P. W. D. 1887

பொ.வ.புது எண். 34

____________ துறை.

குறிப்பிட்டவர் பொறுப்பிலிருக்கும் பதிவுக் கட்டுவிலிருந்தும் எடுக்கப்பட்ட தாள்.

அச்சு
பல்வகை
வாலாயம்

எண் 3115 - W, தேதி 18 - 11 · 1887 198 .

எடுத்த தேதி.	எதன் பொருட்டு: துறை.	எதன் பொருட்டு: நடப்பு எண்	எதன் பொருட்டு: ஆண்டு.	தாள் எடுக்கும் எழுத்தர் அல்லது சிற்றெழுத்தர் சுருக்கொப்பம்.	திருப்பிக் கொடுத்த தேதி.	சிற்றெழுத்தரின் சுருக்கொப்பம்.
6-9-88	Posted on					

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G.OMS NO 3115 - W. PUBLIC WORKS
DATED 18. 11. 1887.

3115/1

18TH NOVEMBER 1887, No. 3115 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General
~~Irrigation~~.
Establishment.

READ—the following papers:—

From the Superintending Engineer, VI Circle, dated 28th August 1887, No. 365 T.N.
From the " " VI " " 17th October " " 522 T.N.

No. 71 E.W.

Forwarded to the Chief Engineer, Public Works Department.

2. In the judgment the Magistrate lays down that there was no unlawful assembly at the sluice and therefore declines to proceed against many of the defendants that were leaders at the disturbance at the sluice. I have to point out that although there was no actual force used at the sluice yet the Magistrate (at the bottom of the second page of his judgment) allows that the Executive Engineer was "afraid that his whole party would be gradually thrust into the canal below" and it is believed there is no doubt but that he, the Executive Engineer, and his party were pressed on by the crowd to such an extent that his liberty of action and that of his staff was seriously interfered with in the execution of their public duty. I believe, as the punishment does not exceed in any case a fine of Rs. 50, that no appeal can be made, but perhaps, as the alternative is three months' imprisonment, an appeal might be legal—see section 413 of Act X of 1882; on this point a legal opinion might perhaps be taken, and also as to whether there is a favorable chance of a successful appeal.

3. As remarked by the Superintending Engineer in paragraph 3 of his endorsement, it is a "questionable doctrine that to hustle and mob an official in the execution of his duty is a lawful means of making known grievances."

4. With regard to future measures, the Superintending Engineer's further report will be awaited.

(Signed) H. R. MEAD, Colonel, R.E.,
Chief Engineer for Irrigation.

CHEPÂK,
27th October 1887.

To the Chief Engineer, Public Works Department.

ORDER—dated 18th November 1887, No. 3115 W., Public Works.

The above correspondence refers to a riot which took place on the afternoon of the 20th August at the Palaiyan channel in the Tinnevelly district, when the Executive Engineer, Mr. Russell, with some of his subordinates, was assaulted in the execution of his duty by cultivators of land under the channel.

2. Mr. Russell had received a number of complaints regarding the distribution of water under this channel, and, on inspecting it on the 18th idem, found that the water had been intercepted by temporary dams and by the erection of large picottahs at the sluices on the upper part of the channel. He ordered the Channel Superintendent to destroy the dams, remove the picottahs, and to temporarily close the upper sluices in order to send down a supply of water to the lower irrigation. These orders were not fully attended to; and, on the 20th instant, Mr. Russell rode out with the intention of himself closing the sluices and letting free a supply of water to the lower lands, where the crops were in imminent danger of perishing, having been deprived of water for six days previously. In carrying out this measure Mr. Russell evoked an outburst of feeling on the part of the assembled ryots. Mr. Russell then, he states, explained to them that, "on account of their illegally depriving the lower irrigation of any supply whatever for six days, they would be punished by having their sluice temporarily closed." Upon this announcement the excitement of the ryots became intensified, and subsequently led to their committing acts of violence, imperilling the safety of the Executive Engineer and his staff, who were forced to retire.

3. A magisterial inquiry was held between the 5th and 20th September, when thirty-one persons were charged before the District Magistrate with rioting and voluntarily causing hurt to deter public servants from their duty. The majority were acquitted, but six, including two of the Brahmin cultivators, were convicted of rioting and sentenced to fines, or, in default, three months' rigorous imprisonment. The Magistrate remarks that "none of these riots need have occurred had the Channel Superintendent sent word previously to the Munsif of the village, ordering his attendance at the sluice. As it has turned out, the Village Munsif may (for all this Court knows) have been secretly working in the background to get up the riot. The Revenue authorities should take his explanation why he did not go to the spot to render assistance, and to stop the riot if he was not in time to prevent this at the commencement."

4. The Magistrate arrived at the conclusion that the assembly was not shown to be an unlawful one until after Mr. Russell quitted the Rettai Madai sluice. The conclusion is questioned by the Superintending Engineer, and in this he is supported by the Chief Engineer for Irrigation, who, moreover, recommends that legal advice be taken with a view to appealing against the sentence.

5. The Government do not consider that any appeal or application for revision should be instituted. The case has been tried by an experienced District Magistrate, and there seems no reason to think that his conclusions are in any respect wrong. His remark, however, that the Village Munsif should have been called in has not been understood. Such a Munsif is not a Magistrate under the Code of Criminal Procedure, or entitled, under section 127, to command a crowd to disperse. It should be taken as a rule that, whenever there is room for apprehension as to the assembly or intentions of such a crowd as gathered in this case, some "Magistrate or officer in charge of a police station," competent to act under that section, should be asked to attend. As in this case, it is often difficult to prove that a crowd was assembled for an unlawful purpose in the first instance; but after they have been ordered by competent authority to disperse, there can be no doubt as to the liability of every one who continues in such crowd.

6. Mr. Russell considers the state of affairs disgraceful because the expediency of calling in such authority is suggested, but he should be aware that water is a necessity to the agricultural class, and that nothing is so likely to excite their passions as an attempt to deprive them of it.

7. Tinnevelly is not the only district where such attempts have led to riots. The High Court have recognised the right of Government by its officers to regulate the distribution of water from Government channels, but it is always necessary to bear in mind (1) that this power must be exercised with due care and attention, and (2) that, wherever its exercise is likely to be opposed, the aid of some authority competent to disperse a crowd is desirable.

8. The Government recognise Mr. Russell's activity in controlling the distribution of water, his courage and determination in persisting in his duty in the face of a somewhat tumultuous crowd, and the happy results which have followed in the safety of the crops which were in danger. But his statement that he was punishing the ryots was unfortunate, as punishment did not come within his province.

3115/2

(True Extract.)

Captain, R.E.,
Under Secy. to Govt., P.W.D.

To the Superintending Engineer, VI Circle.
,, Chief Engineer for Irrigation.
,, Revenue Department.

Exd. J. Moses.
Spare Copies

General
~~IRRIG~~ATION.
ESTABLISHMENT.

Govt. of (1887) Madras.

PUBLIC WORKS.

Dated November, 18th.

Recd. *Encl.*

G.O., 18th Nov. 1887, No. 3115 W.

NOVEMBER.

Assault on Mr. Russell, Executive Engineer, and Subordinates

Orders on reports on the result of the magisterial inquiry regarding the —.

3115/3

26 AUG 87

No 89C

Forwarded in original to the Chief Engineer P.W.D. —

I shall be at Palamcottah tomorrow morning and will report further upon the matter after personal enquiry —

Supg Engr VI Circle

[illegible] }
23rd August 1887 }
Despd 24th

Await report promised

26/8/87

To be returned.

Urgent

Reg. No. of

D.P.W. No 28

From
The Executive Engineer
Tinnevelly Division.

To
The Superintending Engineer
6th Circle

26 AUG 87

Station

No. A. A.

Dated 20th }
Despatched 21st } 10 p.m. August 1887
Received }

Enclosures

Reference.

Sir,

I regret to have to report that a serious revenue riot took place this afternoon, and that, I together with my staff, was assaulted in the execution of my duty, and had to retreat before an infuriated mob of some three hundred men should be adopted to put a stop to the illegal action taken by the ryots at the head of the channel. I also received early in the morning a visit from the Deputy Tahsildar, who urged the adoption of the course advocated by the Assistant Collector.

4. The same afternoon I rode out to the Channel and met the Deputy Tahsildar. He reported to me that he had had many picottahs within the channel removed. The Channel Superintendent also reported that the cross dams had been destroyed, but that he had been afraid to close

the upper sluices where the damming of the channel had taken place.

5. I thereupon rode on up the channel with the intention of myself seeing that the sluices were temporarily closed, from the last sluice where the damming had taken place to the 1st. sluice at the head of the channel, in order that the lower irrigation, which had been deprived of water for six days, might receive a supply.

6. At the first sluice where ~~the~~ illegal measures ~~have~~ had been resorted to, I had the vents closed and locked, and put the key in my pocket.

The result was a storm of expostulations from the crowd of ryots. I explained to them that on account of their illegally depriving the lower irrigators of any supply whatever for 6 days, they would be punished by having their sluice temporarily closed.

7. Disregarding the yells that followed this announcement, I walked on to the next sluice, where I also had the vents closed and gave the same explanation to the ryots as before. By this time a very threatening crowd, of some three hundred people, had collected. I was

at the time standing on the wing wall of a sluice, with a drop of several feet below me down to the rocky bed of the channel; was assailed by a continuous volley of cries from the crowd of men who stood withi a foot of me; and was momentarily apprehensive, from the excited gestures of the leaders of the mob, that a rush would be made to throw me into the channel. I therefore ordered the people to fall back. This they did not do. On the contrary, as the Lasca, by my orders, was lockin the sluice, one man rushed forward to stop him. The din, confusion and swaying of the mob backwards and forwards by this time had passed all hearing, and all hopes of restoring order by means of speech had evidently become impossible. I thereupon raised my stick and moti[illegible]d to the people to fall back. Again they refused, and the leading man still pressed forward to assault the Channel Lascar. Seeing that matters were becoming critical, and that my position on the brink of a deep drop into the channel, hemmed completely in by an angry mob, was, to say the least of it, precarious, I brought my stick sharply down on the arm of the leading

man, forced my way through the crowd, an regained the top of the Channel bank.

8. I then again atte to explain to the people, that they were only justly punished for their own illegal proceedings, an that the men who dam -med the channel wou be prosecuted in a Court of Law. An indescribable tumult followed this speech which, I admit, was perhaps in the circum-stances an incautious one. I walked on, and, in a few minutes, the Channel Superintendent and Lascars rushed up in a great state of excitement and informed

me that the crowd were bent on mischief and would injure me unless I ran away at once - This I, of course, declined to do, and walked on leisuredly with my horse following me - In a very short time a volley of stones were thrown, which hit my horse and injured both horse and the horse keeper seriously - I told the horse keeper to go on quickly with the horse, who was plunging violently, and turned round to face the crowd - Another volley of stones was hurled at me - I thereupon rushed upon the crowd and attempted to drive them back, but was restrained by my own attendants, who told me that matters were becoming very serious, and kept on dinning into my ear that I must ride for my life - I, of course, would not do this, and was in consequence followed for more than a mile by repeated volleys of stones, only succeeding in the meantime in keeping the crowd back by dint of a series of rushes, aided by my attendants who, I am bound to say, to the number of some 15 men, behaved in the most plucky manner, and incurred many ugly knocks in keeping the crowd so far back that their attempts at stone throwing proved, as far as I was concerned, comparatively innocuous.

9. By this time I was almost exhausted, and was naturally furious at the treatment to which I had been subjected. At any moment I might have been felled to the ground by the stones that whirled past by me. Again I was adjured to ride away as fast as I could. As my strength was ~~rapidly~~ fast failing; as it was rapidly becoming dark; and as I recognised that it was not fair on my attendants to allow them to engage in so unequal a conflict

in the endeavour to protect me, I seized a favorable opportunity to mount my horse and gallaped away.

10. On returning to Palamcottah I communicated with the Police and Revenue officials, informed them that I should take out a charge of criminal assault against our aggressors for impeding myself & my staff in the execution of our duty; and asked that a sufficient Police Force should be placed at my disposal, so that I might go out as soon

as possible in the channel to close the upper sluices, which the channel staff was now naturally afraid to do. I also proposed that a Police guard should be placed at each sluice, so that the people might learn that forcible resistance to legitimate authority would not for one moment be tolerated by the Officers of Govt. I also intend to ask the Collector (who is unfortunately away from Palamcottah) to visit with the heaviest revenue penalties + the people of the village where this

+ I have just learnt that these people broke open last night the sluice that I closed.

ASR
21. 8.

riot took place. I therefore request to hear whether these measures meet with your approval. Kindly wire to me should you be of an opinion that I am taking too strong a line of action.

11. It seems to me necessary now that some definite conclusion should be come to by Government as to whether they are prepared to assert their right to the absolute regulation of the water from the Tambrapurni channels or not. Hitherto every thing has been done in a very half hearted and unsatisfactory fashion. Nominally

the regulation is under the control of the C. W. D.; practically there has been little or no regulation at all, owing to the fact that the subordinate staff on the channels have been afraid to interfere. All previous attempts to temporarily close the upper sluices, in order to send water down to lower irrigation, has been met by a host of petitions. It is probable that on the only occasion when the Executive Engineer went out to see that his orders were really obeyed, he was, in my own person; assaulted. Should this riot be passed over by Govt., without sharp and stern pun-ishment being mete out to the offenders, w may say good bye to all further attempts to regulate the supply from the Tambraparni channels.

12. This is a matter on which I intended in a short time to make definite pro-posals. Knowing the intractable character of the people in this District, and the very great latitude that has hitherto been allowe to them as regards an unlimited supply of water, I have up to date

proceeded with the greatest caution. The action taken by me, as above related, which, it must be remembered, was compelled by necessity and was undertaken at the express requests and advice of the Revenue authorities, has however brought matters to a head. I therefore venture to ask that there may be an explicit ruling by Govt. as to whether the Executive Engineer is to continue to distribute the water in the interests of all the irrigation under the channel, or whether he is to allow the upper sluices, as has in practice hitherto been done, to draw off

the whole supply of the channels in times of scarcity.

13. In my opinion the best way of settling the whole question is to appoint a special officer to investigate the subject, and to thoroughly acquaint the people with the fact that the sluices at the head of a channel cannot, and must not, in future expect to have an unlimited supply, but must take their turn of water with the sluices lying below.

14. As regards dealing with the suit, unless, as I have already said, it is generally

noticed, all future
regulation in this district,
which has always been
a matter of the greatest
difficulty, will henceforth become impossible.
As regards my personal
share in the matter,
I have little to say.
I regret that I was
tempted to strike any
one, but, as I have
already explained, it
was deliberately done
by me as a matter of
policy and in self
defence. I do not know
what else I could have
done, and I very much
doubt whether any one
placed in my position,
would have acted, in
his own defence, otherwise

than as I did. At
any rate, should it be
necessary, I am perfectly
prepared to justify and
defend my action. I
however
would strongly urge,
that Govt should au-
-thorise a prosecution
by the Government Prosecutor
of the people who
assaulted my staff.
They, at least, were in
no way to blame, and
merely endeavoured to
defend a superior officer
at the absolute risk
of their lives, and not
without serious personal
injury to some of their
number. They are na-
-turally highly incensed
at the ill usage they
have received, and
I am confident that

Government will not tolerate that their subordinates, however humble, shall be subjected, in the plain execution of their duty, to mere mob violence.

15. In conclusion I would remark that though it is doubtless an unique experience for a European Officer to be thus assaulted, the circumstances of this District, in reference to irrigation disputes, are peculiar. Fights between village and village are by no means a novel experience; damage to sluices and other masonry works, interference with

their regulation, and open, continued, and successful resistance to measures devised for the public good have been, and are, so common as to be matters of every day occurrence; and the people are so inspired with the notion that they can do just as they please with the water supply, that any interference with what they imagine to be their rights is apt to produce a sudden and violent explosion, as in the present instance. In my opinion the ryots of this district have been thoroughly spoilt for many years past and are quite different to ryots in other parts of the Presidency. The sooner they are taught that illegal and improper actions (and the ryots in the case I have reported knew perfectly well that their proceedings were illegal and improper) will not be allowed, and that violent resistance to authority will be severely punished, the better for all parties.

I have the honor to be
Sir
Your Most Obedient Servant
A. S. Russell
Executive Engineer
Tinnevelly Division

* As evidenced in my supplementary memorandum of this morning's date, these same ryots have deliberately broken the sluices which I closed in their presence yesterday afternoon. Here is an aggravation of their offence for which there is no excuse, and a sufficient proof of the defiant and lawless proceedings resorted to in this district.

A. S. R.
E. E.

Circ 6839

3115/185

To W.

For orders with reference to latter part of para 7 of the S. G.'s letter. Any notification on the subject would apparently have to issue in the Rev. Dept.

C.
3/3/87

3115/18

The Hon P. P. Hutchins
The Hon C. G. Master
The Rt Hon the Governor

For orders.

The result of the Magisterial Enquiry may throw some light on the subject, but Govt may consider it advisable to notify their approval of Mr Russell's action under trying circumstances.

His first report, written while in an excited state, certainly left the impression that he threatened to close the sluice altogether as a punishment: it is now explained he meant nothing of the kind.

It seems very doubtful whether Govt can legally declare their absolute right to regulate the water supply to channels maintained by the State.

3/3/87

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I have the honour
Sir
Your Most Obedient
A. T. Russ
Executive Eng
Tinnevelly Division

3115/16

The Hon P. P. Hutchins
The Hon C. G. Master
The Rt Hon the Governor

For orders.

The results of the Magisterial Enquiry may throw some light on the subject, but Govt may consider it advisable to notify their approval of Mr Russell's action under trying circumstances.

His first report, written while in an excited state, certainly led to the impression that he threatened to close the channel altogether as a punishment: it is now explained he meant nothing of the kind.

It seems very doubtful whether Govt can legally declare their absolute right to regulate the water supply of channels maintained by the State.

3/9/87

As far as can be judged from Mr R's own account he behaved very well but it will be better to see what is elicited before the Magte before we commit ourselves to an opinion ~~Certainly~~

6 Sept

I have made a note on this point in the margin of the [illegible]

We have the right but of course in declaring that we have it will neither add to nor take away from it.

7/9

No. 549 Dated 9 Sept 87

Pl. No. 7

3115/77

Memo.

With reference to his letter No. 365 T.K. dated 28th August 1887, the Supdg Engr VI Circle is requested to be good enough to report in due course, the result of the magisterial inquiry regarding the assault upon Mr Russell & his subordinates.

Sd
9/9/87

S. E. VI Circle

3115
18

No 549 [illegible]

To the Go

3115 W of

Duff
9/

Calendar Case No. 11 of 18 the file of the District Magistrate of Tinnevelly

3/15
18.

3/15
27

Offence: Rioting and voluntarily causing hurt to deter public servants from their duty under sections [illegible] and 232 I. P. C.

Finding: Defendants 3, 12, 13, 17, [illegible] 24, 25, 29 & 32 discharged under section 253 C.C.P.
Defendants 2, 6, 7, 8, 9, 10 [illegible] 16, 19, 26, 27, 29 & 31 acquitted under section 258 C.C.P.
Defendants 1, 5, 4, 11 [illegible] guilty under section 147 I.P.C.

Sentence: Defendants 1, 2, 4 [illegible] 30 sentenced to pay a fine of Rs. 10 each and the 28th to pay a fine [illegible] or in default of payment each to be rigorously imprisoned for [illegible] fines paid.

Judgment

Serial Number	Description of Accused Name	Father's Name	Caste or Race	Occupation		Age	Date of Occurrence	Complaint	Apprehension	Commencement of trial	Close of trial	Explanation of delay
1	2				4		3					
1	Ramasami Tevan	Valentan Tevan	Maravar	Cultivator	[illegible]	30	20-8-87	21-8-87	23 & 27-8-87	5-9-87	20-9-87	The case which was originally taken cognizance of by the Assistant Magistrate Tinnevelly was transferred to this Court on the 1st Sept 1887. Summons was issued to the prosecution witnesses to appear on the 5th September. The case was taken up on the 5th & the enquiry continued till the 8th when it was adjourned to the 16th for the appearance of the defence witnesses. The defence witnesses being present on the 16th they were examined & the case adjourned to the 20th when judgment was pronounced.
2	Sankaralinga Tevan	Ramalinga Tevan	Do	Talayari	[illegible]	25						
3	Velayudaiya Tevan	Muppitamba Tevan	Do	Cultivator		40						
4	Angappa Tevan	Sudalaimuthu Tevan	Do	Do	[illegible]	29						
5	Ramasami Tevan	Kalimuthu Tevan	Do	Cooly	[illegible]	60						
6	K. Sadaiyappa Pillai	Arumugam Pillai	Vellala	Curnam	[illegible]	46						
7	Kandasami Pillai	Sankaranarayana Pillai	Do	Shop keeper	[illegible]	30						
8	R. Narayanaiyar	Ramanathaiyar	Brahmin	Cultivator		50						
9	Subbaiyar	Venkata Dikshitar	Do	Do		25						
10	Subbaiyar	Appavaiyar	Do	Do		32						
11	Sambasivaiyar	Papulaiyar	Do	Do		30						
12	Venkatakrishnaiyar	Venkatachalaiyar	Do	Do		37						
13	Sundaramaiyar	Sitaramaiyar	Do	Trader		40						
14	Sudalaiyandi Pillai	Sivarama [illegible] Pillai	Vellala	Cultivator		47						
15	P. Kuppaiyandi Pillai	Periya Perumal Kalam Pillai	Do	Do		41						
16	Sankaralinga Tevan	Ramasami Tevan	Maravar	Do	[illegible]	16						
17	Subban Tevan	Sudalaimuthu Tevan	Do	Kudiyan	[illegible]	30						
18	Pavalinga Tevan	Kurukalanji Tevan	Maravar	Cooly	[illegible]	30						

3115
19

Calendar Case No. of 18 the file of

3115/19

3135/28

Offence

Finding

Sentence

Judgment

Description of Accused

Serial Number.	Name.	Father's Name.	Caste or Race.	Occupation.	Re	Age.	Dates of. Occurrence.	Complaint.	Apprehension.	Commencement of trial.	Close of trial.	Explanation of delay.
1	2						3					
						48						
19	Periyasami Tevan	Ramasami Tevan	Marava	[illegible]		20						
20	Ramakrishnaiyar	Narayanaiyar	Brahmin	Cultivator		29						
21	Ramasami Pillai	Venkatachalam Pillai	Vellala	Do		35						
22	Lakshminarayana Pillai	Venkatachalam Pillai	Do	Village Munsif of [illegible]		30						
23	Adinarayana Pillai	Ramanathan Pillai	Do	Cultivator		22						
24	Ramasami Pillai alias Sellam Pillai	Kuttalingam Pillai	Do	Do		30						
25	Subramania Pillai	Muthusami Pillai	Do	Do		16						
26	Sudalaimuttu Tevan	Suppan Tevan	Marava	Cooly		36						
27	Srinivasaiyar	Lakshmipathi	Brahmin	Cultivator		45						
28	Sinna Periyasami Tevan	Ramasami Tevan	Marava	Do		35						
29	Subban Tevan	Pechimuttu Tevan	Do	Do		25						
30	Rama Nadan	Muthusami Nadan	Shanan	[illegible]		50						
31	Akkimuttu Tevan	Sivanu Tevan	Marava	Cooly								

316/33

Paragraph 6.

On the 20th August the Executive Engineer who is the 3rd witness in the Case went with a body of his men down the Pelaiyar Channel to inspect the distribution of water there. Finding that the [illegible] Poonnampallam villagers had been taking all the water to the injury of those below he gave orders to close the Rettai madai sluice altogether. He and his party were by this time surrounded by an angry crowd which the 1st accused was addressing. The Executive Engr. had descended from the channel bank to the wing wall of the sluice itself. The 1st accused [illegible] [illegible] minutes was below closing the sluice,

3115
21

when a Maravar wanted to get the
key from him. This is corroborated
by the evidence of the 3rd witness as
well as the Executive Engineer,
who [illegible] maravan apparently
threatening the ladder. All this time
the shouting crowd was edging nearer
& nearer to the Executive Engineer
the 8th accused holding out his hand
for the key, which they all shouted
should not be taken away. No
actual force was used up to this
stage. It is argued in the defence
that the assembly was not un-
lawful, the villagers being only
[illegible] by all the lawful means
within their power to make
their grievance known to the
Executive Engineer. Finding it
impossible to address the crowd,
and afraid that his whole

The crowd however, [illegible] both the Ex. Engr & the Assistant Supdt. by force leaving the sluice, & would not fall back when summoned to do so.
A.S.K.

party would [illegible]
the canal bund, the [illegible]
Engineer at once made a [illegible]
forward and in [illegible]
the 8th accused [illegible]
was not [illegible] stage [illegible]
[illegible] no [illegible] how
[illegible] crowd [illegible]
[illegible] to [illegible]

[illegible]
[illegible] ran to his aid [illegible]
a diversion by means of
Executive Engineer's party [illegible]
the top of the bank where his horse
was. The top of the bank is narrow
in many places not admitting more
than one or two abreast. The slopes
are steep. In this way the crowd
were unable to make a rush upon
the Engineer's party who started
off apparently in the [illegible] way to
The Executive Engineer
Superintendent of the

[illegible] party
[illegible]
[illegible] of thirty
[illegible] yelling and [illegible]
[illegible]
[illegible] hands began to
at home then the whole
[illegible] away.

ly & hurried on
lling him that
[illegible] & the faster
they went the thicker flew the
stones and mud. At last just as
it was getting dark the party
reached a small foot bridge.
[illegible] having crossed
horse & rode away
[illegible]
the Channel.
[illegible] had received a

not so. The
[illegible] behaved
[illegible] well, &
[illegible] a [illegible]
effect, though [illegible]
numbered [illegible]
matters had [illegible]!
ASK.

severe blow in the eye from a piece of baked clay at the bridge. Several of the lascars had also received injuries in coming along the bund, & the [illegible] was cut in two places by stones.

2. Having found that there was an unlawful assembly at the sluice all that I have to do is to gather from the evidence who among the accused now placed before me joined in the unruly crowd which pursued the Executive Engineer's party along the top of the bund. Their assembly was certainly unlawful as soon as they began to pursue & to throw stones, and every one of that assembly is responsible for the common object & the means adopted to obtain that common object viz the riot and show of force.

3. The 1st accused has been identified

by the 1st Prosecution witness as having been seen [illegible] by every accused when he had turned round to look at the [illegible] He is also spoken to by the 2nd & 3rd witnesses. His defence is an alibi that he was at [illegible] of which I do not believe a word.

5th [illegible] 5th accused is spoken to by the 1st 4th & 5th witnesses all three saw him taking [illegible] [illegible] the [illegible] 4th witness particularly relates his having [illegible] with [illegible] over the [illegible] he had [illegible]. His defence too is an alibi. His 2 defence witnesses say that he bought a bullock of him that evening about 7 PM and that he had been hanging about all the day to receipt [illegible] and no account was kept of the transactions none at all [illegible] be produced.

The accused [illegible] is a very remarkable looking man, and there is no reason why the prosecution witnesses should have been so mistaken [illegible]

5. 4th accused had been [illegible] before by the 1st Prosecution witness and that there is no reason why he should have made a mistake. It was quite light when the robbery from the [illegible] began. He calls two witnesses to prove an alibi. I cannot believe them [illegible] no satisfactory reason is shown for the second going to [illegible] to see his [illegible] when he had already given [illegible] over to the keeping of his caretaker.

[illegible] the 6th & 7th accused are spoken to only by the 1st witness. It appears that he had never seen them before and they both are able to prove an alibi. Though I mistrust the alibi of the 6th accused it would be unsafe to convict on the testimony of a single witness. The absence of the 7th accused is satisfactorily established.

7. The 8th 9th 10th accused were no doubt prominent persons in drawing together the assembly in the first instance, but I do not think that they continued in it after it became unlawful. The Prosecution witnesses think they did; but it is quite possible that these witnesses may have confused their active interference at the sluice with what took place afterwards. Their defence is that when the 8th accused was struck the 9th 10th helped him to go home. It will be observed, that the Executive Engineer himself admits that after he

1 A mistake. I stated that the man was beaten out of the crowd, but whether he went home, or subsequently joined in the riot, is not known by me.

3115/27

3115/24

he struck the 8th accused, the [illegible] was taken [illegible], & the defence witnesses establish that the 9th 10th [illegible] were the persons who helped [illegible] along.

8. [illegible] prisoner is shown to by three [illegible] Prosecution witnesses. The 6th witness whose identification was somewhat unreliable; and [illegible] witnesses [illegible] 2nd and 3rd [illegible] man emphasized that he was at [illegible] of him, as he hit his horse. He is a man of very marked features, and his identification would be easy. I reject the alibi set up as entirely false.

9. The identification of the 15th accused by the Prosecution 4th & 5th witnesses was vague. I consider that it would be unsafe to convict on such identification.

[illegible] accept the [illegible] I [illegible] the
accused. The [illegible] accused to
[illegible] to give their [illegible]
[illegible]
[illegible] and there [illegible]
[illegible] of one man [illegible]
besides the [illegible] evidence
I shall dwell [illegible]

I cannot [illegible] that the
19th accused was [illegible] as said
[illegible]
[illegible] of [illegible] & time.

I have [illegible] to the [illegible]
presence of the 19th accused on the
occasion. He made himself conspi-
cuous by saying that they should
not go unless they gave up the
key, and more than [illegible] witness
saw him following [illegible] of the bank.
His attempt to set up [illegible] alibi is
a failure [illegible] I believed the
witnesses, it [illegible] only show that

I may add [illegible] that,
as each shi[illegible] was
locked, I put the key
in my pocket. This crowd
enraged the [illegible] and
to a great [illegible] they were-
[illegible] when the shi[illegible]
[illegible]ed me in a[illegible]
ASK

3715

[illegible] a same [illegible] as the 9th 10th
13 [illegible] The 20th accused is the [illegible]
the [illegible] who was the most prominent
agitator in the beginning before the
assembly [illegible] of the [illegible]
clearly spoken to by the [illegible] witness
who has no motive [illegible]
falsehood. He [illegible]
20th accused [illegible]
leading up the [illegible]
and that he sh[illegible]
mischief as they [illegible] mis-
chief. He se[illegible] alike;
but all the alibi [illegible]
that the man [illegible]
[illegible] after the affair [illegible]
hiding was [illegible] that he
actually left [illegible] sick [illegible]
die alone rather than face the

[illegible]
doubt that having left his father
to [illegible] he continued the
unlawful gathering along the bank.

24 I consider that the alibi
set up by the 27 accused may be
accepted.

[illegible] for leaving the question
[illegible] situation I have this to
[illegible] the 6 witness has
[illegible] nearly every body.
It [illegible] not be argued from
this that he is lying. It must
be [illegible] that during the
[illegible] at the sluice he
was in charge of his master's
horse on the bank, where he
had a first rate [illegible] of observing
[illegible] there. On the other
hand it is quite clear that after

the retreat began he had his work
cut out for him in controlling the
movements of his horse which was
plunging about a great deal. In
such circumstances I have
considered it unsafe to trust
too much to his description of
what occurred during the retreat,
especially the individual actions
of the accused.

I am thankful that so
little injury was done; and in
forming my conclusions as to the
unlawfulness of the assembly
I bear in mind that the 6
witness has himself said in
his evidence that he did not
think that they were throwing
stones at first with the direct

It is quite true
that the stone
throwing was
at first of a
feeble character,
but after a time
as the crowd
gathered courage
and their num-
bers increased,
the stone throwing

intention of hitting any particular object. He rather described them as lobbing stones up in the air. It is at the same time absolutely necessary to secure public officers from insult & interruption and coercion when they are performing their public duties. None of this riot need have occurred had the Channel Superintendent sent word previously to the Munsif of the village ordering his attendance at the sluice. As it has turned out the village Munsif may for all this Court knows have been secretly working in the back-ground to get up the riot. The Revenue authorities should

became of most determined and dangerous character. ASH

the Channel Supt. summoned the Munsiff, at my order, both ~~this day and~~ on the two days previous to the riot, but the Munsiff failed to come. On this remark of the Magistrate vide accompanying letter. ASH

take his explanation why he did not go to the spot to render assistance, and to stop the riot if he was not in time to prevent this at the commencement.

17. I find that (1st) Ramasami Tevan (2nd) Sankaralinga Tevan (4th) Arunappa Tevan, (11th) Sambasiva Aiyar (19th) Periyasami Tevan (20th) Ramakrishnaiyar are guilty of the offence specified in the first head of the charge viz that they committed rioting & I sentence the first five to pay a fine of Rs 10 (Ten) each; & the sixth Ramakrishnaiyar, who with his father appears to have been one of the ring-leaders in the affair to a fine of 50 (fifty) Rupees; or in default

of payment, each of these persons to undergo three months rigorous imprisonment under Section 147 I.P.C.

I find the remainder of the accused, except those already discharged on the 6th not guilty under either head of charge & direct that they be acquitted under Section 258 Criminal Procedure Code and set at liberty.

20th September 1887

(Signed) J. Lee-Warner
District Magte.

(True Copy)

Compd. [illegible]

J. Lee-Warner
District Magistrate

Public Works Dept

3/15
28

3/15
40

C. No 8626.

Circulate

As to Sec 413 quoted by the C Engr for irrigation that only refers to appeals by convicted persons. Govt can appeal against the acquittal of men, like the Dt. Supt, who made themselves prominent at the sluice tho' they are not found to have taken part in the pursuit. They could also apply to the H.C. as a Court of Revision to enhance the sentences on the men convicted. But I do not recommend either course. The case has been tried by an experienced Dt Magte & I do not at all see that his conclusions are in any respect wrong. It is not alleged that any evid. was forthcoming to show that the crowd assembled with the common object of forcibly depriving others of the use of water or any other of the objects specified in the defn of an unlawful assembly - Sec 141 I.P.C. Certainly no force was used, & apparently no threat expressed, until what the Dt Magte calls the pursuit commenced. The reason why the Dt Magte thinks the village Mnsf sd have been called in has not been understood. It does not however appear ~~[illegible]~~ that munsif is a Magte under the Code of Crim. Procedure or entitled under Sec. 127 to command a crowd to disperse. It should be taken as a rule that whenever there is room for any apprehension as to the assembly or intentions of such a crowd as gathered in this case, some "Magte or Officer in charge of a Police Station" competent to act under that section sd be asked to attend. As in this case it is often difficult to prove that a crowd was unlawfully assembled in the first instance,

For orders.

Submitted in continuation of the previous report, orders on which were deferred pending receipt of the magisterial inquiry now sent up.

It will I think be sufficient for Govt to say whether they approve or not of Mr Russell's behaviour - Apparently he has acted rightly, and also carried out the purpose for which he went to the Channel -

I do not see any object in taking legal opinion, as to whether an appeal is likely to be successful -

25.10.87

I agree & I do not think any order can define the right of Govt to control the supply of water

4/11/87

but after they have been ordered by competent authority to disperse there can be no doubt as to the liability of everyone who continues in such crowd.

Mr Russell considers the state of affairs disgraceful because the expediency of calling in such authority is suggested, but none can know better that water is a necessity to the agricultural class & that nothing is so likely to excite their passions as an attempt to deprive them of it. Tinnevelly is certainly not the only district where such attempts have led to riots. A decision of the High Court (in one of the early volumes wh. I have not got here) recognises the right of Govt by its officers to regulate the distribution of water from Govt channels, but it is always necessary to bear in mind (1) that this power must be exercised with due care & attention, & (2) that wherever its exercise is likely to be opposed the aid of some authority competent to disperse a crowd is desirable.

Mr Russell is entitled to a recognition of his activity in controlling the distribution of water, of his courage & determination in persisting in his duty in the face of a somewhat tumultuous crowd — always excepting his unfortunate use of the word punishment wh. of course does not come within his province — and of the happy results wh. have followed in the safety of the crops wh. were in danger

PPH
9 Nov

Circd. [illegible] 87
Recirc. 10-11-87

Assault on Mr. [illegible]
in connection with
water regulation dis[illegible]

C The Hon. Mr C. G. Master[illegible]
to the Hon the Governor
3115 W

I quite agree with this part of Hon'ble C S Hughes's note. As to Mr Lee Warner's decision I think the penalty should have been such as would make the convicted persons feel. The small fines imposed wd. not have that effect.
16/11

3115
29

EXECUTIVE ENGINEER
No. [illegible]
[illegible] 87
P.W.D.
TINNEVELLY

1/762 T.N.

[illegible] 13 [illegible]

CHIEF ENGINEER
No. 66 T.I.
25 OCT. 87
FOR IRRIGATION

E.2
P.W. 8640/19

Copy of
Judgment &c

OFFICE OF THE SUPERINTENDING ENGINEER,
6TH CIRCLE.

Veerapandy 28th August 1887
Do. 30th

No. 365 T.N.

3115/30

3115/18
30

From
Lt. Col. J. Pennycuick R.E.
~~The~~ Superintending Engineer,
6th Circle

To
The Chief Engineer
P.W.D.
Madras.

ENCLOSURE.
No 6758 (L.O. above)

Sir,

In continuation of my endorsement of the 23rd instant on Mr. Russell's letter No. A1 of 20th idem, I have the honor to report that the excitement caused by the closing of the sluices therein referred to has quieted down, the damaged sluices have been repaired, and it does not seem that any further trouble need be expected.

2. A Magisterial enquiry is now going on regarding the assault upon Mr. Russell and his subordinates and the guilty parties will no doubt be dealt with as the case requires.

3. The course of the enquiry will

probably show whether the outbreak was as Mr Russell thinks an organised one, or whether it was as the Collector believes and as I am also disposed to think a mere temporary ebullition by excitement.

4. After careful enquiry into the history of the affair I am of opinion that Mr Russell acted perfectly rightly and judiciously and there is no doubt that by his action in closing the upper sluices he saved the crops over a large area under the lower part of the channel which would have perished had it been left for a couple of days more without water.

5. The Collector considers that Mr Russell would have been wiser to insist on being accompanied by the Village Munsiff and a Revenue Officer when proceeding to close the sluices, and this opinion is probably correct, but it is rather a case of being wise after the event, and if Mr Russell committed an error of judgment in not being prepared for forcible opposition, it was an error very slight and very natural.

3115/31

6 The crops under the upper portion of the channel the sluices of which are now closed are so far advanced that a very little more water will bring them to maturity and this will be given. It is necessary to mention this as the wording of Mr Russell's report may lead to the impression (it certainly did so with me) that he contemplated punishing the people concerned in the riot by shutting off the water altogether from their crops; the Collector agrees with me that this is not to be thought of, and Mr Russell explains that he did not contemplate anything of the sort.

This is quite what I remarked, only I did not think he contemplated it but that he unfortunately gave the people room to think so.
J.F.H.

7 The whole subject of the regulati of the Tambrapurny irrigation requires to be dealt with in a comprehensive manner and on this point I propose to report separately to the Chief Enginee for Irrigation (to whom a copy of this report is being sent) but in the mean time it seems desirable that Govt should declare their absolute right to regulate by the agency of their

Revenue and P. W. Officers the distribution of water from all river channel and other irrigation works which are kept up at the cost of the State.

8. The people of this District have been too long allowed to believe that they have a right to take the distribution into their own hands and to prevent any interference from public officials.

I have the honor to be,
Sir,
Your most obedient Servant,
Lieutt Col R.E.
Superintending Engineer
6th Circle

3115/32

3115/21

P. W. D. 6TH CIRCLE.

From
The Superintending Engineer,
6th Circle.

To
The Chief Engineer P.W.D.

No. 365 T.N

Dated 28th
Received } August 1887

Enclosure

Reports further on the assault of certain ryots on the Establishment of the P.W.D.

C-2-9-87

No. 2082

Station Palamcottah
9th October 1887

3115/34

3115/32
33

From, A. S. Russell Esquire
Executive Engineer
Tinnevelly Division

To, The Superintending Engineer
6th Circle
Trichinopoly

Sir,

With reference to your endorsement No. 430 T.N, dated 14th Ultimo, on Memo No. 549 D, dated 9th Ultimo, by the Chief Engineer, and in continuation of my letters marginally noted,* I have the honor to forward a copy of the Collector's judgment.

* No. AA d/20 August/87
" 1556 d/22d Do
" 1632 d/29 Do

2 Of the 31 men put on their trial, it will be seen that 6 were sentenced to be fined, or in default of payment to undergo 3 months' rigorous imprisonment. It will also be observed that the defence set up in every case was an alibi. Either on the ground that the alibi was proved, or that the identification was weak, the remaining 25 defendants were acquitted or discharged.

3 It must be remembered that the riot took place when it was rapidly becoming dark, and that it is a diffi

matter to recognize a face that has only been seen for a few minutes in the midst of a mob of people. This fact accounts for the identification on the part of the prosecution being weak. Personally I could not swear to a single one of the 31 men who were placed on their trial. The Police did not succeed in capturing the Chief instigator of the riot. This man was a Brahmin and led on the crowd in the most determined manner, and would have been at once recognized by me had he been placed on his trial. On the other hand the evidence of some of the prosecution was, in the opinion of the Magistrate, prejudiced by their swearing to too much, notably in the case of my horsekeeper, who cheerfully undertook to swear to the identity of each and all of the 31 defendants.

4 The defendants were represented by several Counsel while the prosecution was entirely conducted by an Inspector of Police. In this respect the prosecution was at a great disadvantage, and the Cross Examination of its witnesses was in consequence very inadequate. In my own case I was put hardly

? probably he means the exam^{n} of its witnesses – or the cross ex^{n} of the defence witnesses.

any

? any cross Examination on the part of the prosecution and the result is that much evidence most damaging to the defence was not brought forward, while the Magistrate was led into several errors as regards important points of the case. On these misconceptions I have commented in the margin of the Copy of the Collector's Judgment.

5 The attempt on the part of the prosecution to sustain the charge of Conspiracy, i.e., that the demonstration at the Sluice was previously organised and arranged, failed altogether. There was evidence on this point, but the Magistrate did not consider it sufficient. My own opinion is that the riot was undoubtedly prearranged. Great and unusual crowds of people were gathered together as I rode along and were concentrated where the riot occurred. The ryots were aware I was coming; they had succeeded in intimidating the Channel Superintendent and staff from closing the Sluices on the two days previous; they showed the most refractory attitude directly I proceeded to close

the sluices; they frightened the wits out of the head of the Channel Superintendent, who just previous to the riot, did all he could, to induce me to defer the locking of the Sluices until the next day, when he urged me should come again in force with the Revenue Authorities, and they doubtless calculated, that as on previous occasions their attitude of resistance would be crowned by success.

6 I would draw special attention to the Magistrate's remarks regarding the necessity of having the Village Munsiff present in order to prevent a riot, when such a very ordinary measure as the closing of a sluice, which has been drawing off a superfluity of water, is determined on. What, I ask, must be the state of things in a district were such a precaution is considered necessary? As other Revenue Officers have impressed upon me the necessity of such a course of action, I would point out, that such an unanimous opinion is the best possible proof of the disgraceful state of things common in this District in regard to irrigation Works, as already reported

This part: case was not an ordinary one as it was well known that public feeling had been excited

?

reported by me in para 15 of my letter No AA dated 20th August, in my Inspection Notes, and in other letters.

7 Looking to the fact that some of the defendants were Brahmins of considerable position and influence, that ample funds would therefore be forthcoming to procure such a simple affair as an "alibi" or to suppress important evidence; and that the prosecution laboured under the disadvantages noticed in paras 3 and 4 supra, I do not think the result of the trial can be considered unsatisfactory. Personally I did not anticipate any better result, from the moment I heard that the Chief delinquent had not been found, and placed on his trial. That the issue of the case will have the smallest effect, in deterring the ryots of this district from resorting the violent measures they commonly adopt to oppose any measure of which they do not approve, I do not for a moment believe. Successful resistance to authority has been allowed to continue too long to be put down by the infliction of a few paltry fines. In the course of this week I shall forward a report

detailing the measures that I consider necessary to place affairs on a satisfactory footing, and I have no hesitation in saying that, if such measures are adopted in part or in whole, the irrigation of this district can be vastly improved while without them matters must still continue in what I regard as a perfectly intolerable condition of things.

8 As I anticipated in para 3 of my letter No. 1632 dated 29th August the result of my action in closing the sluices on the Palayam channel has been productive of the best results. While the upper irrigation was in no way injured the lower irrigation which had been on the verge of withering altogether, was at once revived, and the crops under a very large area saved. I have not yet been able to ascertain the exact area but I estimate it at several thousand acres, and shall report it in due course.

While I claim no credit for doing what was obviously the right and proper thing to do, I lay stress on this matter as indicative of what can be everywhere done, (provided the necessary powers are given) in

checking

checking waste and diverting water to the points where it is most required. Had I not at once taken the action I did; had I not gone out day after day to see that my orders were carried out; and had I not persistently disregarded the storm of complaints that were raised for days & days; and had I not relied solely on my own judgment as to the way in which water should be distributed, the crops could not have been saved, as it is too much to expect that subordinates will take such responsibility on themselves in the face of violent opposition. Water regulation is the great and crying want of this district, and the problem must now be faced. Is it to be rendered effective by the adoption of the necessary measures, or, Is it to be allowed, as heretofore, to be ineffective owing to the violent opposition it invariably arouses?

9 In conclusion, I may add that I was mistaking in saying, in para 15 of my letter No. 44, dated 20th August 1887, that it was doubtle

a

a novel experience in this district for a European Officer to be assaulted. Mr Lowry, the Local Fund Engineer, who has been resident in the district for some years, informs me that both Mr Grant, Executive Engineer and the late Mr Hutchings, Assistant Engineer, had an experience of this sort.

I have &c &c

(Signed) A. S. Russell
Executive Engineer
Tinnevelly Division

(True Copy) Encl. 1 Copy of Judgt. &c

No. 522 T.N. Submitted to the Chief Engineer, P. W. Department in continuation of this office No. 365 T.N. of 28th August 1887.

2 The sentences appear light, but doubtless the District Magistrate was influenced by his belief (which is shared by myself) that the riot was not premeditated.

3. One point in the judgment certainly appears open to question, that is the opinion expressed that the

the

the assembly was not an unlawful one until after Mr Russell quitted the Rettai Madai sluice. It is certainly a questionable doctrine that to hustle and ~~set~~ mob an official in the execution of his duty is a lawful means of making known grievances" especially when it cannot be too emphatically ~~reflected~~ repeated, the rioters had no legitimate grievance at all.

4 I agree with Mr Russell that the sentences inflicted are not likely to prevent a recurrence of similar scenes under similar conditions; what probably will prevent them, and what is urgently required is an emphatic assertion by Government of its absolute right to control, the regulation of the water supply through all irrigation works constructed or maintained at the cost of the State.

5 I am not prepared to endorse all that Mr Russell says in the above letter, but he is undoubtedly right as to the manner in which for years past the ryots of Tinnevelly have been allowed to set authority at defiance in the matter of water regulation - About this there is no room for difference of opinion; in no district in which I have served have I seen anything like

like it, and that it should have been allowed to continue so long is nothing less than a scandal.

6 I have asked Mr Russell to submit a full report upon the measures required for the regulation of the Tambraparni channels and this report when received will be submitted with my own recommendations for the consideration of Government.

Lieutt Col R.E.
Superintending Engineer 6 Circle

Theckady
17th October 1887
D/23rd

Through the Chief Engineer for Irrigation

CHIEF ENGINEER
667 N
25 OCT 87

From

The Supdg: Engineer
VI Circle

To.

The Chief Engineer
P.W.D.

Thro' The Chief Engr.
for Irrgn.

No. 522 T.N.

Dated 17th October 1887.

Enclo: 1 Copy of Judgt.

Reports on the result
of the Magisterial Enquiry
regarding the assault
upon Mr. Russel and
his subordinates.

From the Superintending Engineer, Sixth Circle,
No. 522 T.N. dated 17th October 1887.

p3

No. 71. E.W

Forwarded to the Chief Engineer, P.W. Deptt:

Encl: 2

In the judgment the Magistrate lays down that there was no unlawful assembly at the sluice and therefore declines to proceed against many of the defendants that were leaders at the disturbance at the sluice. I have to point out that although there was no actual force used at the Sluice, yet the Magistrate (at the bottom of the 2nd page of his judgment) allows that the Executive Engineer was "afraid that his whole party would be gradually thrust~~ed~~ into the Canal below", and it is believed there is no doubt but that he the Executive Engineer and his party were pressed on by the crowd to such an extent that his liberty of action and that of his staff was seriously interfered with in the execution of their public duty. I believe as the punishment does not exceed in any case a fine of Rs 50 that no appeal can be made but perhaps as the alternative is 3 months imprisonment, an appeal might be legal, see section 413 of Act X of 1882;

on this point a legal opinion might perhaps be taken and also as to whether there is a favorable chance of a successful appeal.

As remarked by the Superintending Engineer in para 3 of his endorsement it is a "questionable doctrine that to hustle and mob an official in the execution of his duty is a lawful means of making known grievances."

With regard to future measures the Superintending Engineer's further report will be awaited.

Colonel R.E.
Chepâk
27 October 1887 } Chief Engineer for Irrigation.

To
The Chief Engineer
P. W. Department

W.S.

3115
~~40~~
~~39~~
240

P. I. Form No. 3.

PWC No. 8646

1887.

FORMER CASES.

No. 5879 dated 9 Sep 1887.
" " 188 .
" " 188 .

From

THE CHIEF ENGINEER FOR IRRIGATION,

LATER CASES.

No. dated 188 .
" " 188 .
" " 188 .

To

THE Chief Engineer P.W.D.

Printed in P.M.G., No. dated

No. 71 End
Dated 27.10.87
Despatched 27-10-87
Received 28.10.87

ENCLOSURES. 2, 4

REMINDERS RECEIVED.

No. 1, dated 188 .
" 2, " 188 .
" 3, " 188 .
" 4, " 188 .
" 5, " 188 .

KEEP-WITHS.

Subject.

Assault upon Mr. Russell and his subordinates. Forwards with remarks S.E.'s 3rd letter reporting on the result of magisterial enquiry regarding the assault & suggests that legal opinion might be taken on the point noticed within and also as to whether there is a favourable chance of a successful appeal.

circ. 16-11-87
~~circ 8-11-87~~

H. No. 7

3115 / 40 / 41

No. 3115 W

3115 / 41

Irrigation Estab.

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 18 Nov 1887

READ the following

1 Letter from the Superintending Engineer VI Circle No. 365 I.W. d/28th August/87
2 Do Do ... No. 522 I.W. d/17th Octr/87
Endorsement by the Chief Engineer for Irrigation No. 71 E.W. d/27th Octr/87

6

The above correspondence refers to a riot which took place on the afternoon of the 20th August at the Palaiyan Channel in the Tinnevelly district, when the Executive Engineer Mr. Russell with some of his subordinates, was ~~staff, were~~ assaulted in the execution of ~~their~~ his duty by ~~the~~ cultivators of ~~the~~ land under the Channel.

Mr. Russell had received a number of complaints regarding the distribution of water under this Channel, and on inspecting it on the 18th idem, found that the water had been intercepted by temporary dams and by the erection of large picottahs at the sluices on the upper part of the channel. He ordered the Channel Superintendent to destroy the dams, remove the picottahs, and to temporarily close the upper sluices, in order to send down a supply of water to the lower irrigation. These orders were not fully attended to; and, on the 20th instant, Mr. Russell rode out with the intention of himself closing the sluices and letting free a supply of water to the lower ~~irrigation~~ lands, where the crops were in imminent danger of perishing, having been deprived of water for six days previously. In carrying out this measure Mr. Russell evoked an outburst of feeling on the part of the assembled ryots. Mr. Russell then, he states, explained to them that "on account of their illegally depriving the lower irrigation

of

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of any supply whatever for six days, they would be punished by having their sluice temporarily closed" — Upon this announcement the excitement of the ryots became intensified, and subsequently led to their committing acts of violence, imperilling the safety of the Executive Engineer and his staff, who were forced to retire.

A magisterial inquiry was held between the 5th and 20th September, when 31 persons were charged before the District Magistrate with rioting and voluntarily causing hurt to deter public servants from their duty. — The majority were acquitted but six, including two of the Brahmin cultivators were convicted of rioting and ~~were~~ sentenced to fines, or in default 3 months rigorous imprisonment. The Magistrate remarks that "none of the riots need have occurred had the Channel Superintendent sent word previously to the munsif of the village, ordering his attendance at the sluice. As it has turned out, the village munsif may (for all this Court knows) have been secretly working in the background to get up the riot. The Revenue authorities should take his explanation why he did not go to the spot to render assistance and to stop the riot if he was not in time to prevent this at the commencement".

The Magistrate arrived at the conclusion that the assembly was not shown to be an unlawful one until after Mr. Russell quitted the Kettai Madai sluice. The conclusion is questioned by the Irrg. Engr., and in this he is supported by the Chief Engineer for Irrgn., who, moreover, recommends that legal advice be taken with a view to appealing against the sentence.

The Government do not consider that any appeal or application for revision should be instituted.

The

The case has been tried by an experienced district Magistrate, and there seems no reason to ~~doubt~~ think that his conclusions are in any respect wrong. His

~~The~~ remark however ~~of the district Magistrate~~ that the Village munsif should have been called in has not been understood. ~~It does not, however, appear~~ ~~that~~ such a munsif is not a Magistrate under the Code of Criminal Procedure, or entitled under section 127 to command a crowd to disperse. It should be taken as a rule that whenever there is room for ~~any~~ apprehension as to the assembly or intentions of such a crowd as gathered in this case, some "Magistrate or officer in charge of a Police station", "Competent to act under that section", should be asked to attend. As in this case, it is often difficult to prove that a crowd was unlawfully assembled

for an unlawful purpose
assembled, in the first instance; but after they have been ordered by competent authority to disperse there can be no doubt as to the liability of everyone who continues in such crowd.

Mr. Russell considers the state of affairs disgraceful because the expediency of calling in such authority is suggested but he should be aware that water is a necessity to the agricultural class, and that nothing is so likely to excite their passions as an attempt to deprive them of it. Tinnevelly is not the only district where such attempts have led to riots. ~~A decision~~ of the High Court time recognised the right of Government by its officers to regulate the distribution of water from Govt. channels, but it is always necessary to bear in mind (1) that this power must be exercised with due care and attention and (2)

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that wheresoever its exercise is likely to be opposed, the aid of some authority competent to disperse a crowd is desirable -

The Govt. recognise Mr. Russell's activity in controlling the distribution of water, his courage and determination in persisting in his duty in the face of a somewhat tumultuous crowd, and the happy results which have followed in the safety of the crops which were in danger. But his statement that he was punishing ~~The threat of punishment,~~ the ryots ~~however~~ was unfortunate, as punishments did ~~and did~~ not come within his ~~Mr. Russell's~~ province.

Despd
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To

The Supdg: Engr VI Circle
" Chief Engr for Irrgn
Rev: Dept

Jno
15/11/87

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Govt. of {1887} Madras.

PUBLIC WORKS.

19/11/18

Dated

Recd. Encl.

G.O., 18/11/ 1887, No. 3115 W

Assault on Mr. Russell, Ex. Engr., & Subordinates.

Orders on reports on the result of the Magisterial enquiry regarding the —

With file to be kept in Each.

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