be done - Cases such as these
I am much to be expected must occa-
-sionally occur in all Districts -

Enclosure No 3 - The shortcomings
animadverted upon by the S Judge are
many of them trivial - omissions &
mistakes such as must be expected to
occur occasionally - There is evidently
no small desire on the part of the
Chief to be down on the Police when-
-ever he has a chance -

Enclosure No 4 the Saton case - The
[illegible] of Sunil Port ons Tikers to the
Sub Magistrate was certainly objec-
-tionable but this as I learn from
Mr Robinson has been corrected -
There must of course be free corres-
-pondence between the Magistracy &
the Police - but the latter should careful
abstain from any thing which may

seem to savour of ordering or overriding
the former. I am not clear that a Tikard
with [illegible] is a proper mode
of communication - a memo or letter
appears preferable and it should be
in English when the Sub Mag. addres-
-sed understands that language as is
[illegible]
[illegible] proper [illegible] [illegible] which is
[illegible]
for 23 Jan. Last D No 14
[illegible] third paragraph of Sunil Port [illegible]
-ed to the Sator [illegible]
[illegible] items, the two Sub Mag-
-istrates present failed in their
[illegible] contempt [illegible]
the Ch Mag would perform [illegible]
much felt [illegible]
the offenders to punish [illegible]

On the whole the Chief's denuncia-
-tions of

the Tinnevelly Police seem to be much unappreciated. I do not doubt that it is in a fair state of efficiency. altho' Tinnevelly is certainly one of the most difficult districts under the Inspector General.

14/3/67 J.P.

I concur in the view taken of this matter by the I. G. of Police. — It seems to me however, that Govt. should not pass over without notice, the short comings of the Deputy Magistrate Mr. Underwood, whose proceedings are seriously & properly impugned by the Dy. I. Genl. Major Hearn — See Enclosure 2. — Indeed, almost all the errors of omission and commission brought forward by the Session Judge wh. are noted and answered in Enclos: 3, have arisen in cases committed by Mr. Underwood, ~~and~~ ~~Thus~~ therefore, as committing Magistrate, well acquainted with his duty, he might have noticed, inspected or remedied. — I doubt whether a Govt. censure would suffice and consider that it wd. have a good effect on the Sub-Magistracy generally if Mr. U — were directed to appear for examination at the next Half Yearly Examn. in the judicial papers at the next Half Yearly Exam. fixed for the 21 June. Should he not pass I would degrade him one step. If he has already been up & passed this Examn. I would still order him to appear at the Examn.

WDl

16 43

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Inspector General of Police.

(Here enter 26 Feby/67 No. 388.)
From the Magte. of Tinnevelly — 23 do. 74
Order thereon 10 May 1867 No. 761.

On the 3rd December 1866, the Session Judge of Tinnevelly submitted to Government copies of certain Proceedings of the Sessions Court together with the Magistrate's replies, relative to the conduct of the Sub Magistrate of Tenkarai and the Police of the District, in a case of house-breaking which occurred at Streevi-:guntum in Ma[illegible]

W N

WDl

In one of these Proceedings dated the 15th November 1866, the Sessions Judge recommended the dismissal of the Sub Magistrate of Tenkarai, strongly animadverted upon the interference of the Superintendents of Police of Tinnevelly and his subordinates with the authority of the Sub Magistrates, and attached some blame to the then acting Head Assistant Magistrate, Mr. Storr, and to the Deputy Magistrates Mr. W. Underwood and Ramiah who were at the time in charge of the Taluq when the irregularities

Order dated 23rd January 1867
No. 147.



irregularities adverted to occurred. In the proceedings in question the Sessions Judge alluded to certain orders issued by the Superintendent of Police and his Assistant to a Sub Magistrate in connection with a case of torture.

2 The Government referred these Proceedings and letters to the Inspector General of Police and with reference to a marginal note to paragraph 8 of the Magistrates letter to the Sessions Judge dated the 22nd September 1866 requested Mr Robinson to explain the grounds on which Police Inspector Graham had been allowed to resign his

in the Police if it was known at the time that he was liable to punishment. The attention of the Magistrates of the several Districts and of the Inspector General of Police was also specially drawn to the remarks contained in paragraphs 2 to 5 of the Proceedings of the Supreme Court above referred to. and they were called upon to report whether the subordinate grades of the Magistracy generally entertained correct notions regarding their positions relatively to the Police



were in any way permitted to overstep the bounds of their legitimate functions. In replies to these last mentioned requisitions have not all been received but it may be mentioned here that the tenor of most of those which have reached the Government is to the effect that the state of things described by Mr. Child does not obtain in other districts.

3 The Inspector General of Police in his letter recorded at the head of these Proceedings has submitted a report made by the Superintendent

Inspector of Police
Southern Range on the
conduct of the Police in
Tinnevelly, on the Strat-
-agem case, and on
the Torture case above
alluded to, together with
his own remarks.

4 The Governor in Council
has given these papers his
careful consideration, and
considers the explanation
which is afforded in them
to be satisfactory.

5 In the Stratagem
case there was
doubtless gross misconduct
on the part both of
the Sub Magistrate
and of the Police, but
the misconduct of the



former was fully as bad
if not worse, than that
of the latter, and as re-
-marked by the Magistrate
and Inspector General
of Police, the Sub Magis-
-trate was the first
to offer inducement
to the subsequent in-
-trigues of the subor-
-dinate Police officers
who have been convicted
and punished by the
Sessions Court. The Sub
Magistrate has absond-
-ed, so that nothing
further remains to be
done in the matter.

6. The shortcomings
of the Police animadver-
-ted upon by the Sessions
Judge in the proceedings
specified in the enclosure

No 3 of the Inspector General's letter, are many of them trivial omissions and mistakes such as however much they are to be regretted must occasionally occur in all Districts. In the Latoor Torture case the style of Lieutenant Porteous' Letters to the Sub Magistrate was certainly objectionable, but this the Inspector General states has been Corrected. There must of course be free correspondence between the Magistracy and the Police, but the latter should carefully abstain from anything which may convey an impression



impression of ordering or overriding the former.

7. The conduct of Lieutenant Porteous, however, in the Latoor Torture case, was highly meritorious. When the two Sub Magistrates grievously failed in their duty, Lieutenant Porteous in concert with the Head Assistant Magistrate took prompt and effective measures and brought the offenders to justice. The Governor in Council sees reason to think that on the whole the Police in Limerick do not deserve the indiscriminate censure bestowed upon them by Mr ~~of Efficiency, although~~ child on several occasions, and that the force is in an increasing state of efficiency. It requires

be remembered that Tinnevelly is one of the most difficult districts under the supervision of the Inspector General.

8. It is observed that Inspector Graham of the Tinnevelly Police resigned the service two months prior to the trial of the case alluded to.

G M.

To

The Inspector Genl. of Police
" & Sessions Judge of Tinnevelly
" Magte. of Do.

Mr Underwood has passed all the examinations that Dep. Magistrates of his standing are required to pass and I would not subject him to any more. I am afraid that he is not a very efficient officer but his shortcomings were not such as ought to be thought to have proceeded from ignorance of his duty or of the law but from want of energy & business like habits generally. He has already been removed from Tinnevelly to an

Memo

From Inspr. General to Chief Sec 26 Feb 1867

This letter relates to the conduct of the Police &c in Tinnevelly.

The Hon: Mr Phillips suggests that Mr Underwood should be directed to appear for examination in judicial papers at the next half yearly examination of Assistants (whether he has already passed it or not) & be degraded a step in case of failure.

Mr Underwood passed the "Vernacular" & "Business" examination prescribed in Ex Min Cons 6th Ap 1857 No 477 in June 1859.

The "business" ... papers on

- Magisterial subjects, the Law of Evidence, & a Viva Voce examination in Accounts & the Hookumnamah of the district, being part of the First (or easier) Standard wh. Assistant Collectors have to attain.

If Mr. Underwood is to be examined again it must be decided whether he is to pass according to the First or Second Standard of the Assistants' Examination or the Criminal Law Test, which is the corresponding part of the Special Test examination now prescribed for Deputy Collectors.

J. S.

District & I would let him be. JP

II. A: Judicial Test - Criminal
Higher Grade

Norton's Law of Evidence
Mayne's Indian Penal Code
Code of Criminal Procedure
Criminal Rules of Practice

Judicial 1867. Department.

No. 2/64.

Proceedings of Government.

Dated. ~~9~~ 10th May 1867.

114 c 116