

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1021	Press ~~Min.~~
Dated 19-4-	1886

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers:—

From W. LOGAN, Esq., District Magistrate of Malabar, to the Chief Secretary to Government, dated Calicut, 25th January 1886, No. 315.

Referring to paragraph 2 of G.O., No. 3114, Judicial, dated 17th November 1885, I have the honor to forward herewith copy of letter, No. 45, dated 7th January 1886, of the Superintendent of Police, Malabar, expressing his opinion that the four prisoners named therein should be declared ineligible for return to Malabar.

2. These prisoners are under life sentence for dacoity. No. 1, Edapetta Kunhappa, was convicted in Session case No. 58 of 1877 on the file of the Sessions Court of South Malabar; Nos. 2 and 3, Edapetta Muhammad and Alachi Moidin Kutti, respectively, were convicted in Session case No. 49 of 1876; and No. 4, Marakkara Muhammad, in Session case No. 93 of 1876. The dacoities committed by them form the subject of G.O., No. 17, dated 4th January 1877.

3. Edapetta Kunhappa was the ringleader of the most formidable gang of dacoits who infested the southern sub-division of Malabar in 1875-76. Edapetta Muhammad and Alachi Moidin Kutti, brother and brother-in-law respectively of Kunhappa, were associated with him in the commission of the dacoities. Marakkara Muhammad was an independent leader of dacoits in Walawanād and carried on dacoity operations for some time successfully till he was arrested in June 1876. He appears to have once joined Kunhappa.

4. These four Mappilla prisoners are dangerous characters, and I fully agree with the Superintendent of Police in thinking that "their return to Malabar would be fraught with great danger to the public peace."

5. Under these circumstances, I have the honor to request that Government may be pleased, under rule 414-D of the revised remission rules, to declare the prisoners (1) Edapetta Kunhappa, (2) Edapetta Muhammad, (3) Alachi Moidin Kutti, and (4) Marakkara Muhammad ineligible for release as professional and especially dangerous criminals.

ENCLOSURE.

From Lieutenant-Colonel F. HOLE, Superintendent of Police, Malabar, to the District Magistrate of Malabar, dated Calicut, 7th January 1886, No. 45.

With reference to your Proceedings, No. 5783, dated 18th December 1885, I have the honor to state that I am of opinion that the following four dacoits, who were sentenced in 1876 and 1877 by the Sessions Court of South Malabar to transportation for life, should be reported to the Government as ineligible for return to Malabar, viz:—

- (1) Edapetta Kunhappa.
- (2) Edapetta Muhammad (younger brother of No. 1.)
- (3) Alachi Moidin Kutti (brother-in-law of No. 1.)
- (4) Marakkara Muhammad.

2. Edapetta Kunhappa was, as you will remember, the chief leader of the dacoits who committed such great mischief in Malabar in 1875 and 1876, and Nos. 2 and 3 were associated with him in all the dacoities committed by him. No. 4 was an independent leader of dacoits and we could only find that he had been once associated with Edapetta Kunhappa in committing dacoity.

3. All four are men of a very desperate character, and I feel sure that their return to Malabar would be fraught with great danger to the public peace.

4. A full account of the dacoities committed by these men is embodied in G.O., No. 17, dated 4th January 1877.

No. 310-C.

Referred to the Inspector-General of Jails for report whether the convicts referred to are alive; and, if so, whether they are undergoing their sentences at the Andamans or in any of the jails of this Presidency.

(By Order.)

(Signed) A. G. CARDEW,
Acting Asst. Secy. to Govt.

17th February 1886.

From H. R. GRIMES, Esq., Inspector-General of Jails, to the Chief Secretary to Government, dated Vizagapatam, 18th March 1886, No. 72.

With reference to your endorsement, No. 310-C, dated 17th February 1886, on a letter from the District Magistrate, Malabar, I have the honor to state that the convicts referred to by the District Magistrate, Malabar, were deported to the Andamans on the dates noted in the margin.

Edapetta Muhammad,	} 13th December 1876.
Alachi Moidin Kutti,	
Marakkara Muhammad,	
Edapetta Kunhappa	.. 26th September 1877.

ORDER—dated 19th April 1886, No. 1021, Judicial.

The Inspector-General's letter will be communicated to the District Magistrate, Malabar, with copy of G.O., 2nd December 1881, No. 2476. That Government order will be communicated to all District Magistrates, and it will be pointed out that the cases of life-convicts transported to the Andamans do not fall within the remission rules recorded in G.O., 17th November 1885, No. 3114, but are governed by paragraph 2 of the Resolution of the Government of India recorded in G.O., 2nd December 1881, No. 2476. District Magistrates should ascertain therefore, before addressing Government under the provisions of G.O., 17th November 1885, No. 3114, that any convicts who they desire should be declared ineligible for release are in an Indian jail and have not been transported..

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

To the District Magistrate of Malabar.
„ the Inspector-General of Jails.
„ all other District Magistrates.
„ the Inspector-General of Police.

APPENDIX.

G.O., dated 2nd December 1881, No. 2476, Judicial.

READ—the following paper:—

Extract from the Proceedings of the Government of India in the Home Department (Judicial), dated Simla, 16th November 1881, No. 11—1487-99 [Current No. 3482].

Read again—

Circular letter to the local Governments and Administrations, Nos. 5—388-97, dated the 18th March 1881.

Read also—

The replies to the above circular:—

Letter from the Government of Madras, No. 943, dated the 12th May 1881.
„ „ Bombay, No. 5029, dated the 3rd August 1881.
„ „ Bengal, No. 987 P.T., dated the 27th June 1881.
„ „ North-Western Provinces and Oudh, No. 434, dated the 14th April 1881.
„ „ Punjab, No. 2085, dated the 30th May 1881.
„ „ Chief Commissioner of the Central Provinces, No. 1567-65, dated the 5th May 1881.
„ „ British Burma, No. 2614-68 F., dated the 20th April 1881.
„ „ Coorg, No. 217-12, dated the 7th May 1881.
„ „ Assam, No. 537, dated the 6th May 1881.
„ „ Resident at Hyderabad, No. 182, dated the 9th May 1881.

Resolution—

The Superintendent of Port Blair and the Nicobars and the Comptroller of Convicts in the Straits Settlements having represented to the Government of India the desirability of relaxing the existing rule under which life-convicts sentenced to

transportation for certain crimes* are, save in exceptional cases, absolutely debarred from all hope of release, the local Governments and Administrations

were requested to favor the Government of India with their views as to whether any relaxation of the rule was possible; and, if so, to what extent and subject to what safeguards. The replies received disclose a general consensus of opinion against the release in any case of persons convicted of thuggee or the cognate crime of robbery by administering poisonous drugs; and the Governor-General in Council concurs in this view.

In regard to dacoits there are considerable differences of opinion. While some authorities are opposed to any relaxation of the existing rule, others would except only professional dacoits from the privilege of release, while some think that even professional dacoits might safely be allowed to be at large after a sufficiently long term of transportation. The Governor-General in Council has no doubt that there are dacoits of the professional or hereditary type whom it would be dangerous to release under any circumstances. On the other hand, it seems unnecessary on this account to prescribe the whole class of criminals convicted of what is technically termed dacoity. His Excellency in Council attaches considerable importance to the view urged by the authorities in charge of the penal settlements, viz., that to deprive

a large class of criminals of all hope of ultimate pardon is likely to lead to serious difficulties in the administration of the settlements, and he believes that under certain safeguards "dacoits" may unobjectionably be released save in the exceptional cases above referred to. It does not, however, appear right that it should lie with the Settlement authorities to determine whether a prisoner falls within the category of those professional dacoits whom it might be dangerous to release. The Settlement authorities should look merely to the conduct of the so-called "dacoit" while under their charge and be guided in their recommendations by facts within their knowledge. It is for Government to decide whether those recommendations can properly be complied with.

2. In accordance with the above view, the Governor-General in Council is pleased to authorise the officers in charge of penal settlements to recommend the release of any life-convict sentenced for dacoity after twenty-five years of transportation in the case of a convict at the Andamans, and after thirty years in the case of a convict in British Burma and the Straits Settlements, provided that the convict on whose behalf such a recommendation is made is considered to have earned a claim to the indulgence by a sustained course of good conduct in transportation. On receipt of the recommendation by the Government of India, the local Government, from whose jurisdiction the convict was transported, will be asked to report whether he belonged to any professional gang, or was known to be a hereditary dacoit; also whether any members of his family, or any of their connections, are living; and, if so, how they are employed; and, generally, whether release can safely be granted conditionally on police surveillance and residence in a place to be assigned by the local Government. In the event of the report being considered favorable, release will be sanctioned subject to the foregoing or such further conditions, if any, as the local Government concerned may think fit to suggest, and as may commend themselves to the Governor-General in Council.

3. In the case of life-convicts under sentence for dacoity whose health may have broken down at the penal settlements, it will be within the competence of the authorities in charge of the settlements to recommend release before the expiry of the periods specified in the preceding paragraph. In these cases the Governor-General in Council will be prepared to consider the question of releasing them, provided that there is no valid objection to this, and that they have friends or relatives who are able and willing to support them.

4. The orders now given with reference to dacoits may be held to apply to prisoners convicted of any other class of organised crime, not being thuggee or robbery by administering drugs.

Order—

Ordered, that this resolution be communicated to the local Governments and Administrations noted on the margin for information; to the Chief Commissioner of British Burma for information and guidance; to the Foreign Department for information; and to the Superintendent of Port Blair and the Nicobars for information and guidance.

Madras.	Central Provinces.
Bombay.	Coorg.
Bengal.	Assam.
N.-W.P. and Oudh.	Hyderabad.
Punjab.	

(True Extract.)

(Signed) A. MACKENZIE,
Offg. Secy. to the Govt. of India.

To the Secretary to the Government of Madras.

ORDER—dated 2nd December 1881, No. 2476, Judicial.

Communicated to the Inspectors-General of Police and Jails with reference to G.O., 12th May 1881, No. 942.

2. In order that the requisite information may be available in the event of Government being hereafter required to furnish the report referred to in paragraph 2 of the foregoing letter when the release of a life-convict, sentenced for dacoity or similar crime, is recommended to the Governor-General in Council, the Honorable the Judges of the High Court will be requested to direct all Sessions Judges, in modification of the standing order regulating the destruction of calendars, to preserve copies in all cases where sentences of transportation for life have been passed on convicts of the classes specified.

(True Extract.)

(Signed) R. DAVIDSON,
Chief Secretary.

To the Honorable the Judges of the High Court, with covering letter.
" Inspector-General of Police.
" Inspector-General of Jails.

Exd. T. O'Connor.

Govt. of (1886) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 19th April 1886, No. 1021.

APRIL.

Life Convicts.

Communicating to the District Magistrate, Malabar, letter from the Inspector-General of Jails stating that — at the Andamans are ineligible for return to Malabar, and pointing out to all District Magistrates that cases of — do not fall within the remission rules, but are governed by the Resolution of the Government of India recorded in G.O., dated 2nd December 1881, No. 2476.

The Collectors of

The District Magistrates of

The Presidents, Municipal
Commissions,

The Presidents, Local Fund
Boards,

Anantapur.

North Arcot, Chittoor.

South Arcot, Cuddalore.

Bellary.

South Canara, Mangalore.

Chingleput, Saidápet.

Coimbatore.

Cuddapah.

Ganjam, Chatrapur.

Godávári, Cocanada.

Kistna, Masulipatam.

Kurnool.

Madura.

Malabar, Calicut

Nílگیرis, Ootacamund.

Nellore.

Salem.

Tanjore.

Tinnevelly.

Trichinopoly.

Vizagapatam.

11 2/3
Convicted in Session Case n^o 49 of 1876 and
n^o 4 Marakkara Muhammad in Session Case
n^o 93 of 1876 - The dacoities committed by
them form the subject of G.O. n^o 27 dated
4 January 1877.

3. Edapetta Kunhappa was the ring-
leader of the most formidable gang of dacoits,
who infested the Southern Sub-Division of
Malabar in 1875-76. Edapetta Muhammad,
and Akchi Moideen Kutte, brothers and
brother-in-law respectively of Kunhappa, were
associated with him in the Commission of
the dacoities. Marakkara Muhammad was
an independent leader of dacoits in Vallu-
mad and carried on dacoity operations
for some time successfully till he was
arrested in June 1876. He appears to have
once joined Kunhappa.

4. These four Malapulla prisoners
are dangerous characters and I fully agree
with the Superintendent of Police in thinking
that

that "their return to Malabar would
be fraught with great danger to the
public peace."

5. Under these circumstances, I
have the honor to request that Govern-
ment may be pleased under Rule 411D
of the Revised Remission Rules to
declare the prisoners 1 Edapetta Kunhappa
2 Edapetta Muhammad, 3 Akchi
Moideen Kutte and Marakkara Mu-
hammad ineligible for release as
professional and specially dangerous
Criminals

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

W. C. C.
District Magistrate

267

Enc to Calicut 7 January 1886
no 45

To
The District Magistrate of Malabar
Sir

With reference to your Proceedings no 5783 dated 18 December 1885, I have the honor to state that I am of opinion that the following 4 dacoits who were sentenced in 1876 & 1877 by the Sessions Court of South Malabar to transportation for life should be reported to the Government as ineligible for return to Malabar, namely

1. Edapetta Kumbhappa
2. Edapetta Muhamma (younger brother of no 1)
3. Alachi Moidin Kutto (brother in law of no 1)
4. Marakara Muhammad.

2. Edapetta Kumbhappa was as you will remember, the Chief leader of the Dacoits who committed such great mischief in Malabar in 1875 & 1876 and nos 2 & 3 were associated with him in all the dacoities committed by him. No 4 was an independent leader of dacoits and we could only find that he had been once associated with Edapetta

Kumbhappa in committing Dacoity -

3. All.

3. All four are men of a very desperate character and I feel sure that their return to Malabar would be fraught with great danger to the public peace.

4. A full account of the Dacoities committed by these men is embodied in G.O. No. 17 Dated 4 January 1877.

I have &c
Sd/- Lt. Col. M. Cal.
Supt. of Police

True Copy

Chamberlain
District Magistrate

W.S.

Traded 3350/86

CURRENT NO.

[9]

H.R. GRIMES
18 FEB 86
INSPECTOR OF JAILS

48

No 3100 8/17-2-86

Referred to the H.
of Jails for report whether
the convicts reported to
be alive and ^{if so} whether
they are
undergoing their sentence
at the Andamans or
in any of the jails of
the Presidency.

By order
11/12/86
Sd/- Cardew,
16/2
Mag. Secy.
2.86.

Judicial DEPARTMENT.

From Dist Magistrate
of Malabar

No.

Dated 25 Jan 86
Received 28
Enclosures One

SUBJECT.

Opinion of Supt
of Police that the four
prisoners named should
be declared ineligible
for return to Malabar.

For

Ind 17-11-85: 3114
4-1-77: 17

CURRENT NO. 338

Judicial Dept

H
H
H

For orders

The 1st Magt ~~pro~~ requests Govt, under Rule 44-D of the Remission Rules, recorded in G.O. 17 Nov. 85 no. 3114, to declare 4 prisoners, convicted of Dacoity etc. in 1876-77, ~~ineligible for release~~

The 1st Prisoner Edappetta Kunhappa is the same man as Kunjappa, of whom a history is given in para 37 of the Police Supt's letter dated 25 Nov. 76, no. 227, printed at

page 12 of G.O. 4 Jan. 77, no. 17, in which G.O. a reward of Rs 1000 for the man's capture was sanctioned. No. 15.

The 2nd & 3rd Prisoners are the brother & brother in law of the 1st, & were concerned in various of the dacoities mentioned in the same letter recorded in G.O. 4 Jan. 77, no. 17.

Marakkha Mahomed's crimes are mentioned in clause E-para 34 of the same letter, page 10, of G.O. 4 Jan. 77, no. 17.

Submitted that the 2d. of Jail, may be asked, by O.M. to state, where these men are. If alive, the Govt. can then take action under Rule 44-D. printed in G.O. 17 Nov. 85, no. 3114.

C. 12/2
R 15/2
W 13/2
11/186

H. Dist. Magistrate
of Malabar

To
H. Chief Secretary
to Govt.
Madras

dated 25 January 1886
Capt. 1886

Enc: 1

Forwarding copy of a letter from the Supt. of Police, and expressing his opinion that the four prisoners therein named should be declared ineligible for return to Malabar

11/186

58

Vizagapatnam
18 March 1886.

11

No 72

From,

Henry. R. Grimes Esq.
Inspector General of Jails

To,

The Chief Secretary to
Government.

Sir, Fort Saint George.

Enclosure

13. December 1876
26. September 1877
13. December 1876
26. September 1877

With reference to your endorsement No. 310 C dated 17th February, 1886, on a letter from the District Magistrate, Malabar (herewith returned) I have the honor to state that the convicts referred to by the District Magistrate, Malabar, were deported to the Andamans on the dates noted in the margin.

11/186

I have the honor to be
Sir

Your most obedient servant

Henry Pyman.
Inspector General of Jails.

CURRENT NO. 1153

JUDICIAL.

Mail (1886,) Department.

FROM

THE INSPECTOR-GENERAL

OF JAILS,

To

THE CHIEF SECRETARY

TO GOVERNMENT.

Fort Smith George

Dated

Received

No.

ENCLOSURE

SUBJECT.

States that the Convicts referred to were deported.

[illegible]

No.

From

Sg. of Jail - 18 March 86 - us. 72
Dist. Mag. Malabar. 25 Jan. 86.
no. 315.

FOR ORDERS.

In 1884, the Govt of India issued certain Rules regulating the mark system of remission in Indian Jails, one feature of which was the classification of convicts for remission purposes into 4 classes according to their crimes. The Sg. of Jails drew up corresponding rules for this Presiding, based on those of the Govt of India, and these were finally sanctioned in G.O. 17th November 1885, no. 3114. Under the classification thus instituted, the 4th class of convicts is composed of prisoners under life for thuggee or other heinous organised crime such as dacoity, and who are declared by the local Govt. ineligible for release on the ground of their being hereditaries or specially dangerous criminals. Such men, after every 25 years' imprisonment in Indian Jails

will be transferred to the Andamans.
Para. 2 of the G.O. 17. Nov. 85 - directed
District Magt^s to bring to the notice of
Govt all cases in w^{ch} they deem it ad-
visable that Govt should declare under
the above rule that any prisoner is ineligible
for release.

In accordance with this direction,
the Dist^l Magt of Malabar submits
the names of 4 dacoits - convicted
in 1876-77, whom he thinks should be
declared ineligible for release. On a
reference, however, being made to
the S^d of Jail, it appears that
each of these 4 men have been al-
ready deported to the Andamans.
They are therefore no longer in any
Indian Jail, & the Rules recorded in
G.O. 17. Nov. 85 - no. 3114 do not
apply to them.

No action therefore is necessary. The
course taken by the Govt of India before
releasing from the Andamans life-
convicts sentenced for dacoity is stated
in para. 2 of Resolution 16 Nov 81 - no. 11-
1487-99 - recorded in G.O. 2^d Dec^r
1881 - no. 2476. This G.O. was not
communicated to Dist^l Magt^s. It will
be, it is submitted, sufficient to
give the Dist^l Magt of Malabar a
copy of the letter of the S^d of Jail,
and to remark that no action is
at present necessary.

W.P.

1/4.

in Transmarine Convict
File.

Under the terms of this Resolution
(para 2) it is for the officers in
charge of penal settlements to
recommend releases to his Govt of
India by whom a reference is then
made to his local Govt. As these 4
men are in the Andamans no
action is for his present necessary.
He do as suggested in his note
and at his same time can be to be
at his Govt. 2^d Dec^r 1881 N^o 2476

W.P. 8/4 E. 7th 6/4

FOR ORDERS.

Ind. G. 0.5/13/4/86, N=1001

C. 7/4.
R. 9/4.

60

Prof: Department.

31

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

From Dist. Magistrate,
Malabar. dated 25th
Jan'y 1886. No. 315
to J. G. Sails dated
18th March 1886, No. 72.
Order in the 1864/1027.
The J. G.'s letter will be
counted - to the Dist.
Magistrate, Malabar,
with copy of fo. 24
Dec. 1881, No. 2476.
That fo. will be com-
municated to all Dist.
Magistrates and it
will be pointed out
that the cases of life
convicts transferred
to the Andamans
do not fall within

the revision rules
 recorded in fo. 17^a
 Gov. 1885, No. 3114.
 but are governed by
 para 2 of the Res.
 of the Gov. of India
 recorded in fo. 2^a
 Dec. 1887, No. 2676.
 Dist. Magistrate should
 ascertain therefore before
 addressing Gov. under
 the provisions of fo.
 17 Gov. 1885, No. 3114,
 that any curio
 who they deem should
 be declared ineligible
 for release, are in an
 Indian Jail: and
 have not been home.

Ltd

1884.

11

S. M. Mahaball (Govt)
 14, Jail
 all other Govt
 all other Govt

this has been to all the length

[Despatch.]

BACK PAPER, No.

OF 188

READ AGAIN Order of Government, dated
 188 , No. Miscellaneous.

FURTHER PAPER, No.

OF 188

ENCLOSURES.

CURRENT No

338

1152

STATEMENT WITH DITTO.

ORDER, & OF GOVERNMENT—A.

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL.
 (not paged.)

Order
 Letter
 Collection

N.B.—
 A = Print in full.
 B = Not to be printed.
 P = Print abstract only.
 Q = Print heading only.
 R = Print, but not for monthly volume.

PRESS.

INDIAN
DEPARTMENT.
G.O. DATED 19th April / 86
No. 1021.

Despatched in print.

[Despatch Abstract.]

Life Convicts. Com:
communicating to the District Magis-
trate, Malabar, letter from
the Inspector General of Prisons
stating, that ~~convicts~~ ~~transferred~~ ~~for life~~ ~~to the Andamans~~
are ineligible for return
to Malabar, ~~with the exception of~~
~~2nd class, 1st class, 2nd class, & pointing~~
ing out to all District Magistrates
that cases of — do not
fall within the remission
rules but are governed by the
resolution of the Govt of India
recorded in G.O. 572 of December
1887, No 2476.