

Judicial Department

G.O. 1610

dated 29.8.1874

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Proceedings of the Madras Government, Judicial Department, 1
29th August 1874.

Read the following papers:—

No. 203. From Lieutenant-Colonel W. S. DREVER, Acting Inspector-General of Police, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Coimbatore, 27th December 1873, No. 108.C.

With reference to G.O., 21st July 1873, No. 1134, I have the honor to submit the following report on the subject of Police in Wynaad; the delay in doing so has arisen from my inability to inspect the taluq till very recently. In company, however, with the District Magistrate and the Superintendent, Major Davies, I have now visited the southern and south-eastern portion thereof, not, I trust, without some practical benefit.

2. At Vythery several of the gentlemen engaged in coffee planting or otherwise interested in local progress were good enough to meet us and to explain their views as to Police deficiencies and further requirements. They pointed out, with much force—first, the want of competent European supervision; second, the inadequate pay of existing establishments; third, the need for a superior class of men; and fourth, that they receive little or no aid from the Police Department. I will, as briefly as possible, summarize my own opinion on each of these questions in the above order.

3. I most fully endorse the views of these gentlemen on their first point. There can be no Police division in India where good European supervision is more absolutely essential, owing to its unhealthy climate, extended area, expensive travelling, mixed European population, and other local peculiarities, &c. It is from an officer not below the grade of an Assistant Superintendent that combined action by the different Police sections of the division can alone be secured. Without such officer each Inspector is with his men working independently in his own limited sphere, subject only to such control as the Superintendent may be able occasionally to give him on paper, *plus*, perhaps, a visit once a year. Nor must it be forgotten that, owing to the amalgamation of North and South Malabar into one Police district, the Superintendent has now positively more paper work than he can get through day by day simultaneously with the efficient performance of his other manifold duties. The want of this local control of a high standard is but too manifest at each station. Although we have held the taluq for years and spent large sums on hutting and building there is scarcely a Constable in the division who would not gladly leave it to-morrow; nor can much in the way of huts be found for our outlay; every station is not only below its sanction, but further reduced by sickness to such an extent that beat and other duties are in places practically abandoned for months together. These and other symptoms of inadequate supervision, such as discontent, want of medical aid and comfort, dirty appearance of men, their indiscipline, insanitary condition of their dwellings, and many more which I need not mention, are painfully evident to even a casual observer. Where such is the case can the working of the force be healthy?

Further, it is by localizing the Police in this division as far as may be found practicable that they can alone become effective, and Wynaad being now, as hitherto, but a penal colony for low countrymen, a responsible officer on the spot is the only means by which such localization can be hopefully attempted. The

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appointment of an extra Assistant Superintendent to Malabar for duty in Wynaad is, therefore, in my opinion, an imperative necessity and the first measure called for.

4. I equally concur with these gentlemen on the second point as to the present rates of pay being insufficient; the pay proper is precisely the same as that of corresponding grades below ghauts, and the only increased allowance is that of the batta as noted against each rank.

It is admitted by Government, I believe, that a special Wynaad allowance of fifty per cent. is required for their servants in some other departments serving in the taluq, and it seems to me this principle might, with equal justice, be applied to the Police. It further occurs to me that the increased expense of living above ghaut compared with the plains being the same to all officers in the division men of each grade should be paid alike.

The present establishment with their corresponding pay and allowances are noted below:—

	Pay.	Batta.	Total.
4 European Head Constables	36	5	41
11 Native do.	15	4	19
34 1st-Class Constables... ..	8	3	11
33 2nd- „ do.	7	3	10
33 3rd- „ do.	6½	3	9½

This does not include three Inspectors at—

Manantoddy, 3rd Class,
Goudalor, 4th „ and
Vythery, 5th „

who receive no extra allowances whatever.

How it has come about that Inspectors in this deadly climate should be no better paid than when in the plains, I know not, nor can I realize how European Constables could be expected to maintain themselves and families decently on

Rupees 41 per mensem. The class of men procurable for such pay in Wynaad is the very last we should employ.

5. As these rates have proved wholly insufficient to induce men willingly to remain in the Police in the taluq I append those* I would recommend.

When it is considered that local earnings are as marginally noted these rates

will scarcely be deemed higher than requisite to secure honest labor from men who have to perform the exceptionally hard work of this department.

6. As to the third suggestion, viz., the need for a better class of men, I am equally ready to admit it, but I feel doubtful if anything will induce natives of position or standing to serve in the taluq.

Separation from children and family are *sine qua non* in these localities; from 2 to 300 inches of rain per annum falling mostly in a few months, howling land-winds at other times, the certainty of a fever almost deadly to natives till acclimatized, are scarcely desiderata for those who can possibly live happily, though with smaller means, in other parts of the district.

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Better supervision, education, and increased pay will no doubt improve available material; but this, I fear, is all we can reasonably look for.

7. The fourth point, viz., that the Plaintiffs receive little or no aid from the Police, is, to a certain extent, true, i. e., I am satisfied that these debilitated, half-crippled establishments are incapable of doing what the Planters have a right to expect; but at the same time these gentlemen, from whatever cause it may arise, are equally at fault in demanding too much. In the way of watching their crops during the season they must chiefly depend upon their own arrangements. It would be impossible to turn the general Police into private watchmen save at the cost of those employing them.

Coffee is now to a Wynaad Planter what pheasants are to an English landed proprietor, and each must protect their own as they deem best; county Police at Home are not held responsible if fruit disappear mysteriously from country gardens, yet, if these were not walled or otherwise taken care of, would an apple or a plum ever be forthcoming? The Planters are also in error in supposing that even a Police detective could swear to coffee which they themselves are unable to identify, or that, in the absence of evidence as to identification, it is possible to obtain a conviction for coffee thefts under the existing law. That a considerable amount in the aggregate is stolen in small quantities by their own coolies and sold or bartered to roadside squatters is no doubt true, and it must irritate these gentlemen to find themselves thus steadily fleeced without redress. But, unless a Police Officer casually happens to seize a man leaving an estate with the property on him, prosecution must fail, and, in the nature of things, the chances that such a contingency shall often arise are small. I can suggest no remedy unless it be to aid them by special law, introducing a system of passes to cover all exchange transactions in coffee such as, I believe, exists in Ceylon, or, if Government should deem this too extreme a measure, the extension to Malabar of clauses similar to Sections 17 and 18 of the Madras Town Police Act (VIII. of 1867) would certainly tend to check these frauds and greatly help the Police. In the face of a provision of law to this effect a petty wayside shop-keeper having no coffee cultivation of his own could scarcely send down a bandy-load of the article with impunity as he is now said occasionally to accomplish; moreover, when the Nellumboor teak plantations shall have become worth stealing from the Government might also find a local law of this kind beneficial.

Section 17.—Whoever has in his possession, or conveys in any manner, anything which may be reasonably suspected of being stolen or fraudulently obtained, shall, if he fail to account satisfactorily how he came by the same, be liable to a penalty not exceeding 100 Rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding three months.

Section 18.—If any person charged with having or conveying anything stolen or fraudulently obtained shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, the Magistrate may cause every such other person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same shall have passed (provided that such other person shall be alleged to have had possession of the same within the jurisdiction of such Magistrate), to be brought before him and examined, and shall

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examine witnesses upon oath touching the same, and if it appear to such Magistrate that any person so brought before him had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be liable to be dealt with under the provisions of Section 411 of the Indian Penal Code.

8. When station-houses and huts shall have been erected at Terrioot, Maypady, Cherambady, and Vettetmund, the taluq will be as fully held by the Police as is requisite, and the men from Nellialum can then be withdrawn. Nadghany, at the head of the Carcoor Pass, must also be put in communication with Yeddakara, five miles beyond the foot thereof, where a station must be established. This is a new ghaut, along which there is heavy traffic in the season, and this section of an important highway is at present without Police protection. Government have already approved of Terrioot, Maypady, and Cherambady as Police stations; Vettetmund, the additional one in Wynaad which I recommend, lies about half way between Goodaloor and Sultan's Battery; these are twenty-eight miles apart without an intermediate station.

9. In allocating the Police in this feverish division I do not think that any station should have less than one Head and six Constables as its minimum strength; some stations, such as Manantoddy, Goodaloor, Vythery, &c., must, of course, have more. But I have not thought it requisite here to give detailed estimates as I am of opinion that when the new stations are occupied a competent European officer on the spot would be better able to apportion the general allotment. I would, however, recommend that an increase of two parties, that is, four Head Constables and twenty-six men, be sanctioned for the division exclusive of one Head Constable and seven Constables for Yeddakara. I think this is the least number possible to meet local casualties from sickness, leave, escort, duty, &c.

10. In the matter of clothing the force seems well supplied with the exception of a warm cumby or blanket for use at night. I should be glad if Government would sanction their immediate purchase and issue to each man of the division. The cost may be 5 or 6 Rupees each, but they will last for years and be deemed station-house, not personal, property. I have made arrangements for providing cots from those surplus at Ootacamund.

11. Considering the slow progress made by the Department of Public Works with Police buildings in Wynaad it seems now almost imperative we should endeavour to get what yet remains executed by private contractors; but I would only recommend this in the event of an officer being appointed as Assistant in the taluq. Were this done and the proposal approved of he might be permitted to make arrangements for the simultaneous erection of wooden station-houses and huts with shingle roofs in the places still to be taken up. This style of building seems to answer admirably as private dwellings. Until shelter is provided I need scarcely say no place is tenable in any locality, no accommodation being procurable. As many years must still elapse ere our further requirements can possibly be completed it might be deemed advisable to place a special grant at the disposal of the Superintendent, Malabar, for this purpose.

12. It is exceedingly desirable that the Police should have medical aid at Vythery, and I would earnestly urge on Government the need for expediting the erection of the Civil Dispensary at that station.

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13. In conclusion, I have the honor to append a statement showing the increased establishment and cost entailed by these proposals excluding the Assistant Superintendent.

I believe the Inspector-General differs with me as to the need for appointing an officer of this rank to the taluq, and, as Colonel Heathcote will immediately resume charge of this office, Government may be pleased to refer these suggestions to him. I have conceived it my duty to offer them having made the recent inspection on a reference to me.

Memorandum of Wynaad Police.

	Present Establishment.		Proposed Establishment.	
	No.	Cost. RS.	No.	Cost. RS.
Inspectors	3	260	3	450
European Head Constables	4	164	4	300
Native do.	11	209	16	480
First-Class Constables	34	374	133	2,394
Second- „ do.	33	330		
Third- „ do.	33	313½		
Monthly cost ...	118	1,650½	156	3,624
Annual cost ...	...	19,806	...	43,488
Add clothing ...	...	1,416	...	1,872
Total cost ...	118	21,222	156	45,360

14. A rough sketch of the taluq and its sanctioned strength accompany this report. I have not deemed it requisite here to notice the general terms in which Messrs. Dias and others condemn the Police, having myself put in a qualified plea of guilty for the division. I may, however, mention that one of the two coolies referred to, and supposed to have been beaten and robbed while carrying Mr. Minchin's money, was afterwards convicted of having stolen it. Nor does it seem likely these gentlemen can really believe that life and property are so dreadfully unsafe in Wynaad so long as they continue to send their cash remittances in canvas bags on strange coolies' heads for hundreds of miles perfectly unguarded.

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SANCTIONED STRENGTH.													
	Inspectors.	European Head.	HEAD CONSTABLES.					CONSTABLES.				Grand Total.	Remarks.
			1st Grade.	2nd	3rd	4th	Total.	1st Class.	2nd	3rd	Total.		
WYNAAD.													
1. Vythery	1	1	..	..	1	..	1	5	4	4	13	These stations have not yet been built. Three men from Vythery head No. 4.	
2. Culpetta	..	..	..	..	1	..	1	3	3	3	9		
3. Terrioot	..	..	..	..	1	..	1	1	2	1	4		
4. Maypady	..	..	..	..	1	..	1	2	1	2	5		
Total	1	1	..	..	4	..	4	11	10	10	31	37	
1. Goodaloor	1	1	..	..	1	..	1	3	3	4	10	13	
2. Nadghany	..	..	..	..	..	..	..	1	1	1	3	3	
3. Sultan's Battery	..	1	..	..	..	..	..	3	1	3	9	10	
4. Tippacaudoo	..	..	..	..	..	..	..	1	3	1	3	3	
5. Nellialum	..	..	..	..	..	..	..	2	2	2	6	7	
6. Cherambady	..	..	..	..	1	..	1	10	10	11	31	36	
Total	1	2	..	..	2	..	2	6	10	11	27	36	
Not fully manned. This station has not yet been built and is not occupied.													
1. Manantoddy	1	1	..	..	1	..	1	6	6	6	18	20	
2. Koroth	..	..	..	..	1	..	1	1	2	1	4	5	
3. Periah	..	..	..	..	1	..	1	2	1	1	4	5	
4. Pennamarom	..	..	..	..	1	..	1	1	1	2	4	5	
5. Olliote	..	..	..	..	1	..	1	1	2	1	4	5	
Total	1	1	..	..	5	..	5	11	12	11	34	41	
Grand Total	3	4	..	..	11	..	11	27	32	34	93	114	

(Signed) W. S. DREVER,
Acting Inspector-General of Police.

COIMBATORE,
27th December 1873.

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No. 209. From Lieutenant-Colonel C. S. HEARN, Inspector-General of Police,
to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort
St. George, dated Madras, 26th February 1874, No. 682 (Account).

I have the honor to reply to the Under Secretary's memorandum, No. 2, dated
5th January, calling for remarks on the subject of the Police in Wynaad. The
delay has been caused by the necessity of reference to several local officers.

2. Of course there are two sides to every picture, but the question of Police
efficiency has been already argued at sufficient length. I wish, however, to place
on record an extract from a memorandum by Major Davies, the Superintendent of
Police, on this subject:—

"A more important point to be considered is the crime in Wynaad with
reference to the detection by the Police. In 1871-72 and first half of the present
year there have been 441 offences of all kinds reported, and the offenders in 242
of these cases were punished by Magistrates or Courts. One hundred and fifteen
thefts under the Penal Code were reported and forty-seven were detected; no
murders were reported; six dacoities, of which two were detected; thirteen cases of
hurt and grievous hurt with seven detected; five robberies with one under trial;
twenty-four cases of criminal breach of trust, of which nine were punished; eighty-
six cases under the Police Act (nuisances, &c.,) of which eighty-four were punished
by Magistrates. When it is considered that bags of rupees are usually sent from
the Ootacamund and Calicut Banks without escort on coolies' heads to Wynaad
there must be an absolute sense of security in the land. The cases of money or
stores sent being misappropriated by the coolie carriers or robbed are so extremely
rare that an escort is not ordinarily asked for. The case of robbery of Rupees
1,036 comes under the head of misappropriation; the money was taken by the coolies
are considered by the medical officer who examined them to be self-inflicted, and
the coolies are being prosecuted for the misappropriation. The Nellialum Head
Constable acted according to the best of his judgment in declining to apprehend
persons considered by him to be innocent of the offence charged, and the result
of the Magistrate's inquiry proves that he was correct; considering the pressure
brought to bear on him it is somewhat singular that he did not use his powers
improperly. * * * * * Of thefts from coffee stores nearly fifty per cent. have
been detected."

These results are not perhaps brilliant, but they show that the Police are not
altogether inefficient. The real grievance of the Planters is the incessant petty
pilfering from estates. Colonel Drever, in paragraph 7 of his letter, has put this
matter in its true light. I recently had an application from the proprietor of an
extensive casuarina plantation on the Eastern Coast who pointed out that his trees
were incessantly picked and pulled at by the wives and families of fishermen along
the coast; but this gentleman had no desire to prosecute. He knew that the
temptation of entering an absolutely unguarded plantation and obtaining the
means of boiling the daily kettle for nothing was irresistible to these poor people,
who were not criminals: he merely wished that the Police should do what they
could in the way of occasional visits and warnings, and he admitted that they
could do no more than this in such a difficult matter. This was dealing with the
subject in a right spirit. When the extent, the situation, and the unguarded condi-

tion of the Wynaad states are considered the impossibility of detecting and convicting very pilfering coolies must be obvious, and if such a thing could be done there would be no more coolies in Wynaad.

3. It may, however, be fully admitted that the condition of the Police in Wynaad is susceptible of improvement, and a measure which could not be proposed in days of incessant production and retrenchment may now well be taken into consideration. The details of the measure require careful examination. The rates of pay and strength of establishment proposed by Colonel Drever involve an extra charge of nearly a quarter of a lakh of rupees per annum (Rupees 23,133) independently of the cost of the Assistant Superintendent. After careful thought and consultation with local officers I think the necessary improvement may be effected at less cost. It is a mistake to pay men too little, but it is also a mistake to pay them too much. In England the high rates of wages wrung from employers have led to diminished efficiency of labor, and out of the balance in the men's pockets an undue proportion finds its way to the public-house. Higher pay does not enable us to reach a different stratum of society. We get men from the same classes as before, but make them more comfortable and consequently more respectable. But to pass the limit necessary for comfort is more likely to produce dissipation than thrift.

4. By G.O., No. 3260, of the 14th November 1864, all officers of the Public Works Department serving in the Wynaad are allowed an addition of fifty per cent. to their pay and travelling allowance. The Collector of Malabar informs me that the Deputy Collector of Wynaad is granted an extra allowance of Rupees 150 per mensem, the Tahsildar drawing the same pay as an officer of similar grade in the plains; the two Sub-Magistrates receive a salary of Rupees 125 per mensem instead of Rupees 70 or 80 which they would obtain in the plains. With these exceptions "there is no travelling or special allowance granted to any officer in Wynaad beyond what would be paid in the plains." This state of matters, as regards the employes of the Magisterial and Revenue Departments generally, I confess surprises me; but, having noted the fact, I leave it outside of my argument. It is certain that the Police and Public Works Departments are not satisfied with the same pay as in the plains, and with just grounds in my opinion.

5. Taking the fifty per cent. increase as a general basis I will proceed to examine the different rates of pay proposed by Colonel Drever.

6. The Inspectors in Wynaad used to be remunerated by receiving a step of rank, to lapse, as a matter of course, on returning to the plains. The plan was anomalous and objectionable, and was merely adopted to cover the extra cost of living in Wynaad without trenching on the financial exigencies of the day. But the establishment of Inspectors in the Malabar District already includes a fair allotment of higher-grade Inspectors for Wynaad (*vide* G.O., No. 1869, dated 17th November 1862, in which three Inspectors of the second, third, and fourth classes are provided specially for this taluq). These Inspectors still exist somewhere in the Malabar District if not in Wynaad. I would not, however, impose any restriction as to the grades to be employed, but would grant to Inspectors of all grades a special allowance of Rupees 50 per mensem as recommended by Colonel Drever. This to a 3rd-Class Inspector would be fifty per cent. on his salary. To an Inspector

of lower grade it would be more, but I would not make any difference. In all cases it ought to prove a satisfactory sum of money to meet extra expenditure and hardship.

7. There are four European Head Constables in Wynaad. Major Davie agrees with me that the one at Sultan's Battery may be absorbed. This will leave three, for whom I would propose Rupees 40 pay and Rupees 20 Wynaad allowance, making a total of Rupees 60. This would be considerably more than fifty per cent. upon the pay proper drawn by this class in the plains. Colonel Drever proposes Rupees 75.

8. With regard to the Native Head Constables and Constables I would on no account abolish the existing distinction of grades and classes, which gives the best means of reward or punishment and consequent stimulus to good conduct. In the case of Head Constables, too, the duties and responsibilities at large stations (such as Manantoddy, Vythery, and Goodaloor), are far heavier than at smaller ones. Moreover, it is very doubtful if the Wynaad Police Force can ever be entirely *localized*—certainly, it cannot be so for many years to come—and meanwhile (as long as transfer must constantly take place between the Wynaad and the plains) it will obviously greatly contribute to easiness of working that there should be no difference in the constitution of the two bodies (who are really one), but that the different grades and rates of pay proper should remain the same, the hardship of duty in Wynaad being compensated by a sufficiently liberal special allowance. Any other plan would greatly complicate accounts besides giving rise to other disadvantages and difficulties.

9. I would propose the following establishment of Native Head Constables:—

			Pay.	Wynaad Allowance.	
3	Head Constables, 1st Grade	...	25	+ 10	= 35
4	do. 2nd "	...	20	+ 10	= 30
4	do. 3rd "	...	15	+ 10	= 25
6	do. 4th "	...	12	+ 10	= 22
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The Head Constables of the 1st Grade would draw 5 Rupees in excess of the uniform rate recommended by Colonel Drever (Rupees 30); the 2nd-Grade Head Constables would draw that sum; the Head Constables of lower grades (who will be in charge of small stations) would draw less. I think that all would be fairly well remunerated and that a distinction of pay should be maintained. The Wynaad allowance of Head Constable, 1st Grade, will be something less than fifty per cent. on the pay; of 2nd-Grade Head Constable exactly fifty per cent.; of lower-grade Head Constables considerably more than fifty per cent. I would make no difference in rate of allowance, especially as the consequent financial saving under this head would be trifling.

10. Lastly, with regard to Constables, Colonel Drever proposes a uniform pay of Rupees 12 + Rupees 6 Wynaad allowance = Rupees 18. I cannot but think this is excessive. It is an increase of nearly 200 per cent. on the pay of a 3rd-Class Constable in the plains and of 125 per cent. on the pay of a 1st-Class Constable. The immediate result would be to *double* the pay now drawn in the

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Wynaad by a large number of Constables. I fear that the effect produced would not be in the direction of steadiness and sobriety. Colonel Drever points out that coolies draw at the rate of about Rupees 10 per mensem, but they can command their price and are not always employed. Lascars of the Department of Public Works draw Rupees 9 in Wynaad instead of Rupees 6 and 7 in the plains. This sum has proved insufficient for Police Constables in Wynaad. I would propose the following establishment and rates:—

	Pay.	Wynaad Allowance.	
42 1st-Class Constables ...	8	+ 6	= 14
43 2nd- „ do. ...	7	+ 6	= 13
43 3rd- „ do. ...	6½	+ 6	= 12½

128

The total number of Constables is five less than the strength proposed by Colonel Drever; but I think it will suffice, and it is in accordance with an allocation list drawn out by Major Davies, who, I believe, concurs with me generally in the foregoing propositions.

11. The following statement shows the strength and cost of present and proposed establishments:—

	Present Establishment.		Proposed Establishment.	
	No.	Cost. RS.	No.	Cost. RS.
European Head Constables	4	164	3	180
Native do. ...	11	209	17	457
1st-Class Constables ...	34	374	42	588
2nd- „ do. ...	33	330	43	559
3rd- „ do. ...	33	313½	43	537½
Monthly cost ...	115	1,390½	148	2,321½
Add Wynaad allowance for three Inspectors ...	...	...	...	150
Total monthly cost ...	115	1,390½	148	2,471½
Annual cost ...	...	16,686	...	29,058
Add clothing ...	...	1,416	...	1,776
Total cost ...	115	18,102	...	31,434

The effect of the above will be to reduce the annual increase of cost of this part of the scheme from Rupees 21,138 to Rupees 13,332. The difference seems large, but the sum to be expended will still be considerable. I trust it will be found to effect the object in view. At any rate, I would recommend that it may be tried.

12. Next, with regard to the proposed appointment of an Assistant Superintendent of Police in Wynaad. No doubt the constant presence of an officer of this grade would have a great effect in improving the Police administration. My doubt (alluded to by Colonel Drever) was whether the Wynaad question was of sufficient magnitude to justify the expense of employing such an officer in a comparatively limited area of country. Since the large reduction of 1870 a cry for increase of

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force has arisen in many places besides Wynaad, and the general wants of the country must be borne in view. What we want is one thing, what we can afford another. The Assistant Superintendent on the Hills is, however, no longer needed. This appointment was made in 1868, when there were five convict jails on the Hills in addition to the District Jail at Ootacamund. The jails at Lovedale and Neddiwuttum required constant visiting; the Police force of all branches was in a bad and discontented condition. This state of things has entirely changed. All the outside jails have been abolished one by one until there is now only the District Jail itself at Ootacamund remaining. The Police force is better paid, well accommodated, and in good order. There is no longer work for an Assistant Superintendent, and I would recommend that this officer should be transferred to the Wynaad with headquarters at Vythery. If this be done I would most strongly recommend that instead of a 3rd-Class Inspector at Ootacamund (as at present) there should be a Chief Inspector on Rupees 300 pay and Rupees 50 horse and house allowance to have general supervising charge of the Hills as well as the present charge of Ootacamund town and taluq. A really good man would, of course, be selected, and I think the circumstances of the Hills require such an officer. A few such appointments are, moreover, highly desirable in the Madras Police. The highest paid Inspector draws only Rupees 200 per mensem, and we now have men who are worth far more than this and know it. Major Balmer also strongly recommends that a second Inspector (fourth class on Rupees 125 pay and allowances) should have immediate charge of the Ooty Taluq under the Chief Inspector so that one Inspector might always be present at Ootacamund. Major Balmer's opinion is entitled to great weight, but as the present Inspector's pay will be raised from Rupees 150 to Rupees 350 while his duties will only be increased by the slight supervision he will have to give to Wellington and Kctagherry (where there is a separate Inspector on Rupees 125), I do not feel justified in supporting this recommendation. At any rate we might try if we can do without. There is a European Head Constable at Ooty. I think, however, that the Inspector at Wellington should be 3rd Class on Rupees 150. He cannot live properly on less.

13. Should the foregoing plan be sanctioned the financial result will be as follows:—

Present Establishment.		Pay.	Horse and House Allowance.	
One 3rd-Class Inspector ...	...	100	+ 50	= 150
„ 4th- „ do. ...	...	75	+ 50	= 125
				275

Proposed Establishment.		Pay.	Horse and House Allowance.	
One Chief Inspector ...	...	300	+ 50	= 350
„ 3rd-Class do. ...	...	100	+ 50	= 150
				500

The difference will be Rupees 225 per mensem or Rupees 2,700 per annum, which added to Rupees 13,332, the extra cost of the Wynaad scheme, raises the

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total increase of expenditure proposed to Rupees 16,032 per annum. The Assistant Superintendent should also be allowed a travelling allowance of 10 Rupees per diem in the Wynaad as in the Hill tracts of the Northern Range. Cooly-hire is very expensive.

14. Finally, as to the question of special legislation raised in paragraph 7 of Colonel Drever's letter. I have not seen the Ceylon enactments alluded to, nor do I think it necessary to delay the transmission of this letter by waiting for them. The provisions of the Madras Town Police Act quoted by Colonel Drever are exceed-

ingly useful and effective in a town where, if a man is stopped with a bundle of suspicious property, his account thereof may be speedily tested and the matter brought to an issue before a Magistrate without any great inconvenience to the public. But I doubt if these provisions would work well over a large extent of country. Suppose a bandy-load of coffee, considered suspicious, is stopped near Calicut; it is said to have been purchased from a native proprietor of a small estate in the heart of Wynaad or from a petty wayside shopkeeper in the same part, who in his turn must give an account of how he came by the coffee. All this has to be traced out, and persons who can speak to the truth or falsehood of statements might be made to travel long distances. The remedy might be worse than the evil. Nor do I see that the Planters have made out a case for special legislation. There is no attempt to give statistics of losses except one loose statement that fifty bushels were stolen in 1871 from an estate not named. No doubt there is a good deal of pilfering and always will be as long as estates are inefficiently watched and coffee may be picked by the wayside; but something more definite than vague allusions to bushels of coffee should be put forward if special legislation is desired. The criminal law in India is already worked with such rigor and minuteness of application as would be absolutely intolerable in a free country, and I would forge no new fetters without strong cause shown. Mr. Minchin writes very sensibly that the Planters had much better take care of themselves. The true remedy against excessive depredation lies in watching the estates—a duty which the Police cannot perform. Petty pilfering can never be entirely stopped, but within certain limits it is a less evil than that jails should be crowded with Wynaad coolies and the land languish for want of them.

N.B.—I request sanction for the warm cumblly alluded to in paragraph 10 of Colonel Drever's letter.

No. 210. From A. MACGREGOR, Esq., Magistrate of Malabar, to the Hon. D. F. CARMICHAEL, Acting Chief Secretary to Government, Fort St. George, dated Calicut, 9th August 1874, No. 50.

I have the honor to offer the following remarks on the letter* of the Inspector-General of Police regarding the steps that are necessary for placing the Police in Wynaad on a more satisfactory footing.

2. The proposals involve—

- (1.) The improved supervision of the force;
- (2.) Improvement in the emoluments;

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- (3.) Its better distribution; and
- (4.) The alteration of the law so as to facilitate detection in respect to the article forming the main source of crime.

3. For the first object Colonel Drever proposes to place a European Superintendent in charge of the Wynaad, and I am satisfied that until this is done there will never be an end of the continued complaints of crime not only undetected, but regarding which it is alleged no honest and sustained effort is made towards detection. The difficulties which a Police Officer in Wynaad has to overcome are such as to overtask the energy of the very best native Police Officer; and, even were that class available, the distrust with which the European Planters view native agency alone suffices to ensure failure. But the disadvantages of climate and society are such that, even if the pay were doubled, Wynaad would fail to command the services, not of the best only, but even of the average, native Police Officers. European and East Indian Inspectors have been tried without any better results; but from a European Officer very different results might be looked for. He would command the full confidence of the planting interest and would select his staff entirely on grounds of efficiency, and his position would enable him to utilize existing local material, when available, in a manner which has hitherto never been attempted.

4. Colonel Drever's proposals as regards pay appear to me entirely borne out by the circumstances of Wynaad. The practice as regards revenue appointments in Wynaad exhibit a considerable degree of inconsistency. The taluq establishment receives the same salary as in the plains. The work, however, is much lighter than elsewhere, or, at all events, was when the establishment was settled, and it is further an undisputed fact that the class of establishment is the very worst and such as elsewhere would not for a moment be tolerated. As regards the Sub-Magistrates of Goodaloor and Vythery, the pay sanctioned is somewhat superior to that allotted to the same class elsewhere, but even this fails to draw eligible candidates. In the Public Works Department, where the work is quite as hard as elsewhere, the system is to give an increase of fifty per cent. under the head of Wynaad allowance, and, the Police work being, as a rule, more severe in Wynaad than elsewhere, I consider that Colonel Drever's proposal of 18 Rupees a-month for Constables is no more than is required.

With the lower rates which now prevail the strength of the Wynaad stations is generally below par although the percentage of invaliding there demands that the full strength should always be maintained. This, however, is by no means the extent of the mischief, for the entire Police force of the district is injuriously affected by the liability to serve in Wynaad, not only in respect of the injured physique of the force, but in respect of a depreciated service and lowered class of recruits.

5. In the Revenue Department Wynaad is treated entirely as a separate service, and, as a rule, no one is transferred there from the plains even on promotion against his wishes.

6. In paragraph 8 of his letter Colonel Drever refers to the allocation of the force. I believe that a good deal of the cause for complaint that exists is due to the fact that the distribution of the Police has not kept pace with the varying requirements of the country. In Wynaad bazaars and villages spring up in a few

years, their existence being dependent on the opening of new batches of estates and the completion of new lines of road.

7. Thus, along the line of road from Nadghany to Chundale, a distance of some thirty miles, there have arisen of late years the three important bazars of Devala, Cherambady, and Maypady. These form the three centres of three important districts, and until quite recently there was not a Policeman anywhere along the line. It is proposed that there shall be Police stations at two of them, viz., Cherambady and Maypady, and the latter has already been partially occupied. I would certainly add Devala to the list. The sub-station at Nadghany, five miles off, will not be more than sufficient to keep up communication between Goodaloor and Yeddakara when a station has been established at the latter place.

8. Next, as to the existing law, I may say that I am entirely in accord with Colonel Drever as to the extreme difficulty of bringing home guilt in cases of coffee stealing. In many instances thefts are known and suspected coffee is seized, but the identification fails. In a still greater number of cases persons are known to be in possession of coffee which it is next to certain they have not come by honestly, but there is no actual charge of theft. Theft from trees is often unknown to the owner, and, even in the case of coffee picked and stored in the drying grounds, it is only when a gang comes at night and steals a quantity that the theft comes to be reported. The assimilation of the law to that existing in Madras, whereby the onus of proving honest possession is thrown on the party found conveying property under suspicious circumstances, would, I am convinced, be the means of stopping an enormous amount of crime and wrongful loss without any danger being incurred of honest people suffering.

9. The Secretary of the Wynaad Planters' Association writes on this subject as follows:—

"The Committee are of opinion that a modification of Act VIII. of 1867, embracing more particularly Sections 17, 18, 58, and 59, is most urgently needed for Wynaad, for the following reasons:—

"(1) That it is a fact well known that coffee robberies are of frequent occurrence, have been increasing yearly, and that Planters suffer great loss thereby.

"(2) That, owing to the additional temptation offered by the high prices now ruling, there is every probability that we shall suffer even more heavily in future.

"(3) That, owing to the large acreage, it is impossible to efficiently watch the different parts of an estate and that thus unusual facilities are afforded for the removal of stolen property.

"(4) That numbers of natives, living in the immediate neighbourhood of estates, without ostensible means of livelihood, are known to be constantly in possession of considerable quantities of coffee for which they cannot reasonably account.

"(5) That the law as it now stands is totally inadequate for our protection, the question of identification being held to be of first importance, and from the nature of the property this objection is insurmountable.

"(6) The sections above quoted seem to the Committee to be specially calculated to protect our interests and to be beneficial to the whole community."

10. I have paid special attention during the last two years to all reports on coffee-stealing cases, and I am bound to say that the position taken up by the Association is, in my opinion, borne out by facts and that the crime of coffee stealing is extensive and extending, and that the present state of the law is such

as to leave both Police and Magistracy almost powerless to contend with this form of crime.

11. Beyond the proposals of the Acting Inspector-General I am of opinion that some measure is necessary to place the Wynaad Police more in rapport with the population. In the plains the Amshom organization effects this. In Wynaad, however, the latter is weak to a degree and has been entirely left behind by the progress of the country. I doubt if it would be possible so to reorganize it that it should really supply the place of a Village Police in Wynaad.

What seems to me a simpler and more effectual measure is to attach to each station a certain number of watchmen, drawn, as a rule, from the peculiar jungle tribe of the locality. These men would be thoroughly acquainted with the localities (a most important matter), and their knowledge of individuals and of the criminal classes would be very considerable.

12. In Wynaad no Policeman can venture many hundred yards off the high road unless accompanied by one of these people. They are creatures most difficult to find when wanted, but, when found, invaluable, and I believe that the system of enrolling a few of them on a small salary with a cumbly and staff as badges of office would be a measure attended with the best result.

13. I regret that numerous other calls and the desire to make more personal inquiries into the subject has delayed the submission of this report.

No. 211. ORDER THEREON, 29th August 1874, No. 1610.

On the 21st* July 1873, the Inspector-General of Police and the Magistrate of Malabar were called upon to report on certain representations which appeared to Government to show that the Police in Wynaad should be strengthened and more effectually supervised. The foregoing letters furnish the information required. It is to be regretted that the Magistrate of Malabar did not find time to submit his reply at an earlier date on a subject of this importance.

2. It is agreed on all sides that an officer of the grade of Assistant Superintendent of Police must be allotted to Wynaad. Colonel Hearn shows that this may be done by the transfer of the Assistant Superintendent who, in 1868, under circumstances which are now greatly changed, was assigned to the Nilgiri Hills. He will be replaced at Ootacamund by a Chief Inspector, carefully selected for the special duty, who will receive Rupees 350 per mensem, pay and allowances, with a 3rd-Class Inspector at Wellington at 150 Rupees. The Wynaad Assistant Superintendent will draw 10 Rupees a-day as travelling allowance, under the rules that are in force in the Hill tracts of the Northern Range.

(b.) There will be three Inspectors for the Wynaad as now: each will draw a special allowance of 50 Rupees a-month.

(c.) The European Head Constables will be reduced from four to three; consolidated pay and allowances, Rupees 60 each.

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(d.) Native Head Constables will be classed as under—

	Pay and Allowances.
Three of 1st Grade	35
Four of 2nd "	30
" of 3rd "	25
Six of 4th "	22

This gives an increase of six Native Head Constables.

(e.) The Constables of all classes will be raised in number from 100 to 128: there will be forty-two of the first class, and forty-three each of the second and third classes. Each man will get a special allowance of Rupees 6; also the "cumbly" recommended.

3. The total annual increase of cost, exclusive of the Assistant Superintendent transferred from the Nilgiris, will be Rupees 13,332 for Wynaad per annum, and for the Nilgiris Rupees 2,700: total, Rupees 16,032 per annum. The Assistant Superintendent should have his headquarters at Manantoddy; and a new station should be located at Devala, as suggested by the Magistrate. Mr. Macgregor's proposal to attach to each station one or more watchmen, drawn from the peculiar jungle tribes of the locality, appears judicious. There being no Village Service Fund from which the outlay might be met, it will form a Police charge at present. The Government are willing to assign 75 Rupees a-month, to commence with.

4. The question remains, whether, as strongly pressed by the Planters' Association and supported by the Magistrate of the district, any change is required in the Criminal Code. What is asked for is "a modification of Madras Act VIII. of 1867 (Presidency Police), embracing more particularly Sections 17, 18, 58, and 59." It would be easy to show that, with the exception of providing that the being in possession of anything which may be reasonably suspected of being stolen is an offence of itself,—which, however suitable to a place like the town of Madras, would be quite inappropriate in the Wynaad,—the authority already exercised by the Police and Magistracy is almost coextensive with that granted by these sections. On the other hand, the provisions in the Code of Criminal Procedure for proceeding against persons who cannot give a satisfactory account of themselves, or who appear to be habitual receivers of stolen property, are sufficiently stringent, if properly worked, to lead to the early suppression of any organized system of coffee stealing which may prevail. With the increase now sanctioned to the Police force of the country, the improved position of its members, and the control of a European officer, the Government do not doubt that the detection of this class of crime will prove satisfactory; but no possible increase of the Constabulary will remove the responsibility of guarding their crops from the Planters themselves, by the employment of private watchmen at the season when thefts are rife.

(True Extract.)

Acting Chief Secretary.

To the Inspector-General of Police, with sketch returned.
" Magistrate of Malabar.
" Accountant-General.
Ed. A. S. Rodgers.

10
1510

Judicial DEPARTMENT.
No. 228.

From The Magistrate of Malabar.

Dated 7th Aug 1874.

FOR ORDERS.

I have carefully examined (C. Hearn's) proposals and Estimates and would accept them without alteration. They have the concurrence of the experienced and able Superintendent of Police of the District Major Davies and I had indeed considered them with (C. Hearn) before submission.

But I would add say Rs: 100 a month for the employment of jungle tribes in connection with the Police as advised by Mr. Mac Gregor. This sum must however be debited to the Village Service Fund to which it practically belongs.

L

28/5/04
29-4-07
19-2-08
22-7-13
22-10-13
31-7-16

Official
Sect. of 1874
JUDICIAL

DO NOT WRITE IN THESE SPACES

ALL THE ABOVE ARE IN THE

RECEIVED
30th 200-211.

When Police Officers are to be employed in the Village Service they must be employed in the Village Service Fund.



I see no sufficient ground for the
extravagant pay advocated by Col. Brewer
& Mr. McGregor. at all events we cannot
afford it & the other is sufficient. The
Assistantship on the Hills should be at
once transferred to Wyman with headquarters
at Ventry - as recommended by Mr. McGregor.

A station should be placed
at Durala and is within the scope of the
increased strength.

I am absolutely adverse to any
alteration of the Criminal Law. Indeed
it were hopeless to seek the assent of the
Governor-General's Council to provisions such
as are proposed. The fault is that Planters
do not sufficiently guard their property and
that neglect cannot be met by unreasonable
increase of charge on the State or increased
severity in the administration of the Law.
Indeed measures of this kind would simply
increase the neglect.

11/1610
I would censure the unreasonable
procrastination of Mr. McGregor.

The arrangement of the Hills is good.
MR

15/10

I am in a cecily at Kaur
for the day.

But I am not satisfied that
a chief inspector of the class
whence such officials are drawn
will be able to do the work. The
salary is not large and I am
very anxious to weaken the Police
here. The 2nd station of the Gov.
Agent in Wyman had better be
at Muan today - where the Dept. Col. &

Maybe is it stated

I think the

Magistrate proposed
of employing watchmen
from the police station

is held with a
trial - but I do
not think there

is any killing a crime
that would be

L. O. L. 18/11

Village Committee funds
available they should
bear the charge.

encl
a/c 19/8

I think Col. Harris
proposed, should be
accepted - including
the arrangements which
he made for the
Police at the Moolgong.
He is very confident
on this point & apparently
with good reason -
Special legislation against
petty theft (such as that
proposed) is not of the
peculiar

I am for the plan
proposed but all of
the people living
and if there are
1610

12/1610 Judicial Dept

Read letter from J. E. of Police
No 1134 dt 27 Dec 1873
No 602 dt 20-2-74

also from Magistrate
No 50 dt 9 August 74.

Atacamund 29 Aug 1874 No 1610

G. O. No 1134

Judicial

On the 21st July 1873, the J. E. of Police

the Magistrate were called upon
to report on certain representations
which appeared to go to show that the
Police in Wynand should be strengthened
and more effectually supervised.

The foregoing letters furnish the information
required. It is to be regretted that the Magistrate
did not find time to submit his
reply at an earlier date on a subject of
his importance.

It is agreed on all sides that an Officer
of the grade of Asst. Supt. of Police must
be allotted to Wynand. Colonel Harris
shows that this may be done by the transfer
of the Asst. Supt. who in 1868, under
circumstances which are now entirely
changed, was assigned to the Nilgiri Hills.

He will be replaced at Atacamund by
a Chief Inspector, carefully selected for the
special duty, who will receive Rs 350 per
month, pay & allowances, with a 3rd class
Inspector at Wellington at 150 Rs.

The Wynand Asst. Supt. will draw 10 Rs.
day as travelling allowance, under the rules
that are in force in the Hill tracts of the Northern
Provinces.

I really -

18/11

20/11

Commence with.

4. The question remains, whether as strongly pressed by the Planters Association & supported by the Mass of the District, any change is required in the Criminal Code. What is asked for is "a modification of Madras Act VIII of 1867 (Presidency Police), embracing more particularly Sections 17, 18, 58, and 59" It will be easy to show that, with the exception of providing that the being in possession of anything which may be reasonably suspected of being stolen is an offence of itself, - which, however suitable to a place like the Town of Madras, will be quite inappropriate in the Wynand, - the authority already exercised by the Police & Magistracy is almost co-extensive with that granted by these Sections. On the other hand, the provisions in the Code of Criminal Procedure against persons who cannot give a satisfactory account of themselves, or who appear to be habitual receivers of stolen property are sufficiently stringent, if properly worked, to lead to the early suppression of the organized system of coffee stealing which is said to prevail. With the increase now sanctioned to the Police force of the country, the improved position of its members, and the control of a European Officer, we do not doubt that the detection of this class of crime will prove satisfactory; but no profitable increase of the Constabulary will remove the responsibility of guarding their crops from the Planters themselves, by the employment of private watchmen at the season when thefts are rife.

The General of Police
 District of Malabar
 Act General

- (b) There will be 3 Inspectors for the Wynand as above: each will draw a special allowance of 50 Rs a month.
- (c) The European Head Constables will be reduced from 4 to 3; consolidated pay allowances, Rs 60 each.
- (d) Native Head Constables will be classed as under.

	Pay & allowances
3. of 1 st grade	35
4 - 2 ^d "	30
4 - 3 ^d "	25
6 - 4 th "	20.

This gives an increase of 6 Native Head Constables

- (e) The Constables of all classes will be raised in number from 100 to 125: there will be 42 of the 1st class, and 43 each of the 2^d and 3^d class. Each man will get a special allowance of Rs 6, also the monthly 'recommended'.

- 3. The total annual increase of cost, exclusive of the Aft. Supr. transferred from the Nilgiris, will be Rs 13,332 for Wynand, per annum, and for the Nilgiris Rs 2,700: total Rs 16,032 per annum. The Aft. Supr. shd. have his headquarters at Namantolli; and a new Station shd. be located at Alavaka, as suggested by the Magistrate. Mr. Macgregor's proposal to attach to each station one or more watchmen, drawn from the peculiar jungle tribes of the locality, appears judicious. There being no Village Service Depot from which the outlay might be met, it will form a Police charge at present. The Govt. are willing to assign 100 Rs a month, to

My reason for preferring this is in order to prevent European law from being a penalty. Maintaining has 2 Magistrates (1 Dist. & 1 Sub. Magistrate) to whom the police may refer in emergency. (2) Dist. Wynand is the part of the District which requires strengthening. Mr. Macgregor's proposal to attach to each station one or more watchmen, drawn from the peculiar jungle tribes of the locality, appears judicious. There being no Village Service Depot from which the outlay might be met, it will form a Police charge at present. The Govt. are willing to assign 100 Rs a month, to

make it 75 as it is a State charge 80p. a mo. the substation 25/-

1000
1. 1000

73

Special

1. 1000

1. 1000