Sectt. I (i)-I—10,000—7-10-70.

(1) Number of pages 6
(2) Date of repair 28-6-73
(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Confdl

Judicial DEPARTMENT

G.O. No. 752
~~B.P. No.~~

~~Press~~
Mis.

Confidential

Dated 24-3-1894 197

Not to be folded or roughly handled

Confidential

No. 205 M.

MALABAR Dist. Magistrate's Office

Calicut, [illegible] 1894.

1393

H. Bradley Esquire

Ag District Magistrate of MALABAR

To

The Chief Secretary to Government

Judicial Department

Madras.

Sir

With reference to G.O. dated March 7, 1894, No. 568, I have, the honor to report that the accused in the Tirurangadi murder Case was yesterday acquitted by the Sessions Court on the ground of insanity. I will forward a copy of the judgment when received.

2. Neither the Tahsildar nor the Special Assistant Magistrate has succeeded so far in obtaining any evidence to show that any other person was connected with the murder. A variety of anonymous letters have been received by myself, the Superintendent of Police, and the Special Assistant Magistrate. Unfortunately there is ill-feeling between two leading Moplahs at Tirurangadi and the names of the principal adherents

of

[illegible] or [illegible] individuals occur in every [illegible] against the [illegible] [illegible] case also [illegible] these [illegible] I do not see [illegible] reason to believe that there is the least foundation for them. [illegible] as he is a Mahomedan it is [illegible] that the Moplahs imagine that he will side with them against Hindus and are consequently more overbearing than usual and as he has been at Tirurangadi for a long time, I propose to transfer him and replace him by a Hindu.

I have the honor to be
Sir
Your most obedient Servant
Herbert Bradley
Ag. District Magistrate

[illegible]cial Department
1393

15 MAR 1894

Order: 24 "Mem" 1894, No 752
21/3/94

Recorded
19/3/94

FROM
THE ~~COLLECTOR~~ DISTRICT MAGISTRATE OF MALABAR

TO
The Chief Secretary to Government
Judicial Dept
Madras

D.M., Malabar (Pol) Dept [illegible]

Dated 13
Despatched 13
Received 15
March 1894.

No. 205 M/8

Enclosure,

Subject

Report that the accused in the Tirurangadi murder case was acquitted by the Sessions Court.

E 19/3

[G/11.]
1,500—27-2-

ORDINARY, MS.

Judicial DEPARTMENT.

G.O., DATED 24-3-94.

No. 752.

When given for copying.

[Despatch Abstract.]

Recording further report from the District Magistrate, Malabar, on the Tirurangadi murder case.

[G/14]

Confidential No. 47
1894

Judicial ~~Political~~ DEPARTMENT.

G.O., DATED 16th April/94

No. 915

Series. Ms

INDEXED.

Confidential.

CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

First copy sent to Press.

Returned for signature.

Despatched

[Despatch Abstract.]

Informing the Resident, Travancore & Cochin, that for the reasons assigned there is no need to take action regarding the large consignments of gun caps imported into the former State.

Back Paper, No. 8024 B of 1894

Read again Order of Government, dated
18 , No.

Further Paper, No. 3283 of 1894
1856
30-7-94

Enclosures.

Spare copies.

Struck .. .. ..
Issued .. .. ..

Current No.

Statement with ditto.

Total ..

In Stock ..

Order, &c., of Government—A.

Papers kept out of File for despatch in original
(not paged).

Number of copies required.
Order complete.
Letter only.
Order complete with Letter.

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

1503

Regrs No 2280. Confidential

Resident's Office, on Circuit
Cochin, 17th March 1894

No.

From
H. B. Grigg Esquire M.A. C.I.E.
Resident in Travancore and Cochin,

To
The Honorable Mr J. F. Price C.S.I.
Chief Secretary to Government,
Fort St. George

Sir,

With reference to Order No. 1795 of 4th September 1893, Judicial Department, I have the honor to report as follows.

1. From information received from the Superintendent of Police, Travancore, it seems that the caps sold by Haji Fakir Kadir Moideen Rowther are purchased by the Shikarees of Nedumangad, Neyattunkarai, Shirayinkil and the neighbouring taluks and that they are also transmitted to Shencottah Thiruvancode and other places in the vicinity while a large quantity is sold in the town of Trevandrum.

2. The Superintendent of Police, Travancore, also informed me in November 1893 that he believed that this man had not taken out a

fresh license; in Trevandrum this aroused my suspicion and I asked the Dewan to send me a list of licensed dealers in Travancore. I found the name of Haji Rowthen licensed dealer - Alleppey - but not Trevandrum - in this list. I referred the matter to the Dewan who replied - after enquiry that "there were good grounds to believe that Haji Rowthen has been dealing in caps without a license in Trevandrum" and that he on this refused to allow any further consignments to Rowthen's address to pass. The Town Magistrate is now pursuing his enquiry into the conduct of Haji Rowthen in selling caps without a license with a view to his prosecution and the case is still pending.

3. I have also recently learnt from the Collector of Tinnevelly that Haji Rowthen is a native of Patai, a town near Tinnevelly, that his chief place of business is in the Chalai Bazar, Trevandrum, and that he also owns a go-down for trade purposes in Alleppey.

Mr. Forbes also states that he has a Stationery and glass Shop in Tinnevelly but that arms and ammunition are not sold there. This latter Shop is looked after by his agent. He resides chiefly in Trevandrum visiting Tinnevelly occasionally and has agents in England viz. Messrs. Times and Co. He further mentions that he carries on a very large trade in Caps and ammunition in Trevandrum, about 80 lacs of caps a year, and a proportionate quantity of ammunition which are sold chiefly to the people on the hills. The following tradesmen are supplied by him.

Haji Omar Rowthen	Alleppey
Sultan Pillai	Do
Thosaymiran Pillai	Do
Shodalamoothu Pillai	Quilon
Elias Emadai (Jew)	Do.

Mr. Forbes' information regarding his position in Travancore is generally correct except that there is nothing to show that his transactions in

Trevandrum are so large as the Tinnevelly rumours indicate.

4. With regard to the destination of the 8 lakhs referred to in the above order I find that on the 5th May 1893 Hagi Rowthen applied to me for permission to import from Madras to Trevandrum via Tinnevelly 10 lakhs of Caps. I granted permission for 8 lakhs for which the Madras Government granted a license in the order referred to above. Hagi Rowthen again applied on the 15th August to me for permission to import 10 lakhs of Caps from Bombay. I granted a permit for 4 lakhs on 7th September. On 29th September Hagi Rowthen requested that the permission for 4 lakhs from Bombay might be cancelled and that a permit for the same quantity from Madras granted. I complied with his request on the 4th October and a license for the same was granted by the Madras Government on the 17th November 1893.

G.O. 2388/17-11-93

On the license granted by the Madras Government on the 4th Septr? October for 8 lakhs Hagi Rowthen imported according to his own statement which is

G.O. 1795/4-9-93

also borne out by the report of the Dewan and the Collector of Tinnevelly 201,000 Caps and the permit for the whole quantity was handed over to the Toll Superintendent who was under the impression that the whole 8 lakhs had been passed through, Hagi Rowthen's men having omitted to explain matters. Hagi Rowthen then on the 28th November applied to me for a fresh permit to import the balance 599,000 Caps out of the quantity originally specified. I granted permission for 399,000 only on 14th December 1893 as a permit for 8 lakhs had not been utilized to full extent, (and although a permit for 4 lakhs had since been given) and instructed Rowthen to apply to the Dewan and Madras Government for fresh permission, but no license was ever granted to him for the above on account of the Dewan's enquiry into his dealings. I would add that the consignment of 4 lakhs licensed by Government on the 7th November 1893 was not allowed to pass by the Dewan on account of his suspicion regarding Haji Rowther's dealings.

5. Thus it appears that of the 12 lakhs for which licenses were granted to him, only 201,000 Caps were passed into Travancore.

6. I am submitting a further report regarding the importation of Caps into Travancore which has had my attention lately.

I have the honor to be
Sir
Your most obedt Servant

L

Resident

1503

1894.

Judicial ~~Political~~ Department.

From
The Resident in Travancore and Cochin.

To
The Chief Secretary to Government,
Fort St. George.

Dated 17th March 1894
Received 21 " "
Reg. C. No. 2280
Enclosure. None

UNDER SECRETARY
24 MAR 94
PUBLIC ETC. DEPTS.

Reporting on the importation of Caps by Haji Fakir Kadir Moideen Rowther.

Copy

Tinnevelly
7/2/94

Confidential

My dear Griff

Of the Messrs Turner of Leadenhall Street.

They are agents of Haji Fakir Kadir Moideen Rowther, who is a native of Pettai a town adjoining Tinnevelly. He is a man of wealth & is a licensed seller of arms & ammunition in Travancore. He has no partner. His chief place of business is in the Sola* Bazaar Trevandrum: & he owns there a godown for trade purposes in all cutlery where he also sells ammunition. He has a shop in Tinnevelly town but in which stationery & glass are sold not arms & ammunition. This is looked after by his agent Muhammad

*Chalay

UNDER SECRETARY 23 MAR 94 PUBLIC ETC. DEPTS.

Mia Rowther

Kadir Moidin resides chiefly in Trevandrum, visiting Tinnevelly only occasionally. His chief agents in England are Messrs Turner & Co.

The information here is that he carries on a very large trade in caps & ammn in Trevandrum — about 80 lakhs of caps a year, & proportionate quantity of powder, which are sold chiefly to the people on the hills.

The following tradesmen are supplied by him

Haji Omar Rowther Alleppey
Sultan Pillai "
Thoraymeeran Pillai "
Edalamuthu Pillai Quilon
Elias Jawadoo (a Jew) "

I am also told that Kadir obtained a license recently from the Madras Govt to purchase a quantity of

---

Confidential

The Residency

caps to be imported into Trevandrum via Tinnevelly. Failing to obtain the whole quantity covered by the license he carried what quantity he had through Tinnevelly. At Arambooli the Toll Supt was handed the permit which was for the whole quantity instead of the amount actually in ~~transport~~ transit. The Toll Supt countersigned it without counting the number, thinking the entire quantity was being carried; Kadir's men having omitted to explain matters. Subsequently when Kadir attempted to carry through the deficient complement allowed by the original permit & again presented the permit the Toll Supt declined to let it through, believing there was an attempt to

Smuggle. This I am informed has led to some enquiry

Yours sincerely

Sd G. S. Forbes

True copy

Sd J. Andrews Capt
as Asst Resdt

Confidential

No 74

The Residency
Bolghatty
Cochin
21st March/94

From
H. B. Grigg Esq M.A. C.I.E.
Resident in Travancore & Cochin

To
The Chief Secretary to
The Govt of Madras

Sir

In continuation of my letter Refa on C No 2280 of the 9th instant I have the honor to report as follows the result of my enquiries regarding the importation of caps into Travancore.

2. My attention was called to the matter by the following circumstances. I have observed that large quantities of caps have been applied for by H. Rowther & other merchants in /92 & that the late Resident in consultation with the Dewan had restricted him to the importation of a fixed amount for that year. On the 30th June/92

Frances Times & Co Tinnevelly telegraphed to the Dewan of Travancore that 6 cases (30 lakhs) of caps consigned to their address by their London agent had been landed by mistake at Alleppey & requested permission to send them to Andrew & Co for reshipment to Bombay, their original destination. These caps were of French manufacture. The Dewan referred the matter to the Commercial Agent Alleppey who reported that the cases were apparently consigned to Haji Rowther, a licensed merchant of Alleppey, as the marks on the cases were similar to those previously consigned to him, & that the affair looked suspicious, especially as Frances Times & Co were Rowther's agents. (This firm's address is Leadenhall Street. I would suggest that enquiries (might) be made regarding the firm through the Secretary of State, as the name is curious.). The Dewan reported this to the late Resident who enquired from the Supt. of Police Tinnevelly who stated in reply that the 6 cases of percussion caps were intended for Bombay but had been shipped to Alleppey by mistake & 16 cases of candles & a case of false pearls & beads intended for Alleppey had been sent to Bombay. On this the late Resident granted permission to tranship the cases to Bombay in his letter of the 1st August /92.

3 On the 20th February /93, over a year later, Frances Times & Co applied to me for permission to export the 6 cases above referred to via Aramboly to Madras, as the weather had been unfavorable for transhipping them to Bombay. I declined to give this permission as the whole affair seemed to me to be suspicious. I also made enquiries from the Dewan which led to restrictions being placed on the number of caps allowed to be imported by merchants.

4 7 8 I have ascertained that the amount of caps imported into Malabar during /93 was just under

3. Catches, and that the number of caps sanctioned for import into Travancore was 2,480,500, though owing mainly to the Enquiries made with regard to H. Rowther, the actual amount imported was only about 4,32500. The large quantity sanctioned was also due to persons obtaining permits only importing portions of the quantity sanctioned during the period of the sanction, a course which involved the issue of fresh sanction.

5 According to the Madras Presidency Administration Report 92-93, the number of licenses issued for arms during /93 was 10,269 which we may assume as representing approximately the number of guns in Malabar in /93. In my letter of the 3rd October /93 I computed the number of guns in Travancore to be about 6210. This was on the calculation which I at the time remarked was a very liberal one, of 100 caps to each gun annually

page 2 of 80 ; POL 804-5 / 24-11-93

and I also stated that I believed this estimate to be much below the real number. I have since conversed with the Superintendent of Police Travancore on the subject and he gave me his opinion that the number of guns in Travancore was about 2 per cent of the population. I should however consider that about half this number would be nearer the mark.

6 The population of Travancore is approximately 2,500,000. On the 2 per cent calculation we get 50,000 guns and on the 1 per cent calculation 25,000 guns in Travancore. Thus on the 1 per cent calculation, taking the number of caps sanctioned for import to Travancore during the year /93 (2,480,500) we get approximately a requirement of 90 caps per gun, & on the

2 Patcha and that the number of

has been no restriction on the manufacture of arms in Travancore & there is no reason to suppose that the manufacturers did not find a market in British territory. It certainly seems to me that the number of caps which would have been imported into Travancore but for the circumstances detailed above is unduly large & out of all proportion to the requirements of the country, and I am strongly of opinion that a trade in caps has been growing up with British territory of a very suspicious character, and that the destination of this trade may be Native States in the Deckhan, or in Northern India.

The use of maritime states for such a trade was what the Government especially drew

attention to in their letter recorded in G.O. of 11th Decr 1879 No 3154, Judicial.

It is curious also that the man who is developing this trade lives in British territory & that in that territory he trades as the agent of a London Firm & does not profess to sell ammunition

8 I would notice also that I have lately received an application to import 5,000 flints which may be the result of the restrictions imposed above referred to, to meet local requirements as the inhabitants find it difficult to procure caps in consequence of the demand from British territory. The Superintendent of Police Travancore, informs me that flint-guns

2

have almost disappeared from the country and are only found in very out of the way places.

I have the honour to be,
Sir
Your most obedient Servant
H. B. Grigg
Resident in Travancore
& Cochin

Judicial Dept

From

The Resident in Travancore

No. 74

Rf: 21 } March 94
Rf 23

Encl One

Report on the importation of caps into Travancore.

Note

All the previous GOs are put up for the Arms Act reform.

250—12-12-93.

Judl DEPARTMENT.

No. $\frac{1503}{17.3.94}$ & $\frac{1518}{21.3.94}$

Rest. in T. & C.

189

From

Dated

I must confess that I don't follow Mr. Griggs— Because permits are applied for for large numbers of caps to pass from British territory into Travancore, he seems to think that there must be smuggling from Trav: into British territory. Why should anyone, having, ex hypothesi, the caps in Brit. territory already, apply for permits to carry them into Trav: merely in order to bring them back again? I don't understand the point at all.

I don't quite see the use of telling the DMs in question to keep a sharp lookout to prevent smuggling of arms & ammunition across the frontier into British territory — what agencies have they for the purpose? I don't know of any. Also, is the import by land of arms & ammunition forbidden or dutiable? I do not know—

HA
9/4/94

Note for H.M.

H.M. seems to be correct. There are probably no frontier agencies to enable Dt. Mags. to check smuggling into B. India. Clause 6 of the Agreement at p. 113 of the volumes put up renders the maintenance of such Agencies unnecessary.

Importation of arms & ammunition by land into B. India from T. & C. is not prohibited. Nor is it dutiable under the said [illegible] Clause 6.

Seen
HA
12/4

11 Ap.

FOR ORDERS.

Perhaps it will be sufficient if these letters are printed & communicated to the Dt. Mags. of Tinnevelly, Madura, Malabar & Coimbatore with instructions to keep a sharp look-out to prevent smuggling over the frontier into British territory.

But Mr. Griggs' arguments are not very conclusive for he admits that only 4,32,500 caps were as a fact imported in 1893 into Travancore & if there are 25,000 guns this means only about 17 caps per gun in the course of the year. It is probable that, owing to the restriction imposed on importing caps, the supply has not met the demand of the country itself & it may be that a number of ancient flint locks have been brought into use in the absence of caps for more modern weapons. This would ac for the demand for 5,00 flints & there is no rea to suppose that the

demand for flints is due to the unduly large Exportation of caps over the frontier into British India.
Indeed the theory that smuggling takes place at all seems rather chimerical for there is no ~~[illegible]~~ prohibition (the importation of) on caps into British India & no obvious reason why any one should go to the trouble & run the risk of smuggling.
The total number of caps imported into Travancore during the five years ending 31st Dec. 1892 seems to have been just about 4,669,000. This means 37 caps a year for each gun assuming that the number of guns is 25,000 only. This is by no means an excessive quantity.

5 Ap.
4/4/94

Importation of caps into Travancore

([illegible])

C.7/9
R.10/9

UNDER SECRE

Indl. DEPARTMENT.

[5]
48—21-12-93.

Papers to be read in Proceedings :—

Again G.O., dated 18 , No.
Again G.O., dated 18 , No.
Current No. 1503 of 1894, dated 17 Mar from the Resdt. in T. & C.

Current No. 1578 of 1894, dated 21 Mar from ditto.

HW
12/4/94

Order 14 April 94. No. 915. Misc.
The Govt. is unable to follo the Resident's arguments. It seems to think that there mu be smuggling from Travan into ~~[illegible]~~ British India because permits are appl for in view to the importat into Travancore from Britis India of large consignment of caps. But the Govt. is quite at a loss to understand why a dealer havin in his hands a consignme of caps within British In should Export them to Travancore for the mere purpose of re-importin them into British territor in a clandestine manner. Moreover, as the States Travancore & Cochin ha bound themselves by agre to levy the ~~[illegible]~~ British tariff in regard to forei goods, no advantage w accrue from import caps into ~~Alleppey~~ the Travancore & Cochin po & smuggling them over frontier into British

our [illegible] would have paid
[illegible]tly the same duty as if impor-
tation had taken place at a
British port.
~~[illegible]~~
~~[illegible]~~
~~[illegible]~~
~~[illegible]~~

Further, the Govt. doubts whether the quantity of caps imported into Travancore is in excess of the requirements of that State. The total number of caps imported into Travancore in the five years ending with the 31st Dec. 1892 seems to have been just about 4,669,000 &, even if there are only 25,000 guns in use in the State, the importations represent on the average only 37 caps *per annum* for each gun. This is in no way excessive. On the contrary, the recent demand for flints ~~indicates~~ suggests if anything that the supply of caps has been unduly restricted of late.

On the whole the Govt. considers that no action is called for.

(Fremoder)
11 Ap.

Note Rest. in I. & C.
(Show to the Political Dept.)
24/4

Importation of caps into Travancore

(Fremoder)

Confidential

Confidential

UNDER SECRETARY PUBLIC WORKS DEPT. 18 DEC 94

My dear Mr [illegible]
I sincerely hope that the proposed amendment of the Police Act (XXIV of 1859) will be carried in the current legislative season. It [illegible] urgent in need of [illegible] to enable [illegible] & A [illegible] processions [illegible] the Durung [illegible] issue year

[G/10]
500—16-1-94

CONFIDENTIAL No. 469

Judl DEPARTMENT.

From J. N. Atkinson Esq

No.

Dated 5 } Decr 94
Received 9 }
Regd 10
Enclosures

SUBJECT.

Trusts that the proposed amendment of the Police Act will be carried out during the current legislative season and gives an account of the last Dasara.

Hill

Submitted for perusal. [It] is not likely that the amendment of the Police Act will be carried out during the current legislative season.

M/10 Dec

11/12/94.

We must get on with it quickly as soon as India gives leave

13/12/94

Lodged

14/12

C. 12/12

Confidential

Cir. No 22

CURRENT NO. 3[illegible] 57

From
H. Le Fanu Esquire,
Collector of Nort. Arcot.

To
The Chief Secretary to
Government, Judicial Dept.,
Madras.

Sir,

With reference to para 3 of G.O., dated 6th December last, No 2555, Judicial, I have the honor to state that in my humble opinion the legislation proposed is most desirable and that the want of it has long been felt,

Especially

especially since the year 1882.

I have the honor to be
Sir
Your most obedt. Servt.

Stewart
Collector

W.R.
22.1

No. 341

THE COLLECTOR, Judicial

North Arcot.

CONFIDENTIAL No. 18.

To

THE Chief SECRETARY TO THE
~~COMMISSIONERS OF LAND REVENUE,~~
Govt Judicial Dept

CHIEF SECRETARY
23 JAN 94
GOVERNMENT

No. of enclosures. 1, Incl

Letter, dated 22nd Janry 1894

Recd 23 No. 43/2nd of 1894

SUBJECT,

Stating that the legislation proposed in G.O. No 2555, dated 6-12-93, is most desirable.

Confidential

No. 368.

4 Paps

No. 36

Madras. 24th January 1894.

From,

Ernest Barclay,
Government Solicitor,
Madras.

To,

The Chief Secretary to Government,
Madras.

Sir,

With reference to the Order of Government dated 6th December 1893 No. 2555 Judicial, I forward herewith, in original the Opinion of the Advocate General on the subject referred to him and return the papers sent to me.

Signed copy of G.O. 2555 / 6-12-93 returned but not the spare copy

I have the honor to be ,
Sir,
Your Obedient Servant,
Ernest Barclay
Government Solicitor.

G/10
500—16-1-94

CONFID

THE COLLECTOR,

347.

Judicial

2

CONFIDENTIAL. No. 23

From

The Government Solicitor.

No: 36.

D/. 24.
R/. 24
Recd 25 } Jany. 1893

Encls: Two i.c.
Opinion & signed
Copy of G.O. 2555
retd

Forwards the Advocate General's opinion in the matter of the proposed bill to amend Section 49 of Act XXIV of 1859.

Confidential

CHIEF SECRETARY
24 JAN 94

[In the ma… …tter of the proposed Bill to amen…
Section 49 of Act … XXIV of 1859.]

O… …pinion.

Copy

…t it is inexpedient to invest In-
…ith the extensive powers co… …erre…
1. I think tha… …prudent and beneficial exercise
spectors of Police … …quire more tact than I am …
by Section 49. The … the greater number of those officers
of such powers re… …ery grave responsibility will be
clined to credit th… whose social and official position
with possessing. V… …hegh to ensure the exercise by
thrown upon men … …rs with absolute impartiality,
is not sufficiently … …tion upon which perfect reliance
them of such powe…
and with a discre… …h 1 (1) of the Government order-
can be placed. … it is rightly stated that the
2. In paragrap… …cers of police" is vague, yet in
under consideration … that phrase is used. I think
term "superior offi… …reby conferred should be con-
paragraph 2 (4) … and Sub Divisional Magistrates
that the powers he… …ts.
fined to District … …t the proposed amendments are
and Superintendent… …t.
3. I think tha…
otherwise expedient…

J H Spring Branson
Advocate General

Madras
23rd January
1894.

the Minister … also for all …
of Disposal … …

Police is equally needed

Magistracy.

4. The reason of my officer

of Stn. is that you cannot

always be certain of the

presence of a higher off

There is only one Inspe

a taluq. This taluq

half a dozen big villages

Hindu & Mohamedan popu

in ~~of~~ the proportion which

riots. If there is friction

may be imminent in each

the same time. The Inspe

can be only in one, but

Station House Officer wd

be available for each one.

5. (b) I wd be almost

to make the licence

for the procession

the music, & also for all

of disguises, but

wd be held too drastic

(c) In (3)(iii) when two

to Penal
analogy of the Indian p
accuracy of the Penal Code

7. The punishment is too little
Rioters do not mind fine, it
is paid by subscription of the
Caste or sect. I wd. ma
the punishment
~~tt~~ at least Imprisonment
for three months,
either description ~~or~~ fine of 5
or both (analogy of § 186 I.

8. (d) As to (4) wd. it not be
advisable to leave out 'Na
This officer
Magte.' – ~~He~~ may be an Exe
of one years standing, or by
Native Magte. when symp
are by Caste, or otherwise
on one or other side of the
riot or faction – If either
if the order was that of
or an Asst. Supt. of Excise
wd. be better to have the
dealt with by the Dt. Magte.
Very little harm is likely
from the continuance of

11 Para

DC Inspt. ~~[illegible]~~ can be reached

these Inspr follow the fo

reversal of such an order.

9 The question whether the or

of an Inspector or lower o

should be altered by

Sub Inspt also needs con

Formerly I shd have said

the power shd certainly

vested in the local Inspr

Now that so many of the

Sub Insps are men of

experience I doubt it

Police Inspectors might be

much better judge of what

be done, than a man app

a Stationary Inspr or

son of a good educated

who was without experience

I have the honour

Sir Your obedt Servt

URRENT NO. 409

Judicial

ONFIDENTIAL No. 24

m Dt. Mgt.
Coimbatore

Chief Secy.
Madras.

Jany 1894.

CHIEF SECRETARY'S
26 JAN 4
GOVERNMENT

marks on the
mendment of § 49
the Police Act.

Confidential

Kistna District Magistrate's
Camp Guntur 29th January

From J. S. Atkinson Esq.,
District Magistrate, Kist

To The Chief Secretary to Govt.
Fort St George.

Sir,

I have the honour to reply to G.O., 6th December 1893, No 2555 Judicial, calling for my opinion on certain proposed amendments in s. 49 of Act XX of 1859. The G.O. reached me only on 27th January.

2. As to the necessity for an amendment of the section, my views are already before Government. I deal only with the adequacy of the prop set out in para 2 of the G.O.

3. I approve entirely of the first three proposed amendments. In the fourth in lieu of the words, "any superior officer of police" I would substitute "District

Confidential

Salem Collector's Office

1894

or Assistant Superintendent."

4. I take this opportunity of suggesting an amendment in section 16 of the same Act. It is not clear under the section whether it is incumbent on the Magistrate who appoints the special police to decide how long, and in what manner their employment is necessary, or whether the time and manner should be stated in the order of appointment. To throw this duty on the Magistrate will often be inconvenient. The officers of police are primarily responsible for the preservation of the peace, and if they are presumed to know when there is necessity for the employment of "specials", so must they also know how long the necessity exists, & in what way the special police should be employed. I suggest that the words "for such time and in such manner" be cut out of the section as it stands; & that a fresh sentence be added at the end, as follows:- "It shall be the duty of the Police officer on whose application the special police officers were appointed, to decide, subject to the order of the District Superintendent or Assistant Superintendent, for how long, and in what manner the special police officers shall be employed."

I have the honour to be,
Sir,
Your most obedient servant
J. H. Atkinson
District Magistrate

CURRENT NO 512.

Judicial

Confidential

CHIEF SECRETARY
31. JAN. 1894
GOVERNMENT OF MADRAS

From.

The District Magistrate

Kistna

CONFIDENTIAL No. 28

To.

The Chief Secretary to Government

Fort St. George.

Dated 29th January 1894.

Reporting on certain amendments proposed to be made in section 49 of Act XXIV of 1859; in accordance with G.O. 6th Dec. 1893. No 2555

Confidential

Salem Collector's Office,

No. 276/91 6th February 1894

From

G. STOKES Esq.,

Collr. & Dist. Magte. of Salem.

To

The Secretary to Government,

Judicial Department,

MADRA

SIR,

In reply to government order dated 6th December 1893 No 2555, I ha the honour to state as follows.

2. To the amendments proposed in clauses (1) and (2) para 2 of the government order, I see no objection. In connection wit (2) I would mention a case here. There is split in the Parish community and [illegible] necessary at a certain feast [illegible] licen

[illegible]

laying of the music by one individual. This

done by the District magistrate, but I have

ever been quite clear how. I have considered

yself to be acting under section 144 of the

de of Criminal Procedure. It is a matter

hich, I think, might and ought to be done

y the Police

In regard to clause (3) I would observe

at in this District, the opportunity of

rocessions is not now taken by Hindus or

Muhammadans to insult the feelings of

embers of other religions. Amongst the latter

wever at Moharram such processions are

en advantage of to insult those of their

mongst and every Moharram is marked

by some squabble amongst themselves, which the

attempt to avenge by singing abusive songs

objectionable caricatures. The disguise questi

is of course also sometimes troublesome, but no

to a marked degree. The difficulty in dea

with these matters, in my opinion, is that i

is but seldom possible for the authorities

to get complete or reliable information, as t

what is going to be done, beforehand, and

hence it is essential that the Police sh

be invested with powers to deal with such

matters, as are dealt with in the Superinten

report, on the spot. My experience does

suggest to me any cases not covered by the

amended section which it would be des

to include [illegible] ho[illegible] the

CURRENT NO. 707

~~Confidential~~ Judicial

CHIEF SECRETARY
-9. FEB. 1894
GOVERNMENT OF MADRAS

No 39

om
The Collector and Dt
Magistrate of
Salem

The Chief Secretary to Govt
Judicial Deptt
Madras

No 276/D
ated 6th February 1894
Recd 9-2-94

Subject

bmitting a report on the
em
dments proposed
vener
ng para 49 of Act ~~XXV~~

auses (1) and

No. 2330/Jour

17 Feb.

NELLORE COLLECTOR'S OFFICE
Dated 12th February 1894
Despd 13th February 1894

From C. D. Macleane, Esq.,
Collector and District Magistrate
of Nellore.

To the Chief Secretary to Government
Judicial Department
Madras

CONFIDENTIAL.

Sir,

I have the honor to reply to G.O. No 2555 dated 6th December 1893.

2. Under the fourth sub-head of the second paragraph of the G.O, for words "the "District Magistrate, the Sub Divisional "Magistrate", I would substitute the following words:— "The magistrate who stands prior in the following list present in the station, to wit:—

(a) District Magistrate
(b) Sub Divisional Magistrate
(c) Tahsildar Magistrate except in station where there is a stationary Sub Magistrate
(d) Any other Sub Magistrate having jurisdiction"

[Eng.'; 20-1-91.]

The cla

ll local Sub Magistrates in Mofussil stations of the authority which they at present nd owing to the reading hitherto given the last sentence of Section 49 exercise. I do ot know whether this is intended, but I hould myself give my opinion against it

I do not find any other suggestion to make.

I have the honor to be
Sir
Your most obedient Servant

District Magistrate

To The Chief Secretary to Government
Judicial Department
Madras

Judicial Dy.

From the District Magistrate

of Nellore,

To The Chief Secretary to Government Judicial Department Madras

CONFIDENTIAL No 48

Dated 12th February 1894

Recd.
No. 2330
Tour

CHIEF SECRETARY
15 FEB. 1894
GOVERNMENT OF MADRAS

Subject.

Submitting reply to G.O. about amending Section 49 of act XXIV of 1859.

Press

Put in type in the order in which the papers are arranged please. Show two proofs.

NG
16/2

[Eng.; 20.1.91.]

Confidential

Department.

No. 1205

CHIEF OFFICE OF THE INSPECTOR GENERAL OF POLICE,
Madras, 8th March 1894.

FROM

Colonel C. A. Porteous,
INSPECTOR GENERAL OF POLICE,

TO

THE Chief Secretary
to Government,
Fort St. George.

Press

SIR,

Enclosures.

With reference to G.O. No. 2555, Judicial dated 6th December 1893, I have the honor to state that in my opinion the High Courts decision bears only on one point viz. the taking possession of the banners by Mr. Prendergast and this has been declared by the Chief Justice to have been a tortious act on the part of the respondent which view must, I consider, be accepted as correct.

2_____ Section 49 of the Madras Police Act (XXIV of 1859) and Section 127, Criminal Procedure Code give the Police powers, when a breach of the peace is apprehended, to direct crowds or command members of an unlawful assembly to disperse, and in case order be not obeyed, the Police are given the further powers under Section 128, Criminal Procedure Code, to disperse such crowd or assembly by force.

This course, should, I consider, have been adopted prior to the removal of the banners – a step which must have involved the application of a certain amount of physical force – In the case before the High Court it has not been shewn that action was taken by Mr. Prendergast under Section 128, Criminal Procedure Code, which alone could justify him &c provided the processionists on being required to lay aside the objectionable banners had refused to do so and the orders to disperse had been then given and disobeyed.

3 —— i. With regard to the proposal to confer the powers specified in Section 49 of the Madras Police Act (XXIV of 1859) upon Inspectors of Police I am of opinion that it is not advisable to invest these officers with authority to issue licenses specifying conditions to be observed by processionists, and to prescribe the routes and the times at which processions may pass.

ii. By far the larger majority of th

Inspectors

Inspectors are natives belonging to one or other of the two large contending sections Hindus or Muhammadans of Indian Society – and therefore, howeve good an officer may be, he might fin himself in an awkward and unpleas- as well as most difficult position, i called on to exercise the above power

2 Pres

iii. All Police officers of, and above, the rank of Station House officer ha the power, under Section 127, Criminal Procedure Code, to disperse an assem of 5 or more persons when a breach o peace is apprehended.

I do not think that there is any necess to confer upon Inspectors of Police the further powers to direct the conduc of processions &ca already referred to

iv. In Section XXX of the Government of India Act V, 1861, corresponding to Section 49 of the Madras Police Act, the powers in question are given only to District Superintendents and Assistant Superintendents. Under these circumstances I propose that for the words "Superior officers" may be substituted "Assistant Superinte ent" in Section 49 of the Madras Poli Act.

In the Madras City Police Act I of 1888, Section 41, the power to dire the grant of which would be authorized under the amendment referred to in the preceding para, it would be possible to specify what banners, emblems &ca may be carried. In the Madras City Police Act or in the India Act there is no provision similar to that under reference. In the Madras City licenses are granted for processions which are attended with music, for certain disguises &ca.

vii _ Under the above circumstances I am not in favor of the proposal under this head. Should a provision be however considered necessary I would suggest that the amendment be as follows _

"they may direct that any article of dress, emblem, banners, device or other thing, which, in their opinion is intended to wound the feelings of persons belonging to any class of the community or is likely to be in good faith considered by such persons as insulting to their religion, shall not be exhibited or carried".

viii _ The words "remove or direct the removal" in the proposed amendment

in

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in para 2 (3) of the Government Orde would appear to involve the use of force.

8 ___ Next, as regards the power to direct all crowds, assemblies and processions of 12 or more persons to disperse, I beg to suggest that the existing clause in this respect in Section 49 of the Madras Police Act be rescinded _ Under Section 127 Criminal Procedure Code, the Police can disperse all such crowds, assemblies and processions when they consist of 5 or more person The former conflicts with the latter which must take precedence.

The City Police Act and the India Act under reference do not contain a provision as to the dispersing of crowds of 12 or more persons as in th Madras Act XXIV of 1859.

6 [illegible]

9 ___ The proviso proposed in para 2(4) of the Government Order may, I consider, be adopted.

10 ___ Lastly the power, to keep orde in the public roads, streets, thorough-fares, ghats and landing places and all other places of public resort and prevent obstructions on the occasion of assemblies and proces

CURRENT No. 12

Jud. (1894) DEPARTM

CONFIDENTIAL

FROM

Col

No. 120

Dated 8th
Received 9th } March 1894.

No.

SUBJECT.

Submitting, with reference to G.O. No 2555, Jud., dated 6.12.93, his views on the proposal of Government to introduce a Bill amending Sec: 49 of Act XXIV of 1859.

Put in type & send two proofs.

1894, No. , JUDICIAL.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again ~~the~~ following papers

G.O., dated 6th December 1893, No. 2555, Judicial.

ABSTRACT.—Requesting certain officers to submit confidentially their views on the proposal of Government to introduce a Bill amending section 49 of Act XXIV of 1859 so as to empower a police officer to remove from a Hindu procession devices intended to cast ridicule upon the Muhammadan religion.

G.O. Dy 27th Feby 1894, Nos 439 + 440 — P

READ—also the following papers:—

From W. J. H. LE FANU, Esq., Collector of North Arcot, to the Chief Secretary to Government, dated Chittoor, 22nd January 1894, No. 43 Jud. C No. 341

With reference to paragraph 3 of G.O., dated 6th December last, No. 2555, Judicial, I have the honour to state that, in my humble opinion, the legislation proposed is most desirable and that the want of it has long been felt, especially since the year 1882.

From E. BARCLAY, Esq., Government Solicitor, to the Chief Secretary to Government, dated Madras, 24th January 1894, No. 36. C No. 368

With reference to the order of Government, dated 6th December 1893, No. 2555, Judicial, I forward, herewith, in original, the opinion of the Advocate-General on the subject referred to him, and return the papers sent to me.

ENCLOSURE.

[In the matter of the proposed Bill to amend section 49 of Act XXIV of 1859.]

OPINION.

I think that it is inexpedient to invest Inspectors of Police with the extensive powers conferred by section 49. The prudent and beneficial exercise of such powers require more tact than I am inclined to credit the greater number of those officers with possessing. Very grave responsibility will be thrown upon men whose social and official position is not sufficiently high to ensure the exercise by them of such powers with absolute impartiality and with a discretion upon which perfect reliance can be placed.

2. In paragraph 1 (1) of the Government order under consideration, it is rightly stated that the term "superior officers of police" is vague, yet in paragraph 2 (4) that phrase is used. I think that the powers hereby conferred should be confined to District and Sub-Divisional Magistrates and Superintendents.

3. I think that the proposed amendments are otherwise expedient.

(Signed) J. H. SPRING BRANSON,
Advocate-General.

MADRAS,
23rd January 1894.

There is no ambiguity in this place

Note In this place, of course, "superior" means superior to the Police officer who made the order or issued the license. The wording seems to me clear enough. But if the adv. genl thinks otherwise, for "superior officer of police" we might read "officer of Police superior to the officer who has made any order or issued any license under this section may direct" "any such order or license shall be withdrawn, modified or cancelled".

21/3/94

proof

neighbourhood of places of worship during the time of public worship, and in any case when the roads, streets or thoroughfares, ghâts or landing places may be thronged or liable to be obstructed.

NOTE.—*Vide* clause xxxi of India Act V of 1861.

I have used the words "the police are empowered" in preference to "it shall be the duty of the police," as I consider that it is the powers and not the duty that should be laid down here.

(*b*) Every person opposing or not obeying the orders issued by Police Officers under the two preceding sections or violating the conditions of the aforesaid licenses, or opposing any Police Officer exercising the powers conferred upon him by those two sections, shall be liable, upon conviction before a Magistrate, to a fine not exceeding Rs. 100.

(*c*) Provided that nothing in the last three preceding sections shall be deemed to affect the powers conferred upon Magistrates and Police Officers by any other enactment for the time being in force and that the District Magistrate, the Sub-divisional Magistrate or any Superior Officer of Police may direct that any order made or license issued under those sections shall be withdrawn, modified or cancelled.

250—12-12-93.

Judl. DEPARTMEN

No. 341, 368, 658, 407, 507, 815 & 1265

From

189

ed

RDERS.

I think Insprs. must have the power — for the reason before given, viz., that so often there is no Supt. or Asstt. Supt. of Police at hand. So far, also, as I know, the law does not recognize any such rank ~~as the~~ as an Asstt. Supt. of Police.

W
29 Mar.

H.B.
21/3

J.G.
23/3

If there is at least an Inspr. of Pol. present, the Magte. must act through him, as this ~~might be~~ is secured by ~~[illegible]~~ the proviso to the section. ~~[illegible]~~". If there is no Inspr. or other superior officer present, but only a Station House officer or other inferior Policeman, the Magte. cannot regulate — all he can do is to prohibit the procession or gathering under s. 144 C.C.P., or the St. H. officer can act under s. 127 C.C.P. It seems to me that this may be inconvenient. Why should we not begin the section thus: — "All officers of Police not below the rank of Inspr., or, in the absence of any such officer, any officer of Police acting in the presence ~~of~~ and under the immediate control of a Magte., may ....."?

H.B.
21/3

I think the Hon'ble Mr. B's suggestion is good.

W J.G.

following questions have settled.

1. Shall Inspectors have p t take action under sec. 49

The Adv: Gen:, Mr. Wynne & the I.G. of Police are opposed to giving such large power to Inspectors.

2. Shall Magistrates have po to take action under sec. 49?

This is Mr. Broadfoot's sugg He remarks that the Magistra need protection as much a the Police.

It is probably true that a Mag. wh. removed a band from a procession would have committed a tortious act but an Enact ent such as Act XX of 1859 hardly seems the proper place for a prov to extend the powers of the Magistracy in this direct It is hardly necessary to discuss Mr. Broadfoot's fu proposal that Station House Officers should be authorized to act under sec. 4

3. That [illegible]

[illegible] the police [illegible]

JUDICIAL.

DEPARTMENT.

189

OF MADRAS.

ARTMENT.

W
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dicial.

roposed enactment should take the
. His Excellency in Council concurs
inking it advisable to restrict the
se of obnoxious symbols because it
ctually remove such symbols and it
ocession under section 127, ~~C.C.P.,~~
arded. But the Government cannot
v that the special powers with which
uld not be conferred upon Inspectors.
that Inspectors should possess these
declaring that the power of prohibit-
objectionable symbols shall be exer-
e orders of a Magistrate authorized to
s also been made for the exercise of
semblies and the use of objectionable
k of Inspector under the orders of a
esirable that Magistrates should have
hen no Inspector or other superior

to the Government of India.

ct.)

~~(Signed)~~ ~~J. F. PRICE,~~
~~*Chief Secretary*~~.

6/11 ap

of the Code of Criminal Proce

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374/94

1894.

CONFIDENTIAL.

GOVER ME

JUDICIA

ORDER—dated 25/4/94 1894, N

It appears to Government th
form of the Bill appended to this Pr
with the Inspector-General of Pol
powers of the police to prohibitin
might be dangerous to empower t
is always open to them to disper
in the event of the prohibition bein
agree with the Inspector-General in
the section invests certain police-offi
It may occasionally be absolutely n
powers and the Bill provides against
ing processions and assemblies and t
cised only when it is impossible to o
act under section 144, ~~C.C.P.~~ Provi
the power of prohibiting processions
symbols by any police-officer below
Magistrate. The Government conside
authority to take action in this dire
officer of Police is present.

2. The following letter will be d

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cribed in
h. Broad police
ry till the
taken

EPARTMENT.

189

improvement — As to the require-
der shall be "in writing", I am
there are obvious advantages
in such cases the orders shall
on the other hand, the requirement
able delay. I think I would say
mediate action is necessary, be
hall be proclaimed . . . . "—
every case, I think —]

WS

tion is necessary, be in
proclaimed

bstitute "proclaimed" for
& to insert the words "in writing"?
"Every order . . . . shall be in writing"

"making an order" has been used. "Issuing"
to licenses]

here. Say a Head Constable
nder sub sec. (3) by order of a
y he cancel or modify this order
rity? (2) may the Sub-Mag. himself
it? (3) may an Inspector of Police
cel or modify it against the wishes
? It seems necessary to provide
perhaps the best way will be to
addition to sub-sec. (5) —
t an order made under the provisions
ection (3) by a Police-officer acting
orders & the immediate control of
hall not be cancelled or modified
the Mag. under whose orders it was
by some Mag. superior in rank
ag."]

Yes
WS

t sure if it is necessary,
added at the end of sub-
ing herein contained shall
f any penalty to which he
der any other enactment
force; provided that no
punished twice for the same
obably no question could be raised
to the Penal Code, as well as to
ou lots refused, for example,
l assembly.]

25th Apl 1894, No.

CONFIDENTIAL.

JUDICIAL DE

Letter—from

The CHIEF SECRETARY,

To

The SECRETARY to the

Sir,

As requested in your letter dated 10th directed to communicate a copy of the Pro this date and of the Bill to amend section 4 prepared after consideration of the opinions have been consulted on the object.

2. The circumstances which led His E that an amendment of the Police Act is ne G.O. dated 6th December 1893, No. 2555 Government of India will probably agree t to warrant legislation on the lines indicated in various parts of the country of growing Muhammadans and this feeling has been a conduct of the Hindus who have sought to Muhammadans by mimicry of their sacred of 1859 has been found to be inadequate hostility and riots and loss of life are but its present form.

3. The Bill which accompanies this let or in Council to place matters on a satisf Government of India will not raise any o Legislative Council. The proposed measur assent of His Excellency the Governor-Gene 1861 and 1892 but, as it is of some importa has expressed a desire that legislation sho opportunity of expressing its views on the su decided to postpone the introduction of the P

I have

Exd. A. D Xavier.

mendt

Police Act

Alle & circ

([illegible])

C 11/4

Confidential No. 53
1894

Read again Order of Government, dated
18 , No.

B... Paper, No. 19 of 1894
439-40
21-2-94

Further Paper, No. Con 140 of 1874

Enclosures.

Spare copies.

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Confidential No. 49
1894

Judicial DEPARTMENT.
G.O., DATED 25-4-94
No. 986
987
Series. Press

First copy sent to Press.

Returned for signature.

Despatched

[Despatch Abstract.]

Amendment of Police Act.

Framing a bill to amend section 49 of Act XXIV of 1859 as regards the regulation of assemblies and processions, and directing that the Govt. of India be addressed on the subject.

For letter

Comy. with remark to the Govt. of India a copy of the Proceedings of the Madras Govt. & of the bill to amend section 49 of Act XXIV of 1859.

Confidential.

Confidential No. 54
1894

Judicial DEPARTMENT.
G.O., DATED 4-5-94
No. 1057
Series. Mis

First copy sent to Press.

Returned for signature.

Despatched

[Despatch Abstract.]

Surgeon General direc
reassemble the Medical B
to examine Mr Worsop,
of Police. Await a fur

Confidential No. 53
1894

Judl DEPARTMENT.
G.O., DATED 4-5-94.
No. 1056.
Series. Press

First copy sent to Press.

Returned for signature.

Despatched

[Despatch Abstract.]

Lawsuits. Requesting the Military Dept to instruct the Heads of Depts. under it to apply to the Judl Dept. regarding the conduct of — concerning cantonment and other military affairs on the abolition of the presidential Army System.