Judicial (1895) Department.

ORDINARY MS.

G.O., No. 81

DATED 12th Jan. 1895

INDEXED.

[Despatch Abstract.]

SHOOTING OF A MOPLAH BY THE POLICE AT BADAGARA

Informing A.Chathu, P.Sumati, K.Appu Kurup and M.Krishnan Nair that the Government sees no reason to reconsider its previous orders in their case.

48.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	2107		30-8-90				
	2381		28/9/94				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	619		95				
	1024		95				
	1721		95				

JKW

Judl. DEPARTMENT

To,
His Excellency
The Right Honourable
THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL,
MADRAS.

The humble Memorial of A. CHATHU, *late Tahsildar*
of Kurumbranad Taluk, Badagara.

May it please your Excellency,

In humbly venturing to approach your Excellency in Council with the following facts and explanations which, I fear, were not before the Government, when the G. O. No. 2107, Judicial Department, dated the 30th August last, was passed, dismissing me from the public service in connection with the shooting of a Moplah by the Police at Badagara, I beg most respectfully that your Excellency may be pleased to reconsider the order by giving due weight to the case of one, who has spent the best part of his life in the service of Government; one, who, whatever may be his faults, has always braved dangers in the execution of his official duties; one, who, when he is nearly entitled to retire on a pension, is now thrown out of the service to pine away in sorrow and disgrace for pursuing in the execution of his duties a line of action which, though in the absence of an explanation it might appear to be cowardly or indiscreet, is nevertheless in reality otherwise, when each link in the chain of circumstances is properly attended to. Taking the most violent view of my case, the punishment of dismissal, after a service extending over a period of 24 years, is, I submit, out of all proportion, especially as my conduct is quite free from the remotest taint of malice or unworthy motives.

2. I have been charged with cowardice and failure to act up to the responsibilities of my position. But a calm consideration of the facts stated below will, I humbly trust, convince your Excellency that, far from being cowardly, I have acted with that promptness and courage which the occasion called for, and with that discretion which my humble judgment suggested on the spur of the moment.

3. Before entering upon an explanation of the above charge, I beg to submit a few words to meet the remarks of the District Magistrate in para 3 of his letter quoted in the Goverment Order.

When Kadiri's brother complained to me, I was engaged in verifying the cash balance in the Taluk Treasury, being bound to do so under the rules, as that was the last Treasury day of the month, and as I had returned to head quarters that morning after an absence of 3 days. As I could not safely leave off the work in hand abruptly, and as I did not then think the matter to be serious, I sent for the Head Constable who was at the Station in the adjoining room, and ordered him to the spot at once. When the verification of the cash balance was over, I received information that Kadiri was going to set fire to the bazaar. Upon this, I postponed the verification of the stamp stock till the following day, as the Treasury records would shew, and hastened to the bazaar by a short cut from the office indicated by the peons. I was unacquainted with the several minor paths to the bazaar except the main road, as I was then hardly two months in the Taluk. On the way I was met by a running crowd of people who fled elbowing me, shouting to me of the attack made by Kadiri on the Saniyasi and the Police, and of his rushing with knife towards the path I was in. As neither my peons nor myself were armed even with sticks, and as the path was narrow, and the Police having gone by the high road, my further proceeding along the path would have, at that stage, served no purpose. It therefore became necessary that we should go armed, and as shown in my report despatched by post to the Joint Magistrate a few minutes after Kadiri's death, *(Exhibit A which is the first paper on record, and my only report on the subject)*, I turned back, and got on the high road, and collected men with sticks and stakes pulled off the road side fence, *(this can be seen even now)*, and was going on the road taken by the Police to re-inforce them, when I met the Head Constable coming back with his men carrying the wounded constable covered with blood. The particulars given me by the Head Constable led to the belief that Kadiri was a *fanatic* and that matters would assume a serious turn, and therefore after despatching messages from the road to the Stationary Sub-Magistrate and the Inspector of Police, I pushed on in the direction of the town where Kadiri was reported to be committing havoc, accompanied by the people (HINDUS) collected by me with sticks and stakes and the Police with guns. In the way my instructions to the people were to knock the offender down by pelting or striking him with sticks, and to the Police to shoot him should we not succeed in arresting him before night-fall.

4. Here I respectfully venture to ask whether, in these circumstances, I can be accused of having thought that it was not my duty to see to the preservation of the peace; whether any other instructions, than those given to the people and to the Police, could have been given; and whether my conduct was such as to betoken cowardice. That in directing the Police in *Malayalam* to shoot, I honestly submit, I never meant, nor did they take it to mean, that the man was to be shot dead, but merely to disable him from escaping in the dark. This will be evident from the fact of the first shots being fired with my approval on the ground to intimidate Kadiri on his first charging the Police.

5. But when we came in close quarters with Kadiri, affairs took a turn which rendered it impossible for my instructions being carried out literally. When we reached the bazaar all the shops were found closed; the Moplahs, who were there, did not stir a finger to help us in seizing the man, though repeatedly appealed to; there was a general stampede of the Hindus who, though armed as above stated, took to flight on the first alarm of Kadiri's approach being given; and all of a sudden, Kadiri was upon us in a sharp corner along a narrow road flanked by closed shops. I was in front of the crowd when Kadiri turned up. As I was unarmed, I was, I admit, apprehensive of personal danger, and to avoid it and the adoption of extreme measures at once I too receded about 10 feet, (*not paces*) and in doing so, stepped aside into a contiguous byepath called a lane in the G.O. which brought the armed Police to the front with myself in their rear. I never ran into a lane as appears in the G. O. probably owing to a mistake in translation.

6. It will therefore be observed that all that I had done was to step aside instead of recklessly courting danger. I was obliged to do so to survey the situation, in order to act with caution. Had I done otherwise, matters would have taken a serious turn which Government would, in all probability, have had now to bemoan. Any attempt to withstand an armed athlete, goaded with religious frenzy, quite unarmed, would have been foolhardy on my part. If the fanaticism of the Moplah would have been satiated by it, I would have readily laid down my life in the cause of Government. But experience of the Moplah outbreaks shows that the first sign of success on the side of the fanatics would be a ready incentive to more atrocious acts and would attract others to follow suit. Cautious procedure under such circumstances, even if it involves self-preservation, should not be construed into cowardice. Other Moplahs, it will be remembered, were watching with singular apathy what turn matters would take. What fear had they in making an attempt to secure one, who had not displayed any, the least, intention to do them harm? But they looked on with folded hands. Would not any initial success, achieved

by their co-religionist, have opportunely turned their seeming apathy into active co-operation? I appeal to your Excellency whether such a result was at all improbable, borne out, as it is, by the history of Moplah outbreaks in Malabar.

7. What followed appears in the letter of the Inspector-General of Police. Kadiri was so determined and defiant, and so dangerously close to the Police, that their shooting him in self-defence was the work of a minute. I could not possibly have anticipated, that they would be in the dangerous position they were in, to necessitate sudden firing and could not by any possibility have prevented it. If the guns had bayonets on them, the man's attack could have been resisted.

I have shown elsewhere that the I.G.'s statement as to the man's rushing at the Police is not correct WS

8. The Joint Magistrate arrived on the scene the day following the occurrence, inspected the spots referred to above, examined the body of Kadiri, made local enquiry and interviewed the Moplahs, and was kind enough to express approval of the steps adopted by me. The respectable portion of the Moplah community was also of the same opinion, but the relatives of the deceased were subsequently set up to complain against me, simply because they were afraid that the Moplah Act would be enforced.

9. The Government has unfortunately come to the conclusion that Kadiri was a lunatic. But the circumstances, briefly noted below, point to but *one* conclusion, that he was a *fanatic*:—

(*a*) His brother's first complaint to me that Kadiri was labouring under religious frenzy, (*Hal*);

(*b*) At the Joint Magistrate's enquiry, the day following the occurrence, the brothers did not say he was insane;

(*c*) In the complaint preferred by his brother to the District Magistrate on the 30th May (*five days after the occurrence*), and in depositions of all the brothers before him, they asserted in unmistakeable language that Kadiri *"has never been labouring under insanity;"*

These proceedings were not, it is presumed, before the Government when they passed orders in the case. An authenticated copy of the petition is appended. (*Exhibit. B.*) This petition was dismissed by the District Magistrate as false and malicious on the 20th June last. (*Exhibit. C.*) The statement of the late Govindan Nambiar, who belongs to a family of Malikhana holders, taken by the Joint Magistrate at the above enquiry, will shew the fanatical doings of Kadiri before the arrival of the Police. (*Exhibit. D.*)

(*d*) The fact of Kadiri running amuck on a Friday, admittedly after his prayers in the Mosque;

(*e*) His slashing a cow, or two, held sacred by the Hindus;

The statement was that he cut a cow which ate his grass! WS

(*f*) His attacking a Hindu Sanyasi, and asking for his *Muruda* which is the sacred and indispensable emblem of a Hindu devotee;

(*g*) His not attacking a single member of the Moplah community who surrounded him on every side;

where was one? WS

(*h*) His muttering unintelligible prayers when rushing against the Police;

(*i*) His considering himself bullet-proof which is invariably the notion of a fanatic;

or of a madman WS

(*j*) His rushing desperately forwards even after being hit by a bullet;

false statement WS

(*k*) Not a single Moplah trying to dissuade him, as they consider doing so in the case of a fanatic to be irreligious; and

(*l*) His using the Hindu sacred reed-flowers as a broomstick before running amuck.

10. I beg to submit that the history of Moplah outbreaks in Malabar would show that the presence of any *one* of the above elements was an unmistakeable indication of fanaticism. The combination of *all* the elements in the present case abundantly shewed that Kadiri was a *fanatic*, rendering it dangerous to allow him to be at large in the night, lest he should commit further havocs and be joined by his co-religionists, as usual in such outbreaks, necessitating Military operations, as was the case quite recently at Pandikkad. The occurrence of such an event would have been viewed as the outcome of an unpardonable dereliction of duty on my part, and a charge of mismanagement, in that case, would have been unanswerable.

11. The District Magistrate's conclusion, that there was no fanaticism in the case, is based upon the report of Mr. Ayling, who could not be well up in the history of Moplah outbreaks, during the short period of a month or so, he was in the District. I was employed under Mr. Winterbotham and others in South Malabar for more than 12 years, and knew from experience what Moplah fanaticism meant, and how it manifested itself. The Badagara public believed Kadiri to be the veriest fanatic, and was so panic-stricken by his ferocity and his reputation as a skilled athlete that, within a radius of 2 or 3 miles of the bazaar, all the houses were closed and watched, even those on the coast road. The fact of even Moplah shops, one and all, being closed in the town directly Kadiri became furious, is pregnant with significance. !

12. The Government have concluded that Kadiri ought not to have been shot under the circumstances. But I crave permission to bring to the kind notice of your Excellency that in a case of a like nature, where a private individual had shot down a would-be fanatic such as Kadiri was, the Government not only rewarded him, but even went the length of deporting persons who had countenanced the fanatic, and fined the whole Amsam in which he had run amuck. I refer to the case described at page 584 of the District Manual, Volume I, of one Ali of Melattur Amsam who wounded a potter and thrashed with the flat of a sword a little boy, and had gone, it was presumed, to murder a Pisharodi, flourishing his sword and chanting some song. The Hindu watchman who was in the upper storey of the Pisharodi's gatehouse shot in Ali's breast from a distance of 10 or 12 feet, and killed him on the spot. It was for this, that the whole Amsam was fined, some Moplahs deported, and others bound over to keep the peace, and the watchman rewarded. This occurred in 1880 in the Malapuram Division, where I was a Sub-Magistrate. With this precedent in my own personal knowledge, I venture to ask whether, in having proceeded against Kadiri, believed to be a fanatic, in the honest discharge of my duty, accompanied by the Police who shot him in self-defence, I am to be placed in a worse position than a private individual, who, with the mere object of averting a supposed danger to his master, ensconced in his house, shot the Moplah down on a morning in a field, before he had done any injury to or even approached his master. The private individual was rewarded for his valour, whilst I am dismissed for the simple reason that I did not prevent the Police from shooting a fanatic in their own self-defence about night-fall, *before* I could possibly know their intention to shoot.

i. e. a single person — But this is quite a different sort of case
B.B.

13. At page 588 of the District Manual will also be found particulars of a Moplah outbreak, where the only act done by one Moidin Kutti lay in wounding a Hindu, and then going to a rock and dancing there with sword in hand, uttering unintelligible expressions. Even though he was afterwards *tried and acquitted* on the ground of insanity, his act was considered sufficiently grave to be brought under the category of a Moplah fanatical outbreak. So seriously is a Moplah's unprovoked attack on Hindus viewed in Malabar, where outbursts of Moplah fanaticism are as sudden, as they are periodical.

The only difference between these two cases and Kadiri's case lies in the fact that the latter was armed with what is called a table knife, whilst in the other two cases, a sword was used. Kadiri's knife, though called a table knife, was not actually so, but was a country knife of sufficient strength to make it as formidable in use as a country sword. To

See Mr. Aylings' description of the knife
B.B.

call it a table knife is a misnomer, as it not only detracts from its dangerous nature but does not afford any idea of the formidable use to which it could be effectually put by one, raving with fanaticism.

14. The above two cases selected out of several on record will, I venture to think, convince the Government, that I have not done anything which in similar cases was not done by others in my position, as well as in higher positions in the service. I have now come to understand that in a case which was not so grave as the one under reference, the late Mr. Overbury, when he was the Assistant Collector of Calicut, had a Moplah shot dead who had taken shelter on a tree, after committing a similar offence. The Government can easily ascertain the facts of the case which I am unable to obtain. Am I then to be thus sacrificed for merely doing what has always been considered to be a Public Officer's imperative duty in such cases in Malabar?

15. That I have throughout my service of over 24 years displayed courage and energy in the performance of my duties will appear from the following cases and the printed copy of the testimonials. *(Exhibit. E.)*

(*a*) A murder was committed at Beypore the former Railway terminus in Malabar. The parties being Moplahs resisting detection, three Police Inspectors were detailed to work out the case. Their united efforts failing, I had to take up the case myself. I had to go out during nights and at last succeeded in bringing the offenders to justice. The Government was pleased specially to commend my action. (*Vide G. O. Judicial Department, dated 30th April 1879, No. 992.*)

(*b*) When a great fire broke out in the Manantoddy bazaar in the Wynaad close to the Taluk Office building, my exertions to arrest the progress of the conflagration were noted with approval by the Government. (*Vide G. O. Judicial Department, dated 21st March 1887, No. 623.*)

(*c*) In 1887, while I was acting as Tahsildar of Kurumbranad, a Moplah named Mayan Pokker murdered a peon in the execution of his duty in the presence of the Sheristadar-Magistrate. The latter and others had to shut themselves up in a house, until I arrived on the spot within an hour of the occurrence. In the interval, the Moplah killed a woman and a child, burnt a house and betook himself to the jungle exclaiming that he would yet kill other persons. The knife he used was also a country knife. Hearing that the Moplahs of Badagara were giving him food and shelter at night I went out to effect his arrest during nights, and on the sixth day, before daybreak, I beseiged a newly built Mosque in the upper storey of which the murderer was known to have taken shelter. He was called out to surrender but refused using menacing language. On finding that I was determined to arrest him, he committed suicide by cutting his throat. (*Vide my reports to the District Magistrate, Nos. 1190 and 1274, dated 17th, and 23rd March 1887, respectively.*) This case was also specially reported to the Government at the time by Mr. Logan.

in G.O. 19-4-87 No. 543 Jud.

(*d*) In October 1892, the Tapper's strike began in North Malabar. I was sent as Tahsildar of Kottayam Taluk in November 1892. The landlords were reported to be encouraging the strike and lending their assistance to the strikers. They committed very serious rioting and other breaches of the peace, even assaulting the Police. It was feared at the time that the strikers would rise in a body and commit further lawlessness. How seriously this matter was looked upon, the Government are probably aware of. Fearlessly and energetically I worked, until I broke through the strike successfully. Messrs. Bradley and Twigg (*the then Collector and the Sub-Collector, respectively*) will, I humbly hope, vouch for this fact. This engendered a feeling of bitter hatred against me which continues to this day. But I had the consolation of having proved true to my salt and won the satisfaction of my superiors, the Board and the Government.

16. In the face of these instances and of the favourable opinion expressed by my superiors, it is most heart-rending to me, that I should now be left adrift by a paternal Government, whom I had served for such a long period, for the simple reason that I was found to have lacked courage in coping with an emergency—an opinion which I beg to submit, was formed without having the full facts of the case before them.

17. In conclusion, I beg to bring to your Excellency's notice that this is the *first* occasion on which I have submitted any explanation as to my conduct in the affair. The only statements of mine, that were given before, were one, my English report (*Exhibit. A.*) to the Joint Magistrate despatched hurriedly to catch the post a few minutes after the occurrence, the other, a deposition by me before the Stationary Magistrate made about half an hour afterwards, and another made before the Joint Magistrate the following day, all giving a brief recital as to how Kadiri came by his death. In none of the above statements was there any explanation of my conduct, nor was it considered by any of my superior officials that my conduct then required any explanation. I beg further to state, with all deference and submission, that if I did not intend to do my duty I would not have left my office and the work I was engaged in, in order to go to the scene of the disturbance and give my personal help to secure the *fanatic*. I would also respectfully ask your Excellency whether it was possible to calmly consider and debate all the circumstances, with an armed irrepressible desperado in front, who, in defiance of the repeated orders to lay down the knife, was making against the Police, brandishing his knife and threatening their lives, after having already wounded two men, with the intention to kill, though mere chance averted their death.

18. Now that I have submitted a brief but unvarnished description of what took place and the attendant circumstances, may I venture to hope, your Excellency will be pleased to exculpate me fully and to consider my conduct in the case entirely blameless. If my past long service of 24 years under Government can be of any avail; if acts done during that period, quoted above, which conclusively show that I am not one to shirk danger under trying circumstances, can be now urged; and if there is virtue in past reputation, I beg respectfully to urge, that all these may be pleaded in exoneration of what may not, even at the most, amount to an error of judgment. The loss of pay and pension and the prospect of promotion, the deprivation of any means of future livelihood, and the stigma of cowardice to boot, form a punishment too severe and out of all proportion to what Government thought to be a fault on my part, in the absence of the explanation herein submitted.

Under these circumstances I venture to hope that your Excellency in council my be graciously pleased to restore me to my position, or should such a course be deemed inexpedient, I beg I may be granted that amount of pension, to which I may be found entitled

TELLICHERRY.
2nd *November* 1894.

I most respectfully beg to remain,
Your Excellency's
Most obdt. and humble servant,

A. Chathu

(☞ Authenticated copies of the following Exhibits are also appended.)

(EXHIBIT. A.)

BADAGARA, *25th May 1894, at 6¼ P. M.*

To,
THE JOINT MAGISTRATE,
Tellicherry.

SIR,

At quarter to 6, an old Moplah ran to my office-room in the office, and breathless with haste, told me his brother had gone mad, was running to and fro with knife in hand, stabbing all he could find, that all the shops were closed, and if he is not seized or somehow killed, more serious results will happen. I asked for the Magistrate, but he had left the office. Sent word to the Police, and sent the Moplah to them. I heard the Police have gone. Again several persons at random (Moplahs and Hindus) came running to the office and cried that the man was doing more harm. I hastened to the bazaar by the Bungalow road. On going a little way I saw people running for life and told me that the Policemen and a Byraghi had been stabbed. I came back to collect men, when a Constable was brought bathed in blood. The Police Head Constable said we could not go without arms. I ordered some men have sticks with them. The Police took arms. On reaching the bazaar, not a single shop was found open. People on the top of houses cried out, the man was igniting matches and trying to set fire to the bazaar. We proceeded and met him. He came wielding the knife. The Police fired two shots on the floor which did not stop him. Then two or three more shots were fired, which hit him, and he died. The Magistrate then arrived. He is making enquiries. If the man was not shot before the dark, the consequences would have been serious. The worse part is that no Moplah tried or helped to seize him.

(Signed) A. CHATHU,
Tahsildar Magistrate.

(EXHIBIT. B.)

To,
J. BRADLEY, ESQUIRE.
Magistrate of Malabar,
Calicut.

The humble Petition of MARATHANATHY KANNAMBELLY HUSSAN, OF *Kurumbranad Taluq.*

RESPECTFULLY SHEWETH.

That Petitioner most humbly begs to convey the following grievances to your Honour, and humbly hope to meet with due justice.

That your Petitioner's younger brother by name "Kadiri" was a trader by profession up to the date. He was wilfully shot from his own shop, and from where after three shots he ran for safety, and the two batons, by which the Constables ill-treated the deceased on the onset, are still lying in his shop.

That Petitioner gave his deposition on oath to the Joint Magistrate of Malabar on the 26th instant, and subsequent to which Petitioner was given to understand that with the Constables concerned, the Tahsildar has likewise desperately shot the deceased on his neck. Petitioner with his Tarward exists for a considerable time at Kurumbranad Taluq and they have hitherto proved peaceable and loyal subjects to Her Majesty's Government.

That Petitioner is prepared to prove by the most part of respectable traders at Badagara, that the deceased has never been laboring under insanity, nor was such arbitrary proceedings to destroy him necessary, and their present wilful attempt is best known to themselves, Under the above painful circumstances, Petitioner looks to your Honour to be graciously pleased to cause an investigation jointly with the Joint Magistrate of Malabar and grant Petitioner reparation in this lamentable case, for which act of justice, Petitioner shall, as in duty bound,

BADAGARA, }
30th May, 1894. }

EVER PRAY.

(Signed)

(EXHIBIT. C.)

PROCEEDINGS OF THE DISTRICT MAGISTRATE OF MALABAR.

DATED 20TH JUNE 1894, DIS. No. $\frac{580}{\text{m s l}}$ of 94.

Read again petition of Marathanathy Kannambelly Hussan of Kurumbranad Taluk, brother of Kadiri, dated 30th May 1894, praying that an investigation may be made into the shooting of his brother, and some reparation made to him.

Read also letter, dated 19th June 1894, from the Joint Magistrate reporting on the above petition.

The Petitioner will be informed that the inquiries held by the Superintendent of Police and Joint Magistrate have proved that his statements to the District Magistrate were false and malicious, and that as he has failed to show that he has been injured in any way by his brother's death, he does not appear to be entitled to any compensation.

(Signed)

District Magistrate.

(EXHIBIT. D.)

Statement on affirmation of Kariatil Paloli Edathil Govindan Nambiar of Ayanjeri Amsom Kurumbranad Taluk.

I sent the letter produced (Enclosure 4) to the Collector. I was in Badagara on the afternoon of May 25th. I was going from my own native place Kariyad to my wife's house at Ayenjari. I was buying some glasses at a shop in the bazaar being just about to start by boat. It was about 5 o'clock. A large number of Hindus, Tiyyars and Nairs, came running eastwards in great fear. I asked what the matter was. One or two persons said, a Moplah is coming running with a knife to stab and kill." I said "could not you have told the Police"? People continued to come running, some falling down through fear. I went down into the lower bazaar to see what was really the matter. Four of my servants went with me. I had a stick. I was not afraid. I have shot a tiger. Some people were quickly closing their shops, as I passed. Five or eight stout Moplahs were conversing in a gingelly shop. I went in to hear what they were speaking of. I asked why they did not arrest the man. They paid no attention, but went on conversing. I descended from the verandah. People were still fleeing in all directions. I looked westwards, and saw a Moplah running to and fro, with a knife in his hand. There was blood on his face. I saw him catch a Cheruman whom he made sit down on the road and said, "how many wounds should I give you"? "Into how many pieces should I cut you"? Another Moplah came and begged him as a Tangal not to do anything to such a poor man. Then the mad Moplah (Kadiri) said to the Cheruma go" and kicked him. The Cheruma ran for his life. Then a Saniyasi was passing with a "Murida." "The mad Moplah seized him and stabbed him. I don't know in what part. The Saniyasi cried out "Iyyo." The Saniyasi fell down—as he did so I withdrew, thinking I would be cited as a witness. I went down to the boat—after releasing the Cheruman and before seizing the Saniyasi, I saw the mad Moplah strike two or three matches, and throw them at the roofs of houses. They were blown out by the wind. I told my servants to go for the Police; but they said, "we don't know if the Saniyasi is dead, we may be cited as witnesses. We had better go away." I stood by the boat for ten minutes. People continued to come saying, "he is coming." I got into the boat and went down the canal. One Naligai or 1½ after embarking, I heard 4 or 5 shots. I heard that the Saniyasi went to the Hospital. When I went there, I heard that a Constable had already been stabbed by the mad Moplah. I heard that when the Constable tried to seize the Moplah, the latter ran and stabbed him. I also heard that another Bayraghi or Saniyasi had been stabbed at the same time. I don't know which it was that went to the Hospital. I could not be sure that any wound was actually inflicted on the Saniyasi that I saw. I saw the blow aimed and the man fall. It was a white handled knife with a blade about 8 inches long. I was about 10 or 20 yards from the Moplah when he seized the Cheruma. He appeared to me to be a fanatic; he only tried to attack Hindus. A mad man would have attacked all sects. He appeared to be somehow out of his senses. I told several Moplahs that if they would help me and my servants, we would seize him. They refused saying he was a very strong man, and even if we all joined, we could not secure. Some of the Moplahs were laughing and seemed to look on it as an amusement. All the Hindus were much terrified. None of the Moplahs attempted to secure him. Blood was coming from his foot. I heard that a cow had been slightly wounded by him, but did not hear particulars. I did not see the Police or Tahsildar from first to last. My Tarward possesses property worth Rs. 15,00,000. I am the 4th from the Karanavan in order of seniority.

This is new

(Signed)

Joint Magistrate.

6th June 1894.

FROM,

A. CHATHU,

Late Tahsildar, Kurumbranad Taluk,

MALABAR.

TO,

HIS EXCELLENCY

THE GOVERNOR OF MADRAS

IN COUNCIL.

Encl - 1

Dated } *November* 1894.
Received }

ENCLOSURES 5.

Begs to bring to notice the full facts connected with the shooting of a Moplah by the Police at Badagara, and requests that, on the facts now disclosed, Government will be pleased to reconsider its order No. 2107 Judicial Department.

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Jud DEPARTMENT

Encl - 2

No. $\frac{196m}{9l.}$

Malabar Joint Magistrate's Offic
Jellicherry, 19th June 1894

From,

W. B. Ayling Esquire
Ag Joint Magistrate of Malabar.

To,

The District Magistrate of
Malabar.

Sir,

With reference to your Office Dis No. $\frac{520}{magl}$ 1894, dated 7th Instant, I have the honor to report that I went to Badagara on 13th Instant and issu summons to all the witnesses named in the stateme given before you by the brothers of the deceased Moppla Kadiri. The four marginally noted individuals appeared, and I took depositions from them; and also from the Tahsildar and from one Angapp-digayil Moideen, the owner of the cow of which mention has been made in connection with this Cas I subsequently examined Govindan Nambyar, who sent the letter addressed to you (Enclosure 4 to your letter under reference.

1. Kadavath Puthiapurayil Kunyamed
2. Koilandivalappil Ahmad Kutti
3. Veluthon Mahamad Hajee
4. Mukkolakkal Mahomed.

2. The depositions of these per

nclosed; together with a rough sketch plan of the scene f the occurrence prepared by the Inspector of Police. As already reported I inspected the place on May 26th, and can speak to the substantial correctness of the plan. I must however mention that I had not the plan before e while examining the above mentioned witnesses, and was under the impression that the points of the Compass were, as marked on the plan in blue pencil. The witnesses also appeared to speak under the same belief, and I am not sure that it was incorrect. It is however of little importance, if the fact be emembered in considering the witnesses' statements as to direction.

3. It is unnecessary for me to recapitulate the evidence of the Moplah witnesses. The whole story is set forth in the deposition of Pudiapurayil Kunyamed. The others support him, though with very important divergencies. For instance from Kunyamed's statement it, is clear that the Tahsildar, and Police, all came to the spot in one body. But the other witnesses state explicit that they came in two bodies, one from the South, and the other ith the Tahsildar, from the north. 3rd and 4th witnesses say that it was the former who fired the the first 3 shots. 2nd witness Ahmed Kutti, says it was the latter. 1st witness says the Head Constable did not return to the scene, after the first rout of the Police; all the others say he did.

4. The whole business, is said to have arisen because deceased, accidentaly inflicted a very slight injury on, another man's cow. No complaint was made, but the Head Constable, and 4 Constabl came to arrest deceased for this offence (vide evidence of Kunyamed). This is simply preposterous. Again 3 Constables, are said to have fired at deceased, as he stood on his veranda 6 or 8 yards off; and not one hit him! But the two subsequent hurried shots, fired at him as he ran, each found a billet.

5. This story wildly improbable brought forward at the eleventh hour, and supporte by evidence at once discrepant and intereste I disbelieve "in toto".

6. I would, however, briefly point out, that even taking this evidence there ca be little doubt that deceased was at the time he was shot dangerously mad. The witn have been tutored to say that he was "a mad", and to imply that his mad

brought on by the violence of the Police. The object is of course to get out of the dilemma suggested in your letter under reference. One witness however forgets himself and says that deceased was "a little mad after he came out of the mosque at 2 P.M". As to his madness at the time the Tahsildar and Police arrived, there is barely a denial. 18th witness says that no one went near deceased, as he sat on his pial for fear he would stab them; and that he himself ran away after the Constable was stabbed "being afraid of deceased". The others speak to the same effect. They are all compelled to admit that no attempt has been made by his fellow Moplahs to seize him (obviously through fear) and that at the time he was shot he was advancing towards the Tahsildar with a knife in his hand.

7. The evidence of Govindan Nambyar deals with the interval between the stabbing of the Constable, and a Byragi, and the return of the Police with the Tahsildar. From it I have no hesitation in inferring that the man was mad,
d dangerously mad although possibly not
ch an extent that his friends and relatives
Could

could not have secured him without bloodshed, ha
they done their duty. The witness, of course, speaks
with a strong anti Moplah bias, and tries to mak
out that the man was a fanatic with whom the oth
Moplahs sympathised. This I do not believe. The ma
man's natural tendency would of course be to atta
Hindus in preference to his coreligionists. There i
nothing extraordinary in this.

8. Govindan Nambyar mentions an atta
on a second Sanyasi of which I have heard
nothing previously. He is not, however, certain
that any wound was inflicted, and probabl
the Sanyasi got off scatheless, and though
it safest not to come forward with a compla

9. I do not consider that the re-summoning, and examination of the remaining Moplah witnesses could serve any useful end. I have explained my reasons for disbelieving the story told by tho
who have appeared; and I need hardl
point out that although a hoard of witnes
of the same class to speak in the same (
could doubtless be produced, if required,
Credibility of the story would be

enhanced.

10. The records sent with your letters dated 7th and 11th June are returned herewith together with the fresh evidence taken as per list.

I have the honor to be,
Sir,
Your most obedient Servant
(Signed) W. B. Ayling
Ag Joint Magistrate

(True Copy)

For Ag District Magistrate

D.W.

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Inclosure - 3

To,

J. Bradly Esquire.
Magistrate of Malabar.
Calicut.

The humble petition of Marathanathy Kannabelly Hussan of Kurumbranad Talug.

Respectfully shewth,

That petitioner most humbly beg to convey the following grievances to your honor and humbly hope to meet with due justice.

That your petitioner's younger brother by name "Kadri" was a trader by profession up to the date he was wilfully shot from his own shop, and from where after three shots he ran for safety and the two Batons by which the Constables ill-treated the deceased on the onset are still lying in his shop.

That petitioner gave his deposition on oath to the Joint Magistrate of Malabar on the 26th Instant and subsequent to which petitioner was given to understand that with the Constab concerned. the Tahsildar has likewise desperately shot the deceased on his neck. Petitioner with his Tarwad exists for a considerable time at Kurumbranad Taluq and they have hitherto proved a peaceable and loyal subjects to Her Majesty's Government.

That petitioner is prepared to prove by the most part of respectable traders at Badagara that the deceased has never been labouring under insanity, nor was such arbitrary proceedings to destroy him necessary and their present wilful attempt is best known to themselves.

Under the above painfull circumstances petitioner looks to your honor to be graciously pleased to cause an investigation jointly with the Joint Magistrate of Malabar and grant petitioner reparation in this lamentable case, for which act of justice petitioner shall as in duty bound

Badagara
30th May 1894 }

Ever pray.

sd

(True Copy)

For ag District Magte

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Jud DEPARTMENT

Encl. 4

Court of the District Magistrate of Malabar
Calendar Case No.

Deposition of. M. K. Hussan
Name - Avulla
Caste Maplah
Age 55
Occupation Trader
Residence Badagara Amsam.

I was not present when my brother was killed. I last saw him between 2 & 3 O'Clock. Then he was in his senses. I do not know whether he was mad or not when he was killed. I first heard of his death about 6 P.M. I went to the place & saw that he was dead. I represented orally my grievances to the Stationary Magistrate. I based my petition on the statements of Madathankil Assan Kutti, Koilandi Valappil Amad Kutti, Totolli Mattakil Uppan, Valatow Mammad Haji and many others. These persons were eye witnesses. I did not ask the Joint Magistrate to examine these people.

Q. Why did you not do so?
A. Will not give a reply.

I did not go to the Police Station that day or to the Taluk Cutcherry. I made no complaint to the Superintendent of Police. I gave a deposition before him. I did not ask the Police Supdt. to examine my witnesses.

My brother stabbed a Boiraghi. He stabbed a Police man. I cannot say whether he was then in his senses. My brother's property was worth 4,000 or 5000

He had a wife but no child. I have property worth 3 or 4 thousand rupees.

Personally I know nothing about this affair. I have not heard that my brother was mad and that he tried to set fire to the bazaar. I wish a further inquiry to be made. I have heard from people who saw it that the Tahsildar shot my brother. I do not know of any enmity between the Tahsildar and my brother, or between the Police and my brother. There will be no witnesses to say that my brother was mad.

(mark)

Signed/ Herbert Bradley
7-6-94. Ag. Dt. Magistrate

Klee

True Copy

For Actg District Magte

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Jud. DEPARTMENT

Encl- 5

Court of the Magistrate of Malabar
Calendar Case No.

Deposition of - M. K. Moidin Kutti Haji Avulla Haji.
Caste - Moplah
Age - 60
Occupation - Trade
Residence - Badagara Bazaar.

I was not at Badagara on the day of my brother's death. I heard of it about 4 or 4:30 on the evening of his death. I was in my wife's house. When I heard of it I came to the spot. Many bazaar people were there. My brother was never mad. I last saw him on the previous day. I will take an oath that he was not mad when he was killed. He caused a wound to a Bairagi and to a Police Constable. The bazaar people who saw it told me about it. I cannot say whether he tried to set fire to the shops because I was not present. I have not heard that he did.

Q:. Who told the Police that your brother was going about with a knife in his hand?

A. None of my brothers did. I was not trading with my deceased brother. I lose by his death any future acquisition he might make. If he lost money it would not be binding upon me. Our witnesses are only Badagara people. They are — Kakunath Palikel Kunhisa; Mukkolikal Mammad; Tolōlli Nadakil Upperi; Kadavath Pudiyaparayil Kuginamad Tolōlli Valatou Kugjnamad Kutti and others.

I was with the Sahib (Sub Collector) when he was making an enquiry. I did not ask him to examine any of my witnesses. I did not tell him that I was petitioning the District Magistrate. It was after the Joint Magistrate left that we sent the petition. I do not know of any enmity between my brother and the Police, or my brother and the Tahsildar. There was no Police pugri in or near my brother's shop after his death. There was a bats there. We returned it to the Police three or four days afte My brother had locked them up in his shop. My brot head was split by the Police. He took them inside thinking that he might be found guilty if they were left outside and lost. I have not heard of the Moplah Act.

I heard of the Superintendent's inquiry. I did not bring forward my witnesses. I did not ask him to examine them. His inquiry was subsequent to our petition to the District Magistrate. None of my brothers traded with my deceased brother. I am worth Rs 4000 or 5000. My deceased brother was worth Rs 100 or 150.

(True Copy)

V R

For District Magistrate

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Encl — 6

Name — M. K. Mussa.
Avulla.
Caste — Mopalah.
Age — 39
Occupation — Trade.
Residence — Badagara Bazaar

I was not present when my brother was killed. I last saw him alive at about 1.30. He was not mad. When I saw him he was not mad. I do not know whether he was mad when he was shot. I heard of his death about 4 or 5 P. m. I was in my wife's house. My partner was looking after my shop. His name is Neppuil Ahamad. As soon as I heard of it I came to the place. That was about 7 P. m. The first person I made a complaint to, was the Joint Magistrate. My elder brother went. I did not go. I did not make a complaint to the Superintendent of Police. I gave a deposition to him and the Joint Magistrate. I heard that the Constables and the Tahsildar came and shot my brother. Eye-witnesses told me. They told me that the Tahsildar shot my brother in the neck. I have not heard of the Moplah Act. My brother wounded a Bairaghi and a Police Constable. That was when his head was split.

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Compared by
TRS

(True Copy)

V R

For District Magistra

1894
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No. 17
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Encl – 7

Ayancheri 5th June 1894.

To.

The Collector of Malabar.

With Salam from Kariyah Patoli Edathil Govindan Nambiar a member of Malikhana family.

Sir,

I was an eye witness to the misdeeds committed by the Moplahs in Badagara Town, who had been shot by the Police under the orders of the Tahsildar. I have many things to represent about it to you. If you wish I shall appear before you on hearing from you.

Sd. – ഗോവിന്ദൻ നമ്പ്യാര.

(True Copy)

For District Magistrate
~~Acting Collector.~~

Ind. DEPARTMENT

Encl-8

Statement on affirmation of Kadavathu Pudiapurayil Kunyamed son of Avulla. I knew deceased, Kadini. I was present when he was shot. He had put some grass for a cow in front of his shop. Another cow came there to eat the grass. As he was trying to drive it off, he had a clasp knife in his hand and slightly wounded it. I was standing in the bazaar doing nothing and saw. A policeman came and heard that the cow had been stabbed. He— came and looked. Then the Head— constable and 4 other constables went to Deceased's shop. They all had sticks. No one called them. The Head Constable sat by the doorway and constables sat on each side. Deceased was sitting on a bench with a big knife, which he had brought from inside the building. The Head Constable asked him for the knife. He refused to give it up. Words passed between them; and the deceased pushed the Head Constable down. The Head Con- -stable got up and struck Deceased the head with his baton. Deceased ran to stab the Head Constable and

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The Head Constable ran away. Deceased stabbed one Policeman on the arm. One Policeman struck deceased on the back with a stick. All the Police ran away and Deceased was left standing bleeding from the head. In less than half a naligai the Tahsildar and 5 Police with guns returned. The Head Constable did not return. Three Policemen stood by Amanath Hadji's shop and all 3 fired at Deceased. Deceased ran away saying "Don't shoot me." The Tahsildar and a Constable fired at him as he ran away northwards. The Policeman's shot struck him in the belly and the Tahsildar's in the neck. He dropped dead. There were only 4 Policemen with the Tahsildar. The Tahsildar was facing westwards when he fired; the other three were also facing westwards when they fired. Deceased was running away when the first Police fired. He was sitting on his verandah when they came. He got up only after the Police fired the first 3 shots. They fired at him from a distance of about 8 yards. None of those 3 shots hit him. He had the knife in his hand. He was sitting quietly while Police were away, wiping off the blood.

No~~m~~ one went to help him; people were afraid when they saw him. They were afraid he would stab them. I was present. I was afraid he would stab me if I went near. He looked mad after he was beaten. The Police - came to arrest him for slightly injurin the cow. I dont know whether it was injured on the belly or back. It belong-ed to Anjay pidigayil Moideen. I dont know if he complained. Decease was not mad at the time when h stabbed the cow. I can swear that I heard that Deceased wounded a Byraji while pursuing the Police. I saw th Policeman stabbed. I then ran away being afraid of deceased. I ran to a call's distance. I did not hear that Deceased tried to set fire to the bazaar

(Signed.)

Taken by me.

13-6-94.} (Signed.)

W. B. Ayling.

(True Copy)

Copied by. [illegible]

Compared by.

For District Ma

1894
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Enclos. No. 15
To
6263

Jd DEPARTMENT

Encl - 9

Statement on affirmation of Koilandi Valappil Ahmad Kutti, son of Bappan Kutti of Badagara.

I knew Deceased Kadiri. I saw him shot. He was a little mad after he came out of the mosque at 2 P.M. When I came to the place he was sitting on the verandah of his shop with a knife in his hand. He was wounded on the forehead. He looked a little mad. People stood a long way off. I went to about 15 Kols distance, but was afraid to go nearer. I was afraid of the sight of the blood, which made me feel faint. The Tahsildar, Head Constable, and some Constables. They came by the road which passes north of the shop. Deceased sat still till they came round the corner. Three shots were fired at him as he sat there. I was behind the Constables. The three shots missed him. Deceased ran northwards in the direction from which they were coming. He cried "Don't shoot". The Constables who were firing the first shots were standing due east of the shop. Four Police came from the South, and the Tahsildar, and 2 or 3 Constables came from the North. Those who came from the North fired the first shots. One Constable and the Tahsildar fired at Deceased; he ran first due north and then turned east. The Tahsildar and Constables were standing due east of Deceased when they fired. He was running towards them. He had the knife in his hand. He fell at those shots head. He was about 6 yards from them when they fired. All the people said to the Tahsildar "Don't shoot", they would arrest the man. No attempt had been made to seize him, but the people were waiting for a Southern Moplah who, being a strong man, was supposed to be able to take the knife from Deceased.

Sd/ Ahmad Kutti

Taken by me.

Sd/ W. B. Ayling

13/6/94.

(True Copy)

For District Magistrate

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Enclos. 44
C. No 6263

Printed by J.B.S.

by

Encl-10

Statement on affirmation of Velattor Mahmad Haji son of Avulla.

I saw deceased Kadiri - I was going home to meals. I saw the Tahsildar and 2 Policemen to the east of the mosque, north east of deceased's shop; and 3 or 4 more to the south-east. I came from the west. Deceased was on his verandah. The Head Constable was there but I don't remember with what party. Two or three Police from the south-east fired at deceased as he was standing on the verandah walking to and fro with a knife in his hand. I don't know if they hit him. He ran towards the mosque. The Tahsildar and 2 Police then fired at him. He was running northwards at the time. The Tahsildar and a Policeman both fired and hit him. He did not drop at the first shot; but he dropped at the 2nd shot which was fired by the Tahsildar and hit him in the neck. The crowd were standing on all sides saying "He must be seized". They did not attempt to seize him as he looked a little mad.

(Signed)

Taken by me
(Signed) W. B. Ayling
13/6/94

(True copy)

For Dt Magistrate

1894
Jul
Enclos. No. 13
To 6263

Encl - 11

Statement on affirmation of Mukkolakal Mahmad son of Kunjamad Hadji of Badagara.

At about 5 p. m. I heard that deceased Kadiri was a little mad. I had seen him at 1 p. m. There was nothing wrong then. I went towards his shop. I saw the Police fire 3 shots at deceased as he stood still on his verandah. The Police were to the south-east 8 or 10 yards off. Deceased ran northwards. A thin Policeman fired a shot looking southwards. He was in front of deceased who was running towards him. Then the Tahsildar who was behind the thin Policeman fired and deceased fell. Deceased had a knife in his hand and looked a little mad. I will swear ~~that~~ it was the Tahsildar who fired the shot. I was outside a shop, 8 or 9 shops to the north of deceased's shop. Just as I came there, the Police came and fired. They were in two parties.

(Signed)

Taken by me

(Signed) W. B. Ayling
13/6/94

(True Copy)

For District Magistrate

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Enclos. No. 12
To
C. No. 6263

Encl-12

Statement on affirmation of Angay Pidigayil Moideen of Badagara.

While deceased Kadiri was giving grass to his cow, my cow went and ate the grass, and Kadiri wounded it very slightly. I first came to know of this after he was shot. I made no complaint. The injury was of no consequence. I do not know why the Police went to seize him. I did not see him that afternoon.

(Signed)

Taken by me

(Signed) W. B. Ayling

13/6/94

(True Copy)

for District Magistrate

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Enclos. No. 11
To
C. No. 6263

Encl-13

Statement on affirmation of A. Chathu,
Tahsildar of Kurumbranad.

I will swear that Manathanatti Kannampalli Hussan Kutti, now present, is the man who originally came and gave me information. He told me that his younger brother had gone mad and was stabbing persons who were running to and fro, and trying to set the bazaar on fire; that he was a strong man and that they were unable to seize him. To the best of my remembrance 4 constables and the Head constable went with me. We all went together in a body and did not separate at any time. We went by the street which goes westwards passing to the north of the shop, but did not turn the corner to go southwards. Before we came to it, deceased was upon us. As he turned the corner there was a cry of "There he comes" and I stepped back a pace or two; all the people were running back. Judging from his appearance I should say he was terribly mad. He was repeating something to himself, with an up-raised knife and ferocious look on his face. He advanced with measured step. The first shots were fired at the ground. I did not fire from first to last and had not a gun in my hand at the time. I took the Head constable's gun in my hand to examine it, while on our way, but gave it back to him at once. This was two or three furlongs from

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place. I cried out 3 or 4 times to any relations or friends of deceased's who might be present, to help to seize him, but no one responded. Several Moplahs expressed satisfaction when deceased fell dead. I have since heard that he was mad for some time and was shut up by his brothers in an up-stairs room from which he escaped just before the offence. It is my opinion that if the police had not fired when they did, their lives would have been endangered.

(Signed) A. Chathu
Before me
(Signed) W. B. Ayling
Joint Magistrate

(True Copy)

For Ag: District Magistrate

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Encl-14

Statement on affirmation of Kariatilpaloli Edathil Govindan Nambiar of Ayanjeri amshom, Kurumbranad Taluk.

I sent the letter produced (Encl. 4) to the Collector. I was in Badagara on the afternoon of May 25th. I was going from my own native place Kariyad, to my wife's house at Ayanjeri. I was buying some glasses at a shop in the bazaar being just about to start by boat. It was about 5 O'clock. A large number of Hindus, Tiyars and Nairs came running eastwards in great fear. I asked what the matter was. One or two persons said "A Moplah is coming running with a knife to stab and kill" I said "Could not you have told the Police!" People continued to come running, some falling down through fear. I went down into the lower bazaar to see what was really the matter. Four of my servants went with me. I had a stick I was not afraid. I have shot a tiger.

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people were quickly closing their shops as I passed. Five or eight stout moplahs were conversing in a gingelly shop. I went in to hear what they were speaking of. I asked why they did not arrest the man. They paid no attention but went on conversing. I descended from the verandah people were still fleeing in all directions. I looked westwards and saw a moplah running to and fro, with a knife in his hand. There was blood on his face. I saw him catch a Cheruman whom he made sit down on the road and said "How many wounds should I give you.?" "Into how many pieces should I cut you?" Another moplah came and begged him as a Tangal not to do any thing to such a poor man. Then the mad moplah (Kadiri) said to the Cheruma "go" and kicked him. The Cheruma ran for his life. Then a Saniyasi was passing with a "Murida". The mad moplah seized him and stabbed him. I dont know in what part; the Saniyasi cried out "Oyo."

The

The Saniyasi fell down. As he did so I withdraw thinking I would be cited as a witness. I went down to the boat. After releasing the Cheruman and before seizing the Sanyasi, I saw the mad moplah, strike two or three matches and throw them at the roofs of houses. They were blown out by the wind. I told my servants to go for the Police; but they said. "we dont know if the Saniyasi is dead, we may be cited as witnesses. We had better go away." I stood by the boat for 10 minutes. People continued to come saying "he's coming". I got into the boat and went down the Canal. One nalisai or 1½ after embarking I heard 4 or 5 shots. I heard that the Saniyasi went to the hospital. When I went there I heard that a constable had already been stabbed by the mad moplah. I heard that when the constable tried to seize the moplah the latter ran and stabbed him. I also heard that another Byrasi or Saniyasi had been stabbed at the same time don't know which it was that went to the hospital. I could not be sure that any wound was actually inflicted on the Saniyasi that I saw. I saw the blow aimed and the man fall. It was a white handled knife with a blade about 8 inches long. I was about 10 or 20 yards from the Moplah when he seized the Cheruma. He appeared to me to be a fanatic; he only tried to attack Hindus, a mad man would have attacked all sects. He appeared to be some how out of his senses. I told several Moplahs that if they would help me and my servants we would seize him. They refused saying he was a very strong man and even if we all joined, we could not secure. Some of the Moplahs were laughing and seemed to look on it as an amusement. All the Hindus were much terrified. None of the Moplahs attempted to secure him. Blood was coming from his foot. I hea

that a cow had been slightly wounded by him; but did not hear particulars. I did not see the Police or Tahsildar from first to last. My tarwad possesses property worth Rs 15,00,000. I am the 4th from the Karnavan in order of Seniority.

ഗോവിന്ദൻ നമ്പ്യാര

signed / (Govindan nambiar)

Taken by me

sd/ W. B. Ayling
18/6/94

(True Copy)

V Rungaswami

for Ag ~~Collector~~ Dist. Magistrate

heard accused was shot and that he

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Evidence recorded in the Case of the lunatic shot by the Police at Badagoora on 25. 5. 94.

Witnesses

1. 1st H.C No 387 P. Sumati
2 1st C.C No 581
3 2nd C. C. No 815
4 2 C. C. No 674
5. Alesh. Tailor.
6. Shenkaravarman Tangal
7. Salisbury
8. 2. C. C No 896.
9. Sanyasi Chowdala Muthu
10 C. Musa
11. Kunyassan Kutti

1st witness states:- About 6 P.M on 25. 5. 94 a Moplah (one Kunyassan Kutti, 11th witness) and a Taluk Peon came to the Station. The former told me his brother had become insane and was roaming about the bazaar with a drawn knife to the danger of the public. The latter told me the Tahsildar Magistrate wanted me to go to see him in the Cutcherry. I at once went to the Tahsildar who told me to go at once and arrest the lunatic

I and the 2nd 3rd and 4th witnesses proceeded to the spot. We were only armed with batons. All the way along the street we found the shops closed. Groups of Moplahs and others were here and there. I asked them to assist. They said the man was an athlete and they were afraid to interfere. We went on and saw the deceased seated at his shop with a knife in his hand. One of his feet was bleeding. He had a haggard and wild appearance. I first asked him to put his knife down and that I would settle any grievance he may have had. He replied he would not put the knife down till he had revenge on some of his enemies that night. Just then the 9th witness passed along the road in front of his shop. Deceased said "who is that man wearing the beads? Let him come here. I wont hurt him" The 9th witness went up to hi [illegible] my gol [illegible]

[illegible] we all ran away. Subsequently I heard deceased was shot and that he

9th witness said he had no such pot, and ran off. The deceased rushed after him. We followed close behind. The deceased caught him 9th witness and had stabbed him before we had time to interfere. Some of my men beat the deceased on the back with their batons. The deceased left the 9th witness and turned on us. No 896 struck him on the top of the head with his baton. The deceased stabbed the Constable (896) and ran back to his shop. We thought it better to arm ourselves with Carbines. So returned to the Station for them. When the deceased was returning to his shop he called out that he would set fire to the whole bazaar that evening. The wounded Constable was at once carried to the hospital. When returning to the Station for our Carbines we met the Tahsildar near the Station and told him what had taken place. He said if the man could not be arrested before dark there was no objection to his being shot down. We took 4 Carbines + 40 Cartridges. The Tahsildar accompanied us. We saw the deceased standing in the road in front of his shop. His face was covered with blood. He was wearing 8th witness' turban which had fallen down during the previous encounter. He had his knife raised ready to strike and told us to come and seize him. The Tahsildar and myself called out inviting any relations of the deceased to interfere but without effect. Myself and 2nd, 3rd and 4th witnesses had Carbines. I ordered my men to fire one round each in front of the deceased so as to frighten but not hit him. 2nd and 3rd witnesses fired one round each. Deceased said he was bullet proof and advanced towards us about 15 steps till he was close to us, carrying his knife uplifted ready to rush at us. 2nd witness fired another shot [illegible] seemed to strike the [illegible] in the

stomach. He however continued to advance when the 3rd and 4th witnesses fired simultaneously and killed him on the spot. In all we expended 5 Cartridges. One other Cartridge is missing. I cannot trace it as I did not count the Cartridges when I received them from the Constables next morning. We could not capture the deceased in the struggle when the 8th and 9th witnesses were wounded. The deceased is a well known gymnast and a very powerful man when sane but as a lunatic he was irresistible. We tried our best to disable and disarm him with our batons. If we had not shot deceased when we did our lives as well as those of others would have been endangered and the town might have been set on fire. When the deceased fell he was standing about 6 yards from us. I did not strike at the deceased with my baton"

Mr. Ayling says rist.

2nd witness states "I did not hear the 11th witness reporting that his brother had become insane and endangering the public safety but I saw him at the station when the Taluk peon came, and called the 1st witness to go and see the Tahsildar. I, 1st witness, 3rd, 4th and 8th witnesses went to the deceased's shop in the bazaar on return of 1st witness after his interview with the Tahsildar. We saw the deceased standing in front of his shop with a knife in his hand. 1st witness told him to put it down. He refused. Just then 9th witness was passing by. Deceased called him. 9th witness went up to the deceased who asked him for his (deceased's) gold pot. The 9th witness said he had no such pot. Deceased said he would kill him if he did not give it. The 9th witness ran off. Deceased followed, overtook him and stabbed. 9

we could interfere. We came up and myself and 3rd and 8th witnesses struck deceased with our batons. Deceased turned on the 8th witness and stabbed him. He then turned on me and 1st, 3rd and 4th witnesses. We endeavoured to strike the knife out of his hand in order to seize him but he evaded us and ran back to his shop. We sent the 8th witness to hospital and returned to the station for our carbines. On our return with carbines we found deceased walking up and down in front of his shop with a knife in his hand. The Tahsildar was with us and ordered him to put down his knife — He refused saying he had to kill some persons first and then to set fire to the bazaar. The 1st witness and Tahsildar told us to fire in front of the man. Myself and 3rd witness accordingly both fired on the ground. Deceased said he was bullet proof and ran towards us about 5 or 8 steps with knife uplifted. When he was approaching I fired again. Deceased may have been hit but he continued to advance. 3rd and 4th witnesses then fired together and deceased fell and expired. By that time the sub magistrate had arrived and told the deceased's relatives to remove the body and we returned to the station."

3rd witness states in corroboration of the statement of the 2nd witness and adds "I heard deceased's brother give information at the station to the 1st witness. In the struggle when the 8th and 9th witness were wounded I and the other constables could not seize him as he was swinging his knife around on all sides. I did not strike the deceased with my baton. When we were subsequently firing on the deceased, he kept advancing towards us, and we kept retreating till we could go no further back owing to the wall behind us. 8th witness struck the deceased on the top of his head with his baton and made the blood flow. 2nd witness and constable 516 struck deceased with their batons on the back and arms but could not disarm him."

4th witness states:– "I only went with the Police party to arrest the deceased after their having armed themselves with carbines. We found the deceased standing in front of his shop with a knife in his hand. When he saw us he approached with uplifted knife. The Tahsildar told him to put down his weapon. He said he would not do so till he had killed some persons and burnt down the whole bazaar. He continued to advance. 1st witness ordered us to fire without hitting him. 2nd and 3rd witness fired. Deceased continued to approach. The 2nd witness fired again and hit him in the stomach. Deceased however continued to advance. As we could not back away from him any further, owing to a wall behind us, 2 and 3rd witness fired and killed deceased."

5th witness states "About 5 P.M. on the day in question I was passing through the bazaar by the deceased's shop when I saw the deceased at his shop in an excited state threatening people passing by that he would murder them and set fire to the bazaar. He carried a drawn knife. When he saw me he came towards me with the knife. I was then near a crowd of some 30 or 40 men who were interested in the affair, but when he approached we all ran away. Subsequently I heard deceased was shot and that he wounded two men but I cannot speak from personal knowledge"

6th witness states "On the evening in question I was in the bazaar. I saw a lot of persons running away from the direction of the deceased's shop. They were saying that there was a mad Moplah in the bazaar. A little after this, I saw some Police, going to the spot. I followed them at a distance. I heard shortly after this that a Byragi had been wounded by the mad man. When I went to the spot I saw deceased in front of his shop with a knife in his hand. He was covered with blood. I saw him lighting matches, and throwing them in the thatched roofs of the houses. When I saw this I was afraid and ran away".

7th witness states: "I was present when the deceased was shot by the Police. Between 5 & 6 P.M. I heard that a mad Moplah was making a disturbance in the bazaar, that he had wounded two men and that he was trying to set fire to the bazaar. I went to the spot and saw a lot of persons rushing away from the direction of the deceased's shop, enter their houses and close the doors. When I arrived I saw the Police standing in front of deceased at a distance of some 20 or 30 yards. Deceased came towards the Police with uplifted knife. The 1st witness ordered his men to fire in front of deceased to frighten him. Three shots were fired. Deceased continued to advance when two more shots were fired at him and he dropped dead."

8th witness states. I, 1st witness and 3 other Constables in consequence of a report received from a Moplah that a madman was in the bazaar, endangering the safety of the public proceeded to the spot armed with batons. We found deceased seated at his shop. We stood in front of him. While we were standing there a Sanyasi passed by. Deceased called him, and asked him for his golden pot. The Sanyasi said he had none and was moving off when the deceased followed and before we could interfere had stabbed him with his knife. Seeing that deceased was about to stab the Sanyasi again I struck him (deceased) on the top of his head with my baton. I tried to strike the knife out of his hand but the blow alighted on his head. When I struck him he turned on me, and stabbed me. My Police turban fell down. I did not fall down. Constable No 560 supported me. I was stabbed in the arm. The Head Constable and others struggled with the deceased but I cannot say what happened as I fainted."

9th witness states. "About 4 or 5 P.M. I was passing through the bazaar in front of the deceased's shop when I saw many persons running to look at the deceased. As I was passing, the deceased called me to him and asked me for his golden pot. I said I had none. Deceased raised his knife and said he would stab me unless I gave it. I was afraid and ran off. Deceased followed me and when I turned round and held up my arm to protect myself was stabbed in the wrist. I fell down. Deceased put his knife to my neck. The 8th witness struck him over the head. Deceased who was about to stab again

his

turned on 8th witness and I got up and ran away. I know nothing more. If the Constable had not struck the deceased when he did I would certainly have been murdered."

10th witness states "I ~~and~~ am the younger brother of the deceased. My brother was not mad. He went to the mosque at about 1 P.M. and was then allright. He returned from the mosque and opened his shop and sat there. I was not present in the bazaar between 1 and 4 P.M. I was at my house when I heard that deceased had been shot. I know nothing of the shooting personally; only by report."

11th witness states "I did not give information that my brother had become insane. The deceased was not mad. I am deceased's elder brother. I have now learned that deceased was shot under the orders of the Tahsildar Magistrate. His death was brought about unjustly. I saw deceased about 3 P.M. He was allright then. I did not see him alive after that time."

(True Copy)
Sd. W. Macartney
Ag. Supdt of Police

(True Copy)

For Ag. District Magistrate
~~Acting Collector~~.

Enclos.
4
Judl
7
6263

No. 803.

District Police Office.
Calicut, 5 June 1894.

From,
W. Macartney Esquire.
Ag. Superintendent of Police
Malabar.

To,
The District Magistrate.
Malabar.

Sir,

I have the honor to forward for your information copy of my enquiry in the case of a dangerous lunatic shot by the Police at Badagara on 25-5-94. My enquiry was held on 29th, 30th and 31st ultimo at Badagara.

Briefly reviewing the evidence, I find that the Tahsildar Magistrate acted perfectly correctly in ordering the Police to fire on the deceased. It is quite clear from the evidence that the Police had endeavoured to arrest and disarm the deceased when the latter stabbed the 9th witness. In doing so a Constable was severely wounded,

his

his arm being cut open as far as the wrist right down to the bone and the Medical Officer who treated the wound informs me that an artery was severed. The Constable fainted from loss of blood and had to be carried to Hospital. After this reverse it is not surprising that the Police resorted to their Carbines as the only safe weapon they could employ against so desperate a character as the deceased had proved himself to be. The Police would no doubt have acted more sensibly had they endeavoured to knock the weapon out of the deceased's hands with their truncheons instead of hitting him on the back and on the head, but the blow on the head would have been quite as effective had it been harder delivered and stunned the deceased instead of merely cutting open his scalp. The 10th and 11th witnesses imply that the deceased was unjustly shot. If this was the ~~[illegible]~~ Case, why did they not come forward and take over charge of him when the Tahsildar Magistrate called upon the deceased's relations to take him in charge? They urned up quick enough to take over the dead body

after

after all danger was over. They also say deceased was not mad. The evidence of the 5th, 6th and 7th witnesses clearly substantiates the fact that he was mad irrespective of the evidence of interested witnesses.

Before taking deceased's life he was given every chance inasmuch as the Police tried first to disable him with their truncheons and finding that too difficult a task used their Carbines as a last resort. In this too, they gave him every chance, by first firing on the ground in the hope that he would be frightened and put down his knife. Instead of doing so however deceased advanced towards the Police till he got within some 5 or 6 yards of them, thus forcing them to fire direct at him in self defence as he could at any time have made a sudden rush and stab at least one of the men before being shot down.

In Conclusion a roll will be submitted on behalf of Constable no 896 recommending him for reward in Consideration of his plucky Conduc in attacking the deceased. The 9th witness states he would have been murdered had not the

Constable interfered at the moment he did and I think it very probable that such would have been the case.

I have the honor to be,

Sir,

Your most obedient servant.

Encl - 16. sd/ W. Macartney.

Ag. Supdt of Police, Malabar

(True Copy).

For District Magistrate

J.B.S

4
Jud Dept
No. 6
No 6213

List of enclosures accompanying the Malabar Collector's letter to Government dated 17th November 1894 No. 1340 L / R

Serial No.	Description of paper.
1.	The Memorial with its five enclosures.
2.	Copy of Mr Ayling's report dated 19. 6. 94 No. 1964 / R.
3	Do petition of K. Hussain dated 30-5-94.
4	Do Statement of K. Hussain.
5.	Do of Moidin Kutty Haji
6	Do of M. K. Mussa.
7.	Do Letter dated 5th June 1894 from K. P. Govindan Nambiar.
8.	Do Statement of K. P. Kunhamad.
9	Do —— Valappil Ammad Kutti
10	Do Velatter Mahomed Haji
11	Do —— Mukkolakkal Mahomed
12	Do —— Pidigayil Moidin
13	Do — A Chathu
14	Do — K Govindan Nambiar
15	Plan
16.	Copies of Mr Macartney's (Supt of Police) report No. 803 dated 5th June 1894 & its enclosure.

List of enclosures to the
Malabar Collector's letter to Govt
dated 17th November 1894 No. 1340.

COPIES OF CERTIFICATES.

1. Chathu the present Sub-Magistrate of Tirurangady is the most active of the officers of that grade in Malabar. Patience and tact will make him a trustworthy and valuable officer. I hardly knew any one enter upon his work with so much zeal. I watched him carefully and was intending to give him a step as soon as an opportunity occurred.

(Sigd.) G. McWATTERS.

2. * * * I will record in this letter that your work at Tirurangady was most exceedingly well done. You took up the range when it was in a disgraceful state and when I left, it was peaceable and in good order. The Revenue also came in more freely and in the matter of the cultivation of the Venjally lands you deserve great credit, as the lands had long been waste.—

Cases under you were not hushed up so frequently.—

In fact I found you the most hard working straight forward executive officer I have come across in this country, and as you have not shirked going to the Luccadives and doing other distasteful work I hope you will soon be a Dy. Collector.

(Sigd.) W. G. UNDERWOOD.

3. A. Chathu Sub-Magistrate of Quilandi has accompanied the Regiment on its march from Ellatur to Chombay Paramba. He has been very hard working and made all arrangements most satisfactorily. There has not been a single hitch on the march up to this.

(Sigd.) G. BAKER,
Major, Commanding 2nd Hamp Regiment.

4. For some months that you have been Tahsildar of this Taluq (Wynad) I have had every reason to be satisfied in the way that you have done your work both Magistrate and Revenue—and especially for the way you satisfactorily examined and clearly made out the accounts in the recent large misappropriation in the Ganapathiwattam Amsom. I hope you may soon have permanent promotion to Tahsildar.

(Sigd.) W. E. UNDERWOOD.

5. A. Chathu Sub-Magistrate of Quilandi has accompanied the half Battalian Bedfordshire Regiment through his District and has made every arrangement possible for the move, and given every satisfaction.

(Sigd.) W. WELHERELL,
Lieutenant Colonel.

6371

6. A. Chathu Sub-Magistrate of Quilandi accompanied the Wing under my command from Elathoor to Chombay Paramba. He arranged every thing most satisfactorily, he could not have managed better.

(Sigd.) LAMBART H. SKENE, *Captain.*

7. I was glad hear from you, and sorry to hear that you are not a Deputy Collector yet. Wait with patience. Every thing comes to him who waites long enough. * * *

(Sigd.) H. M. WINTERBOTHAM.

8. * * * In conclusion I take this opportunity of recording my high appreciation of the intelligence and energy of the present Tahsildar who has, on all occasions, rendered me the greatest assistance whenever it was sought.

(Sigd.) A. E. CASTLESTUART STUART.

9. * * * The Collector notes with satisfaction Mr. Stuart's remarks regarding the assistance afforded him by the Tahsildar A. Chathu.

(Sigd.) W. LOGAN.

10. I have known A. Chathu for two months during which time he has acted as Tahsildar of Palghaut. He has worked extremely hard and has given satisfaction in every way. I know no one who is more worthy of promotion.

(Sigd.) ROBERT B. CLEGG.

2nd. Novemb

Exhibit E

Jud. DEPARTMENT

6271

CURRENT No 626

No. 1340 M / 5l

Malabar Collector's Office.
Camp. Lakkidi. 17th November 1894

From,
H. Moberly Esq.
Ag. Collector of
Malabar.

To
The Hon'ble Mr. J. F. Price C.S.I. I.C.S.
Chief Secretary to Government,
Madras.

Sir,

I have the honor to forward for favourable consideration the memorial of A. Chathu, late Tahsildar of Kurumbranad, dismissed from the Public Service by G.O. dated 30th August 1894. No. 2107.

2. When this order was passed Government was apparently not aware that in June Messrs Bradley, Ayling and Macartney had made further inquiry regarding the shooting of Kadri Kutti.

I herewith forward —

(1) Copy of Mr. Ayling's report, dated 19-6-1894, No. 196. M / Genl.

(2) Copies of enclosures 1 to 13 in same.

(3) Plan.

(4) Copi of Mr. Macartney's re

3. The brothers of the deceased say that he was not mad. Mr. Ayling in his letter of 19th June declares that the man was dangerously mad and that "the madman's natural tendency would of course be to attack Hindus in preference to his co-religionists". With this last statement I cannot agree. A madman would have gone for all alike. The conduct of the deceased shows that he was possessed of religious frenzy probably tinged with fanaticism, and it is not surprising, therefore, that the Tahsildar and the Police regarded him as a fanatic. I think that most people when charged by a man, brandishing a knife, and apparently mad with fanaticism, would shoot him down.

It was not a case of a single man being "charged" – this word corresponds to Col. Pattons' "rushed at" – But what [illegible] the H.C. Const. said was that the man "advanced with measured steps" & "continued to advance slowly" (bis)
JW

× The Tahr: [illegible] this expression in his depo: (Encl: No 13)

4. No charges have been framed against A. Chathu, and he has had no opportunity, hitherto, of showing cause why he should not be punished. A brother of the deceased complained to Mr. Bradley that deceased had [illegible] shot by the Tahsildar. Inquiry [illegible] be false

He gave a full statement of what he had to say to Mr. Ayling – Two statements in fact – What more is needed? JW

"Qui facit per alium &c"
JW

---

and malicious, and Mr. Bradley dismissed it as such. The Statements made by the Moplah witnesses tend to show that deceased was labouring under fanaticism; of course the Moplahs will not admit this as they are afraid of the Moplah Act, and so they were compelled to invent some ridiculous story as to why the deceased was shot. I understand that a lamp has on several occasions been burned on the spot where Kadiri Kutti fell. This shows that Kadiri Kutti is regarded as a fanatic.

5. In these circumstances I most respectfully ask the Government to reconsider its order.

I have the honor to be,
Sir,
your most obedient Servant
ag. Collector

For orders

Jud

CURRENT No
6263
Jud Dept

G.O. 30/4/79 Nos 203-204 Judl.
2107. 30.8.94 ditto
1487. 18.6.94 & papers
623. 21.3.87.
843. 19.4.87
1219. 8.6.87 Mis
1398. 1.7.87 ..

From,
The Collector & District Magistrate
Malabar

623. 21.3.87
992. 20.4.79

To,
The Chief Secretary
to Government
Madras

UNDER SECRETARY
24 NOV 94
PUBLIC DEPT.

~~Adverting to~~ No 3371/87
1398. 1.7.87
G.O. 843. 19.4.87
1219. 8.6.87

Dated 17th November 1894

Despd. 22 - 11 - 94

Recd. 24/11
Regd 26/11

Encl- 22.

No. 1340M

Subject

Respectfully requesting Government to reconsider its order dismissing A Chattu, late Tahsildar of Kurumbranad, from the public

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Judicial (1894) Department.

6371

G.O. 2107: 30.8.94

From

Col. C.A. Porteous,

Inspector-General
of Police.

No. 7040

Dated 30 }
Received 1/12 } November 1894
Regd 1/12

UNDER SECRETARY
1 DEC 94
No.
PUBLIC DEPT.

Subject.

Forwarding memorial of Keloth Appu Kurup, late 2nd class Constable No. 815, Badagara, Malabar District, praying for re-instatement.

25/12

For orders

DEPARTMENT

6371

12 NOV. 9

To,

His Excellency The Right Honorable

BEILBY LAWLEY BARON WENLOCK G. C. S. I.,

GOVERNOR OF THE PRESIDENCY OF MADRAS,

FORT ST. GEORGE.

The Humble Memorial of Keloth 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, 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 officer 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 summarise 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 fullest 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.

10th November 94
Badagara
North Malabar

[illegible]
[illegible]

No. 7040
Forwarded.

Chas. A. Porteous Colonel.

Inspector General of Police.
30 November 1894.

Judicial Department.

From

CURRENT No. 6374

Jud. Dep.

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

G.O. 2107. 30-8-94.

No. 7043

Dated 30 November 1894
Recd 1/12/94
Recd 1/12/94

UNDER SECRETARY PUBLIC ETC DEPT
1 DEC 94

Subject.

Forwarding memorial of M. Krishnan Nair, late constable No. 674, Badagara, Malabar Police praying to be re-instated.

4.5/12

Calicut.

12th November 1894.

M. Krishnan Nair.

Forwarded to the D.I.G.

F. Fawcett.
Supdt. of Police
Malabar

14.11.94.

Col

D.I.G. S.R. 16 NOV. 94

No. 7045

Forwarded.

Chas. A. Porteous Colonel.

Inspector General of Police.

30th November 1894.

Ind. DEPARTMENT

CURRENT No. P/1045 6374

OFFICE OF THE INSPECTOR GENERAL OF POLICE
17 NOV. 94
MADRAS.

To

His Excellency
The Viceroy and Governor General
of India in Council.
CALCUTTA.

The most humble memorial of M. Krishnan
Nair, late Constable No. 674.
Malabar Police, Badagara,

RESPECTFULLY SHEWETH,

That Your Excellency's most humble and unfortunate memorialist, who was a poor Constable in the honored service of the benign Government, most respectfully submits the following circumstances for Your Excellency's most gracious and just consideration.

That on the afternoon of 25th May last, a Moplah of Badagara ran amock in the streets of that town and wounded a Sanyasi as also a Constable who attempted to apprehend him. That thereupon, your humble memorialist and four other Constables were ordered out with carbines and ball ammunition, in command of the Head Constable. That the Tahsildar who accompanied them distinctly ordered that if the fanatic was not taken alive by sun-down he was to be shot down. That when memorialist and the others reached the scene of the fanatic's doings, they found him, with the wounded Constable's turban set on his head, and brandishing his knife with shouts of defiance. The man's relatives were called upon to capture him, but they fled at the very idea, so fierce and intimidatory was the fanatic. The Police then asked the man to surrender, but he only advanced defiantly and said the bullets would not hit him. As he continued to advance dangerously, the Police, by order of the Head Constable, fired so as to miss but frighten him. The fanatic came on undeterred and when quite close upon another Constable that man fired and hit the fanatic in the stomach. The fanatic still continued to approach, when memorialist and another Constable fired and one of these shots gave the man his "coup de grace"

That memorialist and the other Constables have been dismissed by the Madras Government for alleged extreme cowardice in not having fallen upon and disarmed the fanatic.

That your Excellency's most humble memorialist most respectfully begs to urge that the charge of cowardice cannot be laid at his door.

That when he was ordered out to go to the scene of fanaticism memorialist went readily and did not shirk his task. That when at the scene of crime, although the whole thing might have tried any one's nerve, memorialist stood and did not take to his heels as he might have done.

That boyonets have not been supplied to the constables at Badagara and the guns themselves being breach-loading ones already loaded with cartridges, the butt end of the guns cannot have been used as clubs for taking up the fanatic alive.

That the mere act of shooting cannot be construed into cowardice. That memorialist first fired away from the fanatic according to orders, and later, when another Constable fired and hit the fanatic in the stomach, no order to stop firing was given, wherefore, and bearing in mind the original order that if by sundown the man was not taken alive he was to be shot down, memorialist was morally justified in his act, moreso as he was only cruel to be kind, the fanatic having already got a telling wond in his stomach which could not but end him sooner or later

That the charge of cowardice is alleged to lie in the circumstance that no effort was made to take the man alive. Memorialist most humbly begs leave to urge that this is a point on which the only explanation to be given is that, situated as he was, with such a revolting scene before him—a fierce and powerful maniac advancing, quite regardless of death, brandishing a knife and threatening to take life—there was hardly opportunity for memorialist to exercise the least amount of discretion or thought as to what course was most humane or desirable. That no one can regret more than memorialist himself that he did ever shoot at a fellow creature, though that fellow creature was a desperate and murderous fanatic. But, it must be most graciously remembered that memorialist was doing only what, in the heat of most exceptional circumstances, and more especially bearing in mind the original order of the Head Constable and the Tasildhar, he looked upon as his mere duty which even the best of local authorities, viz, the Inspector General of Police and the District Mrgistrate, observed to be legal. That it must also be most graciously remembered that your humble memorialist had nothing to restrain him from firing his shot, for just previously, a comrade had fired and wounded the fanatic, and no mark of displeasure proceeded either from the Tashildar or the Head Constable.

That your memorialist has in the statement he made before the local authorities urged the plea of self-defence, and he now most humbly begs to state that while that statement is partially the truth, due weight must also be attached to the circumstance that the fanatic came on regardless of life and was actuated, most plainly, by the one object of taking the lives of others. It must also be most benevolently noted that the night was coming on apace, and the very thought of the danger of a fanatic like the deceased being at large during the night was sufficient to puzzle the head of your memorialist.

That memorialist applied for copies of government orders, &c. in connection with the case which he has not been furnished with as will be seen from the accompanying two memos received by him in reply to his application. He has not therefore been able to submit any papers with this memorial.

That had your memorialist been actuated by cowardice, there is no probability he would have acted as he did. All the unfortunate circumstances go clearly to shew that he was impelled by a sense of duty. That in his limited wisdom, he doubtless formed a highly erroneous and lamentable conception of that duty. At most, this has been his crime, but as this was a crime of the head and not of the heart, your Lordship's most humble memorialist with the utmost humility and deference prays that mercy may be shewn him and that he may be most graciously reinstated. For which gracious mercy,

Your Lordship's most humble Memorialist shall as in duty bound

EVER PRAY.

Thro' The Superintendent of Police
Malabar.

G/94
209—6-8-94.

Judicial DEPARTMENT.

C. No. 6263/94, ~~No~~ 6368, 6371 & 6379

FOR ORDERS.

C. No. 6263 is Mr Moberly's letter giving cover to a petition praying for a reconsideration of the orders passed in the case of the late Tahsildar A. Chathu.

Mr Moberly recommends that G.O. dy 30 Aug. 1894, No 2107. Judl., should be modified on the ground that Govt. was not aware of the Enquiry made in June by Messrs Bradley, Ayling & Macartney which tended to show that Kadiri was not a lunatic but a fanatic.

There is, however, nothing of importance in the records of the Enquiry of June last & the evidence of Kadiri's sanity is exceedingly weak. In the enquiry in question the Moplahs lied freely in order to prove that the Police made a brutal & unprovoked attack upon

I have looked through these papers carefully & see no reason whatever for altering my former opinion. ~~that~~

12/12/94

There is nothing in these papers which contradicts the facts before Govt. when the G.O. appealed against was passed, or presents any new consideration of importance. The order was severe, in my opinion, but no cause is now shown for modifying it

14/12

As I have always maintained I consider the order as regards the police was much too severe, and I would relax it in their favour. Possibly H. E. the C. in C. might be inclined on re-consideration to be more lenient to them - & he shd see the papers. I cannot defend the Tahsildar - who has certainly not improved his position. W
19 Dec

Kadiri, but it is clear that the facts of the case are as set out in G.O. of 30 Aug. 1894, No. 2107. The only new facts elicited by the Enquiry of Luce are the following:—

(1) Kadiri's outbreak began with an attack upon a cow;

(2) Kadiri seems to have attacked a second Sanyasi, but it does not appear that any harm was done; &

(3) Some evidence was produced to prove that Kadiri was sane; thus, his brother Hassain says that he never heard that K. was mad; another brother swears that K. was not mad; a third brother deposes to the same effect; one Kunyamed says K. was not mad at the beginning of the ~~outbreak~~ but admits that he looked mad after he was beaten; one Mhummad testifies to having seen K. early in the afternoon & to his being sane then, but admits that he heard that he was a 'little mad' afterwards; one Govinda Nambiar declares that the man appeared to be a fanatic, but admits that he seemed to be 'somehow out of his senses'. On the other hand the evidence of the Tahsildar & Constables goes to ~~the~~ ~~appear~~ show that the man was mad &, of two of the Moplah witnesses, one admits that he was a 'little mad' when he left the mosque at 2 p.m. & the other explains that no one seized the man because he looked a 'little mad'. Both Mr. Cyhing & Mr. Macartney come to the conclusion that the man was a lunatic.

(4) The plan shows that, when the police delivered their fatal fire, they were huddled up against a wall, but the wall was at the side of the road, not at the end, & they could have retreated further had they chosen to do so.

(5) Other Constables besides No. 896 seem to have made an ineffectual attempt to disarm Kadiri when he was attacking the Sanyasi.

~~[illegible]~~

On the whole it is pretty clear that Kadiri was a madman & the motive whic induces K's brothers to de his insanity is not appa Mr. Moberly's remark that a madman would be ma

---

A. Chathu's appeal against his dismissal.

FOR ORDERS.

This was mentioned in the former enquiry — was this the act of a sane man?
HS

H M r circ.

to discriminate Muhammadan from Hindu is, of course, much too broad an assertion.

A. Chathu's petition is disfigured by quibbles but its gist is

(1) that Kadiri was possessed of great strength & activity;

(2) that K. was a fanatic & it was therefore necessary to dispose of him at once;

(3) that the weapon with which K. was armed was not a mere table-knife but a weapon of dangerous character;

(4) that, there being no bayonets, the only way of disposing of the man was to shoot him;

(5) that he has served the State long & faithfully.

a stronger term might be used, I think WS

From para. 3 of Mr. Ayling's report read in G.O. of 18 June 94, No. 1487, Jud., it appears that Kadiri, though of active & fairly muscular build, was by no means the Hercules he has been made out to be. Chathu's arguments to prove that K. was not mad may be contrasted with Enclosure 13 to the current; this Enclosure is a copy of Chathu's statement before Mr. Ayling & contains the words "Judging from his "appearance I should say he was terribly mad", and "I have since heard that he was "mad for some time & was shut "up by his brothers ~~[illegible]~~ "~~[illegible]~~ in an up-stair room "from which he escaped just "before the offence". It is plain that the petitioner had no doubt of Kadiri's madness until he found that it would serve his interests to describe him as sane but fanatical. There is certainly nothing in Chathu's petition which necessitates a reconsideration of the order of dismissal. The only point for decision is whether, in view of the man's long* ~~[illegible]~~ ~~[illegible]~~ service, relegation to a ministerial appointment might not be substituted for dismissal.

Mr. A. says "his physique was by no means out of the common and a huge scrotal hernia which he suffered from must have considerably impaired his fighting powers" WS

* Petr. refers to his good services during the Abkari troubles of 1892; the papers have been examd. but there is nothing to show that he did particularly well on that occasion. It should also be noted that petr. is the man (apparently) who was reduced from the post of Huzur Sher. in connection with the Stuart–Dumergue controversy (vide papers under cover of G.O. of 28/11/92 No. 5762, Rev.)

He is the same man, I think WS

2. C. No. 6368 is a petition from the Head Constable, Sumati, whose services were dispensed with under G.O. of 30 Aug. 94, No. 1107, Jud.; it has been forwarded without remark by the I.G. of Police. [illegible] The petitioner endeavours to prove

(1) that it was impossible to disarm Kadiri when he stabbed the Sanyási & No. 896;

(2) that Kadiri was a man of great strength;

weapon which he was

(3) that the knife was not a mere table-knife;

(4) that the [illegible] did a[illegible]

fire until their retreat
was barred;
(5) that the conduct of
Kadiri savoured rather
of fanaticism than of
insanity.

The memorialist
Petr. alleges that Kadiri, after wounding the Sanyási & Const. No. 896, retreated with his back to a wall, that it was impossible to disarm him in that position & that the attention of the Police was directed to their wounded companion. But, from the statements made by the Police themselves [~~which will be found under cover of C. No. 6263,~~] it appears that Kadiri ran back to his shop after stabbing No. 896, so it may be assumed that this story about K. taking up a position against a wall has been invented to fit the occasion.

and it is therefore probable

his

It appears, however, to be true that the Head Constable & the other police tried to disarm K. when he stabbed the Sanyási & No. 896; at least the Police themselves have deposed to this effect & there is no particular reason for doubting what they say on this point. but the effort to disarm K. after No. 896 was wounded must have been a very feeble, half hearted sort of thing.

memorialist

when

Kadiri's strength has, no doubt, been greatly exaggerated but the knife used by him seems ~~[illegible]~~ to have been a formidable
have since found the

Their efforts must however have been of a feeble & half hearted description

8

formidable weapon, for the gash upon the arm of No. 896 is stated to have been deep & long; Mr. Aypling has, however, described the knife as "an ordinary "table knife of medium size "with a bone handle, blade "slightly bent".

It does not seem to be true that the police retreated till they could go no farther; the plan shows that they retreated against a wall at the side, not the end, of the road.

It suits the petr. to plead now that Kadiri was not mad, but it is pretty plain from petr's statement in C. No. 6263 that this plea is the result of an afterthought. Some excuse for the use of firearms on this occasion is to be found in the fact that there were no bayonets in the Station; why there were none has not been explained.

3. C. No. 6371 is a petition from Constable ~~[illegible]~~ No. 815.

This man belonged both to the first & to the second Police parties. He fired twice at Kadiri. He says that he attempted to disarm Kadiri after he had wounded No. 896. This statement is supported by No. 581 who in his statement under cover of C. No. 6263, states that he (581), 815 & 896 ~~[illegible]~~ struck Kadiri with their bâtons & that, after 896 was wounded, the rest of the Police party tried to strike the knife out of Kadiri's hand. But No. 815 himself says, in his deposition under cover of the same current, that he did not strike Kadiri, so the statement of No. 681 must be incorrect so far. No. 896 says, in his deposition under cover of the same current, that, after he was stabbed, the "Head Constable & ~~[illegible]~~ others" struggled with Kadiri. As remarked before, there is no reason for doubting that the Police did make some attempt to capture Kadiri after he wounded No. 896.

4. C. No. 6374 is a petition from No. 674. This man was not with the first party but was one of those who fired.

Petr. makes one point which is that, as the guns were loaded, they could not well be used as clubs.

The conduct of the petr., who was with the second party only & acted merely under general if not special, orders of his superiors, does not appear to be open to censure to the same extent as that of the men who were with the first as well as the second party.

JS
15/12/94

M
6 Dec

~~[illegible]~~

(20)

Resubm. to H. E. the Govr. in accordance with orders passed in Council.

M
18 Dec

I dont see the point. The muskets were breechloaders. I don't know that this is stated, but from the rapidity with which one (or was it two) of the constables reloaded they must have been breech loaders. ∴ it was but the affair of seconds to unload them. HS

Subm. to H. E. the C. in C. with reference to H. E. the Governor's remarks.

M
20/12

Fwd
21/12/94

I do not see adequate reason for modifying the G.O.

A

24/12

Note for C.S.

Perhaps this Badagara case might be settled in Council

H. E. the C. in C. does not apparently agree with H. E. the Govr.; so ~~that~~ the petitions will have to be rejected unless some other decision is arrived at in Council

M

[G./24]
100—29-9-94.

Papers to be read

Again G.O., dated 30 Aug
Again G.O., dated
Current No. 6263 of 1894, dated
6365 ———
6371 ———
Current No. 6374 of 1894, dated

Seen W
11 Jan

Note

The memorial from P. Sumati was addressed to the Govt. of India & has been remov from the order & transmitted t at Govt. with G.O. dy No.

S
16-6-95

Judl DEPARTMENT.

Proceedings :—

1894, No. 2107, Judl.

18 , No.

17 Nov from D.M. Malabar.
30 — — the I.G. of Police.
30 — — Do
30 Nov from Do

Order 12th Jany '95 No 81 Misc.

The petitioners, A. Chathu, P. Sumati, K. Appu Kurup & M. Krishnan Nayar, should be informed that the Govt sees no reason to reconsider its previous orders.

(From orders)

W.G. 10/1 — 9 Jan

To the D.M. of Malabar (Q & O) with stamped copies returned.
— I.G. of Police (Q & O)
Copy to the Bd of Rev. Per the R.D. (P & O)

DESPATCHED 17 JAN 95 IN M.S

No. 6263 only others

Note

This follows the orders of H.E. the C. in C. & the Hon. Messrs Bliss & Grose.

en given for copying
n copied
examined
en signed
189 .

AGAIN G.O., No. DATED
189 ,

CURRENT No.

LOSURES TO C. No.

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

TTER OF GOVERNMENT.

ATEMENT WITH DITTO.

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

N.B.—
A = Copy in full.
B = Not to be copied
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