[J/58]
1,000—25-7-96

Judicial (1895) Depa

ORDINARY MS.

G.O., No. 128

DATED 19th Jan. 1895.

[Despatch Abstract.]

THE KARABALAKOTA POLICE TORTURE CASES

Passing orders on the conduct of Probationary Inspector C.Krishnaswami Nayudu, Inspector Marcar and certain Policemen and also the Taluk Magistrate of Madanapalle (A.Ramanuja Chari), Cuddapah district, in regard to --.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	438		95	369 18-2-95			
DG	85		95				
	3804		95	1926 13-9-95			
Gw	535	3/97					

Judl. (1894) DEPARTMENT.

64 . 8-1-
1912 : 10.10.92 [illegible]
1966 : 17.10.92 [illegible]
1725 : 14.9.92 [illegible]
376 : 5.3.74
1035 : 8.6.74
1365 : 25.7.74 } Do.

N

FROM

Col. C.A. Porteous

INSPECTOR GENERAL
OF POLICE.

No. 4552

Dated 3d August 1894.
Received

UNDER SECRETARY
5 AUG 94
PUBLIC ETC. DEPTS.

Deputy
Inces 5

No.

SUBJECT.

Forwards with remarks memorial from C. Krishnaswami Nayadu, late Deputy Inspector of Police, Cuddapah Dt., addressed to H.E. the Governor in Council.

Endt. No. 1721 d/ 28th Augt. 94

Reference only.

With reference to his letter of 3rd Aug. 94 No. 4552, the I.G. of Police is requested to forward the judgments of the Courts in all the Kurubalakota Police torture cases and also the documents (if available) mentioned in appendix B to the petition.

24/8

To
The I.G. of Police.
with Appendix B ~~the~~ rest with reply.

24/8.

Issue [illegible] 27/8

Desp. 28.8

[illegible] 13/8 [illegible] Papers 17/8
18/8 R. (Madras Office) 11/8

Papers re Kurubalakota Police torture cases please. If the papers are in [illegible]

Forwarded

BA PA ERS

Col. C.A. Porteous

Reference only

With reference to the letter of 3d Aug No. 4552, the I.G. of Police is requested to forward the judgment of the Courts in all [illegible] the cases and also the documents (if any) [illegible] mentioned in [illegible] B. to the petition

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Department.

No. 4552

~~Chief~~ Office of the Inspector General of Police,

~~Madras,~~ 3d August 1894.

From

Colonel C. A. Porteous,

Inspector General of Police,

To

The Chief Secretary
to Government,
Ootacamund.

Sir,

Enclosures.

From Krishnaswami Nayudu, late Proby. Inspector of Police, Cuddapah Dt.

I have the honor to make the following remarks on statements contained in the accompanying memorial, submitted through me, to His Excellency the Governor in Council.

Para 1 of Memorial.

2. Before the memorialist's case was disposed of by me, he had access to whatever records he wanted in his District and he submitted a very lengthy defence.

st part of Para 1 Memorial

3. ; It is not a fact that I

" in a sympathizing tone advised
" the petitioner to prefer an appeal

I

I had not - and have not any sympathy with the memorialist, whose conduct I considered exceedingly bad.

ii He petitioned me to re-consider my order of dismissal, which I declined to do informing him that as far as I was concerned I had done with his case - and that if he had any grievance against my order, his appeal lay to Government.

iii As a last resource he was extremely anxious in order that he might obtain other service under Government - that I should alter my order of dismissal to one permitting him to resign his appointment.

This also I declined to do -

i I enquired very carefully into the memorialists' case and in my Proceedings No 1771, dated March 29th, 1893, gave very fully my reasons for the conclusions at which I arrived -

In

This charge is admitted

There is [illegible] [illegible]

ii In his memorial, the memorialist for the most part simply contradicts me without giving any evidence in support of his assertions.

5. i - There were serious charges against the Police - well known as "the Kurabalakota Police torture cases".

The memorialist heard of these - and when asked by Assistant Superintendent where he was on night of August 22^{d}, 1892, he deliberately lied and said that he slept at the Kurabalakota Railway Station, whereas he afterwards admitted that he did no such thing but went at once to the village of Kurabalakota about one mile distant.

ii - I held (and still hold) that the memorialist being cognizant of the gross misconduct of the Police tried to make out an alibi and lied for that purpose.

iii He while admitting having told

This is in direct contradiction [illegible]

Note:- Such a charge had been made against his men.

a falsehood, contends that his false statement was due to fear of the immediate consequences of a charge of rape which he heard had been made against him -

iv. The memorialist calls the Station Master of the Kurabalakota Railway Station

"the scheming Station Master" but in reality it was the memorialist, who was the schemer - he endeavoured to get the Station Master to say that he (memorialist) slept at the Kurabalakota Railway Station on night of August 22d, 1892; but the Station Master declined to tell this lie - and it was after his failure to influence the Station Master that memorialist thought that there was nothing for it but to make a clean breast and admit to the Assistant Superintendent that he had lied in his first statement.

6

6. i The night of August 22d, 1892, was one in which all the torture cases occurred at what hour it would be difficult to say, it is probable that they extended over the most of that night. The memorialist endeavours to shew that they all occurred before his arrival in the village 10 P.M. - of this there is no evidence.

No later

No 1

There is no evidence [illegible] the other day

The memorialist arrived at Chinna Tippa Samudram at 7 P.M. - he got a trolly there and went on to Kurabalakota where he arrived about 8 P.M. if not earlier - to walk over to the village of Kurabalakota one mile distant would not take more than half an hour. He was probably at Kurabalakota before 9 P.M.

apparently not till 11 pm

It is absurd [illegible] that 8 [illegible]

7. i - In para 6 of my Proceedings No 1779 dated March 29th, 1893, I have shewn clearly that the memorialist had information from the Revenue Inspector, Yusaf Ali Khan, of the ill-treatment of Papa B

and

and that he (memorialist) questioned this woman himself - yet no mention of the woman's name is made in the Memorialist's Diary - but in a Diary received by Assistant Superintendent on August 29th, after the charges against the Police had been published, the memorialist made a vague report that he heard from Yusuf Ali, a Revenue Inspector that he again had heard that some Police wanted to molest the people in Kurabalakota.

ii - The memorialist argues that his admission on September 12th to the Deputy Inspector General goes to shew that the non-mention of Papa Bi's name in his Diary was not intentional {It is difficult to understand what else it was} - That if he had intended to suppress the fact, why should he have given her name to the Deputy Inspector General.

iii

iii. The memorialist was guilty of suppression in August when he imag that a vague report might protect him but the admission to the Deputy Inspector General was made more than a fortnight afterwards after enquiry had been instituted and Yusuf Ali, Revenue Inspector, had plainly stated that he had given memorialist the information.

iv. So I must repeat what I have stated before this -

I am fully convinced that Papa Bi was beaten by the Police - that Inspector Memorialist Krishnaswami Nayadu knew this and deliberately suppressed the fact.

8. i. Opposite to an extract from Judgment in Sessions Case No. 76, which I have entered in para 9 of my Proceedings the memorialist makes the following ingenious remark

"When the Constabulary go out in the
"detection of a case in rural parts they

"they generally personate one of the "party as being the Inspector, with "a view to create awe in the minds "of the ignorant villagers and thereby "ensure obedience to facilitate "detection. This was probably "a case of this kind."

11. The ingenuity of the explanation is only equalled by its absurdity. Villagers may take a Constable for a "Head" a "Deputy Station" (Station House Officer) but never for an Inspector.

He was [illegible]

The Memorialist was the only native Inspector in the neighbourhood. The Madanapalle Inspector on whom the Memorialist endeavours to throw the blame was Mr. Marcar, an Eurasian and there is no manner of doubt that he was not the "Inspector alluded to": had he been he would have been at once unhesitatingly identified at once.

iii. It has never hitherto been suggested in the least that Mr. Marcar was present at any of these affairs.

this is denied?

iv. I may add that Mr. Marcar having been superseded by the Memorialist did little or nothing. He was committed to the Sessions Court by the Magistrate on a charge of falsifying certain records but was acquitted.

9. Paras 8 of memorial

The Memorialist argues that by the word "dismissed," I did not mean to impose all the penalties attached to an order of "dismissal". In this he is mistaken, for I considered his conduct so bad that in directing "that the period "of probation of such a thoroughly un-"reliable and utterly unprincipled "man as Inspector Krishnaswami

Memorialist

"Nayudu has shewn himself, cease "forthwith," I intentionally added that he be dismissed the service from date of suspension.

[illegible]

10. The memorialist is wrong in supposing that the Inspector General has not the power to dismiss *Probationary* Inspectors. He has that power. It is only in the case of Inspectors con*firmed* in their appointments that the orders of Government have been taken.

See para 2
G.O. No. 78-6-74
No. 1035 Judl.

Para 8

11. i. In the last sentence of para. 8, the memorialist states

"On a recent visit to the Inspector
"General that officer spoke
"to the Petitioner in a sympathising
"way, and the Petitioner then under-
"stood him to say that by his order
"he never meant to interfere with his
"(Petitioner's) employment in other
"Departments".

ii. Far from this being my meaning, I consider that the memorialist shewed himself so utterly unprincipled in this case that in my opinion he should never be re-employed under Government, but this is not for me to decid

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

Chas. A. [illegible] Colonel,
Inspector General of Pol

Department.

No. 5475

CHIEF OFFICE OF THE INSPECTOR GENERAL OF POLICE,
Madras, 19th September 1894.

FROM

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

TO

THE Chief Secretary
to Government
Ootacamund.

SIR,

Enclosures. 8 } Sent by packet post.

I have the honor to submit herewith the judgments as well as the documents mentioned in Appendix B of the petition of late Inspector C. Krishnaswami Nayadu of Cuddapah called for in memo No. 1721 dated 28th August 1894.

I have the honor to be,
Sir,
your most obedt. servt.,

Chas. A. Porteous Colonel,
Inspector General of

Jud^l. (1894) DEPARTMENT.

5178

~~Fr.~~ Memo: No. 172: 2
Nap

FROM

Col. C. A. Porteous,

INSPECTOR GENERAL

OF POLICE.

CHIEF SECRETARY
21 SEP-1894
GOVERNMENT OF MADRAS
No. 5473

Dated 19th
Received 21 } September 1894.

No.

SUBJECT.

Submitting judgments as well as the documents as mentioned in appendix B of the petition of late Inspector Krishnaswami Nayadu of Cuddapah.

2/10.

R
8956-24 [illegible] 1635

Fors'

500—20-6-94.

Jud^l. DEPARTMENT.

No^s. 3897 & 5178

From

the I.G. of Pol.

Dated 3 Aug & 19 Sept 1894.

Submit if the further infn. as suggested on p. 31 sh. be obtained & also ask ~~why~~ whether, as Mr. Marcar admitted that one person was beaten in his presence, anything was done to him; & if not, why not.

BL
14/9/94

Ys

What is the name of the Taluq Magistrate of Madanapalle mentioned in the G.O. – I have not succeeded in finding it in the papers; but it may be there and, if so, should be mentioned in the G.O. –

L.G. 14/1.

Better send draft to H.M. – L.G.

FOR ORDERS.

Towards the close of July 1892 a big dacoity occurred in Kuchtur village in Madanapalle taluk. Mr. Marcar was then Inspector of Madanapalle Division & petr. Krishnasami Nayadu (probationary) Inspector of Vayalpad Division.

The Asst. Supt. directed the petr. to investigate the case, but whether the Asst. Supt. intended by this order to place Mr. Marcar in subordination to the petr. is doubtful. The point is of some importance & will be referred to again.

Information received by the police showed that certain inhabitants of Kurabalakota in Madanapalle taluk were guilty of complicity in the dacoity & about 10 a.m. on 22 August Inspector Marcar & the petr. with a number of constables arrived at Kurabalakota.

Petr. left the village about an hour after his arrival but Mr. Marcar stayed there till about 10 p.m.

Towards midnight, or perhaps somewhat earlier, on the same night Pet.r returned to Kurabalakota & put up in the house of one Papa Bi where he stayed the night.

About 9 or 10 on the following morning (i.e. on the 23rd) Pet.r again left Kurabalakota; before doing so he wrote & asked Mr. Marcar to visit Kurabalakota again, but it is not clear* whether that officer did ~~[illegible]~~ return to the village on the 23rd.

Pet.r was absent from Kurabalakota all the 23rd until about 10 p.m. when he returned & put up in a Komati's house. On the following morning (i.e. 24th) Pet.r left Kurabalakota at about 11 am. & did not return thither until the 28th or 29th.

On the 23rd August the Tahsildar visited Kurabalakota. Why he came does not appear but he stopped there several days apparently.

On the 25th the bodies of two women (Venkatamma & Munivenkati) were found in a well. The Tahsildar went to the spot at once & the mother & brother of the deceased Venkatamma deposed that the two women had been ill-treated by the Police. It seems hardly credible, but is ~~[illegible]~~ ~~[illegible]~~ the case, that the Tahsildar, after recording these two

* From his diary it is to be inferred that Mr. Marcar did not visit Kurabalakota on the 23rd.

depositions, went off & left the ~~[illegible]~~ Police x Inspector to draw up the inquest-report.

x C.I. Mercar

News of the discovery of the two bodies having reached the Deputy Mag. on the same day he came immediately to Kurabalakota.

The Deputy Mag.'s arrival was the signal for the presentation of a series of complaints against the police; these are briefly noticed below.

(1) Maktum Bi an old Mussalman woman, her son Madar Sahib & Papa Bi x another old Mussalmani charged nine constables with having voluntarily caused hurt to them in order to compel them to give information as to the whereabouts of some of the property stolen in the Mushtur dacoity. The offence was said to have been committed about 10 a.m. on the 23rd.

x the woman in whose house Insp. stayed on the 22nd

The nine men were committed to the Sessions but they were acquitted. The Judge found that the three Muhammadans had really been ill-treated but he doubted whether the ill-treatment had been done by the accused & he [illegible]lly strongly on the fact that, where

& complainants declared that they were beaten about 10 a.m. & that the Police subsequently searched Maktum Bi's house, there was good evidence to show that the house was searched between 7 & 9 a.m.

(2) Secondly, two men named Veerayya & Venkatesu charged the police with having beaten them & kept them in confinement in order to extort evidence about the Mushtur dacoity. The beating was said to have taken place on the night of the 22nd Aug. & the wrongful confinement to have lasted from that time & date until the afternoon of the 26th idem.

The Constables were committed to the Sessions on this charge. The Judge found that the complainants had been beaten & confined & he sentenced each of the accused to one year's R.I. for the confinement. He explained the lightness of the sentence by the probability that the defts were acting under instructions of their superior officers & he acquitted on the charge of beating partly because he was dissatisfied with the evidence of identification & partly because there was evidence to show that an "Inspector" was present when the beating

(3) Thirdly, two policemen were charged with having caused hurt to the two women (Venkatamma & Munivenkati) whose dead bodies were afterwards found. The hurt was said to have been caused on the night of the 22nd & the object of it was to extort information regarding the Mushtur dacoity. The time when the offence took place is uncertain but there is evidence to fix it at about 8 p.m.

This case too was committed to the Sessions but the Judge, though satisfied that the women had been beaten, did not think the evidence as to identification sufficient. This was a very serious case for there were indications about the person of the younger woman, who had only recently attained puberty, to show that she had been raped & there is a strong probability that both women were ravished & drowned themselves as a consequence. Mr.× Ward, the Madanapalli Apothecary seems to have prepared his post mortem report on this case in a disgraceful careless fashion as will be seen from Mr. Dumergue's D.O. read in G.O. dy 14 Sept 92, No. 1725, Jud.

× He has now retired from the hospital. He was a Govt- pensioner and well on in years.

(4) Fourthly, a woman named Venkatamma accused the Police with having ravished her on the [night of the] 22nd August.

This case was thrown out as false by the Joint Mag. The woman was a prostitute apparently.

(5) There was also a fifth case wherein the Asst. Supt. of Police prosecuted Inspector Marcar & a Head Constable on the ground that they had destroyed ~~the~~ original & true report of the inquest on the two women Venkatamma & Muni Venkati & had substituted another.

This case ended in acquittal at the Sessions. Mr. Marcar & the H.C. were present at the inquest & the latter prepared the reports. ~~[illegible]~~ The first inquest report was not completed, a revised one having been prepared during the progress of the inquest. It was urged by the prosecution that both these reports were false in so far as they represented the witnesses as saying that the deceased were last seen alive on the morning of the 23rd & that the revised report was further false in omitting that portion of the evidence which charged the police with ill-treating the deceased. It was alleged tha by substituting 'the morning of the 23rd' for 'the evening of the 22nd' Mr. Marcar intende to shift the responsibility for the ill-treatment of the deceased women on to Krishnasámi Náyudu the petr. but, for various reasons which it is unnecessary to recapitulate, the Judge thought this view far-fetched &, though he did not doubt that the illtreatment of the women occurred on the 22nd, he held that the entry of the following day in the inquest report may have been due to a mere error on the part of the witnesses.

If the Tahsildar had performe his manifest* duty & conducted the inquest himself this case could never have arisen. Instead of doing so, he left an Inspector who had been working in that very village to enquire into a charge against his own police &, practically, against himself.

2 It is now time to turn to the case against the petr. In the second of the ~~five~~ cases referred to in the preceding paragraph the compts. Vemayya & Venkatasu stated that, on the night of the 22nd, four Policemen among whom was an Inspector came

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* He explained his failure to do this, as will be seen from para 13 of the judgment in Sessions Case No. 78, but the explanation seems insufficient.

It seems quite

their house, called them out; took them to a field where there were other Policemen & beat them.

Both the compl.ts stated that the Inspector was not M.r Marcar so, if any Insp.r was present at all, it must have been pet.r.

The pet.r was away investigating in N. Arcot when the Asst. Supt. was enquiring into the charge made by Vemayya & Venkatesu & the Asst. Supt. sent for him.

He appeared before the Asst. Supt. on the 29th August & the Asst. Supt. directed him to state what he had been doing between 5 p.m. on the 22nd & 6 a.m. on the 23rd.

The pet.r replied that he had left Vayalpad by rail at 6.30 p.m. on the 22nd, arrived at Chinnatippasamudram at about 7 p.m., gone thence by trolly to Karabalakota Station (about 1 mile from the Karabalakota Village) which he reached between 10 & 11 p.m. & spent the night at the station.

This statement was false. The pet.r did indeed go to Karabalakota Station on the night of the 22nd but he proceeded thence at once to the village & spent the night in Papu Bi's house.

first charge against the pet.r then is that he falsely

stated to the Asst. Supt. that he spent the night at the station.

The lie came out when the Asst. Supt. questioned the Karabalakota Station Master on the 29th. On the 31st the Asst. Supt. again questioned the Station Master & was informed by him (1) that the pet.r & another Inspector× had come to him at midnight on the 29th & had besought him & certain Railway coolies to swear that he had spent the night at the Station but they refused to lend any countenance to this falsehood; (2) that next morning (30th) a Constable came to the Station to ask whether he (the Station Master) & the coolies would support the pet.r's story, but he got the same answer & (3) that the pet.r & the other Insp.r afterwards came again to the Station to try & persuade him (the Station Master) & the coolies, but again they were unsuccessful.

× Inspector of [illegible] Rural [illegible]

This, then, is the Second charge against the pet.r, viz, that he tried to suborn false evidence in his favour.

As remarked above, the pet.r spent the night of the 22nd in the house of Pápá× Bi who is one of the three compl.ts in the first case referred to in para 1 of this Note. A Revenue Inspector Yusuf Ali Khan, also

It × rather curious that he should have selected his hostess for torture

8

that night in Pápá Bi's house. Both the petr. & the Rev. Inspr. seem to have left Papa Bi's house early in the morning of the 23rd & the Rev. Inspr. seems to have returned to it about 10 a.m. ~~[illegible]~~ At that time Papa Bi was not at home but she returned soon afterwards & complained that the Police had beaten her. Apparently just about the same time the petr. came back to Papa Bi's house & the Rev. Inspr says that he there & then told the petr. that the old woman complained of ill-treatment.

~~[illegible]~~

If the Rev. Inspr's statement is true, it was of course the petr's duty to enquire into the old woman's complaint, ~~[illegible]~~ and to see that proper notice was taken of ~~[illegible]~~ the conduct of the police, but no notice was taken & all that the petr. did was to make the follg. entry in his diary of the 23rd (which was not ~~[illegible]~~ received by the Asst. Supt. until the 29th) —

"I regret to have to report
"that, for the first time
"in this case, I hear from
"Yusuf Ali Khan, a
"Revenue Inspector, that
"he heard some of the

"Police wanted to molest
"the people in Kurabalakota
"..... On hearing this
"I made enquiries of
"some males & females.
"They said they have not
"been actually molested
"in any way but that
"they apprehended rash
"treatment because
"the Constables were
"often going to them
"& questioning about
"the absconding persons
"Etc"

The third charge against the petr. is, therefore, that he knew that Papa Bi had been ill-treated & omitted to take any action on the information he had received.

3. The next point to be noticed is the Petr's defence.

(1) He admits the truth of the first charge but urges the following facts in palliation of his action. On the 27th Aug. he received the Asst. Supt's order to return at once to Cuddapah district. On his way back he heard most alarming rumours of the action taken on the complaints of the inhabitants of Kurabalakota. Among other things he heard that two constables had been arrested on a charge of rape & that he himself was going to be arrested on a similar charge. He saw the Station master

Kurabalakota before he saw the Asst. Supt. on the 29th & that person suggested that he should say that he had spent the night ~~of~~ the ~~[illegible]~~ 22nd at the Kurabalakota Station. Petr. in his grief & dismay caught at the notion & when, soon afterwards, he was called before the Asst. Supt. ~~[illegible]~~ told to account for his doings on the night of the 22nd he replied with this lie. He then went on to tell the Asst. Supt. that he heard he was accused of rape & prayed him not to have him arrested. The Asst. Supt. then told him that no such charge had been brought nor any other charge. On hearing this the petr. bitterly regretted the falsehood he had told, but ~~[illegible]~~ he was ashamed to confess his lie.

(2) Instead, therefore, of confessing at once, he took a course which laid him open to the second charge. He heard that the Asst. Supt. had been to Kurabalakota Station to question the Station Master & so he went there himself with the Proddatur Inspector on the same night (29th) to learn what the Station Master had told the Asst. Supt. According to petr. the Station Master swore to him that he had not told the Asst. Supt. that he

had not spent the night at the Station. The petr. says he doubted the truth of the Station Master's statement & implored him not to mislead him, as he would go to the Asst. Supt. & confess his fault if the Station Master had told that officer that petr's story was false. The Station Master persisted in his previous statement but told the petr. to come again next morning to see him. The petr. did so & the Station Master then gave him to understand that he had told the Asst. Supt. that petr. did not sleep at the Station. Accordingly, when petr. was Examd. by the Dt. Mag. on the 31st Aug., he frankly confessed to the lie.

This at least is the petr's story as told in the written Explanation to the Dt. Supt. of Police, but, in his present petition, nothing is said about the second visit to the Station Master & the petr. leaves it to be inferred that his confession to the Dt. Mag. was dictated by the prickings of conscience & not by the knowledge that the Station Master had given him the lie.

(3) The third charge relates to the failure to take action on Yusuf Ali Khan's complaint. The following is a brief summary of petr's remarks ut [illegible]

change in his written
Explanation (d/ 11 Dec 92) to the
Dt. Supt.
"On the morning of the
"23rd I got news that one
"of the dacoits whom I
"had been specially
"deputed to arrest was
"at a certain place. I
"was just on the point
"of leaving Kurabalakota
"in order to arrest him
"when I met the Rev. Inspr.
"Yusuf Ali Khan. He mentioned
"to me as a 'matter of passive
"joke' that the Police Constables
"want to molest people.
"I asked him if he saw
"the molesting & which
"were the people that
"[were?] molested. He
"replied in the negative
"& went away. We have been
"friends since childhood
"& commonly joke together.
"I did not think he was
"serious on this occasion.
"I went however to Papa
"Bi's house & questioned the
"old woman. I understood
"her to say that she
"apprehended rash treat-
"ment. I then asked the
"Constables & they denied
"having molested any
"one. I warned them &
"left the village. On
"the following morning (24th)
"I went with the Dt. Mag.
"& several other officers
"to Papa Bi's house. The
"Rev. Inspr. was present

"but said nothing
"about ill-treatment
"nor did he utter a
"word on the subject
"to the Tahsildar who
"was in the village
"from the 23rd onwards.
"This shows that his
"remarks to me were
"not serious. My opinion
"was that some of the
"police might have
"spoken roughly to
"Papa Bi but I did
"not think they had done
"anything more."

The story told in the present
petition on the subject of
this charge differs in an
important respect from that
summarized above. The Petr.
now admits that the Rev. Inspr.
told him (though he still says
it was in a 'casual' way)
that he had heard that the
house of Papa Bi's sister-
in-law (Mukhtum Bi) was being
searched & that some women,
of whom Papa Bi was one,
were ill-treated there by
the Police. Petr. urges that
his duty was so pressing
that he had not time there
& then to enter upon
a detailed investigation,
but he q[illegible]ed Papa Bi,
who inf[illegible]ed him that she
had not been beaten but
was ~~frightened~~ afraid that she
would be. He also questioned
other respectable people
who deposed that there had

no beating. He therefore concluded that the ill-treatment alluded to by the Rev. Inspr. was the searching of Muktum Bi's house. The Petr. goes on to urge that Papa Bi herself admitted before the Sessions Court that she had not given information to him; that it is highly improbable that Papa Bi could have been beaten when a house was being searched in the presence of respectable witnesses & that the Sessions Court itself came to the conclusion that the evidence was insufficient to prove that Papa Bi was beaten on the morning of the 23rd.

It will be seen from the extract given on pp. 10 & 11 of this note that the ~~Inspector~~ Petr. did not mention Papa Bi's name in his diary for the 23rd. It will also be noticed that this diary was not received by the Asst. Supt. until the 29th Aug. The petr. denies that the omission of Papa Bi's name was intentional & he explains the delay in the receipt of the diary by the defective postal arrangements of the parts where he was travelling. The argument on the other side is that the petr. did not write up his diary for the 23rd until all the misdoings of the Police had been exposed & when it

Rev. Inspr. was p

was no longer safe to profess complete ignorance & that he omitted reference to Papa Bi in order to enhance the apparent indefiniteness of the information supplied by the Rev. Inspr.

4. The officers who have dealt with this case have taken very different views as to the degree of blame attaching to the Petitioner.

(1) The most favorable is that of the Superintendent (Mr. Carmichael). The following is a brief abstract of his opinion.

"It is certain that petr.
"had nothing to do with
"the ill-treatment of
"Vemayya & Venkatesu,
"for they cannot identify
"him & moreover there
"is excellent evidence to
"show that he did not
"reach Kurabalakota
"until after the ill-
"treatment of these two
"men had taken place.
"The petr's conduct in
"lying to the Asst. Supt.
"was most weak & wrong
"but allowance must
"be made for a man
"who thinks that a
"serious charge has been
"made against him &
"fancies that his best
"chance of escape will
"be to prove an alibi.
"He aggravated his first
"fault by avoiding th

" confession of it until
" he found that there was
" no hope of help from
" the Kurabalakota Station
" master, but he is a
" young officer & the
" circumstances might
" have led an older &
" wiser man into dishonorable
" attempts to screen
" himself.
" As regards the third
" charge against the
" petr., it is to be
" noted that his diary
" for the 23rd containing
" a reference to the
" Rev. Inspr's complaint
" was not despatched
" until the 29th i.e. 3
" or 4 days after Papa
" Bi had complained to
" the Dt. Mag. of her ill-treatment
" by the Police.
" This delay is, however,
" reasonably explained
" by the petr's absence from
" 11 a.m. on the 24th to the
" night of the 28th making
" enquiries into the dacoity
" case in certain villages
" of N. Arcot District.
" There is, therefore, no
" ground to suppose that
" the petr. intended to
" suppress all reference
" to the Rev. Inspr's complaint
" & only abandoned his
" intention when he found
" that it was generally
" known that this complaint
" had been made.
"Rev. Inspr.

" In coming to a conclusion
" as to the accuracy of
" the entry in the diary
" it is necessary to
" consider the credibility
" of the Rev. Inspr. This
" person undoubtedly
" has a tendency to Exaggerate,
" for he informed
" the Tahsildar that Papa
" Bi had been prostrated
" by the beating she had
" received & this statement
" was false. Also, it is
" remarkable that the
" Rev. Inspr. said not
" a word about the
" beating to the Tahsildar
" until [apparently] Papa
" Bi complained to the
" Dt. Mag. on the 25th,
" although the Tahsildar
" was in the village on
" the 23rd & 24th. Moreover,
" the Sessions Court held
" that the evidence as to
" the time when & persons
" by whom Papa Bi was
" beaten was insufficient
" to justify a conviction.
" It is also significant
" that the Rev. Inspr. said
" not a word about the
" beating when the Dt.
" Mag., the petr. & other
" officials visited Papa
" Bi's house on the
" 24th. Finally, the petr.
" was in no way responsible
" for the working
" of the case in the
" Kurabalakota, as M

" Marcar superintended
" operations there on the
" 22nd, & the petr. was not
" present at the search
" of Muktum Bi's house
" on the 23rd [apparently
" petr. was absent in a
" hamlet of Kurabalakota
" from the early morning
" till about 10 a.m. on the
" 23rd; at about 10 a.m.
" he passed through Kura-
" balakota again on
" his way to arrest a
" dacoit elsewhere]. On
" the whole, the Supt. is
" inclined to think that
" the Rev. Inspr. gave only
" vague & general information
" to the petr. & that the
" petr. honestly satisfied
" himself that no one
" had been actually
" ill-treated."

(2) In forwarding the Supt's minute, the D.I.G. (Col. Chrystie) expressed his dissent from the Supt's opinion so far as regards the third charge. He observed

" The Sessions Court judgment
" is conclusive that Papa
" Bi was beaten. The Judge
" also accepted the Rev.
" Inspr's statement that
" Papa Bi complained to
" him of the beating ~~[illegible]~~
" ~~[illegible]~~ shortly
" after it was inflicted.
" On the 12th Sept. the petr.
" informed me (D.I.G.) (i) that
" Yusuf Ali Khan the Rev.
" Inspr. ~~informed him~~ had
" pet

" told him that some wom
" had represented to him
" that they are being ~~[illegible]~~
" ill-treated; (ii) that he
" asked the Rev. Inspr. for
" their names & was told
" that Papa Bi was one;
" (iii) that he questioned Papa
" Bi & others & was told
" that they only anticipate
" ill-treatment, & had not
" actually been beaten.
" It is therefore clear
" that the Rev. Inspr.
" specifically mentioned
" Papa Bi's name & there
" is every reason to
" suppose that Papa
" Bi told petr. the
" whole story & that he
" would have made no
" mention of it in his
" diary if he had not
" heard that the matter
" had come out otherwise."

(3) The I.G. takes a still more serious view of the case. He
" has ~~[illegible]~~ no doubt that
" petr. was put on the
" Kunobiler case in supersessi
" of Mr. Marcar & not as a
" mere temporary measure
" & was therefore primarily
" responsible for the
" conduct of the police; that
" the Rev. Inspr. complained
" of the ill-treatment of
" Papa Bi to petr. & that
" petr. questioned her about
" it; that petr. thought it
" best to hush up the matter
" & only alluded to it vague

" in his diary when he
" found it absolutely necessary
" to say something on the
" subject to save himself;
" that the Rev. Inspr's failure
" to say anything on the
" subject to the Tahsr. for the
" space of several days
" may be attributed to
" the friendship existing
between the Rev. Inspr. &
" the petr.; that petr. was
" present when Vemayya
" & Venkatesu were beaten
" on the night of the 22nd;
" that petr. was at Kura-
" balakota when the two
" women Venkatamma
" & Munivenkati were ill-
" treated; that petr. knew
" of all these misdeeds &
" purposely omitted to bring
" them to notice; & that
" petr.'s attempt to mislead
" the Asst. Supt. as to his
" whereabouts on the night
" of the 22nd was due to
the sense of guilt."

5. It only remains to consider which view of the Petr's conduct should prevail.

That he lied to the Asst. Supt. & attempted to suborn false evidence in support of his falsehood cannot reasonably be doubted. He admits the lie &, though he attempts to make out that he merely asked the Kurabalakota Station Master to inform him what statement he had made to the Asst. Supt. & does not admit that he endeavoured to persuade him & the coolies to testify that he (petr.) slept at the Station, there can be little doubt that the evidence on this subject given by the Station Master & coolies is correct & that petr. did do all in his power to induce them to support his false statement.

Making every allowance for the distress & agitation of a man who believes himself exposed to a false charge of great gravity, the petr's conduct was of such a nature as imperatively to demand the termination of his probation.

The petr. is an able officer & has done good work &, on the whole, termination of probation would perhaps be a sufficient punishment for his false statement to the Asst. Supt. & his endeavour to support it by false evidence

The I. G. has, however, dismissed the man from the position of Proby. Inspr. & has thus barred his future re-employment. Whether this additional penalty is necessary must be decided with reference to the rest of the case against the petr.

The I. G. of Police seems to have gone much too far in condemnation of the petr. There is not a jot l evidence to prove that petr. knew anything about the torture of Vemayya & Venkatesa & Venkatamma & Munni Venkati. The I. G. assumes that petr. reached Kurabalakota about 9 p.m. on the 22nd, but this assumption is quite inadmissible. Petr. sends up a letter from the Railway Inspr. with whom he travelled by trolly to Kurabalakota & the writer certifies that they did not reach the station till 11 p.m. The Kurabalakota Station master seems to have given similar evidence & the Supt. thinks it conclusively proved that Petr. did not reach Kurabalakota till past 11 at night. When he did arrive he went apparently straight to Papa Bi's house & there is the Rev. Inspr's evidence to show that he did not leave the house that night. The time of the beating of Vemayya & Venkatesu & Venkatamma & Munni Venkati is not certain but all the evidence goes to show that both cases happened about 8 or 9 p.m. & the scene of the former offence was at a distance of about 3/4 mile from Kurabalakota. The Inspr. at Kurabalakota at the time when these cases occurred was Mr. Marcar, for l. did not leave the village

till 10 p.m. It is true th Vemayya & Venkatesu sa that an Inspector wa present when they were beat & Col. Porteous scoffs at the notion that they could have mistaken a Head Constable for an Inspector & says that there is no groun whatever for supposing that Mr. Marcar is the Inspector referred to.

But the Constables who were charged with beating Vemayya & Venkatesu were acquitted by the Sessions Court on the groun that the night was so dark that identification was well-nigh impossible & this deprives the I. G.'s remarks of much of their force. It seems quite possi that Ven: & Ven: heard a man giving orders & assume that it was an Inspector, for they knew that there was an Inspr. in the village. Moreover, the petr. asserts (&, apparently, with truth) that Ven: & Ven:, when confronted with petr., denie that he was the man who was present when they were beaten.

The I. G. seems to have made the petr. a scape-goat & heaped on him the sins of Inspr. Marcar who has apparently go off *scot-free. The I. G. does not accept the

ough he actually confessed
being present when one of
prisoners was beaten.

petr's statement that he was merely deputed to assist Mr. Marcar & act for him during his absence, but holds that petr. superseded Mr. Marcar & was responsible for all that occurred. This view is open to the answer that, whatever petr's position was, Mr. Marcar was working up the case in Kurabalakota on the 22nd, the day when most of the misdeeds of the Police were committed. If, then, the theory of petr's direct connection with the crimes committed by the Police is abandoned, the only point left for decision is the part played by petr. in Papa Bi's case. This point involves five questions, viz,

(1) Did the Rev. Inspr. tell petr. that Papa Bi had been beaten?
(2) Did petr. Examine Papa Bi?
(3) If so, what did Papa Bi say to him?
(4) Why did petr. omit Papa Bi's ~~diary~~ name from his diary?
(5) Why was his diary for the 23rd not received until the 29th?

In dealing with these questions the first point to notice is that the Sessions Judge found it impossible to decide when Papa Bi had been

beaten & this doubt lends some force to petr's contenti that she may have been beat after he left the village at about 10 a.m. On the other hand, the Rev. Inspr. distinctly stated that the beating took place before Petr. left the village.

Assuming that Papa Bi was beaten & that the beating took place before petr. left the village, is it clear that petr. was informed of the occurrence?

He was certainly informed that the people feared ill-treatment & on the whole it seems probable that he was informed that some of them had actually been ill-treated; for, ~~[illegible]~~ in his statement before the D. I. G., petr. admitted having been informed that some women had complained that they "are being" ill-treated.

It seems, then, safe to assume ~~[illegible]~~ that petr. was informed that actual ill-treatment had occurred, ~~[illegible]~~ & it is admitted that Papa Bi was named as one of the sufferers.

Petr's natural course was therefore to Examine Papa Bi this he did. The I.G. words his minute so as to leave it to be imagined that Petr. utterly denied at first that he had exam.d Papa Bi, but no such denial seems to have been given. On the contrary, petr. stated in his diary that he had exam.d certain people &, in his statement before the D. I. G., he distinctly said that he had questioned Papa Bi.

[illegible]

But the I.G. fails to note that it does not follow that Papa Bi, when questioned informed the petr. that she had been beaten. The petr. says she did *not* inform him & he goes on to say that she admitted before the Sessions Court that she had not informed him. This is a point which ought to be cleared up. If Papa Bi did make this admission before the Court, then much that is suspicious in petr's case disappears. On the face of it, it is not improbable that a stupid old woman such as Papa Bi is reported to be would be afraid to accuse the police before the petr. & would resort to general statements such as that she only *feared* that she might be ill-treated, & others (the whole village

being delivered over to the hands of the Police) might adopt a similar course. If this is so, the entry in the diary may be innocent enough, for the Inspr., being told everywhere that no *actual* ill-treatment had taken place, & being in hot pursuit of a dacoit at the time, may have thought it sufficient to make a mere general statement that the Police were reported to 'want to molest' people.

There remains the question of the delay in submitting the diary. Here there is some doubt. Petr. implies that the diary was written on the 24th & merely delayed in the post. The Supt. says "the diary was not despatched "& received by the Asst. Supt. "until the 29th" & he accounts for the delay in *despatch* by the fact that petr. was busy with his enquiries into the dacoity. From the I.G's remarks it would appear that the diary bears the 24th as the date of despatch, but the I.G. thinks the date is false & that it was not despatched till the 28th nor written until the evil deeds of the police became notorious. Col. P.'s remarks on this subject are far from conclusive. He does not show why it is impossible that the diary should have been 5 days in transit in these remote parts, nor does he explain why the pet.r should have failed to prepare the diary till the 25th. If pet.r had subm.d on the 24th a diary which contained no reference to the Rev. Inspr's complaint & supplemented it on the 28th by another diary containing such a reference; the case would have been very suspicious. But in what way could it possibly advantage pet.r to send in no diary at all for the 23rd? The neglect would be sure to be noticed when the diary for the 24th came in & he would then have to explain. If pet.r had intended to conceal the Rev. Inspr's complaint he would have simply omitted it from his diary for the 23rd, instead of neglecting to prepare any diary at all.

The delay in submission of the diary seems therefore a trifling matter, but it would be advantageous to know the nominal date of despatch & the actual date of receipt of the diaries for the few days preceding & succeeding the 23rd; it will be possible with this information to see whether there was anything unusual about the diary for the 23rd.

It is subm.d that before passing orders Govt. should call for

particulars on this subject & for information as to whether Pappa Bi did admit before the Sessions Court that she denied to the petr that she had been ill-treated.

10 Oct.

It seems desirable to obtain the information suggested by U.S. I have been through the papers and it appears to me that Col. Dobbins made up his mind (1) that the pet. was ~~[illegible]~~ responsible for the misconduct of which the police were undoubtedly guilty (2) that he connived at it if he did not instigate it and (3) that he must accordingly be officially hung for it. I confess that I cannot find in the papers anything to raise a reasonable presumption that there ~~was~~ the pet. either connived at or instigated the police to commit the irregularities alleged against them.

4 There is perhaps here and there e.g. as regards the diary for the 23rd said to have been sent from Kurabalakota on the 24th which did not reach the Asst. Supdt. who was there near that village until the 29th — points which seem rather suspicious and suspicion is of course at first sight strengthened by the lie which the pet. distinctly told the Asst Supdt as to his whereabouts on the night of the 22nd. Still there is nothing in what has been elicited to warrant the extended view taken by the I.G. and Col. Dobbins is clearly wrong in his calculation as to the time when the pet. arrived at Kurabalakota. It is not likely that the overseer had

as to the time when his trolly left Chennappasamudram as the hour of the departure of the trolly from that Station must be perfectly well known to the officials there - if there is not a record of it kept in the Station ~~records~~ books.

The explanation given by the petr. of the reason for the falsehood which he told the Asst. Supt. seems a natural one. Many a man in a better position both socially and officially than the petr. would be apt to lie under similar circumstances in the same way that he did.

It was wrong no doubt but it was natural and dismissal for such an offence seems hard measure.

The petr. appears to have been a smart and promising officer and it is not likely that he would do anything which would be sure to jeopardise his position. All the surroundings of the case seem to me against the probability of his having connived at or encouraged illtreatment or torture of any sort. If he did supersede Mr. Marcar who seems to be no better than he should be as he admits that a case of beating one individual took place in his own presence, it is not at all likely that he would do anything calculated to put him into the power of Mr. Marcar or any of Mr. M's subordinates. There is not a tittle of direct evidence against him of any wrong doing (except as regards the case of the lie to the Asst. Supt.) and the indirect evidence such as it is is to my mind exceedingly weak.

15/10/94

orders

Case against
Prob! Inspect

H.M.

(For orders)

C16/10

R18/10

Note for H.M.

With regard to H.M.'s remarks on the subject of probationary Inspectors his attention is respectfully invited to G.O. dy 5 July 1889, No. 1154, Judl.

It will be seen that the period of probation may never exceed 2 years; that no man can be admitted as a probationer till he has passed his law test (Criminal Lower) & that his probation terminates if he fails to pass his Examn in departmental orders at his second attempt.

H.M.'s views seem therefore to have been met already.

20 Dec

22/12/94.

Note for C.S.

C.S.'s attention is invited to H.M.'s remarks about sending these original notes to the I.G.

20 Dec

The custom - and a very proper one as a general rule - is that notes for orders and notes of H.M.'s especially the latter are considered confidential and should not be seen outside the Secretariat & the Press. There have however been exceptions to this [illegible] e.g. when the law officers have been consulted, heads of departments have on one or two occasions been sent for by the C.S. (under orders) and shown all the papers including the notes for orders and H.E.'s notes and I *think* upon one occasion or it may be two they were sent confidentially.

I see no reason why on the present occasion the I.G. should not see D.O. and confidentially what has been written. It would save a good deal of writing and some possible misapprehension. Mr. Hammick is an ex-Under Secretary and would understand the position.

22/12/94.

As the C.S. does not object to the I.G. seeing these notes, let him do so, D.O. & confidentially. The perusal of them will save him a lot of trouble.

As regards the Prob. Insp. question I see my suggestions have to a great extent been anticipated – the rules laid down in the G.O. referred to seem right enough, if they are carried out. As to this, however, I confess to some doubts, for I have an impression that I have quite recently come across cases of men being kept on as Prob. Inspr. for more than 2 years. However this may be, I think these men should be protected from sudden discharge, in cases in which they have not been promoted from & consequently can't revert to, the ranks of the Police Force itself, by three months' notice if proposed or in some other way. Please ask the I.G.'s opinion – in a separate G.O. "Read again the G.O. of 89" & soon

HS
7/1/95

C.S.

Ref. only dt 24 Oct/94 No 2057

With refce to his letter dt 19 Sept. 1894, No. 5475, giving cover to a petition from the late probationary Inspector C. Krishnaswámi Náyudu, the I.G. of Police is requested to supply Govt. with information on the following points:—

(1) Is it a fact that, when Pápá Bi was examined before the Court of Session, she denied having told Krishnaswámi Náyudu that the police had actually ill-treated her, as is stated in para. 6(iii) of the petition?

(2) What are the nominal dates of despatch & actual dates of receipt by the Asst. Supt. of Krishnasami Náyudu's diaries for the 20th, 21st, 22nd, 23rd, 24th, 25th & 26th August?

(3) Is it the case that the Asst. Supt. formally superseded Inspector Marcar by the petr. or is the story told in para. 2(iii) of the petition true?

(4) ~~What~~ Has Inspector Marcar been punished? If not, why not? This Inspector appears to have admitted that he allowed the police

to ill-treat a prisoner
in his presence,

20/10

Office
Send spare copy of the
petition with this Reference
to the I.G.

(5) What are the grounds
on which the I.G. bases
his statement that
Krishnaswámi Náyudu
reached Kurabalakota
Station at about 8 p.m.,
or earlier, on the 22nd
Aug.?

24/10/94

I.G. Police with copy of petition

desp^d
24/10/94

The orgl enclosures re C No 5178/94 returned to
the I. G. Police Madras with
C No. 5969/94

12/11/94

No. $\frac{0}{49}$ 1,000—10-94.

Audit DEPARTMENT.

CHIEF OFFICE OF THE INSPECTOR-GENERAL OF POLICE,

No. 7219.

Madras, 7th December 1894.

FROM

Colonel C. A. Porteous,

INSPECTOR-GENERAL OF POLICE,

TO

THE Chief Secretary
to Government
Fort Saint George.

SIR,

Enclosures 3

With reference to Memorandum No 2057 dated 24 October 1894 from the Under Secretary to Government, Judicial Department, I have the honor to furnish the following information on the points therein raised.—

(1) Papa Bi deposed before the Court of Session that She did not complain to Inspector Krishnaswami Nayudu that the Police had ill-treated her. Vide the concluding portion of her deposition, Copy attached. I believe that She had been gained over.—

		Alleged date of despatch.	Date of receipt by Assistant Superintendent.
(2).	Diary of 20 August 1892.	21st August	24 August
	" 21 "	22d "	24 "
	" 22 "	24 "	29 "
	" 23 "	24 "	29 "
	" 24 "	25 "	29 "
	" 25 "	26 "	29 "
	" 26 "	not entered.	29 "

(3). The Superintendent of Police, Cuddapah, reports that from the Assistant Superintendent's Memo: and Order Books for August 1892 he could fi no order formally Superseding Mr Marcar or otherwise affecting him in Connection with the dacoity case; but in the enclosed diary of 20th August 1892 Krishnaswami Nayudu writes that the Assistant Superintendent at a person interview gave him a verbal order that he was placed on Special duty in the case and that all the Police Head Constables and Constables Should give him all possible assistance.—

(4). Inspector Marcar was not punished as he was tried by the Court of Session and was acquitted. He was released from Suspension and allowed pay for the period of Suspension and transferred to Vellore, North Arcot District

(5). Because Krishnaswami Nayudu admits that he left Voyalpad by train at 6.30 P.M. for Chinnatippa Samudrem (5 miles) which he must have reached before 7 P.M.; he then went on in a trolly to Kurbalakota (5 miles) which he must have reached before 8 P.M and as he did not remain at all at Kurbalakota Station but walked on at once to Kurbalakota Village 1 mile distance, he must have reached it by 8 P.M. or very Soon afterwards; but little or no reliance is to be placed on the St… of a man who lied so deliberately to … Assistant Superintendent (Mr. Dene) s… that

that he had Slept at Kurbalakota all night.—

I have the honor to be,
Sir,
Your Most Obedt. Servant.

Chas. A. Porteous Colonel,
Inspector General of Police.

W…
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Dist.
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may
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Judicial (1894) DEPARTMENT.

6540 ~~Ref.~~ C. 2057 : 24 oct 94

FROM

Jud. Dept.

Col. C. A. Porteous,

INSPECTOR-GENERAL

OF POLICE,

TO

CHIEF SECRETARY
-8 DEC 1894
GOVERNMENT OF MADRAS

For orders

No. 7219

Dated 7th
Received 8th } December 1894.

No.

Encl. 5

SUBJECT.

Furnishing information on certain points raised in connection with the appeal from late Inspector C. Krishna-Swami Nayudu of Cuddapah District.

W.S. 10/12.

For orders

500—20-6-94.

Jud.l DEPARTMENT.

No. 6540

From I. G. Police

Dated 7 Dec. 1894.

FOR ORDERS.

I have always made it a rule that only one penalty, that of dismissal, is a proper one for lying. But of course in this case there are great excuses to be made. The I.G.'s order of dismissal may therefore be altered into one of cessation of probation & it may be stated that Govt. has no objection to the Pet.'s re-entertainment in the Police or any other dept. —

I think also that a D.o. may go to Mr. Hammick suggesting that the pet. might be tried again. Mr. Hammick will have little leisure for some time to come but it wd. be an assistance to him if these notes were sent him confidentially for perusal & return — I expect such a course is not usual but I don't myself see any objection to it. I am, however, ready to consider anything the C.S. may desire to advance on this point.

There remain the cases of Inspr. Menon & of the Tahr. I cannot see why ~~the former~~ either

This current, being the I.G.'s reply to Reference No. 2057 of 24 Oct 1894, seems sufficient to prove that Col. Porteous's conclusions regarding Krishnaswámi Náyudu's conduct were to a great extent erroneous or, at all events, that they were formed hastily.

10 The first question is "Did "Papa Bi swear before "the Sessions Court that "she gave no information "about her ill-treatment "by the Police to the "petitioner?"

It appears that she did testify to this effect. Unfortunately for the petitioner, however, she denied at the same time that the Pet.r questioned her at all on the subject of her ill-treatment. Pet.r has, however, asserted all along that he did question Papa Bi, so that Papa Bi's denial of such questioning deprives the pet.r of much of the protection which h deposition would otherwise have secured to him.

Col. P. thinks Papa Bi was gained over to the petitioner's side. This is a mere supposition & it is almost certainly baseless. If she had been gained over, would she have denied that Petr. questioned her at all?

The fairest conclusion seems to be that Papa Bi's admission that she told the Inspector nothing is correct & that, when called on to explain why she had not done so, she thought it necessary to protect herself by a false statement that she had never been questioned.

(2) The next question is "Why did the Asst. Supt. "not receive petr's diary "for the 23rd Aug. till the "29th idem?"

Col. P. has argued that the delay is proof sufficient of the falsity of the diary of the 23rd. A glance at the list of dates now supplied shows how baseless this argument is. Not only the diary for the 23rd, but also those for the 22nd, 24th, 25th & 26th, were not received till the 29th.

There is no suspicion about the other diaries; why

should get off merely because the case happened a long time ago. There is no law of limitation in criminal cases, and this is in essence a criminal case; & the full facts have only now been brought to the notice of Govt. Insp. Marcar's case seems to me a particularly bad one. Govt. call on him to show cause why he should not be dismissed. The charges against him should be distinctly stated. As to the Tahr., Govt. ask what notice, if any, was taken of his clear neglect of duty; and if none, why none?

HS

Decidedly; & knowingly or otherwise, let them commit all sorts of atrocities

HS

Certainly not. It is a great mistake to suppose that Govt. is bound to retain a man in its service merely because sufficient evidence has not been forthcoming to warrant his conviction on a criminal charge.

HS

What nonsense! A regular old woman's verdict!

HS

should the delay in the case of that for the 23rd be regarded as proof that it was not genuine?

(3) The third question is "was Petr. put in charge "of the case to the exclusion "of Inspector Marcar?"

Petr. says he was not, Col. P. says he was & holds him, therefore, responsible for all that has occurred. It is abundantly clear that petr's statement is correct. Col. P. has failed completely to show that Marcar was superseded & in fact he was responsible for the conduct of the police during a great portion of the investigation.

(4) The fourth question is "Why wasn't Marcar "punished?"

The I. G. replies "because "he was acquitted by the "Court of Session."

This is no reply — at least not a sufficient one. He was tried in connection with the Inquest case (pp. 6 & 7 of previous Note for Orders) & acquitted &, so far as regards this matter, nothing further need be said, though the D. I. G. characterizes his conduct as "marked "by great laxity & want "of care & precision" (see Enclosure 4).

But, according to the D.I.G.

one of the accused in the Dacoity case was actually beaten in Marcar's presence in order to extort a confession ~~[illegible]~~ and Marcar suppressed this fact entirely at the time "for fear of clashing "between himself & Supt. "Krishnaswámi Náyudu" (vide Enclosure 4). Marcar is also described as "utterly useless & untrustworthy" by the D.I.G., yet he was not only not punished*, but was given full pay for the period during which he was under suspension. After this lapse of time all that can be done seems to be to intimate to the I.G. that, in the opinion of Govt., Marcar was not adequately dealt with.

(5) The fifth question is "On what did the I.G. base "his statement that the "petitioner reached Kurabala-"kota Station about 8 p.m. "on the 22nd Aug.?" Col. P.'s reply assumes that petr. left Chimmatippa Saundram by trolly for Kurabalakota immediately on his arrival at the former place. Col. P. ignores Appendix D to the petition. This Appendix purports to be a letter from a Railway Overseer & it is distinctly stated in that letter that the trolly in which petr. went

If Mr. Mercar had been utterly incompetent it is impossible to suppose that the men under him could have got out of hand in such an extraordinary & wholesale way. The Secy: J. had no option

* Except by transfer to Vellore.

— of course but to acquit men accused of definite crimes agst. whom definite & clear evidence was not adduced — but there can be no doubt that a number of persons were mercilessly maltreated by the Police in the village, nor that, as a body, all the Police in the village must have known more or less clearly what was going on. The whole of them shd. have been dismissed. As a matter of fact what was done to them? Were they all let off or transferred to favourite stations as Mr. Mercar was? Please ascertain. HS

The suggestion here made wd. tend to reduce the powers of the I.G., which is not in accordance with my ideas of sound principles of admin. —

It is however worthy of consideration whether it is now necessary that persons appd. Police Insprs. should be retained as probationary for ~~[illegible]~~ several years, as was often the case. Originally it may have been necessary because men could not be obtained for the appt. who had passed any of the tests prescribed for it, & it was therefore necessary for to keep them probationary ~~[illegible]~~ in order to give them time to pass, as well as to afford their superiors time to test their activity & intelligence. But I imagine that so much time in order to pass exams is not *:

*: now required because men can now, a thousand, be got who have already, before appt., passed some at least of the required tests. If so, there can be no reason why they should be kept on as Probationary for indefinite periods. It would be better, I think, to fix a definite period at the end of which, unless under exceptional circs., a man should either be confirmed or got rid of.

~~#~~ In the case of men promoted from the rank of Hd. Cont., it is easy to terminate probation — Such men simply revert to Hd. Consts. But in the case of a man taken from another office termination of probation means, independent circs., dismissal, for the man has no appt. ~~[illegible]~~ to revert to & so simply goes out of employ. The same is the fate of a man originally entertained as a Police Inspr. (Probationary) — If a man has done anything seriously wrong, there is no reason to object to this ~~[illegible]~~ resulting in the termination of ~~[illegible]~~ probation. But it does not seem fair treatment of men against whom there is nothing to be said except that they are not fit to be Police Inspectors, ⊗

to Kurabalakota Statio
Proc not leave Chimmatipp
saundram (5 miles from
Kurabalakota) till abo
10 p.m., so that petr. cann
if this letter is correct,
have reached Kurabalako
much before 11 p.m.
There is no reason to discr
the Railway Overseer's lett
& the Supt. on pages 9 & 10
of his Minute (Enclosure 2)
expresses his conviction
that petr. did not reach
Kurabalakota until some-
where near midnight.
Against this there is nothin
to set except Col. P.'s
assertions & Col. P.'s Mem
out betrays a strong
bias against the petr.

(6). It is submd. that the Order of dismissal passe by the I.G. of Police shoul be altered into one of termination of probation in order that petr's re-employment may not be barred.

The opportunity might be taken to ask the I.G. whethe the power of dismissing probationary Inspectors should not be withdrawn from him. This power he possesses under G.O. 7 8 June 1874, No. 1035, Jud., but, so long as probationary Insp are liable to dismissal by the I.G., so long do they lose the protection afforde by sec. 197 C.C.P.

d) Finally, orders are [illegible] whether anything should be said as to the conduct of the Taluk Mag. in the matter of the inquest.

This matter is alluded to on pp. 2, 3, 6 & 7 of the previous Note for Orders.

The Taluk Mag. seems to have been guilty of a serious breach of duty, but, after this lapse of time, it will perhaps suffice to say that Govt. presumes that the Tal. Mag. took due notice of the matter.

11 Dec

14/12/94.

The case occurred more than two years ago.

The petr. seems to have decidedly had hard measure: perhaps the present I.G. may be told that Govt. will not object to another trial being given to the man.

The only sin brought home to him is the falsehood told to the Asst. Supt.

This is a serious offence no doubt but there is under the circumstances of the case considerable palliation for it.

14/12/94.

Case of an Inspector

⊗ perhaps can't ride, or cannot maintain discipline or are dull fellows with no detective faculty. It does not seem fair, tho', that ~~in the case of~~ such a man should simply be thrown on the world, perhaps after several years' service, merely because his probation as a Pol. Insp. has been terminated. It would be only fair, I think, in such a case, where no positive fault is alleged against a man, that he should have time given him to look about him, instead of being summarily informed that his probation had terminated. A man of the kind might, I think, get 6 months' notice to enable him to look about him, subject to

(For Orders)

the condition that, when absolutely necessary, the I.G. might ~~[illegible]~~ require such a man to take 6 months' leave without pay – I think the I.G. might be asked to consider the whole question of the position of these probationary Insprs. though ~~[illegible]~~ not as a part of the G.O. in the case of this petitioner, but separately; & that in the G.O. the reflections above made might be set out for his consideration, though not intended in any way to hamper him in making any proposals he himself may think called for, when he has taken time to look into the matter & to deal with it with some ~~[illegible]~~ experience of the working of the present system.

17/12/94

Jud. DEPARTMENT.

[5]
700—20-6-94.

Papers to be read in Proceedings :—

Again G.O., dated 18 , No.
Again G.O., dated 18 , No.
Current No. 3897 of 1894, dated 3 Aug from I.G. Police
5178 —— 19 Sept —— ——

Current No. 6540 of 1894, dated 7 Dec from ——

Order mis. 19 Jany/95 No 128

The Govt. cannot entirely concur in the view taken by Col. Porteous. That Probationary Inspector C. Krishnaswámi Nayudu lied as to his whereabouts on the night of the 22nd Aug. 1892 & that he endeavoured to support his ~~falsehood~~ untruth by false evidence are indisputable facts, but the Govt. sees no reason for supposing that he was in any way responsible for the misconduct of the police, or that he purposely suppressed information given him by Pápá Bí, or that his diary for the 23rd Aug. was a false document the preparation of which was intentionally postponed. Under these circumstances the Govt. has resolved to alter the I.G.'s order of dismissal into one of termination of probation & to declare that no objection will be taken to the petitioner

HS 17/1/95

C 15/12

re-entertainment in the Police Dept. or any other branch of the public service. The petr. should, however, be made to understand that he has been guilty of most reprehensible conduct & that no consideration would have been shown to him had H.E. the Govr. in C. not been satisfied "that the agitation & distress which he experienced were such as to ~~[illegible]~~ blind him to the consequences of his ~~[illegible]~~ actions. ~~[illegible]~~

2. On the other hand the Govt. is by no means satisfied ~~[illegible]~~ that due notice has been taken of Inspector Marcar's conduct. There is no doubt that the police behaved in a scandalous manner in Kurabalakota & it is barely credible that the officer in immediate charge of them was ignorant of their misdoings. That officer was Mr. Marcar. Col. Porteous has entirely failed to prove that Inspector Marcar was superseded by Krishnaswámi Náyudu & that the responsibility for what occurred rests with the latter. ~~[illegible]~~ It appears to be admitted that Inspector Marcar was at Kurabalakota throughout the 22nd August, from early in the morning to a late hour of the night &

it seems certain that Krishnaswámi Náyudu was ~~about~~ away from the village on that day from some time before noon until nearly midnight, for there is nothing to support Col. Porteous' assertion that he returned to Kurabala-Kota about 8 p.m. Apparently, therefore, it ~~It~~ was during Krishnaswámi Náyudu's absence ~~[illegible]~~ that the ill-treatment of (1) Vemayya & Venkatesu & (2) Venkatamma & Munni Venkati ~~apparently~~ took place.

Inspector Marcar was, i is true, acquitted in connection with the Inquest case but the D.I.G. characterizes his conduct on that occasion as "marked "by great laxity & want "of care & precision" &, according to the same officer, one of the persons accused in the dacoity was actually beaten in Mr. Marcar's presence in order to extort a confession & Mr. Marcar suppressed the fact at the time "for fear of "clashing between himself "& Inspector Krishnaswámi "Náyudu". Mr. Marcar is also described by the D.I.G. as "utterly useless & untrustworthy".

Yet his only punishment, if punishment it can be called, was a tr

to Vellore & he was
given full pay for the
period during which
he was under suspension.
The Govt. cannot think that
W. Marcar's case has
been adequately dealt with
& the I. G. will be requested
to state the case against
him fully & to call on
him to show cause why
he should not be dismissed.
His explanation should be
accompanied by a report
from the I.G. wherein ~~[illegible]~~
2. particular attention should
be devoted to the case where
~~[illegible]~~ he is said to have
been a witness to the ill-
treatment of one of the
prisoners.
The Govt. also desires to know
whether anything was done
to the other policemen
who were concerned in
the disgraceful scenes
at Kurabalakota.
4. Another officer whose
conduct in connection
with this incident seems to
have been most discreditable
is the Taluk Magistrate
(A. Ramanuja Chari)
of Madanapalli. The
bodies of two women were
found in a well & there
was evidence to connect the
police with their death. The
Taluk Magistrate recorded
depositions to this effect,
& then actually left the
completion of the inquest
to W. Marcar & another

D.O.
17/1/95

police officer. The Taluk
Magistrate has attempted
an explanation of his
extraordinary conduct
(para. 13 of the judgment
in Cuddapah Sessions
Case 78 of 1892) but it
appears to Govt. to be
utterly inadequate. The
D.M. of Cuddapah will
accordingly be requested
to report whether any
notice was taken of
the Taluk Mag.'s clear
neglect of duty &, if not
to explain.

(From orders)

14/1 9 Jan

To the I.G. of Police (Q & O) & also
enclosures to be returned with report
— D.M. of Cuddapah (Q & O)

DESPATCHED
22 JAN 95
IN M.S

D.O.

My dear Hammick,
In order that you may
understand clearly the
grounds upon which Govt.
has modified Porteous'
order in regard to probation
Inspector Krishnaswámi
Náyudu, I send you
herewith, confidentially
the Secretariat notes
& the Hon. Member's observations
thereon for perusal. The
Govt. is inclined to think
that Krishnaswámi Náyudu
should be given another
trial & I am directed to
suggest to you that this
should be done. Please

return the notes when no longer required.

Yrs sincerely

9 Jan

Lt 14/1

M. Hammick Esq with sealed cover } despd 22/1/95

Case of [illegible]
Inspectors

W No

12 . . 0

When given for copying ______
When copied ______
When examined ______
When signed ______ } 189 .

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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