# Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No 1467-68

Dated 12" July 1895.

INDEXED.

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[Despatch Abstract.]

## BADAGARA CONSTABLES.

Converting the ~~usual~~ punishment of dismissal awarded to the Head Constable P. Sumati and three constables concerned in the shooting of the Moplah K. Kadiri Kutti at Badagara in the Malabar district into one of suspension for six months; withholding the Head constable's memorial to the Government of India; and addressing that Government

## BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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## FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| C | 5124 | | 95 | | | | |

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[illegible]

**12th July 1895, No. 1467, Judicial.**

Print collection (A & B) - 12

3/8

## GOVERNMENT OF MADRAS.

## JUDICIAL DEPARTMENT.

Read—again the following papers :—

G.O., dated 30th August 1894, No. 2107, Judicial.

Abstract.—Passing orders on reports relating to the recent shooting by the police of a Moplah at Badagara.

G.O., dated 12th January 1895, No. 81, Judicial.

Abstract.—Informing the late Tahsildar A. Chathu, head constable P. Sumati and the several constables who were dismissed in connection with the shooting of a Moplah, that the Government sees no reason to reconsider its previous order.

Read—also the following papers :—

From the Government of India, Home Dept., dated 14th March 1895, No. 390.
" P. Sumati, late head constable, dated Calicut, 24th April 1895.
" the Inspector-General of Police, dated 14th May 1895, No. 2903.
" " of " " 28th " " Nos. 3202 & 3203.
" the Government of India, Home Dept., dated 15th June 1895, No. 409.

Minute by the Hon'ble Mr. H. W. Bliss, c.i.e., dated 9th July 1895.

I regret that I am unable to concur with my honourable colleagues in the order which it is proposed to pass, reducing the punishment imposed on P. Sumati and the other Badagara constables, for shooting a Moplah named K. Kadiri Kutti, from dismissal to suspension for six months.

It appears to me that if the case is not one of murder, but one of culpable homicide, it is only not one of murder because of the third exception to section 300, Indian Penal Code. It is clear that Kadiri Kutti was a lunatic. The original report regarding him was that he had become insane; and his absurd question "Where is my gold murada?" and his subsequent conduct when the first shots were fired lead irresistibly to the same conclusion. He is conclusively shown by Mr. Ayling's report not to have been a man of great strength, whom it would have been difficult to overcome; he was armed with no more formidable weapon than a table knife; and he made no sudden rush which had to be stopped instantaneously or not at all, but "advanced slowly." Opposed to him were head constable P. Sumati and four constables armed with breach-loading carbines, who were backed by the Tahsildar and some of his peons. To suppose that, if they had chosen to do so, this force could not have captured the man alive, without material risk of injury, seem to me absurd. If necessary, the constables could have clubbed their carbines and knocked him down.

But they made no attempt to take him alive, but, after retreating before him as he advanced slowly, until brought up against a wall and unable to retreat further, first fired two shots on the ground to frighten him and then three others, two of which hit and killed him. The two shots fired on the ground (by constables Nos. 581 and 815) were fired by order of the head constable and did no harm to anyone. They may therefore be left out of account, except as evidence of the head constable's want of courage to do his duty properly. The three shots subsequently fired (by constables Nos. 581, 815 and 674) were fired without orders. The men who fired are therefore themselves responsible for their action. Of the three, No. 581 certainly hit the deceased in the abdomen; the other two fired together and it is impossible to say whose was the bullet which inflicted the immediately fatal wound in the deceased's throat. But this impossibility does not seem to me to affect the criminality of either No. 815 or No. 674; nor does the fact that the three fired without orders affect the responsibility of the head constable, who supplied them with their arms and ammunition, or of the Tahsildar-Magistrate, who stood by and permitted this unjustifiable use of fire-arms.

It has been put forward as an excuse for these men's conduct that the district was at the time in a state of terror in consequence of a Moplah outbreak which had recently occurred sixty miles, or more, away, which had been put down by the troops with a loss of more than thirty lives, and, in the course of which, the fanatics had committed seven or eight murders. Taking this matter into account, I have abstained from urging the prosecution of the Tahsildar and police concerned in the shooting of Kadiri Kutti, but I cannot think that it justifies the retention by Government in its service, and as part of its armed police force, of this head constable and three constables, who have been proved guilty of a lamentable want of courage in the performance of their duty and of a perfectly needless act of bloodshed. On the contrary, the very fact that there had recently been what I may call a Moplah insurrection, which it had been necessary to suppress at a heavy loss of life, seemed, and seems, to me to make it incumbent on the Government to show the Moplah community that they will receive fair play at the hands of the authorities; that is to say, that while, on the one hand, all attempts at Moplah insurrection will be promptly and sternly suppressed, the Government will, on the other, countenance no acts of unnecessary violence towards members of that community. The Moplah problem has for years past been one of the greatest difficulty and a continual source of anxiety to the Madras Government; and there is no reason to hope that it will cause to be so in the early future. ea/ It has its origin, not in the hostility of the Moplahs to the British Government, but in their disagreements, religious and agricultural, with their Hindu landlords and neighbours. Great as are the difficulties to which it gives rise, they ~~would~~ will, I feel sure, be seriously aggravated, if to the other causes of Moplah discontent ~~were~~ is to be added the feeling that the impartial justice of the British Government is no longer to be depended on.

That the proposed leniency of Government to Government servants, who have without justification killed a Moplah, will tend to arouse among the Moplahs a feeling of disbelief in the justice of the Government towards them, is my conviction; and for this reason, ~~therefore,~~ as well as because I think that P. Sumati and the three constables fully merited dismissal, I deprecate the intended mitigation of their punishment to the insignificant penalty of six months' suspension, which is equivalent to a fine of Rs. 150 on the head constable and to smaller fines on the constables. Punishments of this description are in my opinion altogether inadequate and inappropriate to the offence committed.

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ORDER—dated 12th July 1895, No. 1467, Judicial.

Upon a reconsideration of the matter the Government has come to the conclusion that the punishment awarded to the head constable and three constables concerned in the shooting of the Moplah K. Kadiri Kutti at Badagara was too severe. The order of dismissal will therefore be converted into one of suspension for six months.

2. The memorial addressed by head constable P. Sumati to the Government of India will be withheld inasmuch as the punishment of dismissal against which he appeals therein has been cancelled.

3. The following letter will be despatched to the Government of India.

[Here enter No. 1468, dated 12th July 1895.]

(True Extract.)

*Chief Secretary.*

Exd. Shaik Kareem.

# Govt. of {1895} Madras.

## JUDICIAL.

A

Issued

Recd. Encl.

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**G.O., 12th July 1895, No. 1467.**

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**JULY.**

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### Badagara Constables.

Converting the punishment of dismissal awarded to the head constable P. Sumati and three constables concerned in the shooting of the Moplah K. Kadiri Kutti at Badagara in the Malabar district into one of suspension for six months; withholding the head constable's memorial to the Government of India; and addressing that Government.

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12th July 1895, No. 1468, Judicial.

## JUDICIAL DEPARTMENT.

Letter—from

The CHIEF SECRETARY to the GOVERNMENT of
FORT ST. GEORGE,

To

The SECRETARY to the GOVERNMENT of INDIA,
Home Department.

Sir,

I am directed to acknowledge the receipt of Mr. Thornton's letter, No. 390, dated 14th March 1895, enquiring whether this Government has withheld a petition from P. Sumati, late first-grade head constable No. 387 of the Malabar Police force, and, in reply, to state that the petition in question was received on the 1st December. It was, however, unaccompanied by a letter requesting its transmission to the Government of India as required by No. II of the Memorial Rules, and the address was inadvertently overlooked. The petition was consequently treated as a review petition addressed to this Government and disposed of accordingly.

2. The order of dismissal passed against the petitioner has subsequently been commuted into one of suspension for six months, and, inasmuch as the petitioner merely appeals against his dismissal, His Excellency the Governor in Council considers it unnecessary now to submit his memorial. He has been informed of the circumstances under which it ~~is now~~ withheld.

/has been

3. I am to enclose (i) a copy of the order reducing the punishment awarded to the petitioner from which it will be seen that the Senior ~~Civil,~~ Member of Council, the Hon'ble Mr. H. W. Bliss, C.I.E., recorded a minute of dissent and (ii) a copy of a despatch addressed to the Right Hon'ble the Secretary of State regarding a memorial presented by a Taluk Magistrate named A. Chathu who was dismissed for the part which he ~~played~~ took in the transaction which led to the petitioner's dismissal.

/has

ordinary type

I have the honour to be,
Sir,
Your most obedient servant,

Sd
30/7/95
Chief Secretary.

Ootacamund,
12th July 1895.

Exd. Shaik Karim.

**Regr. No.**

**HOME 1895 DEPT.**

[ ]

*From the Government of*
*Fort St. George.*

To be returned

*Issued*

*Recd.* B *Encl.*

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**Letter, 12th July 1895, No. 1468.**

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**JULY.**

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**Badagara Constables.**

Informing the Government of India of the circumstances under which this Government withheld a petition addressed to it by P. Sumati, late head constable No. 387 of the Malabar Police force, appealing against his dismissal; and forwarding a copy of the order reducing the memorialist's punishment.

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Original

21 NOV.94
MADRAS.

To

*His Excellency the Right Honorable*
*the Governor General in Council*
*Fort William*
*CALCUTTA.*

The humble memorial of P. Sumati Late
1st grade Head Constable No.
387 of the Malabar Police force.

Most Respectfully Sheweth,

(1) That Your Excellency's humble memorialist was serving as the station house Officer of Badagara in North Malabar and has been dismissed from service by G. O. No. 2107 dated 30th August 1894, against which memorialist most respectfully ventures to submit this appeal for the kind and favourable consideration of Your Excellency in Council.

(2) The facts and circumstances of the case which has brought upon the unfortunate memorialist the extreme departmental punishment above alluded to would, he respectfully submits, appear sufficiently clear from the said G. O. (Enclosure A) and it is therefore he submits unnecessary to encroach upon the precious moments of Your Excellency in Council with a re-iteration of its details.

(3) Para 3) of the said G. O gives the grounds upon which the Madras Government have come to the conclusion that Your Excellency's humble memorialist must be dealt with severely and he ventures to leave it to Your Excellency in Council to consider if they are sufficient to justify the order above referred to blasting the hopes and prospects of a young man as Your Excellency's humble memorialist is and leaving him adrift in the world with the stigma of cowardice.

(4) He begs leave to Extract these charges and respectfully submit a brief explanation under each of these heads.

(*a*) "That had the most ordinary degree of resolution been shown the lunatic would easily have been seized and disarmed either when he attacked Constable No 896 or when he refused to surrender to the second police party."

*The attack on constable 896 in the first police party was the work of a moment. The sanyasi being unexpectedly pounced upon and closely pursued by the fanatic the police followed, and No. 896 the first to overtake struck with his baton the deceased Kadiri who leaving the Victim, turned upon him No. 896, stabbed him with his knife and receded to his first position with his back against the wall. The wounded Constable at once fainted and the attention of the police was directed to save that Constable and so they obeyed the impulse of the moment to save the life of the Constable by taking him to Hospital.*

*Against the second police party the Mopla was more ferocious than before. As soon as he saw the guns he shouted out that he was bullet proof and advanced forward in spite of the aimless shots fired at him. It is here the whole case against the memorialist and his men stands. It is here the memorialist prays Your Excellency should kindly bestow some Consideration on the perilousness of the situation in which he was placed. Here there was no time to concert measures for his arrest without loss of blood. It was getting dark. The police tried a retreat but retreat itself proved, an impossibility as they unconsciously were backed against a blank wall and could not retreat further.*

*The deceased was advancing with his bloody knife with the avowed intention of taking the lives of the interfering Police.—Under these Circumstances, memorialist submits that his men preferred the surest remedy of shooting the man which memorialist in the face of the above circumstances could not think of preventing.*

*The Government themselves admit that Kadiri was insane and there is sufficient independent evidence on record to show that the man was a strong built athlete of Considerable skill who even apart from any extraneous strength of arms would be more than a match to the five police men in a hand-to-hand encounter ; coupled with these the facts that he had already stabbed Chodala Mutku, inflicted very serious injuries upon constable No. 896 who had attempted the expedient advocated by the Government and that he was flourishing defiantly the deadly knife which in spite of the mild appellation of atable knife conferred upon it by government had already demonstrated but too well its deadly nature would he humbly suggests lead to the irresistible inferance that any second attempt at securing his arrest would have been simply futile.*

*Further the humble memorialist ventures to add, that in this case the police were alone without any assistance or Co-operation of the public either Hindu or Mohomadan.*

(*b*) "That batons or carbines used as batons were sufficiently formidable arms to enable five men to overcome a single person even if insane or frenzied with fanaticism who was armed merely with a table knife and that therefore there was no excuse for firing upon him."

*Carbines are very heavy weapons which it is impossible for ordinary men to use successfully with one arm. To use them as batons would engage both the arms which have to be used in defending the man who used it against the assailant, which attempt if unsuccessful disables him for a few seconds to recoupe his position and thus makes his body a target for the attack of the assailant who in the present instance was one who did not care a bit for his life ; and in a of moment of peril it is impossible to expect joint action from a handful of men who were thrown into a confusion by unexpected incidents turning up requiring prompt and immediate action.*

*The knife with which Kadiri was armed was not a table knife in the strict sense of the term. The crime records of the District would furnish numerous instances where a knife of this kind has been effectually made use of as a murderous weapon. In this particular case this weapon had already been twice used as a dagger and if not interferedwith, would have surely taken two lives. Your humble memorialist respectfully submits that these two attempts at*

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*murder ( upon Constable No. 896 and Chotala Muthu) as well as the unequivocally defiant attitud' of the deceased Kadiri towards the second party of the police and the Tahsildar who were hard pressed for their lives (being unable to retreat further) would be adequate to fulfil every detail of legally justifiable right of private defence on the part of the memorialist and the men under him. The carbines were taken out originally with the consent of the Tasildar Magistrate who had ordered that the man could be shot at if could not be arrested before dark, also with the intention of intimidating the deceased into submission and were calculated as a reserve to fall to in case the incident should develope itself into a fanatic outbreak or a general riot. The Government would seem to lay much stress upon the fact that the assailants were five in number while the assailed was but a single person. But your humble memorialist respectfully submits that there are on record established decress of the highest tribunals of the land where the right of private defence has been held to apply even though the assailants were numerically stronger, and armed while the assailed was single, and either unarmed or armed with only comparatively innocent weapons. Both the District Magistrate and the Inspector General of Police have taken the same view and the Government have given no reason for over ruling their opinions*

*You humble memorialist would respectfully invite Your Excellency's attention to the fact that his case is clearly, one turning upon the law of the right of private defence and the proper course of the Madras Government should have been when two such authorities as the District Magistrate and the Inspector General of Police differ from their own view, to have consulted the opinion of the Advocate General or taken the case to a competent court of Justice.*

(C) "That the Government cannot admit the recent disturbances in a distant part of the district were any excuse for this violence towards a single person mopla though he was"

*The recent disturbances at Pandikat in South Malabar which place with the modern facility of communication is about 3 days journey from Badagara, have been characterised by Government as too distant both locally and logically to be allowed to influence the hands or heads of the officers who had the misfortune to take part in the incident under question at Badagara. The fanaticism of the moplahs of Malabar, its occasional but sudden out burst in localities and quartèrs least suspected and the blackest atrocities perpetrated by fa natic bands in incredibly short time are matters of history, and if this incident had been allowed to develope itself into such an outbreak as undoubtedly it would have as the history of past outbreak would show, and as the humble memorialist was led to believe from the deceased attacking a cow and a Sannyasi both looked upon with reverence by the Hindoos, as well as by his entire non-interference with the members of his own religion, the officers now so severely punished would have come in for an equally strong share of the marked displeasure of government for want of discretion in not nipping the movement in the bud. Your humble memorialist submits by the prompt and effective action which it was found necessary to resort to under the circumstances, Badagara has been saved from loss of life and property both of which the deceased Kadiri most unmistakably threatened.*

(D) "That your humble memorialist has been guilty of Cowardice and entire failure to act up to the responsibilities of his position "

*The above facts would, your humble memorialist ventures to hope, sufficiently exonerate him from any charge of cowardice. Darkness was fast closing in, the people out of fright closed their shops and deserted the streets; no one was either willing or daring to help the police, Kadiri threatened to setfire to the houses and shops and was literally running amuck; he had already attempted the life of two persons; the Tasildar and the police party were hard pressed for their lives; two shots fired on the ground to frighten him had no deterrent effect; he was flourishing his bloody knife and defiantly advancing forward. These are facts which if impartially considered would clearly show that your humble memorialist did fully realize the gravity of the situation and that the Constables under him had no alternative but to adopt the course of action they were driven to.*

(5) The above order of Government was passed without taking any explanation from your Excellency's humble memorialist upon specific charges as required by G. O. No. 2290 dated 3rd December 1883 conveying extratcts from the Proceedings of the Government of India in the Revenue and agricultural department Public dated Simla 29th July 1879—No. 37—1389—14021, which also specifies the class of offences which alone entail dismissal from service of a public servant. The statements given by him originally to his superiors were not made in answer to any charges but had reference only to the circumstances under which Kadiri was shot, the charges of cowardice and mismanagement being intimated to him for the first time when the painful order of dismissal was published.

(6) To sum up, Your Excellency's humble memorialist most respectfully ventures to hope that the above facts and circumstances would clearly convince Your Excellency in Council, firstly, that Kadiri was really a formidable person armed with the knife with which be inflicted grievous hurt upon two innocent persons BOTH OF WHOM HAVE LOST ENTIRELY THE USE OF THEIR THUMBS EVEN NOW and would have committed more serious and extensive injuries to life and property if unchecked, secondly, that his marked antagonism to the Hindoos and things sacred to them as well as his non-interference with his co-religionists even though they were standing about him in knots of two and three would argue very much against any presumption of insanity on his part but on the other hand tend strongly to suggest that he was actuated by motives of fanaticism, thirdly, that the police were taken aback by the sudden news of Kadiri's rising, the events that occurred subsequently being crowded together within a few minutes which left them hardly any time to take a cool dispassionate view of their situation, fourthly that they may be reasonably excused if in the confusion of this eventful and grave moments they failed to resort to the most appropriate and justifiable means of disarming and arresting Kadiri, fifthly, that they acted *bonâ fide* in the case from motives of self-defence and out of devotion to their paramount duty of saving life and property, sixthly, that they had under the circumstances no alterative but use the carbines the only effective means of checking

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THERE BEING NO BAYONETS IN THE STATION AT

Kadiri (TO HEM HIM IN) the only alternative measure of effective check and seventhly, that their action is therefore worthy of credit as displaying courage and devotion to duty.

(7) Memorialist is now 29 years old with a service of 6 years in the Police Department of which 1½ years he has acted as Inspector. He has passed the Matriculation Examination of the Madras University and the Judicial Test, Criminal Higher Grade. He had worked with zeal and energy in the Depaatment and the best recommendation that he could urge in his favor in the present instance is the fact of his own superiors who had considerable experience of the ways of Mopla fanatics having upheld his cause. The deprivation of his present position at so early an age and the stigma of cowardice attached to his name is galling to his recollection and form a punishment which memorialist submits he has not in the least deserved.

(8) Under the above circumstances your humble memorialist most respectfully prays that your Excellency in Council will be graciously pleased to cancel the order of dismissal and restore him to office for which act of justice and kindness he shall as in duty bound

EVER PRAY

Calicut
18.11.94

6368

Forwarded through the Inspector General of Police.

No. 7045
Forwarded.

Chas. A. Porteous Colonel.

Inspector General of Police.

30 November 1894.

From (D) "That yo

Col. C. A. Porteous,
Inspector-General
of Police

No. 7045

Dated 30. November 1894
Recd. 1st Dec. 94
Regd. 1st .....
Encl. 1.

UNDER SECRETARY PUBLIC ETC. DEPT.
Subject

Forwarding memorial of P. Sumati, late 1st grade Head Constable No. 387, Malabar District, praying for re-instatement.

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No. 390

From

L. M. Thornton, Esq.,
Depy. Secy. to the Govt. of India.

To

The Chief Secretary to the Government of Madras.

CHIEF SECRETARY
19 MAR 1895
GOVERNMENT OF MADRAS

Home Department.
( Judicial )

Calcutta, the 14th March 1895.

Sir,

I am directed to state that P. Sumati, late 1st grade Head Constable No. 387 of the Malabar Police Force, submitted a duplicate petition dated the 18th November 1894, to the Government of India, the original of which was said to have been forwarded "through the proper channel", in which he appealed against his dismissal. I am to enquire whether this petition has been withheld by the Government of Madras.

+Cal. No. 6368/95
under cover of G.O. No. 87
12-1-95 No. 81 Mis.

I have the honour to be,
Sir,
Your most obedient Servant,

L. M. Thornton

Depy. Secy. to the Govt. of India.

or with-held

(D) "That

CUR ENT No. 1365

Jud

G.o. 81: 12.1.95 Jud

From

G.o. 2107/94 & further

The Govt. of India

Home Dept.

No. 390

Dated 14. 3. 95

Recd 19. 3. 95

Subject

Enquiring whether a petn. from Sumati said to have been forwarded through the Govt. of Madras, has been withheld by that Govt.

29/4

N/

To await return of Lr. 1024 + connected papers from ... No petn. to G. of I. seems to have been recd yet?

Read back with G.o. 81 on 12-1-95 24/4/95.

D 22/3

Colew

Order

mis

Ordered that the following letter be desp. to the Govt. of India.

Letter

To

The Secretary to the Govt. of India, Home Dept.

Sir,

Adverting to Mr. Thornton's letter of the 14th March 1895 No. 390, I am directed to state that the original appeal petition from P. Sumati late 1st grade head constable No. 387 of the Malabar Police force was withheld by this Govt. under ~~para~~ Rule 3 ~~(7), Sec. III~~ Sec. I? of B. memorial rules. I am also to add that in its Proceedings of 6th ap. 95 No. 733, Judl, this Govt. declared that there are, however, no objections to petr's re-entertainment in the public service in a ministerial capacity.

Note.

The original memorial — Cr. 6368 — under cover of G.o. of 12 Jany. 95 No. 81, Judl, was disposed of along with other petns. & does not appear to have been then noticed that it was addressed to the G. I. — for no formal order withholding it was then ~~been~~ passed. Perhaps it may now be included in the list of memorials withheld & G. I informed as proposed? Petr. ~~was~~ (Sumati) was informed in G.o. 81/12.1.95 that this Govt. saw no reason to reconsider its previous orders; but he was since shown some concession in G.o. 733 of 6th inst.

MR
29.4.95

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INDIA COURT FEE INDIA

½ R.

[illegible]
22 4 95
[illegible]

EIGHT ANNAS

CURRENT No. 212

To

The Chief Secretary to His Excellency the Right Honorable the Governor of Madras.

UNDER SECRETARY
27 APL 95
PUBLIC ETC. DEPT.

The humble petition of P. Sumati, late Head Constable Malabar Police residing in Calicut

Most Respectfully Sheweth.

That petitioner was dismissed by G. O. No. 2107, dated 30th August 1894, in connection with the shooting of a mopla at Badagara. The Tahsildar A. Chathu and a few other Constables were likewise dismissed.

That petitioner has forwarded an appeal against the said G. O. to the Government of India sending it through the Inspector General to the Madras Government for its transmission last November.

That petitioner has not been hitherto informed whe the memorial has been forwarded or not.

whether his memorial to the thither or with-held.

Subsequently to a memorial submitted by T

Chathu for a reconsideration, the Madr

that " Petitioners A. Chathu

informed that their case

C1721

Judicial Depts

CURRENT No. 2112

be disp

From, P. Sumati,
Late Head Constable,
Calicut

No. —

Dated 24th }
Recd 27th } apl 95
Regd 29th }
Sum. "

Subject

Requesting to be informed whether his memorial to the Govt of India appealing against his dismissal has been forwarded thither or withheld.

...form

...nsider its

...down some concession in

...3387 6th inst.

9.4.95

Orders
with Lr. 1365/95

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INDIA COURT FEE INDIA
EIGHT ANNAS
½ R.

Petition No. 309

Original

Calicut 26th April 1895

INSPECTOR GENERAL OF POLICE
29 APR. 95
MADRAS.

To,

The Chief Secretary
to Govt. of Madras
Fort St. George
Madras

Through,

The Inspector General of Police
Madras

The humble petition of P. Sumati Late Head Constable Malabar Police residing in Calicut.

Most Respectfully sheweth,

That petitioner was dismissed by G. O: No. 2107 dated 30th August 1894 in connection with the shooting of a moplah at Badgara. The Tahsildar K. Chathu and a few other constables were likewise dismissed.

That petitioner has forwarded an appeal against the said G.O: to the Govt. of India sending it through the Inspector General to the Madras Government for its kind transmission last November.

That petitioner has not been hitherto informed whether the memorial has been forwarded to the Govt. of India

Subsequently to a memorial submitted by the Tahsildar Chathu for a reconsideration the Madras Government ordered that petitioners K. Chathu, P. Sumati &c. will be informed that their case will not be reconsidered

Petitioner begs to submit that he has not applied for a reconsideration

He therefore prays that he may be informed whether his memorial to the Government of India was forwarded thither or with-held.

P. Sumati

Enclosure
1
2484
O. No.

With Lr. 1365/95

Dated [illegible] April [illegible]

To

The Chief Secretary
to Govt of Madras
Fort St George
Madras

Through
The Inspector General of [illegible]

The humble petition [illegible]

Most Respectfully [illegible]

[illegible]

CURRENT No. 2484

Office of Inspr Genl of Police,
Ootacamund 14th May 1895.

Ec No 2903

Submitted to Government for orders.

M Hammick
Inspector General of Police

To

The Chief Secretary
to Government,
Ootacamund.

Judicial (1895) Department

CURRENT NO. 2484

From

M. Hammick Esquire,
I.C.S.
Inspector General of Police.

No. 2903

Dated 14 } May 1895.
Received 16th }
Regd 17th
Encl. 1

No.

## Subject.

Submitting for orders a petition from P. Sumati, late Head Constable, Malabar, praying that he may be informed whether his Memorial to the Government of India has been forwarded or withheld.

To await return of previous (now) papers in circ (No. 1365)

D
18555

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Petition No 352 of 1895

INDIA COURT FEE INDIA
½ R.
[illegible]
13-5-95 [illegible]
[illegible]
EIGHT ANNAS

OFFICE OF THE INSPECTOR GENERAL OF POLICE
16 MAY 95
MADRAS.

To,

His Excellency the Right Honorable the
Governor in Council.
Fort St: George
Madras.

Humble petition of K. Appu Kurup late Constable No 815 Malabar Police residing in Panniannoor amshom Kottayam Taluque. Tellicherry.

Most respectfully sheweth,

That petitioner was dismissed by G. O. No: 2107 dated 30th August 1894 in connection with the shooting of a mopla at Badagara.

That late Head Constable, P. Sumati who was likewise dismissed in the same case, petitioner understands, has recieved an order from your Excellency stating that there would be no objection to his re-entertainment in the public Service in a ministerial capacity

He therefore prays your Excellency will be pleased to extend that mercy to petitioner which had been most kindly granted to Head Constable Sumati by issuing a similar order in Petitioner's Case.

Calicut }
13th May 1895 }

Ever pray

Appu Kurup

Submitted through,
The Inspector General of Police

43.

95.

To

His Excellency the Right Honorable the
Governor in Council,
Fort St. George
Madras.

Humble petition of K. Appu Kurup late Constable
No 316 Malabar Police residing in Pannianoor [illegible]
Kottayam Taluqu. Tellicherry.

Most respectfully Sheweth,

That petitioner was dismissed by G. O. No: 2107 dated 30 August 1894 in Connection with the shooting of a mople at Pudiyara.

That late Head Constable P— Samah who was likewise dismissed in the same Case, petitioner understands, has received an order from your Excellency stating that there would be no objection to his re-enlistment in the public Service in a ministerial Capacity

He therefore prays your Excellency will be pleased to extend that mercy to petitioner which had been most kindly granted to Head Constable Samah by issuing a similar order in Petitioner's Case.

Calicut
15 May 1895

Ever pray

Appu Kurup

Submitted through [illegible]

1895
Jud. Dept
Enclns. No. 1
To
C. No. 2643.

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CURRENT NO. 2643.

Office of Inspr Genl of Police,
Ootacamund, 28th May 1895.

E. No. 3203

Submitted to Government with reference to G.O. No. 2107, dated 30th August 1894, J.D.

Inspector General of Police.

To

The Chief Secretary
to Government,
Ootacamund.

Judicial (1895) Department

CURRENT NO. 2643.

From

M. Hammick Esq., I.C.S.,
Inspector General of Police,

To

The Chief Secretary
to Government,
Ootacamund.

No. 3203

Dated 28th } May 1895.
Received }

CHIEF SECRETARY
29. MAY. 1895
GOVERNMENT OF MADRAS

Regd 30-5-95
En. 1

Subject.

Submitting a petition from K. Appu Kurup, late Constable, No. 815, Malabar Police, who was dismissed by G.O. No. 2107, dated 30th August 1894, J.D., in connection with the Shooting of a Mopla at Badagara, praying that he may be re-entertained in the Public Service in a ministerial capacity.

connected papers with this

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Petition No. 382

A copy of this has been submitted directly to Government of India

To,
His Excellency the Right Honorable
the Governor General in Council
Fort William
Calcutta

OFFICE OF THE INSPECTOR GENERAL OF POLICE
6 MAY 95
MADRAS.

The Humble Memorial of Kelo[illegible] Appu Kurup, late Second Class Constable No. 815 of Badagara Police Station, Malabar District, at present residing in Pannianore Amshom Kottyom Taluk, North Malabar.

*Most Respectfully Sheweth.*

1. That Your Excellency's Memorialist is one of the Constables dismissed from the Service of Government in connection with the shooting of Kadiri, a Moplah of Badagara Town, *Vide* G. O. No. 2107 dated 30th August 1894. His dismissal being ordered by Government, of Madras ~~and having no appeal~~, Your Excellency's Memorialist most humbly prays for ~~a reconsideration of~~ his pitiful case in light of the following explanation he begs leave to offer.

2. In the depositions given by Your Excellency's Memorialist before the Officers who held enquiry into the occurrence, he begs humbly to state that he had had no opportunity to render any explanation for his conduct which was subsequently condemned. Your Excellency's Memorialist therefore humbly appeals to Your Excellency to take the following, his explanation into Your Excellency's most benign consideration.

3. Your Excellency's Memorialist together with the other two Constables was condemned for "extreme cowardice in failing to fall upon the Moplah Kadiri and disarm him" which, it is said, could have been effected, "either when he attacked No. 896, or refused to surrender to the Second Police party."

4. Your Excellency's Memorialist most respectfully begs to submit that when news was brought that Kadiri had been at large proving dangerous to the public, he showed no hesitation to go, armed though he was only with a baton. Kadiri was personally known to the Memorialist and was regarded by people in the Town to be a person of extraordinary muscular strength and a skilled and powerful athlete. The populace in the street were in a panic and were talking wildly and excitedly of the man's dangerous and defiant behaviour in the bazaar. The Memorialist's readiness in proceeding without any hesitation reveals that there was primarily no cowardice in him.

5. When Kadiri stabbed the *Sanyasi* the Memorialist and the other three Constables lost no time to attack the man with their batons with a view to stun or

disable him. When the Moplah's murderous instinct is borne in mind, Memorialist begs to submit that his and the others' attacking him prevented the *Sanyasi* from being killed. As soon as we began striking him Kadiri renounced the *Sanyasi* and turned on us and stabbed one of us. Memorialist begs to submit that either he or the others did not run away and leave the wounded Constable to the mercy of the murderous-minded Moplah; on the contrary, that he with the others stood firm and continued to attack the Moplah who broke himself off. By this time No. 896 had received his wounds and had fallen; he was bleeding profusely and immediately fainted. The Head Constable ordered us to take up the wounded Constable and return.

6. That this abandonment of the Moplah was a course of action which he and the other Constables were compelled to follow under the circumstances detailed above; it was not the suggestion of the Memorialist or his comrades but was the result of a distinct order from the Head Constable. No charge was brought against the Memorialist's behaviour in the affray or against his retreating from the bazaar by the Head Constable who was leading us.

7. The Memorialist admits that he and the other Constables did not succeed in arresting the Moplah. He humbly begs to submit that all the powers that could be put forth were actually shown. They had to cope with a man of singular powers, maddened with excitement and frenzy; none of the Moplahs in the Town would come forth to help in the least degree; he had seen that all their combined efforts only resulted in one of their numbers falling and all that he has to submit humbly is that the Moplah was more than a match for four of us, much less strongly built, and succeeded in breaking himself off. It will be graciously allowed that there was no cowardice in becoming the weaker of two contending parties.

8. Your Excellency's Memorialist begs further to state that the Memorialist and party met the Tahsildar who was on his way to the bazaar. No. 896 was at once sent to the Hospital in Charge of No. 560, while he and the other two Constables were taken to the Station by the Head Constable, the Tahsildar waiting on the road. At the Station he and the other Constables were each served with a carbine and ten rounds of cartridges. The Memorialist asked the Head Constable why ball cartridges were served while there were blank cartridges in the Station and was told that the Moplah should not be allowed to remain at large for the night for fear of serious damage to the whole town, and that he should be captured dead or alive before dusk. The Memorialist further begs to add that when he and the rest had joined the Tahsildar he asked the latter also as to the use of loaded guns and received a reply to the same effect.

9. When Memorialist and others returned to the scene, the Moplah had put on the turban of the wounded Constable and his face and body were besmeared with blood; all his relatives and fellow townsmen had fled in terror. At the sight of us for the second time he became excited and wild, and steadily advanced

blazoning his knife in the air. The scene took place in a small quadrangle where two narrow lanes meet, and the position of the Memorialist and others were not such as to enable them to make any manœuvre to trip him or disable him in any way. There was, moreover, no time for deciding upon any well concerted plan of attack. As the Moplah approched, the Tahsildar and the Head Constable shouted out to him to lay the knife down but he was heedlessly pressing forward and there being actually no space for any other movement, the Memorialist and the other Constables slowly retreated in an orderly manner and had already reached a blank wall at the turn of the lane. According to orders given at the time by the Head Constable and the Tahsildar, shots were fired into the ground with a view to intimidate him; this only induced him to rush madly forward when another Constable fired at the man, in spite of which he had almost neared us, and having felt to be in danger of immediate peril to their lives, the Memorialist and another fired the two last shots, one of which proved fatal.

10. That it has been urged against the Memorialist that he fired the last shot "without orders," he most humbly begs leave to point out that he and the other Constables had most distinctly been ordered, on starting out with loaded arms, that the Moplah was to be shot down if he could not be taken alive before dusk. This was the express object with which ball ammunition had been served out. That although immediate orders were not given for firing at the man, the Tahsildar and the Head Constable were present near at hand and had not countermanded their original instructions. There was opportunity for both Officers to have prevented the last two shots if they had objected to the shots fired by No. 581. The absence of such countermanding orders was sufficient warrant to the Memorialist to exercise, when in imminent danger of his life, the order which had been explicitly given.

11. That Your Humble Memorialist therefore most respectfully claims that his action in delivering the last shots cannot be characterised as cowardly, that Memorialist's superior Officers were present on the spot and they had originally issued a distinct order to shoot the man; when that order was put into operation nothing in the shape of a cancelling direction was given; if anything, the attitude of the superior Officers was such that Memorialist and his comrades could only be warranted in following up the one instruction given.

12. That the Memorialist would here crave leave to put in a few words about the knife with which the Moplah was armed. That knife has been described as a table knife. This description may lead to the inference that the weapon was a slight and ineffective one. It was in fact a larger one and stronger made and could easily be productive of serious harm to life.

13. That it has been alleged against the Memorialist, that the butt end of the gun might have been used to knock the Moplah down. To this allegation he most humbly begs to submit that, in the excitement of the moment that method of attack did not strike the mind of the Memorialist and that no direction to that effect was given.

14. The Memorialist begs briefly to summerise that he was not a free agent in the whole proceeding; that every step of his action was performed under the orders of his superior Officers who were with him; that gracious allowance should be made to his excitement naturally induced by seeing what appeared to be serious bodily injuries to his comrade and the *Sanyasi*; that there was no time for any sober thought or reflection; and that in whatever independent action he was expected to do if ought has been wanting, he may be graciously pardoned and not visited with such extreme punishment.

15. He bears of a record of exceptionally good conduct in all his service and has worked to the fallest satisfaction of his superiors in the Police Department.

16. That under all these circumstances Your Excellency's most humble and unfortunate Memorialist respectfully prays that Your Excellency may be most graciously pleased to order his reinstatement in the Service.

For which act of mercy and gracious justice the Memorialist shall as in duty bound.

*EVER PRAY.*

3rd May
1895

The records of this herewith
submitted.

1895
Jud. Dept
Enclos. No. 1
To
C. No. 2644.

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CURRENT NO. 2644.

Office of Inspr Genl. of Police
Ootacamund 28th May 1895.

E. No. 3202

Submitted to Government with reference to G.O. dated 30th August 1894, No. 2107, J. D.

W. Kennedy
Inspr Genl of Police

To
The Chief Secretary
to Government
Ootacamund.

1721

CURRENT NO. 2644

Judicial (1895) Department.

From

M. Hammick Esqre. I.C.S.
Inspector General of Police.
Madras.

To The Chief Secretary
to Government
Ootacamund

No. 3202

Dated 28 } May 1895.
Received 29" }
Regd 30"
Enr. 1

No.

CHIEF SECRETARY
Sub/e 4 29 MAY 1895
GOVERNMENT OF MADRAS

Submitting memorial of Kelotte Appu Kurup late 2d Class Constable No. 815 of Badagara Police Station Malabar District, addressed to the Govt of India praying for his re-instatement in the Service under circumstances explained.

MR 5/6

R

Please keep these till connected papers return from Govt. Mr. Kasmir said these may be over. MR 6/6.

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CURRENT NO. 297

Home Department,
( Police )
Simla, the 15th June 1895.

No. 409

CHIEF SECRETARY
21 JUN. 1895
GOVERNMENT OF MADRAS

To

THE Chief Secretary to the
Govt of Madras.

*Subject:*
Enquiring whether a memorial addressed to the Govt of India by L. Sumati, late a Head Constable of the Malabar District Police has been withheld by the Govt of Madras.

SIR,

I AM directed to invite attention to the communication marginally noted,* and to request an early reply thereto.

* No. 390 dated 14 March, 1895,
~~and subsequent reminder~~
~~No.~~ ~~dated~~ ~~, 189 .~~

I have the honour to be,
SIR,
Your most obedient Servant,

H. Luson

~~Under~~ Secretary to the Govt. of India.
Offg

Ae 1/6

Judicial Deptt.

CURRENT NO. 2975.

From, The Govt. of India
Home Dept (Police)

No. 409

Dated 15th } June 1895
Recd 21st }
Enc. n

Subject

Requesting an early reply to Communication No. 390 d/ 14.3.95, enquiring whether a memorial addressed to the Govt of India by P. Sumati, late a Head constable of the Malabar District Police has been withheld by the Govt. of Madras.

---

[G./25.]
600—8-3-95.

DEPARTMENT.

C. No. 1365
& C. 2112 from the RO

FOR ORDERS.

I agree with H.E. in thinking the Head Constable & the three Constables were too severely punished. Originally I proposed that they shd be suspended for 3 mos. After going through the papers again I think suspension for 6 mos wd be enough & I am prepared to tell the Govt of I so.

JG 30/5

The Govt. of India asks ~~that~~ whether a memorial from one of the Badagara constables has been with-held.

It has been with-held - but apparently through inadvertence. The memorial forms C. 6368 of 1895 & has been disposed of in G.O. d/ 12.1.95 No. 81 apparently under the impression that it was addressed to this Govt. & not to the Govt. of India. — As the memorialist is a head constable his memorial was however ~~probably~~ possibly liable to be with held on the analogy of rule 3(7) of Section III of B. Memorial Rules, & certainly liable to be returned to him under Rule 3 of Section I. - The second reason is however a technical one & the first reason is open to the objection that the petr. was dismissed by Govt.

& that his petition is thus an appeal against an original – & not an appellate order of Govt. – It seems ~~however~~ rather anomalous that a Govt order in such a case as this should not be final – merely because it is an original & not an appellate order. The reason, however, no doubt is that it is considered that one appeal should always be allowed. – It appears therefore that the memorial must now be forwarded to India with an explanation of the mistake which has occurred, a concise statt of the facts & an expression of opinion. Refce will have to be made to the last order modifying the petrs punishment by declaring his fitness for a ministerial appointment – GO. 733 of 6-4-95 –, but orders are solicited as to the nature of the opinion to be expressed by the Govt. as at present constituted.

D
30-4-95

It seems waste of time to write 2 two letters – one to India & one to the Secy of State – in these two cases; but strictly speaking two letters shd. go.

They must be separate
11/5

---

withholding a memorial

FOR ORDERS.

~~H. E.~~ & Circ.

Hon. Mr. Grose
Resubmitted with refce to [illegible] remarks
D
17-5-95

My opinion remains the same as it was
20/5/95

I suppose the letter forwarding this petition will support the view already taken by my hon. colleagues – & will make no recommendation in favour of the petitioner. If this is done, I shall have to send a minute of dissent. ×
But the hon. Mr. Grose has not already written anything.
W
20 May

c 18/5 c 27/5
R 27/5
c 27/5 × See over

---

[G./25.]
600—7-5-95.

DEPARTMENT.

C. No. 1365 & 2112

FOR ORDERS.

The Hon. Mr. Grose's note regarding the police constable Samati is submitted. If H. E. concurs in the view expressed by the Hon. Member, it is for consideration whether the order of 30th August 1894 should not be modified accordingly, in which case it is possible that the petr will not wish to memorialize the Govt. of India

D
1-6-95

8/6/95.

I was absent in January on leave & am therefore not responsible for the mistake which was then made
8/6

I have always urged a more lenient course should be adopted as regards these policemen – and now that the hon. Mr. Grose comes back to his original proposal of punishing them by suspension, I am only too willing to join him in modifying the order passed on them last August – and letting them with off with a suspension of 6 months.

W
10 June

Memorial from Badagara Constables.

FOR ORDERS.

H.E. the Govr.

5 10/6

P.
P.
Q

Note.

C. 6366 is Sumati's memorial inadvertently withheld

C.C. 2643, & 2644 are newly received petitions from constable P. Appu Karup No. 815, who was dismissed in the same affair. As the order reinstates him in the police, as requested in his letter C. 2644, it appears unnecessary to answer C 2643 in which he asks for an order stating that there is no objection to his re-entertainment in the public service in a ministerial capacity

D. 22-VI 95

22/6/95.

When this order & letter have been passed by my Hon Colleagues, please return me the papers that I may consider whether I should not record a minute of dissent to accompany the letter to India. As the case stands at present, the Constables are sentenced to six months suspension for obeying orders & not committing murder. Hot Press

This seems to me unreasonable. If they simply obeyed orders, I don't see why they should be punished at all

24/6/95

I think that the killing was murder (Vide Ex 3 Sec 300 IPC) & the offence was palliated by the widespread terror of Moplahs (who have very recently perpetrated terrible outrages in the neighbourhood) and by the evident fact that the Tahsildar shared the terror & wanted the madman shot JG 24/6

Judicial Department.

Read again G.O. d/ 30-8-94, No. 3107.
,, ,, d/ 13-1-95, No. 81.
Read also C.Nos. 1365, 3112, 2484, 2643, ~~and~~ 2644, & 2975.

reminder for 25th

ORDER

PS

JG 24/6

Upon a reconsideration of the matter the Govt. has come to the conclusion that the punishment awarded to the head constable & three constables concerned in the shooting of the Moplah K. Kadiri Kutti at Badugara was too severe. The order of dismissal will therefore be converted into one of suspension for six months.

The memorial received from Head Constable P. Sumati will be transmitted to the Govt. of India.

(from orders)
D
14-6-95

The I.G. of Police
The D.M. Malabar
The Pension Dept:
The Acct. General
& ~~H.C. P. Sumati~~
Pett. D

LETTER

TO
The Secretary to the Govt. of India,
Home Department.

SIR,

I am directed to submit the accompanying memorial addressed to the Govt of India by P. Sumati late Head Constable in in the Madras Police in which he appeals against the order of this Govt. directing his dismissal. I am to say that the memorial is that which is mentioned in Mr. Thornton's letter dated 14th March 1895, No. 890. It was originally received by this Govt. on the ~~21st Novr.~~ 1st Decr. 1894, ~~and~~ un-accompanied by a letter requesting its transmission to the Govt. of India as required by No. ~~11-3~~ II of the Memorial rules. The address was inadvertently lost sight of and the ~~letter~~ memorial was accordingly treated as a review petition addressed to this Govt. The case was duly considered and the petitioner was informed that the Govt. saw no reason to ~~modify~~ ~~recon-sider~~ alter its previous orders. The matters in [illegible] were however again brought to the notice of Govt. in connection with ~~the petition~~ a memorial received from ~~the~~ a Tahsildar (who was dismissed ~~in consequence of the~~ ~~whose dismissal in connection with the~~ for his share in the same transaction) and in consequence of the receipt of Mr. Thornton's letter, and it has now been decided to convert the original order of dismissal passed against the memorialist into one of suspension for six months.

8. ~~The~~ A statement of the facts of the case ~~will now be given~~ is annexed. On the afternoon of the 25th May of 1894 a Moplah named

On reconsideration I think the suspension of 6 months should only apply to the Head Constable - he was to a great extent responsible for the firing of the shots - while the three constables were evidently under the impression that the order to take their arms & ball cartridges meant that they were to use them - and as no order was given to them not to fire, they believed they were only doing their duty by blazing away. And what else can you expect of a man you give coolie wages to?

—

~~If~~ as this suspension of Sumati is agreed to - it will be useless to send on his memorial to India, which is an appeal against his dismissal. He shd. be told so - and the reasons shd. be explained to India.

—

As to the remarks of the hon. Mr. Grose at the bottom of the page on the other side, and again at the end of para 4. of this draft letter, I would refer him to para 6 of the draft letter to India on A. Chathu's memorial - contention VI. Here the Govt. distinctly denies that the Moplah outbreak justified violent measures. We cannot blow hot & cold on the same subject.

W
26 June

I [illegible] the passages wh. [illegible] to

went too far. Instead of "were any excuse for" I wd say "warranted". The letter ~~being~~ having gone out [illegible] & it will have been modified if the Despt is to go to the Secy of State.

JG
27/6

Moplah named K. Kadiri Kutti, resident in ~~Bangalore~~ Badagara, a town which is the head quarters of a taluk of the same name in the District of Malabar, appeared in the streets of that town in a state of frenzy brandishing a table knife and announcing the intention of taking the lives of his enemies. At about 6P.M. the Moplah's elder brother brought word of this to the Tahsildar and was by him sent on to the memorialist who was the station house officer of the town. The memorialist under the Tahsildar's orders proceeded to the bazaar accompanied by four constables armed with batons. They found Kadiri Kutti in his shop, knife in hand and the ~~head constable~~ memorialist directed him to lay the weapon down and follow him. Kadiri Kutti refused to obey and the memorialist then appealed to some Moplahs standing ~~[illegible]~~ by for assistance but they declined to help. At this moment a Sanyasi or religious mendicant passed by and Kadiri beckoned to him, upon which he approached and sat down beside Kadiri who said to him ''where is my gold murada ? If you don't give it, I will murder you at once' a cause-less remark which was sufficient to show that he was insane. The Sanyasi was alarmed and ran away ~~but was~~ pursued

by

a religious ornament.

by Kadiri, slightly wounded with the knife and knocked down. The police followed, and one of them constable no. 896 struck on Kadiri on the head with his baton, whereupon Kadiri turned and stabbed him twice in the arm. The attempt to arrest him was then for the time abandoned, the wounded constable was sent off to the hospital with another constable and the memorialist with the other two men returned to the police station-a quarter of a mile distant-in order to get fire arms; - Kadiri was left at large in the bazaar. Four carbines and forty rounds of ball ammunition were procured from the police station ~~which was closeby by~~ and the memorialist, and four constables together with the Tahsildar who had come to the spot proceeded to the bazaar where they found Kadiri in front of his shop with the wounded constable's turban on his head brandishing his knife and shouting ~~dill~~ defiance. The Tahsildar called on Kadiri's relatives to seize him but the crowd fled in terror. The police then called on Kadiri to suurender under pain of being shot but he advanced towards them ~~gass~~ crying out that the bullets would not hit him. When he was about thirty yards off, two constables fired at him, but without effect probably because as the memorialist deposed the shots were fired at the ground under his orders and with the approval of the Tahsildar who was close behind the police. Kadiri continued to advance until close to one of the constables - No. 581 - who fired again without orders ~~and hit~~ wounding him in the stomach. He continued to advance slowly however and was brought to the ground by two shots fired by constables Nos. 674 & 815 who fired without orders and killed him.

4. The Govt. considered that, had the most ordinary degree of resolution been shown, the lunatic could easily have been seized and disarmed by the police; they were five ~~tens~~ to one, armed with carbines which might have been used with effect as clubs, and with batons, while the lunatic had nothing but a table-knife; there was thus no excuse whatever for firing upon him. The Tahsildar and the memorialist as the senior Magisterial and Police Officers ~~were~~ present were responsible for seeing that there was no unnecessary sacrifice of life and they should have directed

directed the constables to make a combined assault upon the Moplah with clubbed carbines or batons. Instead of doing this they permitted their subordinates to shoot the man. The facts of the case are ~~not~~ hardly in dispute and upon those facts the Govt. came to the conclusion that the memorialist had been guilty of cowardice and his entire failure to act up to the responsibilities of his position. He was accordingly dismissed. As has already been stated the punishment of dismissal has since been commuted to suspension for six months, ~~in the case of the memorialist.~~ ~~[illegible]~~ mainly on the consideration that the offence was palliated by the known existence of a widespread terror of Moplahs (who had very recently perpetrated terrible outrages in the vicinity) and by the evident fact that the Tahsildar shared the terror

J G

5. As the punishment ~~inflicted~~ imposed has been materially reduced the Govt. presumes that it will suffice to deal briefly the memorialist's allegations The memorialist endeavours to prove

(1) that it was impossible to disarm Kadiri when he had stabbed the Sanyasi and constable No. 896

(2) that Kadiri was a man of great strength

(3) that the weapon which he used was not a mere table-knife

(4) that the police did not fire until their retreat was barred

(5) that the conduct of Kadiri savoure rather of fanaticism than of insanit

6. The memorialist alleges that Kadiri, after wounding the Sanyasi and Constable No. 896, retreated with his back to a wall, that it was impossible to disarm h him in that position and that the attent of the Police was consequently directed to their wound ed companion. But, from the statements made by the Police themselves it appear that Kadiri ran back to his shop after stabbing No.896 and it is therefore probable this story about his taking up a position against a wall has been invented to fit the occasion. It appears, however, to be true that the memorialist and the other police tried to disarm Kadiri when he stabbed the Sanyasi and No. 896; at least the Police themselves have deposed to this effect and there is no particular reason for doubting what they say on the point. ~~then~~ Their efforts must however have been of a feeble and half-hearted description. Kadiri's stren has no doubt been greatly exaggerated Mr. Ayling the Divisional Magistrate describes him in these words "His "physique was by no means out of the "common and a huge scrotal hernia which "he suffered from must have considerably

impaired

"impaired his fighting powers'' It is thus improbable that he could have made any effectual resistance if simultaneously attacked by four or five determined constables As regards the nature of the weapon used Mr. Ayling writes ''[it was] an ordinary table-knife of medium size with a bone handle, blade slightly bent.'' From the plan subsequently forwarded to Govt., it does not seem to be the case that the retreat of the Police was barred at the time that ~~when~~ they fired, as was originally supposed. The plan shows a ~~of~~ wall at the side of the road not at the end of it, and they might apparently have retired ~~proceed~~ along the road.

As regards the contention that Kadiri was not a mad man but ~~of~~ a religious fanatic the Govt. considers that this plea is ~~me~~ a mere afterthought. In a statement which the memorialist himself gave to the Supt. of Police within a week of the occurrence, he deposed that the first information he received was from Kadiri's brother who informed him that Kadiri had become insane. He deposed further to the causeless remark addressed by Kadiri to Sanyasi and to his having subsequently called out ~~up~~ that he would set fire to the whole bazaar. In another part of his statement ~~deposition~~ he spoke of the man as a ~~"fanatic~~ the defence that he was a moplah fanatic was not set up by the memorialist until long after the event.

7. In conclusion I am to say that the Govt. has reduced the punishment originally awarded to the memorialist on the ground that an excuse was to be found in the fact that he was acting with the tacit ~~&~~ approval of the Tahsildar who was present and who was ~~[illegible]~~ a ~~[illegible]~~ Magistrate ~~[illegible]~~, should have taken measures to prevent the unnecessary sacrifice of life. H. E. the Governor in Council has now no recommendation ~~w~~ to make on the memorialist's behalf.

[illegible] 22/6/95 D 14 . 5 . 95

The Secy to the G of I with Current 6368 of 1894

Daring [illegible]

If the above [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] of [illegible]

[illegible]

Memorial from a Policeman

H.M.
as dissenting member

H.E. the Governor

C 24/6
R 25/6

---

[ G./25. ]
600-7-5-95.

DEPARTMENT.

C. No.

## FOR ORDERS.

The Badagara papers are resubmitted to H.M.s and orders are solicited on the following points.

I. The punishment to be awarded to the ordinary Constables

I understand H.E. to desire that they should not be punished at all, & the Hon. Mr. Grose to approve their suspension for six months.

II. P. Sumati's memorial

H.E. considers that it will suffice to ~~forward the memorial to India~~, explain to the Govt. of India the circumstances under which the memorial was inadvertently withheld, & to state that it is not now submitted because it ~~was~~ is merely an appeal against an order of dismissal since converted into one of suspension; the reason for withholding it being explained to P. Sumati.

The Hon. Mr. Grose approves the draft le

I think the circumstances did not justify firing though the Constables thought so, & so they should be punished.

J.G. 27/6

After consultation in Council - I am prepared to agree with the hon. Mr. Grose.

W
28 June

I agree with H.E. about this

W J.G.

III. Whether Chathu's memorial should not go direct to the Secretary of State

If H.M.'s agree as to keeping Samati's memorial back, the necessity for sending Chathu's petition to the Govt. of India ~~or~~ ceases to exist & according to the rules it should go direct to the Secretary of State

The alteration of part of the draft to India about Chathu depends on the decision arrived at as to points II & III

~~This is not marked for the Hon. Mr~~ D 26.6.95

~~Bliss~~

D
26.6.95

26/6/95

Badagara cases

Ex
D W
28 June E

FOR ORDERS.

Hon. Mr Frost & H.E. the Govr

~~H M & Cir~~

Cs. has seen this

C 27/6 C 27/6
K 27/6

[G./24.]
600—8-3-95.

DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 189 , No.
Again G.O., dated 189 , No.
Current No. of 189 , dated from

Current No. of 189 , dated from

ORDER.

Note for Press
Substitute this for para 2
of the order already printed
D
28.VI.95

[para] 2. The memorial addressed by Head Constable P. Samati to the Govt. of India will be withheld inasmuch as the punishment of dismissal against which he appeals therein has been cancelled

3. The following letter will be despatched to the Govt. of India

H.E. Letter no dy

(Prim orders)
D
28.VI.95

Not to be
printed
D
28.6

Letter to the Secy. to the Govt. of India, Home Dept

Sir

I am directed to acknowledge the receipt of Mr Thornton's letter No. 390 dy 14 March 1895 enquiring whether this Govt. has withheld a petition from P. Samati late first grade head constable no. 387 of the Malabar Police Force and in reply to state that the petition in question was received on the 1st December. It was however unaccompanied by a letter requesting its transmission to the Govt. of India as required by No II of the Memorial Rules, and the address was inadvertently overlooked. The petition was ~~accordingly~~ consequently treated as a review petition addressed to this Govt. & disposed of accordingly.

2. The order of dismissal passed against the petr. has subsequently been commuted into one of suspension for six months, and, inasmuch as the petr. merely appeals against his dismissal H.E. the G. in C. considers it unnecessary now to submit his memorial. He has been informed of the circumstances under which it is ~~been~~ now withheld.

Thus

D 28.6.95

28/6/95

Letter to India

re Badagara Case

Prepare fair copy ~~Issue~~ & send up file with it to Hon. Mr. Bliss to record a minute if desired

D

Fair copy of the letter has been made. Paras 2nd & 3rd of the order have been added to the proofs.

9/7/95

[G. / 25.]
500—21-5-95.

Judicial DEPARTMENT.

~~G. No.~~

FOR ORDERS.

The minute put up should be appended to the G.O. — a para should be added to the letter to India explaining that I am not a party to the G.O. and forwarding a copy of my minute

9/7/95

The G.O. and fair copy of the letter to the Govt. of India, together with papers relating to the Badagara Case are resubmitted to the Hon. Mr. Bliss, with reference to his orders of 24th ult., for consideration as to whether a minute of dissent to accompany the letter to India, should not be recorded.

D 8.7.95

8/7/95

9.7.95

Memorials from Badagara Constables

FOR ORDERS.

**HON'BLE MEMBER.**

C 9/17

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## Minute

9 6

I regret that I am unable to concur with my hon$^{ble}$ colleagues in the order which it is proposed to pass, reducing the punishment imposed on P. Sumati and the other Badagara Constables, for shooting a Moplah named K. Kadiri Kutti, from dismissal to suspension for six months.

It appears to me that if the case is not one of murder, but one of culpable homicide, it is ~~not~~ only not one of murder because of the 3rd exception to S. 300 I.P.C. It is clear ~~[illegible]~~ that Kadiri Kutti was a lunatic. The original report regarding him was that he had become insane; and ~~His~~ absurd question "Where is my gold umrada?" ~~[illegible]~~ ~~this~~ and his subsequent conduct when the first shots were fired lead irresistibly to the same conclusion. He is conclusively shown, by Mr. Ayling's report, not to have been a man of great strength, whom it would have been difficult to overcome; ~~and~~ he was armed with no more formidable weapon than a table knife; and he made no sudden rush, which had to be stopped instantaneously or not at all, but "advanced slowly". Opposed to him were Head Constable P. Sumati and four constables armed with breechloading carbines, who were backed by the Tahsildar and some of ~~the~~ his peons. To suppose that, if they had chosen to do so, this force could not have captured the man alive, ~~[illegible]~~ without material risk of injury, seems to me absurd. If necessary, the Constables could have clubbed their carbines & knocked him down. But they made no attempt to take him alive, but, after retreating before him as he advanced slowly, until brought up against a wall & unable to retreat further, first fired two shots on the ground to frighten him & then three others, two of which hit & killed him. The two shots fired on the ground (by Constables Nos 581 & 815) ~~[illegible]~~ were fired by order of the Head Constable & did no harm to any-one. They may therefore be left out of account, except as evidence of the Head Constable's want of courage to do his duty properly. The three shots subsequently fired (by Constables Nos ~~[illegible]~~ 581, 815 and 674) were fired without orders. The men who fired are therefore themselves responsible for their action. Of the three, No 581 certainly hit the deceased, in the abdomen; the other two fired together and it is impossible to say whose was the bullet which inflicted the immediately fatal wound in the deceased's throat. But this impossibility does not seem to me to affect the criminality of either No 815 or No 674; nor does the fact that the three fired without orders affect the responsibility of the Head Constable, who supplied them with their arms & ammunition, or of the Tahsildar - Magistrate, who stood by & permitted this unjustifiable use of firearms.

It has been put forward as an excuse for these men's conduct that the district was at the time in a state of terror in consequence of a Moplah outbreak which had recently occurred sixty miles, more, away, which had been put

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down by the troops with a loss of more than thirty lives, and in the course of which the fanatics had committed seven or eight murders. Taking this matter into account, I have abstained from urging the prosecution of the Tahsildar and Police concerned in the shooting of Kadiris Kutti, but I cannot think that it justifies the retention by Govt. in its service, and as part of its armed Police force, of this Hd. Constable and three Constables, who have been proved guilty of a lamentable want of courage in the performance of their duty and of a perfectly needless act of bloodshed. On the contrary, the very fact that there had recently been what I may call a Moplah insurrection which it had been necessary to suppress at a heavy loss of life, seemed, and seems, to me to make it incumbent on the Govt. to show the Moplah community that they ~~would~~ will receive fair play at the hands of the authorities; that is to say, that while, on the one hand, all attempts at Moplah insurrection ~~would~~ will be promptly & sternly suppressed, the Govt. ~~would~~ will, on the other, countenance no acts of unnecessary violence towards members of that community. The Moplah problem has for years past been one of the greatest difficulty and a continual source of anxiety to the Madras Govt.; and there no reason to hope that it will cease to be so in the early future. It has its origin, not in the hostility of the Moplahs to the British Government, but in their disagreements, religious and agricultural, with their Hindu landlords & neighbours. Great as are the difficulties to which it gives rise, they would, I feel sure, be seriously aggravated, if to the other ~~[illegible]~~ causes of Moplah discontent were to be added the feeling that the impartial justice of the British Govt. is no longer to be depended on.

That the proposed leniency of Govt. to Govt. servants, who have without justification killed a Moplah, will tend to arouse among the Moplahs a feeling of disbelief in the justice of the Govt. towards them, is my conviction; and for this reason, therefore, as well as because I think that P. Sumati and the three constables fully merited dismissal, I deprecate the intended mitigation of their punishment to the insignificant penalty of six months' suspension, which is equivalent to a fine of Rs 150 on the Head Constable and to smaller fines on the Constables. Punishments of this ~~[illegible]~~ description are in my opinion altogether inadequate and inappropriate to the offence committed.

H. W. Bliss

July 9, 1895

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Cur. Nos. 1365, 2112, 2484, 2643, 2644 & 2975/95

12 July

12th June 1895, No. 1467, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following papers :—

G.O., dated 30th August 1894, No. 2107, Judicial.

ABSTRACT.—Passing orders on reports relating to the recent shooting by the police of a Moplah at Badagara.

G.O., dated 12th January 1895, No. 81, Judicial.

ABSTRACT.—Informing the late Tahsildar A. Chattu, Head Constable P. Sumati and the several constables who were dismissed in connection with the shooting of a Moplah, that the Government sees no reason to re-consider its previous order.

READ—also the following papers :—

From the Government of India, Home Department, dated 14th March 1895, No. 390.
" P. Sumati, late Head Constable, dated Calicut, 24th April 1895.
" the Inspector-General of Police, dated 14th May 1895, No. 2903.
" the Inspector-General of Police, dated 28th May 1895, Nos. 3202 and 3203.
" the Govt: of India, Home Dept, d/ 15th June 1895, No. 409.

July

ORDER—dated 12th ~~June~~ 1895, No. 1467, Judicial.

Upon a reconsideration of the matter the Government has come to the conclusion that the punishment awarded to the head constable and three constables concerned in the shooting of the Moplah K. Kadiri Kutti at Badagara was too severe. The order of dismissal will therefore be converted into one of suspension for six months.

2. The memorial received from Head Constable P. Sumati ~~will be transmitted to the Government of India.~~

The circumstances under which the

was not

will be explained

& and he will be informed that

(True Extract.)

D
22.VI.95

*Chief Secretary.*

To the Inspector-General of Police. 6
" District Magistrate, Malabar. 12
" Pension Department. 6
" Accountant-General. 6

desp.d 10/8/95
~~22/6/95~~

Fresh for Res: for para 2 substitute separate draft

Minute by the Hon. H. W. Bliss [illegible] 9 July 95

2. The memorial addressed by Head Constable P. Sumati to the Government of India will be with-held inasmuch as the punishment of dismissal against which he appeals therein has been cancelled.

3. The following letter will be despatched to the Government of India:

H. E. Letter No. 1468 of 12 July 1895.

E
1

HM & care

(i) Printed order reducing punishment awarded to Badagara Constable

(ii) Letter (typewritten) forwarding H.C. P Sumati memorial to India

X

22.VI.95

c 24/6

---

[ G/47. ]
500—23-6-94.

Draft

Ootacamund
~~Fort St. George,~~
12th July 1895.

From

The Hon: Mr J. F. Price, I.C.S. C.S.I.,

Chief Secretary to the Government of
Madras,

To

The Secretary to the Government of India,
Home Dept.

Letter 31 copies
Pres 31 copies with [illegible]
J Despatch No 5/95
Despd 9/8/95

Judicial Department.

No. 1468

Sir,

I am directed to acknowledge the receipt of Mr. Thornton's letter No. 890, dated 14th March 1895, enquiring whether this Government has with-held a petition from P. Sumati, late first grade head constable No. 887 of the Malabar Police Force and in reply to state that the petition in question was received on the 1st December. It was however unaccompanied by a letter requesting its transmission to the Government of India as required by No. ~~11~~ II of the Memorial Rules, and the address was inadvertently overlooked. The petition was consequently treated as a review petition addressed to this Government and disposed of accordingly.

2. The order of dismissal passed against the petitioner

petitioner has subsequently been commuted into one of suspension for six months, and, inasmuch as the petitioner merely appeals against his dismissal His Excellency the Governor in Council considers it unnecessary now to submit his memorial. He has been informed of the circumstances under which it is now with held.

I have the honour to be,

Sir,

Your Most Obedient Servant,

Chief Secretary

3. I am to enclose (i) a copy of the order reducing the punishment awarded to the petr. from which it will be seen that the Senior Civil member of Council, the Hon. Mr. A. W. Bliss, C.I.E. recorded a minute of dissent and (ii) a copy of a despatch addressed to the Rt. Hon. the Secy. of State regarding a memorial presented by ~~the~~ a Taluk Magte. named A. Chetti who was dismissed for the ~~in conne~~ part which he played in the transaction which led to the petr's dismissal

---

Jud. G.O. 1467. 68 dy 12/7.

H.C., Boly

Herewith copies for signature of A.B & C — the proofs accompany. A & B have to go to the Govt. of India & C. to the addresses shown on it.

17/8

Approved

Submitted to U.S. for approval before signature.

6.8.95

830

6/8/95

---

Subd. for revision & correction

29/7/95

NOTE FOR THE Head Clerk

All the proofs have been
corrected except the proof of the
G.O. without the minute. Please all
C.S's note and send up clean
copies ~~[illegible]~~. The non-minute
copies have not issued yet. I have
got here only 2 copies of ~~the~~ G.O.
without the minute. They can of
course be utilised as fair copies for
signature. I have retained here copy
of despatch re Clothier.

A ~~separ~~ copy of the minute
printed separately was called for
from the Press by wire.

The original of the G.O. also
is here. In case I do not despatch
the signed copies from here I shall send
it down

[illegible] 1.6.25

7/1/93

[ G. / 112 ]
300—14-2-

## FOR THE SIGNATURE
OF
## THE RIGHT HONORABLE THE PRESIDENT
AND
## MEMBERS OF GOVERNMENT.

x i.e. that relating to Chetties memorial
D
11.7.

I think a copy of this x despatch shd. go to India together with the recent G.O. about the constables & the minute of dissent thereon which I recorded 2 or 3 days ago

7|95

W.D.
11/7/95

[ G. / 25. ]
600—7-5-95.

DEPARTMENT.

~~C.~~ No.

Four printed papers marked A, B, C, D containing orders &c relating to the Badagara Constables.

FOR ORDERS.

Some corrections are required in A. Please have them made. I have corrected both A & D in ms.

Am I rightly described in 3 as the Senior Civil Member of Council? Now that the C. in C. is no longer a Member of Council, it wd. appear that the word "Civil" is superfluous & should be omitted.

BB
30/7/95

Seen
JG 30/7

omitted by direction of CS
D
30.7

Seen W
31 July

The paper marked A is the order as it will be communicated to the Govt. of India – with minute in extenso.

That marked B is the letter which it is proposed to send to the Govt. of India; the third paragraph has been added in accordance with the Hon. Mr. Bliss' directions.

The paper marked C is the order as it will be communicated to the addressees i.e. the I.G. Police, the Dist. Magte. Malabar, the Pension Dept & the Acctt General.

That marked D is a proof of the minute of dissent submitted to the Hon. Mr Bliss for revision, if necessary, & signature.

D
29-7-95

It is always the custom to where a minute is recorded by a member of the Govt. submit to him before the [illegible] to which it relates issues a copy of the minute in [illegible] for revision & correction

JD
29/7/95

Badagara Constables

FOR ORDERS.

E

H.M. + care

A. M. Cowan

DESPATCH

Tell the Press to be careful to make the corrections & submit these proofs with the fair

Fair D
31-7-95

approved by the U.S.
vide slip within

7/8/95

C 30/7 C 31/7 Sup
30/7 31/7

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Strike 30 copies

3/8

12TH JULY 1895, No. 1467, JUDICIAL.

## GOVERNMENT OF MADRAS.

## JUDICIAL DEPARTMENT.

READ—again the following papers :—

G.O., dated 30th August 1894, No. 2107, Judicial.

ABSTRACT.—Passing orders on reports relating to the recent shooting by the police of a Moplah at Badagara.

G.O., dated 12th January 1895, No. 81, Judicial.

ABSTRACT.—Informing the late Tahsildar A. Chathu, head constable P. Sumati and the several constables who were dismissed in connection with the shooting of a Moplah, that the Government sees no reason to reconsider its previous order.

READ—also the following papers :—

From the Government of India, Home Dept., dated 14th March 1895, No. 390.
„ P. Sumati, late head constable, dated Calicut, 24th April 1895.
„ the Inspector-General of Police, dated 14th May 1895, No. 2903.
„ „ of „ „ 28th „ „ Nos. 3202 & 3203.
„ the Government of India, Home Dept., dated 15th June 1895, No. 409.

MINUTE by the Hon'ble Mr. H. W. BLISS, C.I.E., dated 9th July 1895.

ORDER—dated 12th July 1895, No. 1467, Judicial.

Upon a reconsideration of the matter the Government has come to the conclusion that the punishment awarded to the head constable and three constables concerned in the shooting of the Moplah K. Kadiri Kutti at Badagara was too severe. The order of dismissal will therefore be converted into one of suspension for six months.

2. The memorial addressed by head constable P. Sumati to the Government of India will be withheld inasmuch as the punishment of dismissal against which he appeals therein has been cancelled.

3. The following letter will be despatched to the Government of India.

[Here enter No. 1468, dated 12th July 1895.]

(True Extract.)

*Chief Secretary.*

To the Inspector-General of Police.
„ District Magistrate, Malabar.
„ Pension Department.
„ Accountant-General.

Exd. Shaik Kareem.

# Govt. of {1895} Madras.

## JUDICIAL.

C

To be returned

**Issued**

**Recd.** **Encl.**

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## G.O., 12th July 1895, No. 1467.

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## JULY.

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### Badagara Constables.

Converting the punishment of dismissal awarded to the head constable P. Sumati and three constables concerned in the shooting of the Moplah K. Kadiri Kutti at Badagara in the Malabar district into one of suspension for six months; withholding the head constable's memorial to the Government of India; and addressing that Government.

without minute

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MINUTE by the Hon'ble Mr. H. W. BLISS, C.I.E., dated 9th July 1895.

I regret that I am unable to concur with my honourable colleagues in the order which it is proposed to pass, reducing the punishment imposed on P. Sumati and the other Badagara constables, for shooting a Moplah named K. Kadiri Kutti, from dismissal to suspension for six months.

It appears to me that if the case is not one of murder but one of culpable homicide, it is only not one of murder because of the third exception to section 300, Indian Penal Code. It is clear that Kadiri Kutti was a lunatic. The original report regarding him was that he had become insane; and his absurd question "Where is my gold murada?" and his subsequent conduct when the first shots were fired lead irresistibly to the same conclusion. He is conclusively shown by Mr. Ayling's report not to have been a man of great strength, whom it would have been difficult to overcome; he was armed with no more formidable weapon than a table knife; and he made no sudden rush which had to be stopped instantaneously or not at all, but "advanced slowly." Opposed to him were head constable P. Sumati and four constables armed with breach-loading carbines, who were backed by the Tahsildar and some of his peons. To suppose that, if they had chosen to do so, this force could not have captured the man alive, without material risk of injury, seem to me absurd. If necessary, the constables could have clubbed their carbines and knocked him down. But they made no attempt to take him alive, but, after retreating before him as he advanced slowly, until brought up against a wall and unable to retreat further, first fired two shots on the ground to frighten him and then three others, two of which hit and killed him. The two shots fired on the ground (by constables Nos. 581 and 815) were fired by order of the head constable and did no harm to anyone. They may therefore be left out of account, except as evidence of the head constable's want of courage to do his duty properly. The three shots subsequently fired (by constables Nos. 581, 815 and 674) were fired without orders. The men who fired are therefore themselves responsible for their action. Of the three, No. 581 certainly hit the deceased in the abdomen; the other two fired together and it is impossible to say whose was the bullet which inflicted the immediately fatal wound in the deceased's throat. But this impossibility does not seem to me to affect the criminality of either No. 815 or No. 674; nor does the fact that the three fired without orders affect the responsibility of the head constable, who supplied them with their arms and ammunition, or of the Tahsildar-Magistrate, who stood by and permitted this unjustifiable use of fire-arms.

It has been put forward as an excuse for these men's conduct that the district was at the time in a state of terror in consequence of a Moplah outbreak which had recently occurred sixty miles, or more, away, which had been put down by the troops with a loss of more than thirty lives, and, in the course of which, the fanatics had committed seven or eight murders. Taking this matter into account, I have abstained from urging the prosecution of the Tahsildar and police concerned in the shooting of Kadiri Kutti, but I cannot think that it justifies the retention by Government in its service, and as part of its armed police force, of this head constable and three constables, who have been proved guilty of a lamentable want of courage in the performance of their duty and of a perfectly needless act of bloodshed. On the contrary, the very fact that there had recently been what I may call a Moplah insurrection, which it had been necessary to suppress at a heavy loss of life, seemed, and seems, to me to make it incumbent on the Government to show the Moplah community that they will receive fair play at the hands of the authorities; that is to say, that while, on the one hand, all attempts at Moplah insurrection will be promptly and sternly suppressed, the Government will, on the other, countenance no acts of unnecessary violence towards members of that community. The Moplah problem has for years past been one of the greatest difficulty and a continual source of anxiety to the Madras Government; and there is no reason to hope that it will cause to be so in the early future. It has its origin, not in the hostility of the Moplahs to the British

Government, but in their disagreements, religious and agricultural, with their Hindu landlords and neighbours. Great as are the difficulties to which it gives rise, they ~~would~~ will, I feel sure, be seriously aggravated, if to the other causes of Moplah discontent ~~were~~ is to be added the feeling that the impartial justice of the British Government is no longer to be depended on.

That the proposed leniency of Government to Government servants, who have without justification killed a Moplah, will tend to arouse among the Moplahs a feeling of disbelief in the justice of the Government towards them, is my conviction; and for this reason, ~~therefore,~~ as well as because I think that P. Sumati and the three constables fully merited dismissal, I deprecate the intended mitigation of their punishment to the insignificant penalty of six months' suspension, which is equivalent to a fine of Rs. 150 on the head constable and to smaller fines on the constables. Punishments of this description are in my opinion altogether inadequate and inappropriate to the offence committed.

July 9, 1895

D

rst copy sent to Press.
A

eturned for signature.

espatched in print.

NUMBER OF COPIES REQUIRED.
- Order complete.
- Letter only.
- Order complete with Letter.

GAIN G O., No. DATED
189

RRENT No.

LOSURES TO G. No.

OF GOVERNMENT .. .. .. ..

OF GOVERNMENT.

EMENT WITH DITTO.

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

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N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.

11