

அச்சு
பல்வகை
வாலாயம்

எண்

தேதி.....200

[illegible]

GCP--201-1 [P3-1]

[$\frac{J}{53}$]
1.000-25-7-96

ORDINARY MS.

DATED 15th Mar: 1895.

INDEXED.

[Despatch Abstract.]

MUST FLOOD BANK BUCKINGHAM CANAL.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
80	2224.		2-11-95				

Copy of His Excellency the Governor's
note on a Public Works Department
draft, numbered afterwards as G.O.
of 28th February 1895, No. 203 I.

The C. E. for I says nothing
in the order about giving up repairs
to the flood bank. Is he satisfied
this is right? I do not like to be
beaten by these scoundrels, and am
not sure that criminal proceedings
are best, and therefore I think judicial
should see this, before orders issue.
Why not sue these rascals civilly for
swinging damages - or cannot a
punitive tax be put on the village?

to Capt. Irrigation

No.

Dated

189

FOR ORDERS.

There is no law under which a punitive tax can be imposed except Madras Act III of 1882 under which the power of employing additional police in "disturbed or dangerous" districts or places "in which from the conduct of the inhabitants it may be deemed expedient to increase the number of Police"

2. Before proposing such a measure, it would of course be necessary to consult the J.P. of Police. Perhaps this might be done.

3. As regards the civil suit suggested by H.C., it is submitted that there is no reason why it should not be instituted in addition to the criminal prosecution. The one does not bar the other; and a term in jail in addition to heavy damages would be more efficacious as a preventive than damages alone.

S. 2. 95

The Act I am sure would not admit of the imposition of punitive taxes in a case such as this. The Salun Act led to the passing of the Act and it is the case of this kind that the Act is aimed at: a criminal prosecution & a civil suit would be a heavy though perfectly just example.

13/2/95

It is an excellent order

From

people shd. be made to pay damages if they are found to be in the wrong. But there is evidence - must first see the result of the Criminal Procs. I can't see why Act III of 1882 should not be put in force when the next rain comes in. Hallows is a place where the police are in any place. I think, from the conduct of the inhabitants, the J.P. may deem it expedient to increase the number of Police. I can't see why further delay for 2 or 3 years a strong police force should not be placed at the disposal of the villagers, on the flood bank is denied & protected. But the will have to be consulted. The papers shd. not however be delayed further & be done. Draft go. in the P.W.D. shd. be at once & the J.P. be consulted at leisure afterwards.

14/2/95

W. J. Mar

(11)-1,000-

Impressment of Punitive
Police

Mr
H.M. (?)

Submitted to H.E. for review.
Governor for perusal of
this remarks of the H.E. 11/2/3

D
16.2.55 12/21

Note.
The file has been delayed
pending the issue of the order
directing the prosecution of
offenders.

D
6.3.55 12/21

Note for the joint Sec
Genl. Irrigation Dep't. P.W.D.

Has the honor by direction of
chief secretary to return the
accompanying file with the request
that the proposed order may issue at
once as desired by the Hon. Mr. Bliss,
the file being then returned for
mission to H.E. the Governor

done David
for honor Secy

255 No. 811 C of H. March 1895

File returned as
requested. The order has

W. B. Ch. W. M. T. S.

to Govt. Irrigation

Has the honor by
direction of the Chief Secy
to return the accompanying
file with the request that
the proposed order may
issue at once as desired
by the Hon. Mr. Bliss, the file
being then returned for
submission to H.E. the Governor
(Signed) L. Davidson

the file re Employment
Punitive force

Employment
Pal

List of papers in
connection with the Emp.

[G
75]

NOTE FOR THE UNDER SECRETARY.

Please, may these 400
papers be returned to
that Dept, or do you
wish to keep them
with disposing of the
reply from the 14.
Police to 400. 578
1573/95
Yes: unless
the R.D. asks
for them
D.
20/3.

to Govt: Irrigation

Has the Honours by
direction of the Chief Secy,
to return the accompanying
file with the request that
the proposed order may
issue at once as desired
by the Hon: Mr. Bliss, the file
being then returned for
submission to H. C. the Governor
(Signed) L. Davidson

the file re: Employment in
Punjab force

Note.
The file has been delay
pending the issue of the order
directing the prosecution of
offenders.

8
613.55
613/95

and yours on

(40-1,000-26)

L. It is in excellent order

Employment
Pa 1

List of papers in
connection with the Empire

Repts

Some W.P.W.
papers missing
but they are
to be kept.

W.P.
20/5

proper
place

pen
one of the ord
one may be prosecution of
offenders.

2
6.3.55

22
6/3/55

to look: Irrigation

Has the honour by
direction of the Chief Clerk,
to return the accompanying
file with the request that
the proposed order may
issue at once as desired
by the Hon: Mr. Bliss, the file
being then returned for
submission to H. E. the Governor
(Signed) L. Davidson

the file re: Employment
Punitive force

and yours on

(40-1,000-26)

L. It is in excellent order

Employment

List of papers in connection with the Employment of Punitive Police regarding the case in the house river off road bank Buckingham Palace

22-12-94-3186-J-D-Luis
 10-11-94-3025-
 8-11-94-2703-
 13-11-93-763-
 20-1-94-179-W-D-Luis
 17-11-93-3482-
 4-12-92-2282-J-D-Luis
 6-8-92-1431-
 21-11-92-762-
 27-11-91-2482-
 12-11-91-2330-
 6-10-91-2043-
 25-9-2010-
 22-11-90-1866-
 24-6-90-1044-

one of the ord
 ing to prosecution of
 offenders.

8
 6.3.95
 6/3/95

to foot: Irrigation

Has the honour by direction of the Chief Clerk to return the accompanying file with the request that the proposed order may issue at once as desired by the Hon: Mr. Bliss, the file being then returned for submission to H. E. the Governor
 (Signed) L. Davidson

the file re Employment of Punitive force

Implos

to foot: Irrigation ²⁵

Has the honor by
direction of the Chief Secy,
to return the accompanying
file with the request that
the proposed order may
issue at once as desired
by the Hon: Mr. Bliss, the file
being then returned for
submission to H. C. the Governor
(Signed) L. Davidson

with file re: Employment
Punitive force

and yours on

(40-1,000-24)

It is in excellent order

Handwritten notes at top right: 3186/22.12.94

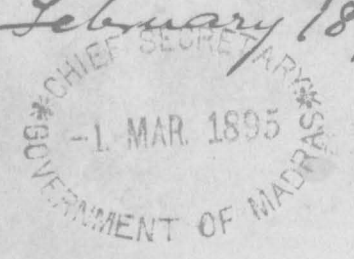
Public Works

No. 2039

Dated 28 February 1895

Despatched

Received 1/3



SUBJECT.
...ctioning with re...
...the prosecution of
...persons who cut the
...flood bank, Buckingham
...Canal

and yours on

It is in excellent order

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

Letter from the Executive Engineer, Buckingham Canal Division, No. 2217, d/13 December 1894.

In continuation of this office's endorsement, No. 1881, d/30 October 1894, I have the honour to submit the following report regarding the breaches in the Mussee river left flood bank.

2. The flood bank was deliberately cut in broad daylight in the presence of the two flood bank watchers by the villagers of Alakurpa. The two flood bank watchers were forcibly restrained by the villagers from interference, and the occurrence to the Public Works Overseer immediately they were released.

3. The Mussee left flood bank takes off from mile 172, Northern Canal and joins on to the main road, 3 1/2 miles.

16/11/70 M.S. 124
and has a margin of 3 ft. above M.H.
The flood marks shew that the recent
flood did not rise to M.F.H. but
only to 1 ft below, i.e. to 4 ft. below top of
bank. Two cuts were made in the
bank, one of which has breached to a
length of 300 ft. and the other to a length
of 80 ft. The river flood poured through the
two breaches, and spread over the country
in a westerly and northerly direction
finally entering the Canal by means of
the long inlet in 175th mile. The flood
then rushed down the canal north-
wards and southwards to the
Kudigoudy and Mussee locks, which
were at the time under construction.
Both locks were topped, but beyond the
ring bunds at the Mussee lock and the
platform for the Pump, being breached
and carried away, no damage was done.

4. The flood bank is stated
by the Sub Div: officer to have been
deliberately cut on no less than 3
occasions in former years, and only
last year the ryots were with difficulty
prevented from breaching the bank.

5. Under the authority vested in me
by G.O. No: 1796 dated 20 January 1894, I
originally authorised the Sub Divisional
officer to prosecute the persons who
cut the bank and reported my action
to you in my endorsement quoted
at the head of this letter, the case being
one of real emergency, since if such an
offence committed at the very com-
mencement of the North East Mon-
soon, had been permitted to pass
without a charge being promptly laid,
all experience on this canal shows
that similar offences or attempts at
such offences would have followed.
Seventeen ryots of Alkoorpad have
accordingly been charged before the
Stationary Sub Magistrate, Ongole,
but the case has not yet been
posted for trial and as the Sub Di-
visional officer has just applied for legal
assistance to help him to prosecute
the offenders who are wealthy and
who have employed counsel to defend
them, I now request that the early
sanction

sanction of Government may be obtained for the prosecution and that the St. Magistrate, Bellare, may be instructed to direct the Govt. Pleader at Dugole to assist Captain Lalor, the Sub Div. officer in the conduct of the case.

6. In 1892, as you are aware from the report written on the matter, after personal inspection by Mr. Martin late Suptg. Engineer, II Circle, the Manneru left flood bank was also deliberately cut by villagers, and entailed the most severe damage and very heavy outlay ^{in repairs, continued on} on this account being necessary even at this lapse of time. The Panner ^{flood} left bank, at the head of the Patha Panner has also been cut in former years and a large special guard has annually to be employed to watch the bank. If this bank is ever cut, enormous damage will be done. In no single previous case

case, of cuts being made by villagers in flood banks, can I find that a conviction in a Court of law has ever been obtained and it is therefore urgent that a conviction be now secured in the case of the Manneru left flood bank, since the evil is clearly on the increase.

7. I have already pointed out in a detailed report, that the ordinary beachinery is utterly and wholly ineffectual to punish the numerous classes of offences committed with impunity on the Buckingham Canal and works connected with it; I shewed the utter miscarriage of justice in the Peddaganjane ryot case in 1891 and 1892, owing to the trial not having been taken up at all for months and to its then being protracted over an inordinate time by repeated adjournments, and I stated

stated my opinion that the only way
of bringing offenders to summary trial
was to invest the Executive Engineer
Buckingham Canal with the magisterial
powers that were formerly conferred
on that officer. My proposals were
however not approved by Government
to 8.

As regards the Masee left
flood bank, I look upon it as
a perfectly futile to keep up an un-
availing struggle with the villagers
and as was done at my suggestion
in the case of the Masee left
flood bank, I recommend that the
breaches in the Masee left flood
bank be left unrepaired, since the
villagers will in all probability
cut the bank again for a fifth
time if it is repaired, whenever
they find it convenient to do so.
The flood bank was constructed
many years ago at an original
cost of Rs. 15,697. The breaches

made in it by villagers on three
former occasions were promptly
repaired and the bank, since its
original construction has been
improved at heavy cost. It seems
a great pity that all this outlay
should go for nothing, but I see
no help for it, and cannot recom-
mend that the canal be saddled
with the cost of maintaining a
flood bank, which may be cut
any day, and which, so far as the
actual safety of the canal is con-
cerned, can be dispensed with,
as proved by the experience of the
recent flood.

Endorsement thereon by the Suptg.
Engineer, H. Field, No. 341 B.C. d/8 Jan: 95.

Forwarded to the Chief En-
gineer for Irrigation with a request
that sanction of Government
may be obtained for the prosecu-
tion of the persons who cut
the

the Musi flood bank, and that the Govt. Pleader of Yellore may be directed to conduct the case. After inspection and discussion with Mr. Russell the undersigned is of opinion that it would be waste of money to repair the breaches on the flood bank.

Order thereon:- No 203 Id, 28 Feb. 1895

The prosecution of the persons who cut the Musi flood bank is sanctioned.

2. The Collector and District Magistrate of Yellore will arrange for the case being conducted by the Government Pleader of Yellore.

3. The necessary repairs to the flood bank will, in the meantime, be carried out by the Public Works Department.
(True Extract)

The Suptg. Engr.
Ch. Engr. for
Engr. P.W.D.
Capt. & Lt. Magistrate, Yellore.
Reader Secy. to Govt. P.W.D.
(Irrigation Branch)
29/2/95

[G.]
24
100-20-12-04

Journal DEPARTMENT.
Papers to be read in Proceedings:-

Again G.O., dated

18, No.

Again G.O., dated

28 February 1895, No. 203, Public Works Department

Current No.

of 18, dated

from

Current No.

of 18, dated

from

Madras

Order 15 March 1895 No 578
Communicated to the J.P. of
Police for report as to the desirability
of putting Act III of 1882 into force
in the locality concerned. The Govt.
is disposed to think that a strong
patrol placed on the flood bank
at the expense of the villagers might
prevent further damage to it.

(From order)

12-8-95

The J.P. of Police (No 20) of this & the P.W.D. dress-
" in

Note

The final order will go to
the P.W.D. for counter initials. There
remains to send this

D

Punitive Police

Cs. (murders)

(abstract)

Govt. P.W.S.
Branch,

Ch: ...
Exr: P.W. Dept.
Cofn: St. Inspector, ...

ent.

N.B.-
A = Copy in full
B = Not to be copied
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D = Copy heading only

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IN ORIGINAL.

STATEMENT WITH DETAIL

ATTORNEY

INVENT

A A A A A A A A A A

REFERENCE TO C. No.

COMMENT No.

READ AGAIN G.O. No. 189
DATE

When given for copying
When copied
When examined
When signed

189